

Journal of the House

Friday, February 16, 2018

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Susan Buckholz of Hartford.

Memorial Service

The Speaker placed before the House the following name of the member of past sessions of the Vermont General Assembly who had passed away recently:

Michael P. Harty of Rockingham Member of the House,
Sessions 1983-1984

Thereupon, the members of the House rose for a moment of silence in memory of the deceased member. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved family.

Message from the Senate No. 24

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 on its part passed Senate bills of the following titles:

S. 105. An act relating to consumer justice enforcement.

S. 244. An act relating to repealing the guidelines for spousal maintenance awards.

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

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 103. An act relating to the regulation of toxic substances and hazardous materials.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

Senate Bill Referred**S. 105**

Senate bill, entitled

An act relating to consumer justice enforcement

Was read and referred to the committee on Judiciary.

Senate Bill Referred**S. 244**

Senate bill, entitled

An act relating to repealing the guidelines for spousal maintenance awards

Was read and referred to the committee on Judiciary.

Third Reading; Bill Passed**H. 294**

House bill, entitled

An act relating to inquiries about an applicant's salary history

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 624**

House bill, entitled

An act relating to the protection of information in the statewide voter checklist

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 673**

House bill, entitled

An act relating to miscellaneous amendments to the Reach Up program

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 764**

House bill, entitled

An act relating to data brokers and consumer protection

Was taken up, read the third time and passed.

Second Reading; Bill Amended; Third Reading Ordered**H. 582**

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

An act relating to increased funding for the Connectivity Initiative

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

Sec. 1. 30 V.S.A. § 7523 is amended to read:

§ 7523. RATE OF CHARGE

(a) Beginning on July 1, 2014, the rate of charge shall be two percent of retail telecommunications service.

(b) Beginning on July 1, 2018 and ending on June 30, 2022, the rate of charge established under subsection (a) of this section shall be increased by one-half of one percent of retail telecommunications service, and the monies collected from this increase shall be transferred to the Connectivity Fund established under section 7516 of this title.

(c) Universal Service Charges imposed and collected by the fiscal agent under this subchapter shall not be transferred to any other fund or used to support the cost of any activity other than in the manner authorized by this section and section 7511 of this title.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Young of Glover, for the committee on Ways and Means, recommended the bill ought to pass when amended by the committee on Energy and Technology.

The bill, having appeared on the Calendar one day for notice, was taken up, read second time, and the report of the committees on Energy and Technology and Ways and Means were agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Chesnut-Tangerman of Middletown Springs** 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, 109. Nays, 27.

Those who voted in the affirmative are:

Ancel of Calais

Giambatista of Essex

Noyes of Wolcott

Bartholomew of Hartland	Gonzalez of Winooski	Ode of Burlington
Baser of Bristol	Grad of Moretown	Pajala of Londonderry
Beck of St. Johnsbury	Haas of Rochester	Partridge of Windham
Belaski of Windsor	Harrison of Chittenden	Pearce of Richford
Bissonnette of Winooski	Head of South Burlington	Poirier of Barre City
Bock of Chester	Hill of Wolcott	Potter of Clarendon
Botzow of Pownal	Hooper of Montpelier	Pugh of South Burlington
Briglin of Thetford	Hooper of Randolph	Rachelson of Burlington
Browning of Arlington	Houghton of Essex	Read of Fayston
Brumsted of Shelburne	Howard of Rutland City	Scheu of Middlebury
Buckholz of Hartford	Jessup of Middlesex	Scheuermann of Stowe
Burke of Brattleboro	Jickling of Randolph	Sharpe of Bristol
Carr of Brandon	Joseph of North Hero	Shaw of Pittsford
Chesnut-Tangerman of Middletown Springs	Juskiewicz of Cambridge	Sibilia of Dover *
Christensen of Weathersfield	Keefe of Manchester	Smith of New Haven
Christie of Hartford	Kimbell of Woodstock	Squirrell of Underhill
Cina of Burlington	Kitzmillier of Montpelier	Strong of Albany
Colburn of Burlington	Krowinski of Burlington	Stuart of Brattleboro
Conlon of Cornwall	Lalonde of South Burlington	Sullivan of Dorset
Connor of Fairfield	Lanpher of Vergennes	Sullivan of Burlington
Connor of Fairfield	Lefebvre of Newark	Taylor of Colchester
Conquest of Newbury	Lippert of Hinesburg	Till of Jericho
Copeland-Hanzas of Bradford	Long of Newfane	Toleno of Brattleboro
Corcoran of Bennington	Lucke of Hartford	Toll of Danville
Dakin of Colchester	Macaig of Williston	Townsend of South Burlington
Deen of Westminster	Masland of Thetford	Trieber of Rockingham
Devereux of Mount Holly	McCormack of Burlington	Troiano of Stannard
Donahue of Northfield	McCoy of Poultney	Walz of Barre City
Donovan of Burlington	McCullough of Williston	Webb of Shelburne
Dunn of Essex	McFaun of Barre Town	Willhoit of St. Johnsbury
Emmons of Springfield	Miller of Shaftsbury	Wood of Waterbury
Fields of Bennington	Morris of Bennington	Yacovone of Morristown
Forguites of Springfield	Morrissey of Bennington	Yantachka of Charlotte *
Gage of Rutland City	Mrowicki of Putney	Young of Glover *
Gannon of Wilmington	Myers of Essex	
Gardner of Richmond	Nolan of Morristown	
	Norris of Shoreham	

Those who voted in the negative are:

Bancroft of Westford *	Frenier of Chelsea	Parent of St. Albans Town
Batchelor of Derby	Gamache of Swanton	Quimby of Concord
Beyor of Highgate	Graham of Williamstown	Savage of Swanton
Brennan of Colchester	Helm of Fair Haven	Terenzini of Rutland Town
Burditt of West Rutland	Higley of Lowell	Turner of Milton *
Canfield of Fair Haven	LaClair of Barre Town	Van Wyck of Ferrisburgh
Cupoli of Rutland City	Lawrence of Lyndon	Viens of Newport City *
Dickinson of St. Albans Town	Lewis of Berlin	Wright of Burlington
Feltus of Lyndon	Marcotte of Coventry	
	Martel of Waterford *	

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

Ainsworth of Royalton	Mattos of Milton	Smith of Derby
Condon of Colchester	Murphy of Fairfax	Stevens of Waterbury
Fagan of Rutland City	O'Sullivan of Burlington	Weed of Enosburgh
Hebert of Vernon	Rosenquist of Georgia	
Keenan of St. Albans City	Sheldon of Middlebury	

Rep. Bancroft of Westford explained his vote as follows:

“Madam Speaker:

While I support the objective of this bill, I cannot vote for it unless I am provided with a better understanding of the historical transfers from the Universal Service Fund to the Connectivity Fund and the use of these transferred monies. I also want to know, if the Service Fund assessment is not increased to 2.5%, is it reasonable to believe there will be between \$1.5 and \$2 million in the Universal Service Fund that can be transferred to the Connectivity Fund.”

Rep. Martel of Waterford explained her vote as follows:

“Madam Speaker:

I voted no on bill H.582.

I am sick of this body always tacking a ‘little bit’ on our utility bills to raise money, as it never stops and it always ends up with increases, all we do is continue to pay, pay, pay, and it never disappears, another foot in the door.”

Rep. Sibilia of Dover explained her vote as follows:

“Madam Speaker:

All Vermonters deserve to be connected to modern life.”

Rep. Turner of Milton explained his vote as follows:

“Madam Speaker:

I support expanding high speed internet to all Vermonters. However, I am opposed to increasing the USF fee/tax which has been robbed before on the premise it will be restored in four years. Thank you.”

Rep. Viens of Newport City explained his vote as follows:

“Madam Speaker:

Connectivity in rural Vermont is critical, but until we get a true cost and a plan to implement this service I cannot support this bill.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Madam Speaker:

I vote yes. Economic development requires investment. Even a small investment is better than none.”

Rep. Young of Glover explained his vote as follows:

“Madam Speaker:

I supported the bill to bring basic infrastructure to my communities. In 2018 it is time to join the 21st century. We talk about bringing young people to Vermont, but without action it is just talk. I thank the body for taking action, because doing nothing is not an economic development strategy for rural Vermont.”

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

H. 581

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

An act relating to Connectivity Initiative grant eligibility

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

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

Sec. 1. 30 V.S.A. § 7515b is amended to read:

§ 7515b. CONNECTIVITY INITIATIVE

(a) The purpose of the Connectivity Initiative is to provide each service location in Vermont access to Internet service that is capable of speeds of at least 10 Mbps download and 1 Mbps upload, or the FCC speed requirements established under Connect America Fund Phase II, whichever is higher, beginning with locations not served as of December 31, 2013 according to the minimum technical service characteristic objectives applicable at that time. Within this category of service locations, priority shall be given first to unserved and then to underserved locations. As used in this section, “unserved” means a location having access to only satellite or dial-up Internet service and “underserved” means a location having access to Internet service with speeds that exceed satellite and dial-up speeds but are less than 4 Mbps download and 1 Mbps upload. Any new services funded in whole or in part by monies from this Initiative shall be capable of being continuously upgraded to reflect the best available, most economically feasible service capabilities.

(b) The Department of Public Service shall publish annually a list of

census blocks eligible for funding based on the Department's most recent broadband mapping data. The Department annually shall solicit proposals from service providers to deploy broadband to eligible census blocks. Funding shall be available for capital improvements only, not for operating and maintenance expenses. The Department shall give priority to proposals that reflect the lowest cost of providing services to unserved and underserved locations; however, the Department also shall consider:

- (1) the proposed data transfer rates and other data transmission characteristics of services that would be available to consumers;
- (2) the price to consumers of services;
- (3) the proposed cost to consumers of any new construction, equipment installation service, or facility required to obtain service;
- (4) whether the proposal would use the best available technology that is economically feasible;
- (5) the availability of service of comparable quality and speed; and
- (6) the objectives of the State's Telecommunications Plan.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Which was agreed to. Thereupon, third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 843

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

An act relating to technical corrections

Reported in favor of its passage when amended as follows:

First: In Secs. 17 and 18 (deleted sections), by striking the sections in their entirety and inserting in lieu thereof new Secs. 17 and 18 to read as follows:

Sec. 17. 6 V.S.A. § 363 is amended to read:

§ 363. DEFINITIONS

~~When~~ As used in this chapter:

* * *

- (7) "Guaranteed analysis" means:

* * *

(B) in reference to agricultural lime or agricultural liming material, the minimum percentages of calcium oxide and magnesium oxide ~~and/or~~ or calcium carbonate and the calcium carbonate equivalent, or both, as claimed by the manufacturer or producer of the product.

* * *

Sec. 18. 6 V.S.A. § 365 is amended to read:

§ 365. LABELS

* * *

(c)(1) If the Secretary finds that a requirement for expressing calcium and magnesium in elemental form would not impose an economic hardship on distributors and users of agricultural liming materials by reason of conflicting label requirements among states, he or she may require by rule that the minimum percent of calcium oxide and magnesium oxide ~~and/or~~ or calcium carbonate and magnesium carbonate, or both, shall be expressed in the following terms:

Total Calcium (Ca)	percent
Total Magnesium (Mg)	percent

* * *

Second: In Sec. 115, 20 V.S.A. § 363, in the fourth sentence, by inserting the words "or above" following the words "first sergeant" prior to the punctuation both times those words appear.

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

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

H. 868

Rep. Morris of Bennington moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to mitigating statewide systemic racism

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

Adjournment

At twelve o'clock and five minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until Tuesday, February 20, 2018, at

ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 47.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 239

House concurrent resolution congratulating the 2017 Class of Boy Scout Eagle rank recipients in Vermont;

H.C.R. 240

House concurrent resolution in memory of former Representative Gordon N. Stafford of Brighton;

H.C.R. 241

House concurrent resolution honoring former Bethel Town Clerk and Treasurer Jean Burnham for her nearly half century of illustrious municipal public service;

H.C.R. 242

House concurrent resolution congratulating the U-32 High School Raiders on winning a fifth consecutive boys' outdoor track and field championship;

H.C.R. 243

House concurrent resolution in memory of John T. Ewing of Burlington;

H.C.R. 244

House concurrent resolution designating February 13, 2018 as Suicide Prevention Awareness Day at the State House;

H.C.R. 245

House concurrent resolution congratulating the Vermont Youth Conservation Corps on winning both a U.S. Forest Service Culture of Inclusion Award and The Corps Network's recognition for the Health Care Share program;

H.C.R. 246

House concurrent resolution honoring Vermont State Police Lieutenant Matthew Nally Sr. of Cabot for his exemplary public service as a law enforcement officer;

H.C.R. 247

House concurrent resolution honoring Patrick Scheidel for his exemplary 27-year career as Essex Town Manager;

H.C.R. 248

House concurrent resolution in memory of Vermont National Guard Sergeant Major Michael Evan Cram of Milton;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2017, seventy-fourth Biennial session.]