

Journal of the House

Wednesday, January 31, 2018

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

Devotional Exercises

Devotional exercises were conducted by Rev. Kim Kie, United Hedding Methodist Church, Barre, VT.

Rules Suspended; House Bills Introduced

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

H. 771

By Reps. O'Sullivan of Burlington, Botzow of Pownal, Gonzalez of Winooski and Stuart of Brattleboro,

House bill, entitled

An act relating to the Vermont National Guard;

To the committee on General, Housing and Military Affairs.

H. 772

By Reps. O'Sullivan of Burlington and Stuart of Brattleboro,

House bill, entitled

An act relating to the Vermont National Guard;

To the committee on General, Housing and Military Affairs.

H. 773

By Reps. Colburn of Burlington, Hooper of Montpelier, Lippert of Hinesburg, Cina of Burlington, Connor of Fairfield, Conquest of Newbury, Houghton of Essex, Joseph of North Hero, Lalonde of South Burlington, Morris of Bennington, Rachelson of Burlington, Troiano of Stannard and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to opioid treatment programs in State correctional facilities;

To the committee on Corrections and Institutions.

H. 774

By Rep. McFaun of Barre Town,

House bill, entitled

An act relating to receivership proceedings for long-term care facilities;

To the committee on Human Services.

H. 775

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to restricting the use of coupons and discounts for prescription drugs;

To the committee on Health Care.

H. 776

By Reps. Ode of Burlington, Bock of Chester, Cina of Burlington, Donovan of Burlington, Fields of Bennington, Haas of Rochester, Hooper of Randolph, Keefe of Manchester, Lefebvre of Newark, McFaun of Barre Town and O'Sullivan of Burlington,

House bill, entitled

An act relating to site-neutral reimbursement for physical therapists;

To the committee on Health Care.

H. 777

By Reps. Emmons of Springfield and Shaw of Pittsford,

House bill, entitled

An act relating to the Clean Water State Revolving Loan Fund;

To the committee on Corrections and Institutions.

H. 778

By Reps. Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Masland of Thetford, McCormack of Burlington and Sullivan of Burlington,

House bill, entitled

An act relating to electric vehicles;

To the committee on Transportation.

H. 779

By Rep. Kimbell of Woodstock,

House bill, entitled

An act relating to the legislative directory prepared by the Secretary of State;

To the committee on Government Operations.

H. 780

By Reps. Lawrence of Lyndon, Bartholomew of Hartland, Bock of Chester, Graham of Williamstown, Hooper of Randolph, Norris of Shoreham, Partridge of Windham and Poirier of Barre City,

House bill, entitled

An act relating to the inspection of amusement rides;

To the committee on Commerce and Economic Development.

H. 781

By Rep. Stuart of Brattleboro,

House bill, entitled

An act relating to reporting on a pilot program to connect Vermonters to food assistance locations through public transit;

To the committee on Human Services.

H. 782

By Reps. Stuart of Brattleboro and O'Sullivan of Burlington,

House bill, entitled

An act relating to miscellaneous highway and motor vehicle provisions;

To the committee on Transportation.

H. 783

By Reps. Mrowicki of Putney, Keefe of Manchester, Noyes of Wolcott and Troiano of Stannard,

House bill, entitled

An act relating to motor vehicle inspections;

To the committee on Transportation.

H. 784

By Reps. Burke of Brattleboro and Masland of Thetford,

House bill, entitled

An act relating to protecting land at interstate interchanges and protecting settlement patterns;

To the committee on Natural Resources, Fish and Wildlife.

H. 785

By Reps. Baser of Bristol, Beck of St. Johnsbury, Christie of Hartford, Conlon of Cornwall, Cupoli of Rutland City, Donovan of Burlington, Harrison of Chittenden, Joseph of North Hero, Keefe of Manchester, Lucke of Hartford, Masland of Thetford, McCoy of Poultney, O'Sullivan of Burlington, Scheuermann of Stowe, Sibia of Dover, Sullivan of Dorset and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to housing and affordability;

To the committee on Commerce and Economic Development.

H. 786

By Rep. Keenan of St. Albans City,

House bill, entitled

An act relating to a report on Vermont's tax on telephone companies;

To the committee on Ways and Means.

H. 787

By Reps. Botzow of Pownal and Marcotte of Coventry,

House bill, entitled

An act relating to increasing the downtown and village center tax credit;

To the committee on Commerce and Economic Development.

H. 788

By Reps. Christie of Hartford and Canfield of Fair Haven,

House bill, entitled

An act relating to exempting adult children's income for purposes of the income sensitivity adjustment;

To the committee on Ways and Means.

H. 789

By Reps. Morris of Bennington and Colburn of Burlington,

House bill, entitled

An act relating to delegating public enforcement powers to private attorneys general;

To the committee on General, Housing and Military Affairs.

H. 790

By Reps. Ode of Burlington, Bock of Chester, Burke of Brattleboro, Dunn of Essex, Fields of Bennington, Head of South Burlington, Hooper of Randolph, Houghton of Essex, Jickling of Randolph, Joseph of North Hero, Lucke of Hartford, Morris of Bennington, Mrowicki of Putney, Noyes of Wolcott, O'Sullivan of Burlington, Rachelson of Burlington, Scheu of Middlebury, Sheldon of Middlebury, Sibilia of Dover, Stuart of Brattleboro, Sullivan of Burlington, Till of Jericho, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Wood of Waterbury and Yantachka of Charlotte,

House bill, entitled

An act relating to child marriage;

To the committee on Judiciary.

H. 791

By Reps. Copeland-Hanzas of Bradford, Burke of Brattleboro, Cina of Burlington, Colburn of Burlington, Deen of Westminster, Donovan of Burlington, Dunn of Essex, Gonzalez of Winooski, Hooper of Montpelier, Kitzmiller of Montpelier, Lalonde of South Burlington, McCullough of Williston, Mrowicki of Putney, O'Sullivan of Burlington, Rachelson of Burlington, Scheu of Middlebury, Sheldon of Middlebury, Squirrell of Underhill, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Burlington, Walz of Barre City, Webb of Shelburne and Yantachka of Charlotte,

House bill, entitled

An act relating to a carbon charge that is refunded on electric bills;

To the committee on Energy and Technology.

H. 792

By Reps. Colburn of Burlington, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Gonzalez of Winooski, Haas of Rochester, Howard of Rutland City, Sullivan of Burlington, Troiano of

Stannard and Weed of Enosburgh,

House bill, entitled

An act relating to the creation of a tuition-free scholarship program for Vermont students;

To the committee on Education.

H. 793

By Reps. Brumsted of Shelburne, Bancroft of Westford, Baser of Bristol, Batchelor of Derby, Belaski of Windsor, Bock of Chester, Brennan of Colchester, Burditt of West Rutland, Christensen of Weathersfield, Christie of Hartford, Cina of Burlington, Connor of Fairfield, Cupoli of Rutland City, Dakin of Colchester, Devereux of Mount Holly, Dickinson of St. Albans Town, Donahue of Northfield, Dunn of Essex, Fagan of Rutland City, Feltus of Lyndon, Gage of Rutland City, Gamache of Swanton, Gannon of Wilmington, Gonzalez of Winooski, Graham of Williamstown, Harrison of Chittenden, Head of South Burlington, Helm of Fair Haven, Hooper of Randolph, Houghton of Essex, Joseph of North Hero, Juskiewicz of Cambridge, Keefe of Manchester, Keenan of St. Albans City, Kimbell of Woodstock, Kitzmiller of Montpelier, LaClair of Barre Town, Lawrence of Lyndon, Lefebvre of Newark, Lewis of Berlin, Lucke of Hartford, Macaig of Williston, Marcotte of Coventry, Masland of Thetford, Mattos of Milton, McFaun of Barre Town, Morrissey of Bennington, Mrowicki of Putney, Myers of Essex, Nolan of Morristown, Norris of Shoreham, Noyes of Wolcott, O'Sullivan of Burlington, Pugh of South Burlington, Quimby of Concord, Rosenquist of Georgia, Savage of Swanton, Scheu of Middlebury, Shaw of Pittsford, Sheldon of Middlebury, Smith of Derby, Smith of New Haven, Squirrell of Underhill, Strong of Albany, Terenzini of Rutland Town, Till of Jericho, Toll of Danville, Townsend of South Burlington, Weed of Enosburgh, Willhoit of St. Johnsbury, Wood of Waterbury, Wright of Burlington, Yacovone of Morristown and Yantachka of Charlotte,

House bill, entitled

An act relating to the requirement to pass a civics test for high school graduation;

To the committee on Education.

H. 794

By Reps. Morris of Bennington, Christie of Hartford, Colburn of Burlington and Rachelson of Burlington,

House bill, entitled

An act relating to the adoption of ethnic studies standards into statewide educational standards and a policy on ethnic and social equity in schools by public schools and approved independent schools;

To the committee on Education.

Bill Referred to Committee on Ways and Means

H. 764

House bill, entitled

An act relating to data brokers and consumer protection

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Joint Resolution Adopted in Concurrence

J.R.S. 43

By Senator Ashe,

J.R.S. 43. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 2, 2018, it be to meet again no later than Tuesday, February 6, 2018.

Was taken up, read and adopted in concurrence.

Rules Suspended; Bill Committed

H. 763

On motion of **Rep. Deen of Westminster**, the rules were suspended and House bill, entitled

An act relating to An act relating to a study of approaches to greenhouse gas reduction;

Appearing on the Calendar for notice, was taken up for immediate consideration.

Pending the question, Shall the bill be read the second time? on motion of **Rep. Deen of Westminster**, the bill was committed to the committee on Natural Resources, Fish and Wildlife

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

H. 727

Rep. Pugh of South Burlington moved that the committee on Human

Services be relieved of House bill, entitled

An act relating to the admissibility of a child's hearsay statements in a proceeding before the Human Services Board

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

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

H. 741

Rep. Lalonde of South Burlington moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to criminal history record fees

And that the bill be committed to the committee on Ways and Means, which was agreed to.

Third Reading; Bill Passed

H. 549

House bill, entitled

An act relating to the Petroleum Cleanup Fund

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 566

House bill, entitled

An act relating to animal cruelty

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 611

House bill, entitled

An act relating to compensation for victims of crime

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 694

House bill, entitled

An act relating to captive insurance companies

Was taken up, read the third time and passed.

Third Reading; Bill Passed in Concurrence

S. 19

Senate bill, entitled

An act relating to allowing silver-level nonqualified health benefit plans to be offered outside the Vermont Health Benefit Exchange

Was taken up, read the third time and passed in concurrence.

Second Reading; Bill Amended; Third Reading Ordered

H. 271

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

An act relating to administration of the Supplemental Nutrition Assistance Program

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

Sec. 1. 33 V.S.A. chapter 17 is amended to read:

CHAPTER 17. FEDERAL SUPPLEMENTARY BENEFITS
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

§ 1701. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

(a) The State of Vermont may participate in the federal Supplemental Nutrition Assistance Program ~~which is provided for under (SNAP) pursuant to 7 U.S.C. chapter 51. The Commissioner may adopt, amend, or repeal rules governing the operation of the Program in the State.~~ The purpose of SNAP is to alleviate hunger and malnutrition among households with low income by increasing their food purchasing power and access to nutritious safe food.

(b) An individual domiciled in Vermont shall be exempt from the disqualification provided for in 21 U.S.C. § 862a.

(c) The Commissioner may adopt, amend, or repeal rules governing the operation of the Program in the State pursuant to 3 V.S.A. chapter 25.

(d) ~~When~~ As used in this section ~~chapter,~~ “Commissioner” means the Commissioner for Children and Families and “Department” means the Department for Children and Families.

* * *

§ 1703. CHANGES TO PROGRAM ADMINISTRATION

(a)(1) The Department shall report to the Chairs of the House Committee on Human Services and the Senate Committee on Health and Welfare and any interested stakeholders within 30 days after any substantive change in the federal law governing SNAP that:

(A) restricts or improves eligibility;

(B) increases or reduces barriers or creates or eliminates hardships to access; or

(C) inhibits or increases benefit usage.

(2) The Department shall provide an analysis of the administrative costs and impacts on SNAP applicants and participants of any such change to the Chairs within 90 days after the change.

(b) The Commissioner may convene a meeting of interested stakeholders to discuss a change listed in subsection (a) of this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

Rep. Trieber of Rockingham, for the committee on Appropriations, recommended the bill ought to pass when amended by the committee on Human Services.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 410

Rep. McCormack of Burlington, for the committee on Energy and Technology, to which had been referred House bill, entitled

An act relating to adding products to Vermont's energy efficiency standards for appliances and equipment

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

Sec. 1. PURPOSE

(a) In 9 V.S.A. § 2792, the General Assembly found that efficiency standards for products sold or installed in the State provide benefits to consumers and businesses, including saving money on utility bills, saving energy and thereby reducing the environmental impacts of energy consumption, reducing or delaying the need for new power plants and

upgrades to the electric transmission and distribution system, and allowing the energy cost savings to be spent on other goods and services within the State's economy.

(b) The purpose of this act is to obtain the benefits found in 9 V.S.A. § 2792 for the following products to which the State's efficiency standards do not currently apply: air compressors, commercial dishwashers, commercial fryers, commercial hot-food holding cabinets, commercial steam cookers, computers and computer monitors, faucets, high color rendering index fluorescent lamps, portable air conditioners, portable electric spas, residential ventilating fans, showerheads, spray sprinkler bodies, telephones, uninterruptible power supplies, urinals, water closets, and water coolers.

Sec. 2. 9 V.S.A. § 2793 is amended to read:

§ 2793. DEFINITIONS

As used in this chapter:

* * *

(16) With respect to air compressors, the following definitions apply:

(A) "Air compressor" means a compressor that is designed to compress air that has an inlet open to the atmosphere or other source of air and that consists of the bare compressor, also known as the compression element; one or more drivers; mechanical equipment to drive the compression element; and any ancillary equipment.

(B) "Compressor" means a machine or apparatus that converts different types of energy into the potential energy of gas pressure for displacement and compression of gaseous media to any higher-pressure values above atmospheric pressure and has a pressure ratio at full-load operating pressure greater than 1.3.

(17) "Commercial dishwasher" means a machine designed to clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays by applying sprays of detergent solution, with or without blasting media granules, and a sanitizing rinse. The phrase "commercial dishwasher" does not include dishwashers intended for consumer use as defined in 10 C.F.R § 430.2.

(18) "Commercial fryer" means an appliance, including a cooking vessel, in which oil is placed to such a depth that the cooking food is supported by displacement of the cooking fluid rather than by the bottom of the vessel. Heat is delivered to the cooking fluid by means of an immersed electric element of band-wrapped vessel or by heat transfer from gas burners either through the walls of the fryer or through tubes passing through the cooking fluid.

(19) “Commercial hot-food holding cabinet” means a heated, fully enclosed compartment with one or more solid or transparent doors designed to maintain the temperature of hot food that has been cooked using a separate appliance. The phrase “commercial hot-food holding cabinet” does not include heated glass merchandizing cabinets, drawer warmers, or cook-and-hold appliances.

(20) “Commercial steam cooker” means a device with one or more food-steaming compartments in which the energy in the steam is transferred to the food by direct contact. A commercial steam cooker may also be known as a compartment steamer.

(21) “Computer” means a device that performs logical operations and processes data, whether or not input devices or displays are included when the device is shipped.

(A) At a minimum, a computer includes:

(i) a central processing unit (CPU) to perform operations or, if no CPU is present, then the device functions as a client gateway to a server, and the server acts as a computational CPU;

(ii) the ability to support user input devices such as a keyboard, mouse, or touch pad; and

(iii) an integrated display screen or the ability to support an external display screen to output information.

(B) The term “computer” includes both stationary and portable units and includes a desktop computer, a portable all-in-one, a notebook computer, a mobile gaming system, a high-expandability computer, a small-scale server, a thin client, and a workstation.

(C) The term “computer” does not include a tablet, a game console, a television, a device with an integrated and primary display that has a screen size of 20 square inches or less, a server other than a small-scale server, or an industrial computer.

(22) “Computer monitor” means an analog or digital device composed of a display screen and associated electronics that has a diagonal screen size greater than or equal to 17 inches and less than or equal to 61 inches, that has a pixel density of greater than 5,000 pixels per square inch (ppi), and that is designed primarily for the display of computer-generated signals for viewing by one person in a desk-based environment. The term “computer monitor” does not include:

(A) displays with integrated or replaceable batteries designed to support primary operation without AC mains or external DC power, such as

electronic readers, mobile phones, tablets, battery-powered digital picture frames; or

(B) a television or signage display.

(23) “ENERGY STAR Program” means the federal program initiated by the U.S. Environmental Protection Agency pursuant to 42 U.S.C. § 7403(g) that includes certification of energy-saving products, buildings, and tools, and includes other resources for saving energy.

(24) With respect to faucets and showerheads, the following definitions apply:

(A) “Faucet” means a lavatory faucet, kitchen faucet, metering faucet, public lavatory faucet, or replacement aerator for a lavatory, public lavatory, or kitchen faucet. As used in this subdivision (24)(A):

(i) “Metering faucet” means a fitting that, when turned on, will gradually shut itself off over a period of several seconds.

(ii) “Public lavatory faucet” means a fitting intended to be installed in nonresidential bathrooms that are exposed to walk-in traffic.

(iii) “Replacement aerator” means an aerator sold as a replacement, separate from the faucet to which it is intended to be attached.

(B) “Showerhead” means an accessory to a supply fitting for spraying water onto a bather, typically from an overhead position. The term includes a body spray and handheld shower. As used in this subdivision (24)(B):

(i) “Body spray” means a shower device for spraying water onto a bather other than from the overhead position.

(ii) “Handheld shower” means a showerhead that can be held or fixed in place for the purpose of spraying water onto a bather and that is connected to a flexible hose.

(25) “High color rendering index (CRI) fluorescent lamp” means a fluorescent lamp with a color rendering index of 87 or greater that is not a compact fluorescent lamp.

(26) “Portable electric spa” means a factory-built electric spa or hot tub, which may or may not include any combination of integral controls, water heating, or water circulating equipment.

(27) With respect to portable air conditioners, the following definitions apply:

(A) “Portable air conditioner” means a portable encased assembly,

other than a packaged terminal air conditioner, room air conditioner, or dehumidifier, that includes a source of refrigeration; delivers cooled, conditioned air to an enclosed space; and is powered by single-phase electric current. The assembly may include additional means for air circulation and heating and may be a single-duct or a dual-duct portable air conditioner.

(B) “Single-duct portable air conditioner” means a portable air conditioner that draws all of the condenser inlet air from the conditioned space without the means of a duct and discharges the condenser outlet air outside the conditioned space through a single duct attached to an adjustable window bracket.

(C) “Dual-duct portable air conditioner” means a portable air conditioner that draws some or all of the condenser inlet air from outside the conditioned space through a duct attached to an adjustable window bracket, may draw additional condenser inlet air from the conditioned space, and discharges the condenser outlet air outside the conditioned space by means of a separate duct attached to an adjustable window bracket.

(28) “Residential ventilating fan” means a ceiling, wall-mounted, or remotely mounted in-line fan designed to be used in a bathroom or utility room, or a kitchen range hood, whose purpose is to move air from inside the building to the outdoors.

(29) With respect to spray sprinkler bodies, the following definitions apply:

(A) “Pressure regulator” means a device that maintains constant operating pressure immediately downstream from the device, given higher pressure upstream.

(B) “Spray sprinkler body” means the exterior case or shell of a sprinkler incorporating a means of connection to the piping system designed to convey water to a nozzle or orifice.

(30) “Telephone” means an electronic product whose primary purpose is to transmit and receive sound over a distance using a voice or data network. The term does not include a cellular telephone as defined in the “ENERGY STAR Program Product Specification for Telephony,” Version 3.0.

(31) “Uninterruptible power supply” means a battery charger consisting of a combination of convertors, switches, and energy storage devices, such as batteries, constituting a power system that maintains continuity of load power in case of input power failure.

(32) With respect to urinals and water closets, the following definitions apply:

(A) “Dual-flush effective flush volume” means the average flush volume of two reduced flushes and one full flush.

(B) “Dual-flush water closet” means a water closet incorporating a feature that allows the user to flush the water closet with either a reduced or a full volume of water.

(C) “Plumbing fixture” means an exchangeable device that connects to a plumbing system to deliver and drain away water and waste.

(D) “Urinal” means a plumbing fixture that receives only liquid body waste and conveys the waste through a trap into a drainage system.

(E) “Water closet” means a plumbing fixture having a water-containing receptor that receives liquid and solid body waste through an exposed, integral trap into a drainage system.

(F) “Trough-type urinal” means a urinal designed for simultaneous use by two or more persons.

(33) With respect to water coolers, the following definitions apply:

(A) “Cold-only unit” means a water cooler that dispenses cold water only.

(B) “Cook and cold unit” means a water cooler that dispenses both cold and room-temperature water.

(C) “Hot and cold unit” means a water cooler that dispenses both hot and cold water. A hot and cold unit also may dispense room-temperature water.

(D) “On demand” means that a water cooler heats water as it is requested, which typically takes a few minutes to deliver.

(E) “Storage-type” means that a water cooler stores thermally conditioned water in a tank and the conditioned water is available instantaneously. Storage-type water coolers include point-of-use, dry storage compartment, and bottled water coolers.

(F) “Water cooler” means a freestanding device that consumes energy to cool or heat potable water, or both.

Sec. 3. 9 V.S.A. § 2794 is amended to read:

§ 2794. SCOPE

(a) The provisions of this chapter apply to the following types of new products sold, offered for sale, or installed in the State:

(1) Medium voltage dry-type distribution transformers.

- (2) Metal halide lamp fixtures.
- (3) Residential furnaces and residential boilers.
- (4) Single-voltage external AC to DC power supplies.
- (5) State-regulated incandescent reflector lamps.
- (6) General service lamps.
- (7) Air compressors.
- (8) Commercial dishwashers.
- (9) Commercial fryers.
- (10) Commercial hot-food holding cabinets.
- (11) Commercial steam cookers.
- (12) Computers and computer monitors.
- (13) Faucets.
- (14) High CRI fluorescent lamps.
- (15) Portable air conditioners.
- (16) Portable electric spas.
- (17) Residential ventilating fans.
- (18) Showerheads.
- (19) Spray sprinkler bodies.
- (20) Telephones.
- (21) Uninterruptible power supplies.
- (22) Urinals.
- (23) Water closets.
- (24) Water coolers.

(25) Each other product for which the Commissioner is required to adopt an efficiency or water conservation standard by rule pursuant to section 2795 of this title.

~~(8)~~(26) Any other product that may be designated by the Commissioner in accordance with section 2797 of this title.

(b) The provisions of this chapter do not apply to:

(1) New products manufactured in the State and sold outside the State and the equipment used in manufacturing those products.

(2) New products manufactured outside the State and sold at wholesale inside the State for final retail sale and installation outside the State.

(3) Products installed in mobile manufactured homes at the time of construction.

(4) Products designed expressly for installation and use in recreational vehicles.

Sec. 4. 9 V.S.A. § 2795 is amended to read:

§ 2795. EFFICIENCY AND WATER CONSERVATION STANDARDS

(a) The Commissioner shall adopt rules in accordance with the provisions of 3 V.S.A. chapter 25 establishing minimum efficiency standards for the types of new products set forth in section 2794 of this title. The rules shall provide for the following minimum efficiency standards for products sold or installed in this State:

* * *

(4)(A) Single-voltage external AC to DC power supplies shall meet the energy efficiency requirements of the following table:

* * *

(C) For purposes of this subdivision (4), the efficiency of single-voltage external AC to DC power supplies shall be measured in accordance with the test methodology specified by the ~~U.S. Environmental Protection Agency's Energy Star~~ ENERGY STAR Program, "Test Method for Calculating the Energy Efficiency of Single-Voltage External AC-DC and AC-AC Power Supplies (August 11, 2004)."

* * *

(6) In the rules, the Commissioner shall adopt minimum efficiency and water conservation standards for each product that is subject to a standard under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19, 2017. The minimum standard and the testing protocol for each product shall be the same as adopted in those sections of the Code of Federal Regulations, except that for faucets, showerheads, urinals, and water closets, the minimum standard and testing protocol shall be as otherwise set forth in this section.

(7) In the rules, the Commissioner shall adopt a minimum efficacy standard for general service lamps of 45 lumens per watt, when tested in accordance with 10 C.F.R. § 430.23(gg) as that provision existed on January 19, 2017.

(8) In this subdivision (8), "final rule" means the document setting forth

a final action by the U.S. Department of Energy (DOE) with respect to a final rule for “Energy Conservation Standards for Air Compressors,” docket no. EERE-2013-BT-STD-0040, approved by DOE on December 5, 2016. Air compressors that meet the 12 criteria to be codified under 10 C.F.R. § 431.345(a) and set forth on pages 350 to 351 of the final rule shall meet the requirements contained in Table 1 on page 352 of the final rule using the instructions to be codified under 10 C.F.R. § 431.345(b) and set forth on page 353 of the final rule. Compliance with these requirements shall be measured in accordance with 10 C.F.R. Part 431, Subpart T, Appendix A, entitled “Uniform Test Method for Certain Air Compressors,” as in effect on July 3, 2017.

(9) Commercial dishwashers included in the scope of the “ENERGY STAR Program Requirements Product Specification for Commercial Dishwashers,” Version 2.0, shall meet the qualification criteria of that specification.

(10) Commercial fryers included in the scope of the “ENERGY STAR Program Requirements Product Specification for Commercial Fryers,” Version 2.0, shall meet the qualification criteria of that specification.

(11) Commercial hot-food holding cabinets shall have a maximum idle energy rate of 40 watts per cubic foot of interior volume, as determined by the “idle energy rate-dry test” in ASTM F2140-11, “Standard Test Method for Performance of Hot-Food Holding Cabinets,” ASTM International (2011). Interior volume shall be measured as prescribed in the “ENERGY STAR Program Requirements Product Specification for Commercial Hot-Food Holding Cabinets,” Version 2.0.

(12) Commercial steam cookers shall meet the requirements of the “ENERGY STAR Program Requirements Product Specification for Commercial Steam Cookers,” Version 1.2.

(13) Computers and computer monitors shall meet the requirements of 20 California Code of Regulations (C.C.R.) § 1605.3(v) and compliance with these requirements shall be measured in accordance with test methods prescribed in 20 C.C.R. § 1604(v). The referenced portions of the C.C.R. shall be those adopted on or before the effective date of this section.

(14) Faucets, except for metering faucets, and showerheads shall meet the standards set forth in this subdivision (14) when tested in accordance with 10 C.F.R. Part 430, Subpart B, Appendix S, entitled “Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads,” as in effect on January 3, 2017.

(A) Lavatory faucets and replacement aerators shall not exceed a

maximum flow rate of 1.5 gallons per minute (gpm) at 60 pounds per square inch (psi).

(B) Residential kitchen faucets and replacement aerators shall not exceed a maximum flow rate of 1.8 gpm at 60 psi, with optional temporary flow of 2.2 gpm, provided they default to a maximum flow rate of 1.8 gpm at 60 psi after each use.

(C) Public lavatory faucets and replacement aerators shall not exceed a maximum flow rate of 0.5 gpm at 60 psi.

(D) Showerheads shall not exceed a maximum flow rate of 2.0 gpm at 80 psi.

(15) High CRI fluorescent lamps shall meet the minimum efficacy requirements contained in 10 C.F.R. § 430.32(n)(4) as that subsection existed on January 3, 2017. Compliance with requirements shall be measured in accordance with 10 C.F.R. Part 430, Subpart B, Appendix R, entitled “Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps,” as that appendix existed on January 3, 2017.

(16) Urinals and water closets, other than those designed and marketed exclusively for use at prisons or mental health facilities, shall meet the standards set forth in this subdivision (16) when tested in accordance with 10 C.F.R. Part 430, Subpart B, Appendix T, entitled “Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals,” as in effect on January 3, 2017 and shall pass the waste extraction test for water closets set forth in Sec. 7.10 of the American Society of Mechanical Engineers (ASME) standard A112.19.2-2013/CSA B.45.1, as that standard exists on the effective date of this section.

(A) Urinals, except for trough-type urinals, shall have a maximum flush volume of 0.5 gallons per flush.

(B) Water closets, except for dual-flush tank-type water closets, shall have a maximum flush volume of 1.28 gallons per flush.

(C) Dual-flush tank-type water closets shall have a maximum dual-flush effective flush volume of 1.28 gallons per flush.

(17) Portable air conditioners shall have a Combined Energy Efficiency Ratio (CEER), that is greater than or equal to: $1.04 \times [SACC / (3.7177 \times SACC^{0.6384})]$.

(A) In this subdivision (17), “SACC” means seasonally adjusted cooling capacity expressed in British thermal units per hour.

(B) The CEER shall be measured in accordance with 10 C.F.R. Part 430, Subpart B, Appendix CC, entitled “Uniform Test Method for Measuring the Energy Consumption of Portable Air Conditioners,” as in effect on January 3, 2017.

(18) Portable electric spas shall meet the requirements of the American National Standard for Portable Electric Spa Energy Efficiency, ANSI/APSP/ICC-14 2014, as that standard exists on the effective date of this section.

(19) Residential ventilating fans shall meet the qualification criteria of the “ENERGY STAR Program Requirements Product Specification for Residential Ventilating Fans,” Version 3.2.

(20) Spray sprinkler bodies shall include an integral pressure regulator and shall meet the water efficiency and performance criteria and other requirements of the Environmental Protection Agency’s “WaterSense Specification for Spray Sprinkler Bodies,” Version 1.0. However, this subdivision (20) shall not apply to spray sprinkler bodies that are specifically excluded from the scope of that specification.

(21) Telephones included in the scope of the “ENERGY STAR Program Product Specification for Telephony,” Version 3.0, shall meet the certification criteria of that specification, except that the performance requirements for external power supplies in section 3.2.2 of the specification shall not apply.

(22) In this subdivision (22), “final rule” means the document setting forth a final action by DOE with respect to a final rule for “Energy Conservation Standards for Uninterruptible Power Supplies,” docket no. EERE-2016-BT-STD-0022, approved by DOE on December 28, 2016. Uninterruptible power supplies that use a National Electrical Manufacturer Association (NEMA) 1-15P or 5-15P input plug and have an alternating current (AC) output shall have an average load-adjusted efficiency that meets or exceed the values shown to be codified under 10 C.F.R. § 430.32(z)(3) and set forth on pages 193–194 of the final rule. Compliance with these requirements shall be measured in accordance with 10 C.F.R. Part 430, Subpart B, Appendix Y, entitled “Uniform Test Method for Measuring the Energy Consumption of Battery Chargers,” as in effect on January 11, 2017.

(23) Water coolers included in the scope of the “ENERGY STAR Program Requirements Product Specification for Water Coolers,” Version 2.0, shall have “on mode with no water draw” energy consumption less than or equal to the following values, measured in accordance with the test requirements of that specification:

(A) 0.16 kilowatt-hours (kWh) per day for cold-only units and cook

and cold units;

(B) 0.87 kWh per day for storage type hot and cold units; and

(C) 0.18 kWh per day for on-demand hot and cold units.

(b) When a minimum efficiency standard as described in subsection (a) of this section sets forth requirements that change over time, the rules shall provide for compliance with the changed requirements as they come into effect.

Sec. 5. 9 V.S.A. § 2796 is amended to read:

§ 2796. IMPLEMENTATION

* * *

~~(d) One year after the date upon which the sale or offering for sale of certain products becomes subject to the requirements of subsection (a) or (b) of this section, no new products may be installed for compensation in the State unless the efficiency of a new product meets or exceeds the efficiency standards set forth in the rules adopted pursuant to section 2795 of this title.~~

(1) On or after July 1, 2020, no new air compressor, commercial dishwasher, commercial fryer, commercial hot-food holding cabinet, commercial steam cooker, computer or computer monitor, faucet, high CRI fluorescent lamp, portable air conditioner, portable electric spa, residential ventilating fan, showerhead, spray sprinkler body, telephone, uninterruptible power supply, urinal, water closet, or water cooler may be sold or offered for sale, lease, or rent in the State unless the efficiency of the new product meets or exceeds the efficiency standards set forth in the rules adopted pursuant to section 2795 of this title.

(2) The prohibition set forth in subdivision (1) of this subsection shall not apply to a product that the seller or lessor purchased on or before June 30, 2020.

* * *

Sec. 6. RULEMAKING

On or before May 1, 2019, the Commissioner of Public Service shall file with the Secretary of State proposed rules to implement Secs. 2 through 4 of this act.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committee on Energy and

Technology was agreed to

Pending the question, Shall the bill be read a third time? **Rep. Carr of Brandon** 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 read a third time? was decided in the affirmative. Yeas, 137. Nays, 4.

Those who voted in the affirmative are:

Ancel of Calais	Grad of Moretown	Noyes of Wolcott
Bancroft of Westford	Graham of Williamstown	O'Sullivan of Burlington
Bartholomew of Hartland	Haas of Rochester	Pajala of Londonderry
Baser of Bristol	Harrison of Chittenden	Parent of St. Albans Town
Batchelor of Derby	Head of South Burlington	Partridge of Windham
Beck of St. Johnsbury	Helm of Fair Haven	Pearce of Richford
Belaski of Windsor	Higley of Lowell	Poirier of Barre City
Bock of Chester	Hill of Wolcott	Potter of Clarendon
Botzow of Pownal	Hooper of Montpelier	Pugh of South Burlington
Brennan of Colchester	Hooper of Randolph	Rachelson of Burlington
Briglin of Thetford	Houghton of Essex	Read of Fayston
Browning of Arlington	Howard of Rutland City	Rosenquist of Georgia
Brumsted of Shelburne	Jessup of Middlesex	Savage of Swanton
Buckholz of Hartford	Jickling of Randolph	Scheu of Middlebury
Burditt of West Rutland	Joseph of North Hero	Scheuermann of Stowe
Burke of Brattleboro	Juskiewicz of Cambridge	Sharpe of Bristol
Canfield of Fair Haven	Keefe of Manchester	Shaw of Pittsford
Carr of Brandon	Keenan of St. Albans City	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Kimbell of Woodstock	Sibilia of Dover
Christensen of Weathersfield	Kitzmiller of Montpelier	Smith of Derby
Christie of Hartford	Krowinski of Burlington *	Smith of New Haven
Cina of Burlington	LaClair of Barre Town	Squirrell of Underhill
Colburn of Burlington	Lalonde of South Burlington	Stevens of Waterbury
Conlon of Cornwall	Lanpher of Vergennes	Strong of Albany
Connor of Fairfield	Lawrence of Lyndon	Stuart of Brattleboro
Conquest of Newbury	Lefebvre of Newark	Sullivan of Dorset
Corcoran of Bennington	Lewis of Berlin	Sullivan of Burlington
Cupoli of Rutland City	Lippert of Hinesburg	Taylor of Colchester
Dakin of Colchester	Long of Newfane	Terenzini of Rutland Town
Deen of Westminster	Lucke of Hartford	Till of Jericho
Devereux of Mount Holly	Macaig of Williston	Toleno of Brattleboro
Dickinson of St. Albans Town	Marcotte of Coventry	Toll of Danville
Donahue of Northfield	Martel of Waterford	Townsend of South Burlington
Donovan of Burlington	Masland of Thetford	Trieber of Rockingham
Dunn of Essex	Mattos of Milton	Troiano of Stannard
Emmons of Springfield	McCormack of Burlington	Turner of Milton
Fagan of Rutland City	McCoy of Poultney	Viens of Newport City
Feltus of Lyndon	McCullough of Williston	Walz of Barre City
Fields of Bennington	McFaun of Barre Town	Webb of Shelburne
	Miller of Shaftsbury	Weed of Enosburgh
	Morris of Bennington	

Forguites of Springfield	Morrissey of Bennington	Willhoit of St. Johnsbury
Gamache of Swanton	Mrowicki of Putney	Wood of Waterbury
Gannon of Wilmington	Murphy of Fairfax	Wright of Burlington
Gardner of Richmond	Myers of Essex	Yacovone of Morristown
Giambatista of Essex	Nolan of Morristown	Young of Glover
Gonzalez of Winooski	Norris of Shoreham	

Those who voted in the negative are:

Beyor of Highgate	Gage of Rutland City
Frenier of Chelsea	Van Wyck of Ferrisburgh

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

Ainsworth of Royalton	Copeland-Hanzas of	Ode of Burlington
Bissonnette of Winooski	Bradford	Quimby of Concord
Condon of Colchester	Hebert of Vernon	Yantachka of Charlotte

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

Adopting these efficiency standards is a win-win for Vermonters because we lower energy use while saving families and businesses money. I voted yes to adopt these standards because they move us forward on clean energy solutions in our communities and hopefully our country.”

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

H. 132

Rep. Viens of Newport City, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to limiting landowner liability for posting the dangers of swimming holes

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.

Message from the Senate No. 15

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

Madam Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following

title:

H. 633. An act relating to fiscal year 2018 budget adjustments.

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

Adjournment

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