

Journal of the House

Thursday, April 14, 2016

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

Devotional Exercises

Devotional exercises were conducted by “Girls Night Out” singing group, Debbie Yacavone from Morrisville, Carrie Cook from Cambridge and Nancy MacDowell from Jeffersonville, Vt.

House Resolutions Placed on Calendar

House resolutions read and, in the Speaker’s discretion, placed on the Calendar for action tomorrow under Rule 52.

H.R. 16

House resolution, entitled

House resolution relating to the proposed Trans-Pacific Partnership Agreement

Offered by: Representatives Berry of Manchester, Keenan of St. Albans City, Yantachka of Charlotte, Branagan of Georgia, and Masland of Thetford

Whereas, many U.S. trade deals have incorporated rules that skew benefits, requiring working families to bear the brunt of such policies, and

Whereas, the Economic Policy Institute (EPI) reported that, from the date of China’s entry into the World Trade Organization in 2001 through September 30, 2013, the trade deficit with China had cost 2.7 million American jobs, and

Whereas, EPI also reported that, as of the United States–Korea Free Trade Agreement’s third anniversary in March 2015, the loss of 75,000 American jobs was attributable to the Agreement, and

Whereas, on the North American Free Trade Agreement’s (NAFTA) 20th anniversary in 2014, Public Citizen reported that NAFTA had cost one million U.S. jobs, and

Whereas, more broadly, according to the U.S. census, in 2000, there were 16,845,612 manufacturing jobs in the country, but, in 2014, the number had declined to only 11,021,476, and

Whereas, bad trade policies have undermined the American manufacturing base and threaten the nation's economic and national security, and

Whereas, the relocation of manufacturing and service jobs offshore deprives local and state governments of sorely needed revenue and jeopardizes the livelihoods of millions of Americans, and

Whereas, under NAFTA-style trade rules, the U.S. annual trade deficit, according to the U.S. census, has increased dramatically, from \$70.3 billion in 1993, the year before NAFTA went into effect, to \$531.5 billion in 2015, and

Whereas, the disproportionate voice of powerful global corporations in the formation of U.S. free-trade agreements has advanced an agenda that undermines the public interest and threatens democracy, and

Whereas, NAFTA and other U.S. trade deals include a special legal right for foreign investors, known as an "investor-state dispute settlement" (ISDS), allowing foreign firms to bypass state and federal courts and instead take legal disputes to international tribunals, and

Whereas, in October 2015, 12 nations, including the United States, agreed to the text of the Trans-Pacific Partnership (TPP), which is the multilateral trade agreement with the most nations as signatories other than the World Trade Organization, and

Whereas, U.S. accession to the accord still requires U.S. House and Senate approval, and

Whereas, promoting economic growth with equity in Vermont requires reforms to the trade negotiation process that ensure that voices of workers, farmers, small businesses, families, and communities are heard, and

Whereas, the TPP has been negotiated in secret, effectively shutting out the negotiating process from state and local governments, and

Whereas, given congressional enactment of fast-track trade negotiating authority, states, localities, and their citizens will have no opportunity to correct shortcomings in the TPP, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges Congress to oppose the Trans-Pacific Partnership and any similar trade deals if it fails to restructure the misguided and failed policies of the past, and be it further

Resolved: That this legislative body requests the Vermont Congressional Delegation to support new trade deals, including the Trans-Pacific Partnership, only if they will:

Exclude investor-to-state dispute settlement and other provisions that favor foreign companies over domestic ones and that undermine public choices;

Ensure that countries cannot undercut U.S.-based producers with weaker labor and environmental laws and enforcement;

Ensure that the United States will engage in robust enforcement of trade rules, including labor and environmental rules;

Include strong rule-of-origin language to promote economic growth and job creation in the United States;

Promote high standards of protection for workplaces, products, and natural resources rather than a race to the bottom; and

Put the interests of people and the planet over the interests of private profit, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Vermont Congressional Delegation.

H.R. 17

House resolution, entitled

House resolution expressing support of general aviation in Vermont

Offered by: Committee on Transportation

Whereas, general aviation and community airports play a critical role in the lives of Vermont's citizens as well as in the operation of the State's businesses and farms, and

Whereas, the State of Vermont has a significant interest in the continued vitality of general aviation, aerospace, aircraft manufacturing, aviation organizations, community airports, and airport operators, and

Whereas, according to the Vermont Agency of Transportation (VTrans), Vermont has 14 public-use general aviation airports, and the Alliance for Aviation Across America reports these airports serve 1,267 pilots and 545 active general aviation aircraft, and

Whereas, according to a PricewaterhouseCoopers study dated February 11, 2015, titled "Contribution of General Aviation to the US Economy in 2013," general aviation in Vermont had a \$734 million total impact on economic output, supported 4,100 jobs, and had a \$217 million impact on labor income at the time of the study, and

Whereas, many communities in Vermont depend heavily on general aviation and community airports for the continued flow of commerce, aviation education, tourists, and visitors to our State, and

Whereas, the nation's aviation infrastructure represents an important public benefit, and Congressional oversight should be in place to ensure stable funding of this system, now therefore be it

Resolved by the House of Representatives:

That this legislative body expresses its strong support for general aviation in Vermont, for Vermont's Aviation Program as administered by VTrans, and for the continued advancement of general aviation economic development opportunities in the State, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Alliance for Aviation Across America and the Secretary of Transportation.

House Resolution Referred to Committee

H.R. 18

House resolution, entitled

House resolution to amend the Rules and Orders of the House of Representatives related to individual members' paid and volunteer staff

Offered by: Representatives Deen of Westminster and Donahue of Northfield

Whereas, for administrative and emergency purposes, it is important that a comprehensive list of the employees and volunteers of individual members be maintained, now therefore be it

Resolved by the House of Representatives:

That Rule 90(h) of the Rules and Orders of the House of Representatives be added to read as follows:

(h) All paid employees and volunteers of a member shall file the following information with the Sergeant at Arms: name and contact information, including any session-only address and emergency contact information. Each member shall ensure compliance with this rule.

Which was read and referred to the committee on Rules.

House Resolution Placed on Calendar**H.R. 19**

House resolution, entitled

House resolution relating to the federal Rural Utilities Service and the Vermont Telephone Company

Offered by: Representatives Sibia of Dover, Ancel of Calais, Botzow of Pownal, Briglin of Thetford, Browning of Arlington, Carr of Brandon, Connor of Fairfield, Conquest of Newbury, Dakin of Colchester, Dame of Essex, Dickinson of St. Albans Town, Eastman of Orwell, French of Randolph, Greshin of Warren, Hebert of Vernon, Hooper of Montpelier, Johnson of South Hero, Keenan of St. Albans City, Krebs of South Hero, LaLonde of South Burlington, Lefebvre of Newark, Lucke of Hartford, Macaig of Williston, Manwaring of Wilmington, McCoy of Poultney, McCullough of Williston, McFaun of Barre Town, Miller of Shaftsbury, Morris of Bennington, Murphy of Fairfax, O'Sullivan of Burlington, Parent of St. Albans Town, Patt of Worcester, Pearson of Burlington, Pugh of South Burlington, Sharpe of Bristol, Sheldon of Middlebury, Strong of Albany, Stuart of Brattleboro, Sweaney of Windsor, Toleno of Brattleboro, Toll of Danville, Troiano of Stannard, Webb of Shelburne, Woodward of Johnson, and Zagar of Barnard

Whereas, in 2009, Congress enacted the American Recovery and Reinvestment Act, Pub.L. 111-5, to stimulate the nation's economy following the 2008 financial crisis, and stimulus dollars included financial support for telecommunications projects, and

Whereas, federal stimulus dollars, allocated through the National Telecommunications and Information Administration in partnership with the Vermont Telecommunications Authority, supported a \$33 million grant for Sovernet Communications' FiberConnect project, which was successfully completed in 2014 and which brought fiber to many unserved and underserved towns in northeastern, central, and southern Vermont, including 115 governmental locations, 108 schools, 42 health-care facilities, 40 libraries, and 32 colleges, and

Whereas, in July 2010, the federal Rural Utilities Service (RUS) awarded an \$81 million broadband stimulus grant and a \$35 million government-backed loan to Vermont Telephone Company (VTel) to build a one gigabit fiber network for VTel's existing customers, which has been completed, and to construct a wireless Internet system to serve nearly all of Vermont's 33,000 unserved households plus additional businesses and anchor institutions, and

Whereas, despite the obligations VTel agreed to in accepting the RUS funding, it is apparent that the wireless project has failed to meet the stated objectives of the grant to the detriment of many expectant Vermont communities, and

Whereas, VTel's wireless coverage seems neither as expansive nor as robust as anticipated, and there is doubt that many of the 33,000 unserved households are now in range to receive a reliable signal, and

Whereas, it also appears that VTel may have placed unwarranted focus on competing with the highest possible speeds in its previously existing service area rather than building out a new wireless system as evidenced, in part, by the failure to build three telecommunications towers that should have been completed by the September 2015 construction deadline set in the RUS stimulus award, and

Whereas, separately, VTel is in default on a \$2 million Federal Communications Commission grant to provide voice and data access along Vermont's roadways through its new wireless system, now therefore be it

Resolved by the House of Representatives:

That this legislative body strongly urges the Rural Utilities Service to: (1) conduct a comprehensive financial and performance audit of the grant and loan that it awarded to the Vermont Telephone Company, including a finding related to the number of the 33,000 unserved households that remain unserved; and (2) require the Vermont Telephone Company to construct the three unbuilt towers or provide equivalent service to those areas that the towers would have served, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Administrator of the Rural Utilities Service, the U.S. Secretary of Agriculture, the Commissioner of Public Service, the Vermont Congressional Delegation, and the Vermont Telephone Company.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Favorable Report; Third Reading Ordered

H. 882

Rep. Cole of Burlington, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington

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.

Favorable Report; Third Reading Ordered

S. 176

Rep. Savage of Swanton, for the committee on General, Housing & Military Affairs, to which had been referred Senate bill, entitled

An act relating to disclosure of compliance with accessibility standards in the sale of residential construction

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.

Senate Proposal of Amendment Concurred in

H. 530

The Senate proposed to the House to amend House bill, entitled

An act relating to categorization of State contracts for service

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 311 is amended to read:

§ 311. CLASSIFIED SERVICE DEFINED; EXCEPTIONS

(a) The classified service to which this chapter shall apply shall include all positions and categories of employment by the ~~state~~ State, except as otherwise provided by law, and except the following:

* * *

(10) A person or persons engaged under retainer, contract for services as defined in section 341 of this title, or special agreement, ~~when certified to the secretary of administration by the attorney general that such engagement is not contrary to the spirit and intent of the classification plan and merit system principles and standards provided by this chapter.~~

* * *

Sec. 2. 3 V.S.A. § 341 is amended to read:

§ 341. DEFINITIONS

As used in this chapter:

(1) “Agency” means any agency, board, department, commission, committee, or authority of the ~~executive branch~~ Executive Branch of state State government.

(2) “Personal services contract” or “contract” means ~~an agreement or combination or series of agreements, by which an entity or individual who is not a state employee agrees with an agency to provide services, valued at \$10,000.00 or more per year~~ a contract for services that is categorized as personal services in accordance with procedures developed by the Secretary of Administration and is consistent with subdivisions 342(1), (2), and (3) of this title.

(3) “Privatization contract” means a ~~personal services contract by which an entity or an individual who is not a state employee agrees with an agency to provide services,~~ for services valued at ~~\$20,000.00~~ \$25,000.00 or more per year, which ~~are~~ is the same or substantially similar to and in lieu of services previously provided, in whole or in part, by permanent, classified ~~state~~ State employees, and which ~~result~~ results in a reduction in force of at least one permanent, classified employee, or the elimination of a vacant position of an employee covered by a collective bargaining agreement.

(4) “Contract for services” means an agreement or combination or series of agreements by which an entity or individual agrees with an agency to provide services as a contractor, rather than as an employee.

Sec. 3. 3 V.S.A. § 342 is amended to read:

§ 342. CONTRACTING STANDARDS; ~~PERSONAL SERVICES~~
CONTRACTS FOR SERVICES

Each contract for services valued at \$25,000.00 or more per year shall require certification by the Office of the Attorney General to the Secretary of Administration that such contract for services is not contrary to the spirit and intent of the classification plan and merit system and standards of this title. A ~~personal services contract for services~~ is contrary to the spirit and intent of the classification plan and merit system and standards of this title, and shall not be certified by the Office of the Attorney General ~~under subdivision 311(a)(10) of this title as provided in this subsection,~~ unless the provisions of subdivisions (1), (2) and (3) of this subsection are met, or one or more of the exceptions described in subdivision (4) of this subsection apply.

* * *

Sec. 4. 3 V.S.A. § 344 is amended to read:

§ 344. CONTRACT ADMINISTRATION

(a) The Secretary of Administration shall maintain a database with information about contracts for services, including approved privatization contracts and approved personal services contracts. The Secretary shall also maintain a database with information about privatization contracts which are rejected because they fail to qualify under subdivision 343(2) of this title. Contracts maintained in the database shall be public record to the extent provided under 1 V.S.A. chapter 5, and shall be located at the agency of origin, including information about names of contractors, summaries of work to be performed, costs, and duration.

(b) The information on contracts maintained in the database shall be reported to the General Assembly in the annual workforce report required under subdivision 309(a)(19) of this title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

Which proposal of amendment was considered and concurred in.

Adjournment

At one o'clock and twenty-three minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.