Journal of the House

Tuesday, April 12, 2016

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Green Mountain Union High School small ensemble, from Chester, Vt.

Pledge of Allegiance

Page Emily Croes of Stowe led the House in the Pledge of Allegiance.

Message from the Senate No. 41

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 considered a bill originating in the House of the following title:

H. 747. An act relating to the State Treasurer’s authority to intercept State funding to a municipality or school district in default from a Municipal Bond Bank borrowing.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

H. 458. An act relating to automatic voter registration through motor vehicle driver’s license applications.

H. 517. An act relating to the classification of State waters.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 316. House concurrent resolution honoring Zachariah Fike and his Purple Hearts Reunited organization.
H.C.R. 317. House concurrent resolution honoring the Vermont Network Against Domestic and Sexual Violence on its 30th anniversary.

H.C.R. 318. House concurrent resolution congratulating the Vermont Agency of Transportation on receiving a $10 million federal Transportation Infrastructure Generating Economic Recovery grant to help complete the western rail corridor from Rutland to Burlington.


H.C.R. 321. House concurrent resolution commemorating the bicentennial anniversary of the former Concord Corner Congregational Church building.

H.C.R. 322. House concurrent resolution commemorating former President Calvin Coolidge’s historic 1928 presidential trip to Cuba.

H.C.R. 323. House concurrent resolution congratulating the 2016 U-32 High School Raiders Division II championship boys’ ice hockey team.

H.C.R. 324. House concurrent resolution congratulating the 2016 Bellows Free Academy–St. Albans Bobwhites Division I championship boys’ hockey team.

H.C.R. 325. House concurrent resolution recognizing all Vermont firefighters, police officers, and emergency medical service (EMS) personnel for the professional level of service they provide to their communities.

H.C.R. 326. House concurrent resolution congratulating the American Tree Farm System on its 75th anniversary.

H.C.R. 327. House concurrent resolution honoring the entrepreneurship of Maple Sugar & Vermont Spice in Mendon.


H.C.R. 329. House concurrent resolution congratulating Vermont Law School on the inauguration of its solar energy project.

Message from Governor

A message was received from His Excellency, the Governor, by Ms. Susan Allen, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:
I am directed by the Governor to inform the House that on the eighth day of April, 2016, he approved and signed bills originating in the House of the following titles:

**H. 548**  An act relating to extraordinary dividends for life insurers  
**H. 575**  An act relating to eliminating the role of town service officers in administering General Assistance benefits  

**House Bills Introduced**  

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

**H. 885**  
By Reps. Webb of Shelburne and Lenes of Shelburne,  
House bill, entitled  
An act relating to approval of amendments to the charter of the Town of Shelburne;  
To the committee on Government Operations.

**H. 886**  
By Reps. Burke of Brattleboro, Stuart of Brattleboro and Toleno of Brattleboro,  
House bill, entitled  
An act relating to approval of amendments to the charter of the Town of Brattleboro;  
To the committee on Government Operations.

**Bill Referred to Committee on Ways and Means**  
**S. 241**  
House bill, entitled  
An act relating to regulation of marijuana  
Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

**Message from the Senate No. 42**  
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 considered a bill originating in the House of the following title:

**H. 530.** An act relating to categorization of State contracts for service.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

**J.R.S. 51.** Joint resolution relating to weekend adjournment.

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

**Remarks Journalized**

On motion of Rep. Lucke of Hartford, the following remarks by Rep. Gonzalez of Winooski were ordered printed in the Journal:

“Thank you Mr. Speaker:

The beautiful rendition of Amazing Grace by the Green Mountain Union high school choir moved me to share some history of this hymn that many do not know.

John Newton was sailing across the Atlantic, as he often did, making his money by human trafficking. His cargo was kidnapped and enslaved people from Africa. The day that inspired this song was a stormy one. The weather and water threatened to kill all those aboard. Something about this particular threat on this particular day opened his heart to the humanity of the many individuals in chains trapped in the hulls of his ship, and the thousands of people he had already transported to the US to be enslaved for their lives and for future generations. This particular day his heart opened and he recognized his errors and his culture’s errors. He sought God’s forgiveness, wrote this hymn, and changed his life. He became an abolitionist and saw the end of slavery in England.

This hymn is an American treasure. A treasure to remind us to recognize our errors, even when those errors are horrendous, and to take that recognition to fight to undoe the harm caused by our errors. The negative effects of the US legacy of slavery is still with us and this treasure can continue to provide us strength.”

**Bill Amended; Third Reading Ordered**

**H. 870**

Rep. Carr of Brandon spoke for the committee on Commerce and Economic Development.
Rep. Wood of Waterbury, for the committee on Corrections & Institutions, to which had been referred House bill, entitled

An act relating to telecommunications

Reported in favor of its passage when amended as follows:

By striking Sec. 4 in its entirety and inserting in lieu thereof a new Sec. 4 to read as follows:

Sec. 4. FY 2017 CAPITAL APPROPRIATION; CONNECTIVITY INITIATIVE

The sum of $750,000.00 is appropriated to the Connectivity Initiative, established in 30 V.S.A. § 7515b, from the FY17 Capital Budget Adjustment Act.

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that the bill ought to pass when amended, as recommended by the committee on Corrections and Institutions.

Rep. Young of Glover, for the committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the committee on Corrections and Institutions, and when further amended as follows:

First: By striking out Sec. 4 (capital appropriation for Connectivity Initiative) in its entirety

Second: In Sec. 5, 30 V.S.A. § 7523, in subsection (b), by striking out “2020” and inserting in lieu thereof “2021”

Third: By striking out Sec. 10 in its entirety and inserting in lieu thereof a new Sec. 10 to read as follows:

Sec. 10. PROPOSAL; SCHOOL CONNECTIVITY GRANT PROGRAM

On or before December 1, 2016, the Secretary of Education and the Director of Telecommunications and Connectivity shall propose to the General Assembly in the form of a draft bill a school connectivity grant program designed to provide competitive grants to public schools for capital costs associated with upgrading the Internet connection to a public school or purchasing hardware for infrastructure for internal Internet connections. The goal of the program is to ensure that the maximum Internet service available to the school is accessible by all personnel and students on school grounds, consistent with and supportive of educational policies and objectives. Proposed criteria shall prioritize rural communities having a percentage of households categorized as low-income that is higher than the State average, and shall seek to maximize the availability of federal matching funds.
Fourth: By adding a new Sec. 11 and a readers’ assistance to read as follows:

**Miscellaneous Provisions; Telecommunications Grant Programs**

Sec. 11. RECOVERY AND REPURPOSING OF TELECOMMUNICATIONS GRANT FUNDS

To the extent State funds are recovered by the Department of Public Service, as the successor in interest to the Vermont Telecommunications Authority (VTA), as the result of a grant recipient’s failure to comply with the terms of a grant agreement entered into with the VTA, such public monies shall be deposited in the Connectivity Initiative.

Fifth: By adding a new Sec. 12 to read as follows:

Sec. 12. HIGH-COST PROGRAM; PUBLIC SERVICE BOARD; DEADLINE

The Public Service Board shall issue a procedures order for implementation of the High-Cost Program established under 30 V.S.A. § 7515 not later than September 1, 2016. If the Board fails to do so, the Board shall provide a report to the General Assembly and the Governor detailing reasons for failing to comply with this mandate.

and by renumbering all sections to be numerically correct

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Corrections & Institutions, Appropriations and Ways and Means agreed to.

Pending the question, Shall the bill be read a third time? Reps. Hooper of Montpelier and Keenan of St. Albans City moved to amend the bill as follows:

In Sec. 3, 30 V.S.A. § 7515b, subsection (e), regarding the Connectivity Initiative, by adding subdivision (10) to read as follows:

(10) a telecommunications service provider’s performance with respect to the terms of a publicly-financed grant or loan awarded by a federal or State entity for the expansion of broadband or mobile telecommunications service in Vermont.

Which was agreed to.

Pending the question, Shall the bill be read a third time? Rep. Masland of Thetford moved to amend the bill as follows:
By adding Sec. 10a and a reader assistance to read as follows:

* * * Communications Union Districts; Budget; Hearing; Date Changes * * *

Sec. 10a. 30 V.S.A. § 3075 is amended to read:

§ 3075. BUDGET

(a) Annually, not later than September 15 on or before October 21, the board shall approve and cause to be distributed to the legislative body of each district member for review and comment an annual report of its activities, together with a financial statement, a proposed district budget for the next fiscal year, and a forecast presenting anticipated year-end results. The proposed budget shall include reasonably detailed estimates of:

(1) deficits and surpluses from prior fiscal years;
(2) anticipated expenditures for the administration of the district;
(3) anticipated expenditures for the operation and maintenance of any district communications plant;
(4) payments due on obligations, long-term contracts, leases, and financing agreements;
(5) payments due to any sinking funds for the retirement of district obligations;
(6) payments due to any capital or financing reserve funds;
(7) anticipated revenues from all sources; and
(8) such other estimates as the board deems necessary to accomplish its purpose.

(b) Coincident with a regular meeting thereof, the board shall hold a public hearing not later than November 1 on or before November 15 of each year to receive comments from the legislative bodies of district members and hear all other interested persons regarding the proposed budget. Notice of such hearing shall be given to the legislative bodies of district members at least 30 days prior to such hearing. The board shall give consideration to all comments received and make such changes to the proposed budget as it deems advisable.

(c) Annually, not later than December 1 on or before December 15, the board shall adopt the budget and appropriate the sums it deems necessary to meet its obligations and operate and carry out the district’s functions for the next ensuing fiscal year.

(d) Actions or resolutions of the board for the annual appropriations of any year shall not cease to be operative at the end of the fiscal year for which they
were adopted. Appropriations made by the board for the various estimates of the budget shall be expended only for such estimates, but by majority vote of the board the budget may be amended from time to time to transfer funds between or among such estimates. Any balance left or unencumbered in any such budget estimate, or the amount of any deficit at the end of the fiscal year, shall be included in and paid out of the operating budget and appropriations in the next fiscal year. All such budget amendments shall be reported by the district treasurer to the legislative bodies of each district member within 14 days of the end of the fiscal year.

(e) Financial statements and audit results shall be delivered to the legislative bodies of each district member within 10 days of delivery to the board.

Which was agreed to.

Pending the question, Shall the bill be read a third time? Rep. Ancel of Calais moved to amend the bill as follows:

First: In Sec. 1, 30 V.S.A. § 248a, in subdivision (c)(3)(A), concerning collocation assessments, by striking out the term “a three-mile radius of the site of” and by inserting in lieu thereof “the area to be served by”

Second: In Sec. 1, 30 V.S.A. § 248a, after the ellipses following subsection (c) and prior to subsection (h), by adding the following:

(e) Notice. No less than 45–60 days prior to filing an application for a certificate of public good under this section, the applicant shall serve written notice of an application to be filed with the Board pursuant to this section to the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities; the Secretary of Natural Resources; the Secretary of Transportation; the Division for Historic Preservation; the Commissioner of Public Service and its Director for Public Advocacy; the Natural Resources Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151; and the landowners of record of property adjoining the project sites. In addition, at least one copy of each application shall be filed with each of these municipal and regional planning commissions.

(1) Upon motion or otherwise, the Public Service Board shall direct that further public or personal notice be provided if the Board finds that such further notice will not unduly delay consideration of the merits and that additional notice is necessary for fair consideration of the application.

(2) On the request of the municipal legislative body or the planning commission, the applicant shall attend a public meeting with the municipal legislative body or planning commission, or both, within the 45-day 60-day
notice period before filing an application for a certificate of public good. The Department of Public Service shall attend the public meeting on the request of the municipality. The Department shall consider the comments made and information obtained at the meeting in making recommendations to the Board on the application and in determining whether to retain additional personnel under subsection (o) of this section.

(3) With the notice required under this subsection, the applicant shall include a written assessment of the collocation requirements of subdivision (c)(3) of this section, as they pertain to the applicant’s proposed telecommunications facility. On the request of the municipal legislative body or the planning commission, the Department of Public Service, pursuant to its authority under subsection (o) of this section, shall retain an expert to review the applicant’s collocation assessment and to conduct further independent analysis, as necessary. Within 45 days of receiving the applicant’s notice and collocation assessment, the Department shall report its own preliminary findings and recommendations regarding collocation to the applicant and to all persons required to receive notice of an application for a certificate of public good under this subsection (e).

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Which was agreed to.

Pending the question, Shall the bill be read a third time? Reps. Marcotte of Coventry, Higley of Lowell, Keenan of St. Albans City and Young of Glover moved to amend the bill as follows:

By adding Sec. 10b and a reader assistance to read as follows:

*** E-911; Call-taking Services; Study ***

Sec. 10b. E-911; CALL-TAKING SERVICES; STUDY

(a) A working group shall be formed to study and make recommendations regarding the most efficient, reliable, and cost effective means for providing statewide call-taking operations for Vermont’s 911 system. Among other things, the group shall make findings related to the financing, operations, and geographical location of 911 call-taking services. In addition, the group’s findings shall include a description of the number and nature of calls received, and an evaluation of current and potential State and local partnerships with respect to the provision of such services. The group shall take into consideration the “Enhanced 9-1-1 Board Operational and Organizational Report,” dated September 4, 2015. The group’s recommendations shall strive to achieve the best possible outcome in terms of ensuring the health and safety of Vermonters and Vermont communities.
(b) Members of the working group shall include a representative from each of the following entities: the Enhanced 911 Board; the Department of Public Safety; the Vermont State Employees Association; the Vermont League of Cities and Towns; the Vermont State Firefighters’ Association; the Vermont Ambulance Association; the Vermont Association of Chiefs of Police; and the Vermont Sheriffs’ Association.

(c) The representative from the E-911 Board shall convene the first meeting of the working group, at which the group shall elect a Chair and Vice Chair from among its members. The group shall meet as needed, and shall receive administrative and staffing support from the Department of Public Safety, and may request relevant financial information from the Joint Fiscal Office.

(d) On or before January 15, 2017, the group shall report its findings and recommendations to the House Committees on Commerce and Economic Development, on Government Operations, on Appropriations, and on Ways and Means and to the Senate Committees on Finance, on Government Operations, on Appropriations, and on Economic Development, Housing, and General Affairs, and to the Governor.

(e) The Department of Public Safety shall continue to provide 911 call-taking services unless otherwise directed by legislative enactment.

Pending the question, Shall the bill be amended as recommended by Rep. Marcotte and others? Rep. Marcotte of Coventry demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Rep. Marcotte and others? was decided in the affirmative. Yeas, 137. Nays, 1.

Those who voted in the affirmative are:

Ancel of Calais
Bancroft of Westford
Bartholomew of Hartland
Baser of Bristol
Bachelor of Derby
Beck of St. Johnsbury
Berry of Manchester
Beyor of Highgate
Bissonnette of Winooski
Botzow of Pownal
Branagan of Georgia
Brennan of Colchester
Briglin of Thetford
Browning of Arlington
Burditt of West Rutland
Burke of Brattleboro
Buxton of Tunbridge
Canfield of Fair Haven
Carr of Brandon
Chesnut-Tangeman of
Middletown Springs
Clarkson of Woodstock
Cole of Burlington
Condon of Colchester
Connor of Fairfield
Conquest of Newbury
Copeland-Hanzas of
Bradford
Corcoran of Bennington
Cupoli of Rutland City
Dakin of Chester
Dakin of Colchester
Davis of Washington
Deen of Westminster
Devereux of Mount Holly
Dickinson of St. Albans
Town
Donahue of Northfield
Donovan of Burlington
Eastman of Orwell
Emmons of Springfield
Evans of Essex
Fagan of Rutland City
Feltus of Lyndon
Fields of Bennington
Fiske of Enosburgh
Forguites of Springfield
Frank of Underhill
Those who voted in the negative are:

Dame of Essex

Those members absent with leave of the House and not voting are:

Christie of Hartford  McCormack of Burlington  Poirier of Barre City
Head of South Burlington  McFaun of Barre Town  Till of Jericho
Lippert of Hinesburg  Olsen of Londonderry  Van Wyck of Ferrisburgh
Martin of Wolcott  O’Sullivan of Burlington

Rep. Russell of Rutland City explained his vote as follows:

“Mr. Speaker:

I vote ‘yes’ in an effort to bring full transparency to the Vermont Dispatch issue. This is vital to my city of Rutland as well as every city and town in Vermont.”
Thereupon, third reading was ordered.

**Bill Amended; Third Reading Ordered**

**J.R.H. 26**

**Rep. Deen of Westminster**, for the committee on Fish, Wildlife & Water Resources, to which had been referred Joint resolution, entitled

Joint resolution relating to the amendment of the federal Toxic Substances Control Act and its preemption provisions

Reported in favor of its passage when amended by striking out the resolution in its entirety and inserting in lieu thereof the following:

Joint resolution relating to the amendment of the federal Toxic Substances Control Act and its preemption provisions

**Whereas**, more than 84,000 chemicals are registered with the Environmental Protection Agency (EPA) for use in the United States, and each year approximately 1,000 chemicals are added to the list, and

**Whereas**, more than 90 percent of chemicals in commercial use have not been fully tested for potential impacts on human health or the environment, and

**Whereas**, since Congress’s passage in 1976 of the Toxic Substances Control Act, Pub.L. 94-469 (TSCA), approximately 200 chemicals have been fully tested since passage, just five chemicals have been banned or restricted, and no chemicals have been banned in more than 20 years, and

**Whereas**, biomonitoring studies show that a wide range of chemicals is bioaccumulating in the bodies of Vermonters, and

**Whereas**, scientific studies demonstrate clear links between certain chemicals and adverse health effects, and

**Whereas**, the threat of adverse health effects is especially high for certain vulnerable populations such as children or pregnant women, and for these groups, safe exposure levels are much lower, and

**Whereas**, annually, more than $2 billion are spent on the medical costs associated with detecting cancer, asthma, and neurobehavioral disorders directly associated with toxic chemicals, and

**Whereas**, the recent discovery that the chemical perfluorooctanoic acid (PFOA) is contaminating drinking water sources in multiple Vermont locations illustrates the need for legal authority that more effectively regulates toxic chemicals, and
Whereas, the use of PFOA is not regulated and significant health risks to Vermonters exist as a result of pollution from factories closed more than a decade ago, and

Whereas, Vermonters and most other Americans continue to be exposed to PFOA and other perfluorinated chemicals from other sources, including through exposure from products containing the chemicals imported into the United States, and

Whereas, Congress is considering Toxic Substances Control Act (TSCA) reform in two pieces of pending legislation, S.697, The Frank R. Lautenberg Chemical Safety for the 21st Century Act, and H.R. 2576, The TSCA Modernization Act of 2015, and

Whereas, there is broad consensus across industry, environmental, health, science, and government parties that comprehensive reform of the TSCA is necessary to help better ensure consistent, effective, and scientifically grounded regulation of chemicals, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to pass comprehensive TSCA reform legislation to strengthen and clarify the U.S. Environmental Protection Agency’s (EPA) regulation of toxic chemicals, and be it further

Resolved: That the amended TSCA should include a safety standard that identifies and protects vulnerable populations, including potentially exposed workers, children, pregnant women, and those with compromised immune systems, and be it further

Resolved: That before new chemicals are introduced into commerce, the TSCA should be amended to include a requirement that industry include sufficient test data, when it submits premanufacture notices, in order that the EPA can determine if the chemicals meet the safety standard, and be it further

Resolved: That an amended TSCA provide clear timelines for starting and completing safety assessments on chemicals that are proposed for introduction into commerce or already in use in commerce, and for withdrawing from commerce chemicals found to be unsafe, and be it further

Resolved: That the EPA’s current authority to require notice of potential new uses of perfluorinated chemicals and other chemicals of concern in products should not be altered or weakened in any way, and be it further

Resolved: That the EPA must receive the necessary financial resources and statutory mandate to initiate a reasonable number of reviews each year on existing chemicals of highest concern, including those already listed on the TSCA Work Plan for Chemical Assessment, and be it further
Resolved: That the states should not be preempted from taking action on a specific chemical until and only if the EPA has taken final action to regulate that chemical and that the scope of preemption should not be broader than the scope of the EPA’s action, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to EPA Administrator Gina McCarthy and the Vermont Congressional Delegation.

The resolution, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Fish, Wildlife & Water Resources agreed to and third reading ordered.

Favorable Report; Third Reading Ordered

S. 190

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

An act relating to maintaining prescription drugs outside the original prescription container

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Adjournment

At eleven o'clock and fifty-seven minutes in the forenoon, on motion of Rep. Turner of Milton, the House adjourned until tomorrow at one o'clock in the afternoon.