

Journal of the House

Thursday, February 2, 2017

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally 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 as follows:

H. 173

By Rep. Yantachka of Charlotte,

House bill, entitled

An act relating to solid waste management of beverage containers;

To the committee on Natural Resources, Fish & Wildlife.

H. 174

By Reps. Beck of St. Johnsbury and Bartholomew of Hartland,

House bill, entitled

An act relating to school district consolidation;

To the committee on Education.

H. 175

By Reps. Townsend of South Burlington, Donovan of Burlington, Dunn of Essex, Fields of Bennington, Houghton of Essex, Kitzmiller of Montpelier, McCullough of Williston, Mrowicki of Putney, O'Sullivan of Burlington, Partridge of Windham, Sullivan of Dorset, Till of Jericho, Toll of Danville and Yantachka of Charlotte,

House bill, entitled

An act relating to including psychological abuse as the basis for obtaining a civil abuse protection order;

To the committee on Judiciary.

H. 176

By Reps. Sullivan of Dorset, Poirier of Barre City, Gannon of Wilmington and Kimbell of Woodstock,

House bill, entitled

An act relating to the assessment of Vermont's public benefit structure;

To the committee on Human Services.

H. 177

By Rep. McCullough of Williston,

House bill, entitled

An act relating to the moisture content of firewood sold in Vermont;

To the committee on Agriculture & Forestry.

H. 178

By Reps. Till of Jericho, Dakin of Colchester, Dunn of Essex, Kitzmiller of Montpelier, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, Sharpe of Bristol, Sullivan of Burlington, Walz of Barre City, Weed of Enosburgh and Yantachka of Charlotte,

House bill, entitled

An act relating to the taxation of electronic cigarettes;

To the committee on Ways and Means.

H. 179

By Reps. Till of Jericho, Dakin of Colchester, Donovan of Burlington, Kitzmiller of Montpelier, McCullough of Williston, Miller of Shaftsbury and Sullivan of Burlington,

House bill, entitled

An act relating to increasing the tobacco tax on cigarettes and new smokeless tobacco;

To the committee on Ways and Means.

H. 180

By Reps. Helm of Fair Haven, Brennan of Colchester, Canfield of Fair Haven, Juskiewicz of Cambridge and Savage of Swanton,

House bill, entitled

An act relating to warranty obligations for motorboat and personal

watercraft dealers;

To the committee on Transportation.

H. 181

By Reps. Stevens of Waterbury, Christie of Hartford, Copeland-Hanzas of Bradford, Donovan of Burlington, Howard of Rutland City, Ode of Burlington, Poirier of Barre City, Sullivan of Burlington, Troiano of Stannard, Walz of Barre City, Weed of Enosburgh, Wood of Waterbury and Yantachka of Charlotte,

House bill, entitled

An act relating to promoting safe, sustainable, and affordable housing;

To the committee on General, Housing and Military Affairs.

H. 182

By Botzow of Pownal, Marcotte of Coventry, Hill of Wolcott, O'Sullivan of Burlington, Stuart of Brattleboro and Sullivan of Dorset,

House bill, entitled

An act relating to certain businesses regulated by the Department of Financial Regulation;

To the committee on Commerce and Economic Development.

H. 183

By Reps. Olsen of Londonderry, Long of Newfane, Sibia of Dover, Browning of Arlington, Gannon of Wilmington and Partridge of Windham,

House bill, entitled

An act relating to funding for school districts with declining student enrollment;

To the committee on Education.

H. 184

By Reps. Masland of Thetford, Briglin of Thetford, Donahue of Northfield, Donovan of Burlington, Lalonde of South Burlington, Strong of Albany, Stuart of Brattleboro, Till of Jericho, Walz of Barre City and Young of Glover,

House bill, entitled

An act relating to evaluation of suicide profiles;

To the committee on Health Care.

H. 185

By Reps. McCormack of Burlington, Colburn of Burlington and Sullivan of Burlington,

House bill, entitled

An act relating to the efficient operation of air conditioners and heating systems at retail establishments;

To the committee on Energy and Technology.

H. 186

By Reps. Masland of Thetford, Briglin of Thetford, Conquest of Newbury, Copeland-Hanzas of Bradford, Haas of Rochester, Hooper of Montpelier, Hooper of Brookfield, O'Sullivan of Burlington, Sibia of Dover and Tate of Mendon,

House bill, entitled

An act relating to pole attachment rules and broadband deployment;

To the committee on Energy and Technology.

H. 187

By Rep. McCormack of Burlington,

House bill, entitled

An act relating to prohibiting smoking outside places of business;

To the committee on Human Services.

Senate Bill Referred**S. 17**

Senate bill, entitled

An act relating to the qualifications of candidates for Adjutant and Inspector General;

Was taken up, read the first time and referred to the committee on General; Housing and Military Affairs.

Joint Resolution Referred to Committee**J.R.H. 3**

Joint resolution requesting Congress to call an Article V Convention of the states limited to proposing specific U.S. Constitutional Amendments

Offered by: Representatives Helm of Fair Haven, Batchelor of Derby,

Strong of Albany, Cupoli of Rutland City, Gage of Rutland City, Higley of Lowell, Martel of Waterford, Pearce of Richford, Shaw of Pittsford, and Viens of Newport City

Whereas, the founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government, and

Whereas, the federal government has created a crushing national debt through improper and imprudent spending, and

Whereas, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent, and

Whereas, it is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly of the State of Vermont hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress, and be it further

Resolved: That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the President and the Secretary of the U.S. Senate, the Speaker and the Clerk of the U.S. House of Representatives, and the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Government Operations.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 20

Rep. Grad of Moretown moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to prohibiting consumption of marijuana in a motor vehicle

And that the bill be committed to the committee on Transportation, which was agreed to.

Third Reading; Bill Passed

H. 58

House bill, entitled

An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older

Was taken up, read the third time and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 38

Rep. Beyor of Highgate for the committee on Natural Resources; Fish & Wildlife, to which had been referred House bill entitled,

An act relating to the membership of the Clean Water Fund Board

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

Sec. 1. 10 V.S.A. § 1389 is amended to read:

§ 1389. CLEAN WATER FUND BOARD

(a) Creation. There is created a Clean Water Fund Board which shall recommend to the Secretary of Administration expenditures from the Clean Water Fund. The Clean Water Fund Board shall be attached to the Agency of Administration for administrative purposes.

(b) Organization of the Board. The Clean Water Fund Board shall be composed of:

- (1) ~~the~~ The Secretary of Administration or designee;
- (2) ~~the~~ The Secretary of Natural Resources or designee;
- (3) ~~the~~ The Secretary of Agriculture, Food and Markets or designee;
- (4) ~~the~~ The Secretary of Commerce and Community Development or

designee; and.

(5) ~~the~~ The Secretary of Transportation or designee.

(6) Six members of the public to be appointed as follows:

(A) The Speaker of the House of Representatives shall appoint three members of the public, one of whom shall be a municipal official.

(B) The Committee on Committees shall appoint three members of the public, one of whom shall be a municipal official.

(C) Of the members appointed under this subdivision (6), it is the intent of the General Assembly that at any one time a member representing each of the following major watersheds shall be serving on the Board:

(i) the Connecticut River watershed;

(ii) the Hudson River watershed;

(iii) the Lake Champlain watershed; and

(iv) the Lake Memphramagog watershed.

(c) Officers; committees; rules; reimbursement.

(1) The Clean Water Fund Board shall annually elect a chair from its members. The Clean Water Fund Board may elect additional officers from its members, establish committees or subcommittees, and adopt procedural rules as necessary and appropriate to perform its work.

(2) Members of the Board who are not employees of the State of Vermont, who are not legislators, and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 paid from the budget of the Agency of Administration for attendance of meetings of the Board. Legislative members of the Board shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

* * *

(g) Terms; appointed members. Members who are appointed to the Clean Water Fund Board shall be appointed for terms of three years, except initially, appointments shall be made such that two members appointed by the Speaker shall be appointed for a term of two years, and two members appointed by the Committee on Committees shall be appointed for a term of one year. Vacancies on the Board shall be filled for the remaining period of the term in the same manner as initial appointments.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Helm of Fair Haven, for the committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the committee on Natural Resources; Fish & Wildlife.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committees on Natural Resources; Fish & Wildlife and Appropriations agreed to and third reading was ordered.

**Favorable Report; Read Second Time;
Third Reading Ordered**

S. 1

Reps. Cupoli of Rutland City, for the committee on Education, to which had been referred Senate bill, entitled

An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018

Reported in favor of its passage in concurrence.

Rep. Wright of Burlington, for the committee on Ways & Means recommended that the bill ought to pass in concurrence. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading was ordered.

Adjournment

At one o'clock and twenty five 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.