

Journal of the House

Wednesday, February 18, 2015

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by poet, Julia Shipley from Craftsbury, Vt.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 235

By Reps. Till of Jericho, Clarkson of Woodstock, Bartholomew of Hartland, Connor of Fairfield, Dakin of Chester, Donovan of Burlington, Evans of Essex, Huntley of Cavendish, Martin of Wolcott, McCormack of Burlington, McCullough of Williston, Mrowicki of Putney, Nuovo of Middlebury, O'Sullivan of Burlington, Poirier of Barre City, Ryerson of Randolph, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Burlington, Toleno of Brattleboro, Townsend of South Burlington and Walz of Barre City,

House bill, entitled

An act relating to the imposition of an excise tax on sugar-sweetened beverages;

To the committee on Ways & Means.

H. 236

By Reps. Pearson of Burlington, Martin of Wolcott and McCullough of Williston,

House bill, entitled

An act relating to the use of neonicotinoid pesticides;

To the committee on Agriculture & Forest Products.

H. 237

By Reps. Masland of Thetford and Briglin of Thetford,

House bill, entitled

An act relating to reconstruction of Charles Brown Brook dam;
To the committee on Fish, Wildlife & Water Resources.

H. 238

By Reps. French of Randolph, Krebs of South Hero and Frank of Underhill,
House bill, entitled

An act relating to an income tax credit for home modifications required by a
disability or physical hardship;

To the committee on Ways & Means.

H. 239

By Reps. Young of Glover, Condon of Colchester, Masland of Thetford and
Till of Jericho,

House bill, entitled

An act relating to providing that Vermont hold its presidential primary on
the same day as that of New Hampshire;

To the committee on Government Operations.

H. 240

By the committee on Transportation,

An act relating to miscellaneous technical corrections to laws governing
motor vehicles, motorboats, and other vehicles;

Under the rule, placed on the Calendar for notice.

H. 241

By the committee on Human Services,

An act relating to rulemaking on emergency involuntary procedures;

Under the rule, placed on the Calendar for notice.

Bill Referred to Committee on Ways and Means

H. 40

House bill, entitled

An act relating to establishing a renewable energy standard and energy
transformation program

Appearing on the Calendar, affecting the revenue of the state, under the
rule, was referred to the committee on Ways and Means.

Joint Resolution Referred to Committee**J.R.H. 4**

Joint resolution supporting release of the text of the Trans-Pacific Partnership free trade agreement, before the United States signs the agreement, and opposing the congressional granting of Trade Promotion Authority for the legislative consideration process

Offered by: Representatives Pearson of Burlington, Botzow of Pownal, Davis of Washington, Deen of Westminster, Donovan of Burlington, Hooper of Montpelier, Jewett of Ripton, Keenan of St. Albans City, Klein of East Montpelier, Macaig of Williston, Martin of Wolcott, McCormack of Burlington, McFaun of Barre Town, Partridge of Windham, Patt of Worcester, Poirier of Barre City, Stevens of Waterbury, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Walz of Barre City, Yantachka of Charlotte, and Zagar of Barnard

Whereas, the Trans-Pacific Partnership (TPP) is a proposed free trade agreement among 12 nations: the United States, Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam, and

Whereas, the participating countries equal 38 percent of the total global economy, and

Whereas, in the middle of January 2015, U.S. Trade Representative Michael Froman told members of Congress that the negotiations were on a “two-month trajectory,” and

Whereas, TPP involves international trade issues that could trigger the relocation of thousands of American jobs to nations with low wages and poor labor records, and result in serious long-term environmental consequences, and

Whereas, to date, most of the negotiated details of the TPP have been kept secret from the public and members of the participating countries’ national legislatures, and

Whereas, on February 11, 2014, senior members of the national legislatures of Australia, Canada, Japan, Malaysia, Mexico, New Zealand, and Peru issued a joint letter requesting that the text of the TPP be released before the participating nations sign the document, and

Whereas, in the United States, there have been repeated congressional calls for greater transparency in the TPP negotiating process, including a June 27, 2012, letter 132 bipartisan members of Congress wrote to then U.S. Trade Representative Ron Kirk “to urge you and your staff to engage in broader and

deeper consultations with members of the full range of committees of Congress whose jurisdiction touches on the wide-ranging issues involved,” and

Whereas, Congress has treated international trade agreements as congressional-executive agreements and not treaties, and therefore, a majority vote in both the House and the Senate is needed for U.S. ratification, and

Whereas, a central issue in the congressional deliberations is Trade Promotion Authority (TPA), also referred to as fast tracking, and

Whereas, were TPA in effect for congressional TPP deliberations, there would only be a single up or down vote in each legislative chamber with no opportunity for amendments or added legislative protocols to this extremely important multi-nation free trade agreement, and

Whereas, TPA statutory authority expired in 2007, and Congress would be required to enact new legislation for its application to the TPP’s legislative consideration process, and

Whereas, many organizations, including the Sierra Club, the AFL-CIO, the Communications Workers of America, the Citizens Trade Campaign, and Public Citizen, oppose the reauthorization of TPA, and

Whereas, it is imperative that Congress and the American people are afforded the maximum opportunity to review carefully the anticipated complex TPP document, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges the President and the U.S. Trade Representative to release a text of the proposed TPP prior to the United States signing the agreement, and be it further

Resolved: That the General Assembly urges Congress not to adopt TPA as part of its consideration of the TPP, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Barack Obama, to U.S. Trade Representative Michael Froman, and to the Vermont Congressional Delegation.

Which was read and, in the Speaker’s discretion, treated as a bill and referred to the committee on Commerce & Economic Development.

Joint Resolution Adopted in Concurrence

J.R.S. 16

By Senators Baruth and Benning,

J.R.S. 16. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 20, 2015, it be to meet again no later than Tuesday, February 24, 2015.

Was taken up read and adopted in concurrence.

Remarks Journalized

On motion of **Rep. Morrissey of Bennington**, the following remarks by **Rep. Turner of Milton** were ordered printed in the Journal:

“Mr. Speaker:

We have just adopted a resolution recognizing my friend and mentor town clerk/treasurer John Cushing who is retiring after committing 46 years, his entire career to serving our community the town of Milton. John's influence reaches far outside the borders of our town and around this state. His commitment to protecting the integrity of the election process, land records and serving the "customers" of his office goes well above and beyond what was ever expected. John has always been the first person to work and generally the last to leave at the end of the day. John always put what was best for the town above anyone or anything else. This dedication and service has not gone unnoticed and he will surely be missed in Milton and around our state.

For me personally, my friend John has always been there to help, teach, offer guidance and provide support for me in anything I sought to do. John served on the town fire and rescue departments for decades. I remember while in high school talking to my father about wanting to join the town fire department. He told me that Johnny Cushing would surely help me if that's what I wanted to do and then promptly took me to see John at his office. As my father had predicted John was beaming with excitement when I told him that my dream was to become a firefighter. He not only took my application but advocated for me to become a member throughout the membership process. I'm forever grateful!

As you have heard John is a man of many talents however, driving a 1967 International fire truck was not one of them. Ironically on my very first fire call back in 1983, I got to see a different side of John as he shared a few choice words while stuck in the middle of Gimlet hill attempting to manually shift and he couldn't get the truck back into gear, thankfully the call was terminated by the time we reached the top of the hill. A memory I'm glad I got to share with you today.

I'm very grateful for John and his contributions to making our town and state the great place it is to live, work and raise a family. Therefore, I'm truly

honored to introduce to you and the members, John Cushing and his family. Wife: Linda:Children: Jimmy, Bobby and Sheila and their families.

They are seated in the Senate seats. Please welcome them.

Thank you!"

Rules Suspended; Bill Committed to Committee

H. 241

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to rulemaking on emergency involuntary procedures

Was taken up for immediate consideration.

Pending the question, Shall the bill be read the second time? on motion of **Rep. Savage of Swanton**, the bill was committed to the committee on Human Services

Bill Amended; Third Reading Ordered

H. 141

Rep. Troiano of Stannard, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to the Organ and Tissue Donation Working Group

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. ORGAN AND TISSUE DONATION WORKING GROUP

(a) There is created an organ and tissue donation working group for the purpose of making recommendations to the General Assembly and the Governor related to organ and tissue donations.

(b) The Working Group shall be composed of the following members:

(1) the Commissioner of Health or designee, who shall serve as chair;

(2) the Commissioner of Motor Vehicles or designee;

(3) a representative of the Vermont Medical Society;

(4) representatives from the federally designated organ procurement organizations serving Vermont;

(5) a licensed funeral director or crematory operator;

(6) a family member of a decedent who made an anatomical gift under 18 V.S.A. chapter 110; and

(7) other interested stakeholders.

(c) The Working Group shall develop recommendations regarding:

(1) coordination of the efforts of all public and private entities within the State that are involved with the donation and transplantation of human organs and tissues;

(2) the creation of a comprehensive statewide program for organ and tissue donations and transplants;

(3) the establishment of goals and strategies for increasing donation rates of organs and tissues in Vermont, whether from a live or deceased donor;

(4) issues related to health insurance and other relevant insurance types;

(5) issues related to employment, including sick time, for those persons willing to be live donors of organs and tissue; and

(6) other issues related to organ and tissue donation and transplantation.

(d) The Working Group shall have the administrative, technical, and legal assistance of the Department of Health.

(e) The Working Group shall submit a report on its findings and recommendations to the House Committees on Human Services, on Health Care, and on Transportation, the Senate Committees on Health and Welfare and on Transportation, and to the Governor by January 15, 2017. The report shall include a recommendation about whether the Department of Health should establish an ongoing advisory council on organ and tissue donation.

(f) The Working Group shall cease to exist on June 30, 2017.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Human Services agreed to and third reading ordered.

Action Postponed

H. 82

The Senate proposed to the House to amend House bill, entitled
An act relating to fiscal year 2015 budget adjustments

First: By inserting two new sections to be numbered Secs. 42a and 42b to read as follows:

Sec. 42a. 2014 Acts and Resolves No. 179, Sec. B.605 is amended to read:

Sec. B.605 Vermont student assistance corporation

Grants	<u>19,511,514</u>	<u>19,511,587</u>
Total	19,511,514	19,511,587
Source of funds		
General fund	<u>19,511,514</u>	<u>19,511,587</u>
Total	19,511,514	19,511,587

Sec. 42b. 2104 Acts and Resolves No. 179, Sec. B.608 is amended to read:

Sec. B.608 Total higher education

Source of funds		
General fund	84,791,486	84,791,559
Global Commitment fund	<u>4,455,678</u>	<u>4,455,678</u>
Total	<u>89,247,164</u>	89,247,237

Second: By inserting a new section to be numbered Sec. 56a to read as follows:

Sec. 56a. 2014 Acts and Resolves No. 179, Sec. B.911 is amended to read:

Sec. B.911 Transportation - town highway structures

Grants	<u>6,333,500</u>	<u>3,183,500</u>
Total	6,333,500	3,183,500
Source of funds		
Transportation fund	<u>6,333,500</u>	<u>3,183,500</u>
Total	6,333,500	3,183,500

and by striking out Sec. 58 in its entirety and inserting in lieu thereof a new Sec. 58 to read as follows:

Sec. 58. 2014 Acts and Resolves No. 179, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds		
Transportation fund	<u>229,903,089</u>	226,753,089
TIB fund	<u>19,895,087</u>	19,395,087
Special funds	3,630,222	3,630,222
Federal funds	<u>407,147,672</u>	405,897,672
Internal service funds	<u>20,200,226</u>	19,452,400
Interdepartmental transfers	2,395,041	2,395,041

Local match	<u>2,592,411</u>	<u>2,592,411</u>
Total	<u>685,763,748</u>	<u>680,115,922</u>

and in Sec. 61(a), by inserting a new subdivision (4) to read as follows:

(4) The following amounts shall be transferred to the Transportation Infrastructure Bond Fund from the Transportation Fund: 3,150,000.00

Third: In Sec. 89, in the first paragraph, by striking out the words “Agency of Administration” and inserting in lieu thereof the words Executive Office

Fourth: By inserting a new section to be numbered Sec. 91 to read as follows:

Sec. 91. GRANT ACCEPTANCE

(a) The following grant is hereby accepted and appropriated to the department indicated for the purpose specified by the grantor:

(1) JFO #2742 – \$21,593 grant from the Department of Justice, Office of Justice Programs to the Vermont Department of Public Safety. These funds will be used for planning, training and education for all agencies responsible for safeguarding communities and preventing prison rape.

And by renumbering the remaining section to be numerically correct.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Copeland-Hanzas of Bradford** moved to postpone action one legislative day, which was agreed to.

Message from the Senate No. 20

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 2. An act relating to the establishment of a State Latin Motto.

In the passage of which the concurrence of the House is requested.

Adjournment

At one o'clock and forty-one minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.