

# Journal of the House

---

**Tuesday, March 13, 2018**

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

## **Devotional Exercises**

Devotional exercises were conducted by Pastor Peter Fiske, The Church at Prison Inc., Jericho, VT.

## **Pledge of Allegiance**

Page Brodie Brown of Washington led the House in the Pledge of Allegiance.

## **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. 920**

By the committee on Energy and Technology,  
An act relating to the authority of the Agency of Digital Services;  
Pursuant to House rule 48, bill placed on the Calendar for notice.

### **H. 921**

By the committee on Human Services,  
An act relating to nursing home oversight;  
Pursuant to House rule 48, bill placed on the Calendar for notice.

## **Senate Bill Referred**

### **S. 55**

Senate bill, entitled  
An act relating to the disposition of unlawful and abandoned firearms  
Was read and referred to the committee on Judiciary.

## **Senate Bill Referred**

### **S. 120**

Senate bill, entitled  
An act relating to the persons authorized to make contributions to

candidates and political parties

Was read and referred to the committee on Government Operations.

**Senate Bill Referred**

**S. 175**

Senate bill, entitled

An act relating to the wholesale importation of prescription drugs into Vermont, bulk purchasing, and the impact of prescription drug costs on health insurance premiums

Was read and referred to the committee on Health Care.

**Senate Bill Referred**

**S. 216**

Senate bill, entitled

An act relating to the administration of Vermont's Medical Marijuana Registry

Was read and referred to the committee on Human Services.

**Senate Bill Referred**

**S. 221**

Senate bill, entitled

An act relating to establishing extreme risk protection orders

Was read and referred to the committee on Judiciary.

**Senate Bill Referred**

**S. 282**

Senate bill, entitled

An act relating to health care providers participating in Vermont's Medicaid program

Was read and referred to the committee on Health Care.

**Bill Referred to Committee on Ways and Means**

**H. 548**

House bill, entitled

An act relating to limiting additional TIF districts

Appearing on the Calendar, affecting the revenue of the state, under rule

---

35(a), was referred to the committee on Ways and Means.

**Bill Referred to Committee on Ways and Means**

**H. 560**

House bill, entitled

An act relating to household products containing hazardous substances

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

**Bill Referred to Committee on Ways and Means**

**H. 676**

House bill, entitled

An act relating to miscellaneous energy subjects

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

**Bill Referred to Committee on Ways and Means**

**H. 710**

House bill, entitled

An act relating to beer and wine franchises

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

**Bill Referred to Committee on Ways and Means**

**H. 785**

House bill, entitled

An act relating to housing and affordability

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

**Bill Referred to Committee on Ways and Means**

**H. 918**

House bill, entitled

An act relating to taxation of aircraft fuel

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

**Bill Referred to Committee on Appropriations****H. 404**

House bill, entitled

An act relating to Medicaid reimbursement for long-acting reversible contraceptives

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

**Bill Referred to Committee on Appropriations****H. 429**

House bill, entitled

An act relating to establishment of a communication facilitator program

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

**Bill Referred to Committee on Appropriations****H. 767**

House bill, entitled

An act relating to adopting the ThinkVermont Innovation Initiative

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

**Bill Referred to Committee on Appropriations****H. 777**

House bill, entitled

An act relating to the Clean Water State Revolving Loan Fund

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

**Bill Referred to Committee on Appropriations****H. 913**

House bill, entitled

An act relating to boards and commissions

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

---

**Bill Referred to Committee on Appropriations****H. 916**

House bill, entitled

An act relating to increasing the moral obligation authority of the Vermont Economic Development Authority

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

**Bill Referred to Committee on Appropriations****H. 917**

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to transportation-related law

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

**Bill Referred to Committee on Appropriations****H. 919**

House bill, entitled

An act relating to workforce development

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

**Message from Governor**

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

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the eighth day of March 2018, he signed a bill originating in the House of the following title:

**H. 694 An act relating to captive insurance companies**

**Third Reading; Bill Passed****H. 378**

House bill, entitled

An act relating to the creation of the Artificial Intelligence Commission

Was taken up, read the third time and passed.

**Third Reading; Bill Passed**

**H. 615**

House bill, entitled

An act relating to prohibiting the use of drones near correctional facilities

Was taken up, read the third time and passed.

**Third Reading; Bill Passed**

**H. 726**

House bill, entitled

An act relating to creating a voluntary pollinator-friendly standard for solar arrays

Was taken up, read the third time and passed.

**Third Reading; Bill Passed**

**H. 806**

House bill, entitled

An act relating to the Southeast State Correctional Facility Study Committee

Was taken up, read the third time and passed.

**Third Reading; Bill Passed**

**H. 881**

House bill, entitled

An act relating to corrective action plans under Act 250

Was taken up, read the third time and passed.

**Third Reading; Bill Passed**

**H. 904**

House bill, entitled

An act relating to miscellaneous agricultural subjects

Was taken up, read the third time and passed.

---

**Action on Bill Postponed****H. 859**

House bill, entitled

An act relating to requiring municipal corporations to affirmatively vote to retain ownership of lease lands

Was taken up and pending the third reading of the bill, on motion of **Rep. Townsend of South Burlington**, action on the bill was postponed until March 15, 2018.

**Committee Bill; Second Reading; Third Reading Ordered****H. 908**

**Rep. Kitzmiller of Montpelier** spoke for the committee on Government Operations.

House bill entitled

An act relating to the Administrative Procedure Act

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Committee Bill; Second Reading; Third Reading Ordered****H. 909**

**Rep. Murphy of Fairfax** spoke for the committee on Transportation.

House bill entitled

An act relating to technical and clarifying changes in transportation-related laws

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Committee Bill; Second Reading; Third Reading Ordered****H. 906**

**Rep. Christie of Hartford** spoke for the committee on General, Housing, and Military Affairs.

House bill entitled

An act relating to professional licensing for service members and veterans

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

---

**Committee Bill; Second Reading; Third Reading Ordered****H. 910**

**Rep. Harrison of Chittenden** spoke for the committee on Government Operations.

House bill entitled

An act relating to the Open Meeting Law and the Public Records Act

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Second Reading; Bill Amended; Third Reading Ordered****H. 599**

**Rep. Smith of Derby**, for the committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to games of chance organized by nonprofit organizations

Reported in favor of its passage when amended as follows:

First: In Sec. 1, 13 V.S.A. § 2143, by striking out subdivision (a)(1)(B) in its entirety and inserting in lieu thereof a new subdivision (a)(1)(B) to read:

(B) A nonprofit organization, as defined in 31 V.S.A. § 1201(5), may organize and execute and a member of that organization may participate in lotteries, raffles, and other games of chance in which all of the proceeds are awarded as prizes to the members that participated. An individual who is not a member of the nonprofit organization shall not be allowed to participate in a lottery, raffle, or other game of chance organized under this subdivision (B).

Second: In Sec. 1, 13 V.S.A. § 2143, after subdivision (d)(4) and prior to the ellipsis, by inserting the following:

(e) Games of chance shall be limited as follows:

(1) All Except as otherwise provided pursuant to subdivision (a)(1)(B) of this section, all proceeds raised by a game of chance shall be used exclusively for charitable, religious, educational, and civic undertakings after deducting:

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



---

**Action on Bill Postponed****H. 856**

House bill, entitled

An act relating to miscellaneous amendments to municipal law

Was taken up and pending the reading of the report of the committee on Government Operations, on motion of **Rep. LaClair of Barre Town**, action on the bill was postponed until March 14, 2018.

**Second Reading; Bill Amended; Third Reading Ordered****H. 874**

**Rep. Taylor of Colchester**, for the committee on Corrections and Institutions, to which had been referred House bill, entitled

An act relating to inmate access to prescription drugs

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

Sec. 1. 28 V.S.A. § 801 is amended to read:

§ 801. MEDICAL CARE OF INMATES

\* \* \*

(e)(1) Except as otherwise provided in this subsection, an offender who is admitted to a correctional facility while under the medical care of a licensed physician, ~~a licensed physician assistant, or a licensed advanced practice registered nurse, or a licensed nurse practitioner~~ and who is taking medication at the time of admission pursuant to a valid prescription as verified by the inmate's pharmacy of record, primary care provider, other licensed care provider, or as verified by the Vermont Prescription Monitoring System or other prescription monitoring or information system shall be entitled to continue that medication and to be provided that medication by the Department pending an evaluation by a licensed physician, a licensed physician assistant, ~~a licensed nurse practitioner~~, or a licensed advanced practice registered nurse.

(2) ~~However, Notwithstanding subdivision (e)(1) of this section,~~ the Department may defer provision of a validly prescribed medication in accordance with this subsection if, in the clinical judgment of a licensed physician, a physician assistant, ~~a nurse practitioner~~, or an advanced practice registered nurse, it is not in the inmate's best ~~interest~~ interests to continue the medication at that time.

(3) The licensed practitioner who makes the clinical judgment to

discontinue a medication shall enter cause the reason for the discontinuance to be entered into the inmate's permanent medical record, specifically stating the reason for the discontinuance. If the inmate provides a signed release of information, the Department shall follow up in writing with the practitioner who prescribed the medication to notify him or her of the decision. The inmate shall also be provided with a specific explanation of the decision, both orally and in writing.

(4) It is not the intent of the General Assembly that this subsection shall create a new or additional private right of action.

\* \* \*

## Sec. 2. DATA COLLECTION

(a) The Department of Corrections shall collect information on: how often a medication for which an inmate has a valid prescription is continued or discontinued upon incarceration at each correctional facility, the name of the medication, and the reason for discontinuance.

(b) The Department shall collect this information for a period of at least six months and provide a written report of its findings based on the data collected, including a breakdown by correctional facility of record, to the House Committee on Corrections and Institutions and the Senate Committee on Institutions on or before January 31, 2019. Prior to finalizing the report, the Department shall consult with the Prisoners' Rights Office and Disability Rights Vermont.

(c) Nothing in this section shall require the Department to reveal individually identifiable health information in violation of State or federal law.

## Sec. 3. EFFECTIVE DATES

(a) This section and Sec. 2 shall take effect on passage.

(b) Sec. 1 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, report of the committee on Corrections and Institutions agreed to and third reading ordered.

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

**H. 771**

**Rep. Fields of Bennington**, for the committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to the Vermont National Guard

---

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.

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

**H. 894**

**Rep. Devereux of Mount Holly**, spoke for the committee on Government Operations.

House bill entitled

An act relating to pensions, retirement, and setting the contribution rates for municipal employees

**Rep. Lucke of Hartford**, for the committee on Ways and Means 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. 150**

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

An act relating to parole eligibility

The Senate proposes to the House to amend the bill as follows:

In Sec. 3 (EFFECTIVE DATE), by striking out the following: “2017” and inserting in lieu thereof the following: 2018

Which proposal of amendment was considered and concurred in.

**Committee Bill; Second Reading; Third Reading Ordered**

**H. 912**

**Rep. Donahue of Northfield** spoke for the committee on Health Care.

House bill entitled

An act relating to the health care regulatory duties of the Green Mountain Care Board

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Recess**

At twelve o'clock noon, the Speaker declared a recess until two o'clock in

the afternoon.

At two o'clock and twenty-one minutes in the afternoon, the Speaker called the House to order.

**Committee Bill; Second Reading; Third Reading Ordered**

**H. 915**

**Rep. Smith of New Haven** spoke for the committee on Agriculture and Forestry.

House bill entitled

An act relating to the protection of pollinators

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

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

**H. 739**

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

An act relating to energy productivity investments under the self-managed energy efficiency 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. 30 V.S.A. § 209 is amended to read:

§ 209. JURISDICTION; GENERAL SCOPE

\* \* \*

(j) Self-managed energy efficiency programs.

(1) There shall be a class of self-managed energy efficiency programs for transmission and industrial electric ratepayers only.

(2) The Commission, by order, shall enact this class of programs.

(3) Entities approved to participate in the self-managed energy efficiency program class shall be exempt from all statewide charges under subdivision (d)(3) of this section that support energy efficiency programs performed by or on behalf of Vermont electric utilities. If an electric ratepayer approved to participate in this program class also is a customer of a natural gas utility, the ratepayer shall be exempt from all charges under subdivision (d)(3) of this section or contained within the rates charged by the natural gas utility to the ratepayer that support energy efficiency programs performed by or on

behalf of that utility, provided that the ratepayer complies with this subsection.

(4) All of the following shall apply to a class of programs under this subsection:

(A) A member of the transmission or industrial electric rate classes shall be eligible to apply to participate in the self-managed energy efficiency program class if the charges to the applicant, or to its predecessor in interest at the served property, under subdivision (d)(3) of this section were a minimum of:

(i) \$1.5 million during calendar year 2008; or

(ii) \$1.5 million during calendar year 2017.

(B) A cost-based fee to be determined by the Commission shall be charged to the applicant to cover the administrative costs, including savings verification, incurred by the Commission and Department. The Commission shall determine procedures for savings verification. Such procedures shall be consistent with savings verification procedures established for entities appointed under subdivision (d)(2) of this section.

(C) An applicant shall demonstrate to the Commission that it has a comprehensive energy management program with annual objectives. Achievement of certification of ISO standard 14001 shall be eligible to satisfy the requirements of having a comprehensive program.

(D) An applicant eligible pursuant to subdivision (A)(i) of this subdivision (j)(4) shall commit to an annual average energy efficiency investment in energy efficiency and productivity programs and measures during each three-year period that the applicant participates in the program of not less than \$1 million. An applicant eligible pursuant to subdivision (A)(ii) of this subdivision (j)(4) shall commit to an annual average investment in energy efficiency and productivity programs and measures during each three-year period that the applicant participates in the program of not less than \$500,000.00. To achieve the exemption from energy efficiency charges related to natural gas under subdivision (3) of this subsection (j), ~~the~~ an applicant shall make an additional annual energy efficiency investment in an amount not less than \$55,000.00. As used in this subsection (j), “productivity programs and measures” means investments that reduce the amount of energy required to produce a unit of product.

(E) Participation in the self-managed program includes efficiency and productivity programs and measures applicable to electric and other forms of energy. A participant may balance efficiency investments in such programs and measures across all types of energy or fuels without limitations.

(F) A participant shall provide to the Commission and Department annually an accounting of energy investments in energy efficiency and productivity programs and measures and the resultant energy savings in the form prescribed by the Commission, which may conduct reasonable audits to ensure the accuracy of the data provided.

(G) The Commission shall report to the General Assembly annually by on or before April 30 concerning the prior calendar year's class of self-managed energy efficiency programs. The report shall include identification of participants, their annual investments, and resulting savings, and any actions taken to exclude entities from the program.

(H) Upon approval of an application by the Commission, the applicant shall be able to participate in the class of self-managed energy efficiency programs.

(I) On a determination that, for a given three-year period, a participant in the self-managed efficiency program class did not meet or has not met the commitment required by subdivision ~~(4)(D)~~ of this ~~subsection~~ subdivision (j)(4), the Commission shall terminate the participant's eligibility for the self-managed program class.

(i) On such termination, the former participant will be subject fully to the then existing charges applicable to its rate class without exemption under subdivision (3) of this subsection (j), and within 90 days of after such termination shall pay:

(I) the difference between the investment it made pursuant to the self-managed energy efficiency program during the three-year period of noncompliance and the full amount of the charges and rates related to energy efficiency it would have incurred during that period absent exemption under subdivision (3) of this subsection (j); and

(II) the difference between the investment it made pursuant to the program within the current three-year period, if different from the period of noncompliance, and the full amount of the charges and rates related to energy efficiency it would have incurred during the current period absent exemption under subdivision (3) of this subsection (j).

(ii) Payments under subdivision ~~(4)(I)(i)~~ of this ~~subsection~~ subdivision (4)(I) shall be made to the entities to which the full amount of charges and rates would have been paid absent exemption under subdivision (3) of this subsection (j).

(iii) A former participant may not reapply for membership in the self-managed program after termination under this subdivision ~~(4)(I)~~.

(J) A participant in the self-managed program class may request confidentiality of data it reports to the Commission if the data would qualify for exemption from disclosure under 1 V.S.A. § 317. If such confidentiality is requested, the Commission shall disclose the data only in accordance with a protective agreement approved by the Commission and signed by the recipient of the data, unless a court orders otherwise.

(K) Any data not subject to a confidentiality request under subdivision (4)(J) of this ~~subsection~~ subdivision (4) will be a public record.

(L) A participant in the self-managed program class may submit projects to the independent system operator of New England, including through recognized aggregators, for payments under that operator's forward capacity market program, and shall invest such payments in electric or fuel efficiency.

(M) A participant in the self-managed program class may receive funding from an energy program administered by a government or other entity ~~which that~~ that is not the participant ~~but and~~ and may ~~not~~ count such funds received as part of the annual commitment to its self-managed energy efficiency program.

\* \* \*

## Sec. 2. ENERGY SAVINGS ACCOUNT PARTNERSHIP PILOT

(a) Definitions. As used in this section:

(1) "ACCD" means the Agency of Commerce and Community Development under 3 V.S.A. chapter 47.

(2) "Commission" means the Public Utility Commission under 30 V.S.A. § 3.

(3) "Customer" means a commercial or industrial electric customer that is located in a service territory in which Efficiency Vermont delivers energy efficiency programs and measures and that does not qualify for SMEEP.

(4) "Customer EEC Funds" means a customer's EEC payments during the period of the ESA partnership project.

(5) "Department" means the Department of Public Service under 3 V.S.A. § 212 and 30 V.S.A. § 1.

(6) "EEC" means an energy efficiency charge on a customer's retail electric bill under 30 V.S.A. § 209(d).

(7) "Efficiency Vermont" or "EVT" means the EEU whose appointment under 30 V.S.A. § 209(d)(2) includes the delivery of programs and measures to customers of multiple electric distribution utilities.

(8) “Energy efficiency utility” or “EEU” means an entity appointed to deliver energy efficiency and conservation programs and measures under 30 V.S.A. § 209(d)(2).

(9) “ESA” means an energy savings account under 30 V.S.A. § 209(d)(3)(B).

(10) “ESA Partnership Pilot” means the three-year pilot program established by this section.

(11) “Productivity measures” means investments that reduce the amount of energy required to produce a unit of product.

(12) “SMEEP” means the self-managed energy efficiency program established under 30 V.S.A. § 209(j).

(13) “Standing committees of jurisdiction” means the House Committee on Energy and Technology and the Senate Committees on Finance and on Natural Resources and Energy.

(14) “Unregulated fuel” shall have the same meaning as in 30 V.S.A. § 209(e).

(b) ESA Partnership Pilot; establishment. On or before July 1, 2019, the Commission by rule or order shall establish a three-year pilot program for customers to self-direct the use of their Customer EEC Funds, working with EVT. The total amount of Customer EEC Funds available in the pilot program each year shall not exceed \$2 million. The pilot program established under this section shall be an expansion of the ESA option under which:

(1) Notwithstanding any contrary provision of 30 V.S.A. § 209(d)(3)(B), the customer shall be able to receive an amount equal to 100 percent of its Customer EEC Funds to pay for the full cost of projects that are eligible under subdivision (3) of this subsection; for technical assistance and other services from Efficiency Vermont; and for evaluation, measurement, and verification activity conducted by the Department or EVT.

(2) The customer may receive payments in advance of project completion from EVT based on the energy management plan submitted under subsection (d) of this section, estimated project costs, and projected energy savings. However, a customer shall not receive advance payments from EVT that exceed the amount of Customer EEC Funds the customer has already paid.

(3) Notwithstanding any contrary provision of 30 V.S.A. § 209, the Customer EEC Funds may be used for one or more of the following: electric energy efficiency, thermal energy and process-fuel efficiency for unregulated fuels, productivity measures, demand management, and energy storage that provides benefits to the customer and its interconnecting utility.



(c) Methodology for evaluation, measurement, and verification. In its rule or order under subsection (b) of this section, the Commission shall establish a methodology for evaluation, measurement, and verification of projects implemented under the pilot that is consistent with the requirements of 30 V.S.A. § 218c and that includes cost-effectiveness screening that values energy savings across the customer's energy portfolio and non-energy benefits such as economic development. As used in this subsection, "economic development" includes job creation, job retention, and capital investment.

(1) This methodology may be considered for future establishment of EEU performance criteria under 30 V.S.A. § 209(d).

(2) EVT and the Department shall evaluate and verify the electricity savings of each project funded under the ESA Partnership Pilot with no less rigor than is required by the Independent System Operator of New England (ISO-NE) for the ISO-NE's forward capacity market.

(c) Competitive solicitation. A customer shall apply to participate in the ESA Partnership Pilot through a competitive solicitation process conducted jointly by EVT, the Department, and ACCD.

(1) Promptly after the Commission's rule or order under subsection (b) of this section becomes effective, EVT, the Department, and ACCD shall establish criteria for customer selection that are consistent with that rule or order and that take into account energy efficiency and economic development.

(2) On establishment of the selection criteria, EVT, the Department, and ACCD jointly shall issue a request for proposals (RFP) from customers seeking to participate in the ESA Partnership Pilot.

(3) EVT, the Department, and ACCD jointly shall select customers to participate in the ESA Partnership Pilot from among the customers that timely submit proposals in response to the RFP and shall notify the Commission of the selected customers.

(4) If EVT, the Department, and ACCD are unable to resolve an issue arising under this subsection, they shall bring the issue to the Commission for resolution.

(5) Customer selection under this subsection shall be completed before July 1, 2019.

(d) Energy management plans. Working with EVT, each customer selected for the ESA Partnership Pilot shall develop an energy management plan for the three-year period of the pilot with projects to be implemented, energy savings targets, and a timeline for projects and investments. A copy of each plan shall be submitted to the Commission, the Department, and ACCD.

(e) Other EEU services. A customer that participates in the ESA Partnership Pilot shall not be eligible for other EEU services, except for an EEU appointed to deliver natural gas efficiency programs and measures.

(f) Other funding. A customer that participates in the ESA Partnership Pilot may receive funding from an energy program administered by a government or other person that is not the participant, including an EEU appointed to deliver natural gas efficiency services, but shall not count such funds as part of the investment commitment of the ESA Partnership Pilot.

(g) Unused funds. At the end of the ESA Partnership Pilot, any Customer EEC Funds that have not been expended or committed under the pilot shall revert to use for systemwide energy efficiency programs and measures.

(h) Annual reports. On or before each November 1 from 2020 through 2022, the EVT and the selected customers jointly shall submit written progress reports to the Commission, the Department, and the standing committees of jurisdiction that include projects under the ESA Partnership Pilot and their associated energy and cost savings. A customer's projects under the pilot and the associated data and results shall be made public through this report. However, a customer may request that the Commission order customer-specific data to be used in preparing a report under this subsection be kept confidential if the data would qualify for exemption from disclosure under 1 V.S.A. § 317. If the Commission issues such an order, the data subject to the order shall be disclosed only in accordance with a protective agreement approved by the Commission and signed by the recipient of the data, unless a court directs otherwise.

(i) Evaluation; recommendation. On completion of the ESA Partnership Pilot, the Commission shall conduct or shall have a third party conduct an independent evaluation of the ESA Partnership Pilot and, after considering the results of that evaluation, shall submit a written recommendation to the standing committees of jurisdiction on whether to continue the program conducted under this section and, if so, under what recommended conditions and revisions, if any. The Commission shall submit this recommendation on or before January 15, 2023.

### Sec. 3. 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, report of the committee on Energy and Technology agreed to and third reading ordered.

---

**Second Reading; Bill Amended; Third Reading Ordered****H. 854**

**Rep. Sullivan of Dorset**, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to promoting television and film production

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

**Sec. 1. WORKFORCE DEVELOPMENT OPPORTUNITIES;****TELEVISION AND FILM PRODUCTION**

The Department of Labor, in partnership with the Agency of Commerce and Community Development and the Career Pathways Coordinator within the Agency of Education, shall have the authority to explore means to expand and encourage apprenticeship, CTE, Career Pathways, and continuing education opportunities in television and film production. The Department and its partners shall have the further authority to conduct outreach to middle school, high school, and postsecondary students to gauge interest and need for opportunities in this field.

**Sec. 2. TELEVISION AND FILM PRODUCTION; RECRUITMENT****STRATEGY; IMPACT STATEMENT**

On or before January 15, 2019, the Agency of Commerce and Community Development shall consider and report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs on a recommended strategy for attracting television and film production activities to Vermont and include an economic impact statement specifying potential revenues from increased activities.

**Sec. 3. EFFECTIVE DATE**

This act shall take effect on passage.

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

**Committee Bill; Second Reading; Action Postponed****H. 907**

House bill entitled

An act relating to improving rental housing safety

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? on motion of **Rep. Savage of Swanton**, action on the bill was postponed until the end of the orders of the day.

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

**H. 620**

**Rep. Kimbell of Woodstock** for the committee on Commerce and Economic Development, to which had been referred House bill entitled,

An act relating to State-owned airports and economic development

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

Sec. 1. STATE ECONOMIC DEVELOPMENT MARKETING PLAN;

MARKETING OF STATE-OWNED AIRPORTS

(a)(1) On or before January 15, 2019, the Secretary of Commerce and Community Development (Secretary), in consultation with the Secretary of Transportation, the legislative body of the municipality in which the airport is located, regional development corporations, regional planning commissions, the Vermont Chamber of Commerce, the Vermont Aviation Council, State airport committees, and any other interested persons, shall update the State's Economic Development Marketing Plan to incorporate the marketing of State-owned airports.

(2) In updating the Marketing Plan, the Secretary shall consider the State Aviation Systems Plan and shall address economic development opportunities with respect to each State-owned airport, including the recruitment and expansion of businesses involved in the development and commercialization of next-generation aeronautics technologies.

(b) On or before January 15, 2019, the Secretary shall submit the updated Marketing Plan to the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, and the House and Senate Committees on Transportation.

Sec. 2. CHARGING STATIONS AND RENEWABLE ENERGY PLANTS

AT STATE-OWNED AIRPORTS; FEASIBILITY EVALUATION

(a) As used in this section:

(1) "Renewable energy" shall have the same meaning as in 30 V.S.A. § 8002.

(2) “Renewable energy generating plant” means real and personal property, including any equipment, structure, or facility, used for or directly related to the generation of electricity from renewable energy.

(b) On or before January 15, 2019, for each State-owned airport, the Agency of Transportation shall evaluate the feasibility of:

(1) the installation of electric vehicle charging stations at the airport;

(2) the installation of electric aircraft charging stations at the airport;  
and

(3) the siting of one or more renewable energy generating plants at the airport.

Sec. 3. 5 V.S.A. § 807 is amended to read:

§ 807. LEASE FOR AIRCRAFT HANGARS AND OTHER STRUCTURES;  
LEASE TO BUSINESS ENTITIES

(a) A designated area or areas on the airport may be leased to a person for the purpose of constructing aircraft hangars, repair shops, or other structures compatible with the use and operation of the airport.

(b) A designated area or areas on the airport may also be leased to any business entity consistent with Federal Aviation Administration requirements.

Sec. 4. DEVELOPMENT OF AEROSPACE SECTOR IN VERMONT;  
APPROPRIATION

(a) In fiscal year 2019, the amount of \$25,000.00 is appropriated from the General Fund to the Vermont Chamber of Commerce to continue its activities to promote development of the Vermont aerospace sector and associated supply chain throughout the State.

(b) The General Assembly intends that both the appropriation in subsection (a) of this section as well as the 2017 extension of the aviation sales and use tax exemption in 32 V.S.A. § 9741(29) promote development of the Vermont aerospace sector and associated supply chain throughout the State.

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 1–3 shall take effect on passage.

(b) Sec. 4 shall take effect on July 1, 2018.

**Rep. Dakin of Colchester**, for the committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the committee on Commerce and Economic Development and when further amended as follows:

By striking out Secs. 4–5 in their entirety and inserting in lieu thereof the following:

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Commerce and Economic Development was amended as recommended by the committee on Appropriations. Report of the committee on Commerce and Economic Development, as amended, agreed to and third reading ordered.

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

**H. 660**

**Rep. Lalonde of South Burlington** for the committee on Judiciary, to which had been referred House bill entitled,

An act relating to establishing the Geographic Justice Criminal Code Reclassification Commission

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

Sec. 1. COMMISSION ON SENTENCING DISPARITIES AND CRIMINAL

CODE RECLASSIFICATION

(a) Findings. The General Assembly finds:

(1) Vermont lacks a structured criminal offense system that organizes criminal penalties in a manner that appropriately and effectively reflects levels of culpability and maximizes the uniform application of criminal law throughout the State. Contrary to most states and the Model Penal Code, Vermont does not have a classification system that places every crime into a category that attempts to correlate its severity with the appropriate punishment. Rather, each offense is distinct for purposes of imprisonment and fine amount, and most offenses have a statutory maximum term of imprisonment but no minimum or recommended average. Nor has Vermont ever comprehensively reviewed its criminal statutes in order to ensure that statutory sentences reflect current knowledge and do not perpetuate archaic crimes.

(2) This structure has resulted in a lack of uniformity in Vermont's sentencing practices. Comparable crimes in different regions of the State result in very different sentences, leading to a perception that geographic justice is a systemic problem. Because of the broad sentencing range, many

sentences fall far outside statewide averages without any particular circumstances that would explain the departure. Overincarceration often results, with too many offenders sentenced for overly lengthy periods for crimes for which such punishments have not been shown to produce efficient results.

(3) The circumstances are ripe for a thorough review of Vermont's criminal sentencing law and practice in order to ensure that the justice system efficiently deploys limited resources to protect public safety, reduce recidivism, and promote geographic consistency.

(b) Creation. There is created the Commission on Sentencing Disparities and Criminal Code Reclassification to improve the consistent and uniform application of criminal justice throughout Vermont by reviewing Vermont's criminal offenses and placing each one in a standardized penalty classification system.

(c) Membership. The Commission shall be composed of the following 12 members:

(1) three current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House;

(2) three current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees;

(3) the Attorney General or designee;

(4) the Defender General or designee;

(5) a retired judge appointed by the Chief Superior Judge;

(6) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;

(7) the Executive Director of the Vermont Center for Crime Victim Services or designee; and

(8) the Executive Director of the Vermont Crime Research Group or designee.

(d) Powers and duties.

(1) The Commission shall develop a classification system that creates categories of criminal offenses on the basis of the maximum potential period of imprisonment and the maximum potential fine. The Commission shall propose legislation that places each of Vermont's criminal statutes into one of the classification offense categories it identifies.

(2) When determining the appropriate category for each offense, the

Commission shall consider whether the existing statutory penalties for the offense are appropriate or in need of adjustment better to reflect prevailing average sentencing practices and the effective uses of criminal punishment. For purposes of this analysis, the Commission shall for each offense consider the average sentence and the average amount of time actually served. If the Commission is unable to determine an appropriate classification for a particular offense, the Commission shall indicate multiple classification possibilities for that offense. Unless there is a compelling rationale, the Commission shall not propose establishing new mandatory minimum sentences or increasing existing minimum or maximum sentences.

(3) For purposes of the classification system developed pursuant to this section, the Commission shall consider the recommendations of the Criminal Code Reclassification Study Committee and may consider whether to propose:

(A) rules of statutory interpretation specifically for criminal provisions;

(B) the consistent use of mental element terminology in all criminal provisions;

(C) a comprehensive section of definitions applicable to all criminal provisions; and

(D) the decriminalization of some or all fine-only offenses and the transferal of them to the Judicial Bureau for consideration as civil offenses.

(e) Assistance. The Commission shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office and may consult with the Vermont Crime Research Group, the Vermont Law School Center for Justice Reform, formerly incarcerated Vermonters, and any other person who would be of assistance to the Commission.

(f) Report. On or before November 30, 2019, the Commission shall submit a report consisting of proposed legislation to the House and Senate Committees on Judiciary.

(g) Meetings.

(1) The Commission shall select a chair and a vice chair from among its members at the first meeting.

(2) A majority of the membership shall constitute a quorum.

(3) The Commission shall cease to exist on July 15, 2020.

(h) Reimbursement. For attendance at meetings during adjournment of the General Assembly, legislative members of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A.



§ 406. Other members of the Commission who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to reimbursement of expenses pursuant to 32 V.S.A. § 1010.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to establishing the Commission on Sentencing Disparities and Criminal Code Reclassification”

**Rep. Hooper of Montpelier**, for the committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the committee on Judiciary and when further amended as follows:

First: In Sec.1, subsection (c), by striking subdivisions (1) and (2) in their entirety and inserting in lieu thereof new subdivisions (1) and (2) to read as follows:

(1) two current members of the House of Representatives, one who is a member of the Committee on Judiciary and one who is a member of the Committee on Corrections and Institutions, who shall be appointed by the Speaker of the House;

(2) two current members of the Senate, one who is a member of the Committee on Judiciary and one who is a member of the Committee on Institutions, who shall be appointed by the Committee on Committees;

Second: In Sec. 1, subsection (g), by striking subdivision (3)) in its entirety and inserting in lieu thereof the following:

(3) The Commission shall cease to exist on July 15, 2020.

(4) The Commission shall meet no more than 8 times when the General Assembly is not in session.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Judiciary was amended as recommended by the committee on Appropriations. Report of the committee on Judiciary, as amended, agreed to and third reading ordered.

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

**H. 707**

**Rep. Stevens of Waterbury**, for the committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to the prevention of sexual harassment

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

Sec. 1. 21 V.S.A. § 495h is amended to read:

§ 495h. SEXUAL HARASSMENT

(a)(1) All employers, employment agencies, and labor organizations have an obligation to ensure a workplace free of sexual harassment.

(2) All persons who engage a person to perform work or services have an obligation to ensure a working relationship with that person that is free from sexual harassment.

\* \* \*

~~(c)(1) Employers shall provide individual copies of their written policies to current employees no later than November 1, 1993, and to new employees upon their being hired. Employers who have provided individual written notice to all employees within the 12 months prior to October 1, 1993, shall be exempt from having to provide an additional notice during the 1993 calendar year.~~

(2) If an employer makes changes to its policy against sexual harassment, it shall provide to all employees a written copy of the updated policy.

\* \* \*

~~(f)(1) Employers and labor organizations are encouraged to conduct an education and training program within one year after September 30, 1993 for all current employees and members, and for all new employees and members thereafter within one year of commencement of employment, that includes at a minimum all the information outlined in this section within one year after commencement of employment.~~

(2) Employers and labor organizations are encouraged to conduct an annual education and training program for all employees and members that includes at a minimum all the information outlined in this section.

(3) Employers are encouraged to conduct additional training for current supervisory and managerial employees and members within one year of September 30, 1993, and for new supervisory and managerial employees and members within one year of after commencement of employment or membership, which should include at a minimum the information outlined in subsection (b) of this section and, the specific responsibilities of supervisory and managerial employees, and the methods actions that these employees must take to ensure immediate and appropriate corrective action in addressing

sexual harassment complaints.

(4) Employers, labor organizations, and appropriate State agencies are encouraged to cooperate in making this training available.

(g)(1) An employer shall not require any employee or prospective employee, as a condition of employment, to sign an agreement or waiver that does either of the following:

(A) prohibits, prevents, or otherwise restricts the employee or prospective employee from opposing, disclosing, reporting, or participating in an investigation of sexual harassment; or

(B) except as otherwise permitted by State or federal law, purports to waive a substantive or procedural right or remedy available to the employee with respect to a claim of sexual harassment.

(2) Any provision of an agreement that violates subdivision (1) of this subsection shall be void and unenforceable.

(h)(1) An agreement to settle a claim of sexual harassment shall not prohibit, prevent, or otherwise restrict the employee from working for the employer or any parent company, subsidiary, division, or affiliate of the employer.

(2) An agreement to settle a sexual harassment claim shall expressly state that:

(A) it does not prohibit, prevent, or otherwise restrict the employee from doing either of the following:

(i) lodging a complaint of sexual harassment committed by any person with the Attorney General, a State's Attorney, the Human Rights Commission, the Equal Employment Opportunity Commission, or any other State or federal agency; or

(ii) testifying, assisting, or participating in any manner with an investigation related to a claim of sexual harassment conducted by the Attorney General, a State's Attorney, the Human Rights Commission, the Equal Employment Opportunity Commission, or any other State or federal agency; and

(B) it does not waive any rights or claims that may arise after the date the settlement agreement is executed.

(3) Any provision of an agreement to settle a sexual harassment claim that violates subdivision (1) or (2) of this subsection shall be void and unenforceable.

(4) Nothing in subdivision (2) of this subsection shall be construed to prevent an agreement to settle a sexual harassment claim from waiving or releasing the claimant's right to seek or obtain any remedies relating to sexual harassment of the claimant by another party to the agreement that occurred before the date on which the agreement is executed.

(i)(1)(A) For the purpose of assessing compliance with the provisions of this section, the Attorney General or designee, or, if the employer is the State, the Human Rights Commission or designee, may, with 48 hours' notice, at reasonable times and without unduly disrupting business operations enter and inspect any place of business or employment, question any person who is authorized by the employer to receive or investigate complaints of sexual harassment, and examine an employer's records, policies, procedures, and training materials related to the prevention of sexual harassment and the requirements of this section. As used in this subsection, the term "records" includes de-identified data regarding the number of complaints of sexual harassment received and the resolution of each complaint.

(B) The employer shall at reasonable times and without unduly disrupting business operations make any persons who are authorized by the employer to receive or investigate complaints of sexual harassment and any records, policies, procedures, and training materials related to the prevention of sexual harassment and the requirements of this section available to the Attorney General or designee or, if the employer is the State, the Human Rights Commission or designee.

(2) Following an inspection and examination pursuant to subdivision (1) of this subsection, the Attorney General or the Human Rights Commission shall notify the employer of the results of the inspection and examination, including any issues or deficiencies identified, provide resources regarding practices and procedures for the prevention of sexual harassment that the employer may wish to adopt or utilize, and identify any technical assistance that the Attorney General or the Human Rights Commission may be able to provide to help the employer address any identified issues or deficiencies. If the Attorney General or the Human Rights Commission determines that it is necessary to ensure the employer's workplace is free from sexual harassment, the employer may be required, for a period of up to three years, to provide an annual education and training program that satisfies the provisions of subsection (f) of this section to all employees or to conduct an annual, anonymous working-climate survey, or both.

(j) The Attorney General shall adopt rules as necessary to implement the provisions of this section.

Sec. 2. 21 V.S.A. § 495b is amended to read:

---

§ 495b. PENALTIES AND ENFORCEMENT

(a)(1) The Attorney General or a State's Attorney may enforce the provisions of this subchapter by restraining prohibited acts, seeking civil penalties, obtaining assurances of discontinuance, and conducting civil investigations in accordance with the procedures established in 9 V.S.A. §§ 2458-2461 as though an unlawful employment practice were an unfair act in commerce. Any employer, employment agency, or labor organization complained against shall have the same rights and remedies as specified therein. The Superior Courts are authorized to impose the same civil penalties and investigation costs and to order other relief to the State of Vermont or an aggrieved employee for violations of this subchapter as they are authorized to impose or order under the provisions of 9 V.S.A. §§ 2458 and 2461 in an unfair act in commerce. In addition, the Superior Courts may order restitution of wages or other benefits on behalf of an employee and may order reinstatement and other appropriate relief on behalf of an employee.

(2) Any charge or formal complaint filed by the Attorney General or a State's Attorney against a person for unlawful discrimination or sexual harassment in violation of the provisions of this chapter shall include a statement setting forth the prohibition against retaliation pursuant to subdivision 495(a)(8) of this title.

\* \* \*

Sec. 3. 9 V.S.A. § 4552 is amended to read:

§ 4552. DUTIES; JURISDICTION

\* \* \*

(b)(1) The Commission shall have jurisdiction to investigate and enforce complaints of unlawful discrimination in violation of chapter 139 of this title, discrimination in public accommodations and rental and sale of real estate. The Commission shall also have jurisdiction when the party complained against is a State agency in matters for which the Attorney General would otherwise have jurisdiction under subsection (c) of this section.

(2) In any case relating to unlawful discrimination or sexual harassment in violation of 21 V.S.A. § 495 et seq. that the Commission has jurisdiction over pursuant to this subsection, it shall include a statement setting forth the prohibition against retaliation pursuant to 21 V.S.A. § 495(a)(8) with any formal complaint that is sent to a respondent.

(c) All complaints of unlawful discrimination in violation of 21 V.S.A. §§ 495 et seq. and 710, the Fair Employment Practices Act and the provisions for workers' compensation discrimination, respectively, and of 21 V.S.A.

§ 471 et seq. shall be referred to the Attorney General's office, for investigation and enforcement.

Sec. 4. ATTORNEY GENERAL; HUMAN RIGHTS COMMISSION;

ENHANCED REPORTING OF DISCRIMINATION AND SEXUAL HARASSMENT

(a) On or before December 15, 2018, the Attorney General and the Human Rights Commission shall develop and implement enhanced mechanisms for employees and members of the public to submit complaints of discrimination and sexual harassment in employment or in the course of a working relationship.

(b) The methods shall include, at a minimum, an easy-to-use portal on the Attorney General's or Human Rights Commission's website and a telephone hotline. Each method shall provide a clear statement that information submitted may be referred to the Office of the Attorney General, a State's Attorney, the Vermont Human Rights Commission, the Equal Employment Opportunity Commission, or another State or federal agency that has jurisdiction over the complaint.

Sec. 5. OUTREACH REGARDING ENHANCED REPORTING

MECHANISMS

On or before December 15, 2018, the Vermont Commission on Women, in consultation with the Attorney General and the Human Rights Commission, shall develop and implement an outreach and education program designed to make Vermont employees, employers, businesses, and members of the public aware of:

(1) the methods for reporting employment and work-related discrimination and sexual harassment; and

(2) where to find information regarding:

(A) the laws related to employment and work-related discrimination and sexual harassment; and

(B) best practices for preventing employment and work-related discrimination and sexual harassment.

Sec. 6. REPORT REGARDING ENHANCED REPORTING MECHANISMS

On or before January 15, 2020, the Attorney General, in consultation with the Human Rights Commission and the Vermont Commission on Women, shall submit to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General

Affairs a report regarding the implementation of the enhanced reporting mechanisms for instances of employment and work-related discrimination and sexual harassment. The report shall include:

(1) a detailed description of how any existing reporting mechanisms were enhanced and any new reporting mechanisms that were implemented;

(2) a summary of changes, if any, in the annual number of complaints of employment and work-related discrimination and sexual harassment received and the number of complaints resulting in an investigation, settlement, or State court action during calendar years 2018 and 2019 in comparison to calendar years 2016 and 2017;

(3) the number of employees and other persons that reported employment or work-related discrimination or sexual harassment to their employer, supervisor, or the person for whom they were working prior to making a complaint in comparison to the number that did not, and the reasons that employees and other persons gave for not reporting the discrimination or sexual harassment to their employer, supervisor, or the person for whom they were working prior to making a complaint; and

(4) any suggestion for legislative action to enhance further the reporting mechanisms or to reduce the amount of employment and work-related discrimination and sexual harassment.

Sec. 7. 21 V.S.A. § 495n is added to read:

§ 495n. SEXUAL HARASSMENT COMPLAINTS FILED IN SUPERIOR COURT; NOTICE TO ATTORNEY GENERAL AND HUMAN RIGHTS COMMISSION

(a) A person that files a claim of sexual harassment pursuant to section 495b of this subchapter in which neither the Attorney General nor the Human Rights Commission is a party shall provide notice of the action to the Attorney General and the Human Rights Commission within 14 days after filing the complaint. The notice may be submitted electronically and shall include a copy of the filed complaint.

(b)(1) Upon receiving notice of a complaint in which the State is a party, the Human Rights Commission may elect to:

(A) intervene in the action to seek remedies pursuant to section 495b of this subchapter; or

(B) without becoming a party to the action, file a statement with the court addressing questions of law related to the provisions of this subchapter.

(2) Upon receiving notice of a complaint in which the State is not a party, the Attorney General may elect to:

(A) intervene in the action to seek remedies pursuant to section 495b of this subchapter; or

(B) without becoming a party to the action, file a statement with the court addressing questions of law related to the provisions of this subchapter.

#### Sec. 8. COMMISSIONER OF LABOR; POSTER

On or before September 15, 2018, the Commissioner of Labor shall update the model policy and model poster created pursuant to 21 V.S.A. § 495h(d) to reflect the provisions of this act.

#### Sec. 9. 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 and read the second time.

Pending the question, Shall the bill be amended as recommended by the Committee on General, Housing, and Military Affairs? **Rep. Copeland-Hanzas of Bradford** 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 the Committee on General, Housing, and Military Affairs? was decided in the affirmative. Yeas, 131. Nays, 2.

Those who voted in the affirmative are:

Ancel of Calais	Gardner of Richmond	Norris of Shoreham
Bancroft of Westford	Giambatista of Essex	Noyes of Wolcott
Bartholomew of Hartland	Gonzalez of Winooski	Ode of Burlington
Baser of Bristol	Grad of Moretown	O'Sullivan of Burlington
Batchelor of Derby	Graham of Williamstown	Pajala of Londonderry
Beck of St. Johnsbury	Haas of Rochester	Parent of St. Albans Town
Belaski of Windsor	Harrison of Chittenden	Partridge of Windham
Beyor of Highgate	Helm of Fair Haven	Pearce of Richford
Bissonnette of Winooski	Higley of Lowell	Potter of Clarendon
Bock of Chester	Hill of Wolcott	Pugh of South Burlington
Botzow of Pownal	Hooper of Montpelier	Quimby of Concord
Brennan of Colchester	Hooper of Randolph	Rosenquist of Georgia
Briglin of Thetford	Houghton of Essex	Savage of Swanton
Browning of Arlington	Howard of Rutland City	Scheu of Middlebury
Brumsted of Shelburne	Jessup of Middlesex	Scheuermann of Stowe
Buckholz of Hartford	Jickling of Randolph	Sharpe of Bristol
Burke of Brattleboro	Joseph of North Hero	Shaw of Pittsford
Canfield of Fair Haven	Juskiewicz of Cambridge	Sheldon of Middlebury
Carr of Brandon	Keefe of Manchester	Sibilia of Dover



Chesnut-Tangerman of Middletown Springs	Keenan of St. Albans City	Smith of Derby
Christensen of Weathersfield	Kimbell of Woodstock	Smith of New Haven
Christie of Hartford	Kitzmiller of Montpelier	Stevens of Waterbury
Cina of Burlington	Krowinski of Burlington	Strong of Albany
Colburn of Burlington	LaClair of Barre Town	Stuart of Brattleboro *
Conlon of Cornwall	Lalonde of South Burlington	Sullivan of Dorset
Connor of Fairfield	Lanpher of Vergennes	Sullivan of Burlington
Conquest of Newbury	Lawrence of Lyndon	Taylor of Colchester
Copeland-Hanzas of Bradford *	Lefebvre of Newark	Terenzini of Rutland Town
Corcoran of Bennington	Lippert of Hinesburg	Till of Jericho
Cupoli of Rutland City	Long of Newfane	Toleno of Brattleboro
Dakin of Colchester	Lucke of Hartford	Toll of Danville
Deen of Westminster	Macaig of Williston	Townsend of South Burlington
Devereux of Mount Holly	Marcotte of Coventry	Trieber of Rockingham
Dickinson of St. Albans Town	Masland of Thetford	Troiano of Stannard
Dunn of Essex	Mattos of Milton	Van Wyck of Ferrisburgh
Emmons of Springfield	McCormack of Burlington	Viens of Newport City
Fagan of Rutland City	McCoy of Poultney	Walz of Barre City
Feltus of Lyndon	McCullough of Williston	Webb of Shelburne
Fields of Bennington	McFaun of Barre Town	Weed of Enosburgh
Forguites of Springfield	Miller of Shaftsbury	Willhoit of St. Johnsbury
Gage of Rutland City	Morrissey of Bennington	Wood of Waterbury
Gamache of Swanton	Mrowicki of Putney	Wright of Burlington
	Murphy of Fairfax	Yacovone of Morristown
	Myers of Essex	Yantachka of Charlotte
	Nolan of Morristown	

Those who voted in the negative are:

Donahue of Northfield	Hebert of Vernon
-----------------------	------------------

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

Ainsworth of Royalton	Head of South Burlington	Read of Fayston
Burditt of West Rutland	Lewis of Berlin	Squirrell of Underhill
Condon of Colchester	Martel of Waterford	Turner of Milton
Donovan of Burlington	Morris of Bennington	Young of Glover
Frenier of Chelsea	Poirier of Barre City	
Gannon of Wilmington	Rachelson of Burlington	

**Rep. Copeland-Hanzas of Bradford** explained her vote as follows:

“Madam Speaker:

Vermonters are cheering the great work of the General, Commerce, and Judiciary Committees in reviewing and passing this bill today. But don’t take my word for it. Here are a few quotes from postcards I got in the mail from two high school students yesterday. ‘I think it is very important that you’re trying to protect victims of sexual harassment and make it easier for them to come forward. Thank you for creating a bill that could help so many Vermonters.’ And, ‘As a 15 year old girl, knowing that actual positive change

is coming of the #MeToo movement, gives me hope. I look forward to entering a workforce in a society where your bill has passed and brought about a safer culture.”

**Rep. Stuart of Brattleboro** explained her vote as follows:

“Madam Speaker:

When I moved to Vermont after pursuing my professional career for fourteen years in New York City, I believed I was moving to a kinder, gentler state. Sadly, I suffered the most devastating harassment experience of my career here in Vermont shortly before I became a State Representative eight years ago. Luckily for me, my husband is an attorney, and justice prevailed.

I want to thank State Representative Copeland-Hanzas and the House Committees that crafted this bill for their excellent work. Thanks to this legislation, henceforth sexual harassment will have no home here in the great state of Vermont.”

Thereupon, third reading was ordered.

### **Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 802**

**Rep. Sheldon of Middlebury**, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to rural economic development infrastructure districts

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

Sec. 1. 24 V.S.A. § 5704 is amended to read:

§ 5704. GOVERNING BOARD; COMPOSITION; MEETINGS; REPORT

(a) Governing board. The legislative power and authority of a district and the administration and the general supervision of all fiscal, prudential, and governmental affairs of a district shall be vested in a governing board, except as otherwise specifically provided in this chapter.

(b) Composition. The ~~first~~ governing board of the district shall consist of ~~four to eight~~ members appointed in equal numbers by the legislative bodies of the underlying municipalities. ~~It~~ The board shall draft the district’s bylaws specifying the size, composition, quorum requirements, and manner of appointing and removing members to the ~~permanent governing~~ board, including nonvoting, at-large board members. The bylaws shall require that a ~~majority of the board shall be appointed annually by~~ the legislative bodies of the underlying municipalities appoint board members and fill board member

vacancies. Board members appointed by the underlying municipalities may appoint additional, nonvoting, at-large board members and fill at-large board member vacancies. Board members, including at-large members, are not required to be residents of an underlying municipality. However, a majority of the board shall be residents of an underlying municipality. Board members shall serve staggered, three-year terms, and shall be eligible to serve successive terms. The legislative bodies of the municipalities in which the district is located shall fill board vacancies, and may remove board members at will. At-large board members shall serve one-year terms, and shall be eligible to serve successive terms. Any bylaws developed by the governing board under this subsection shall be submitted for approval to the legislative bodies of the municipalities within the district and shall be considered duly adopted 45 days ~~from~~ after the date of submission, provided none of the legislative bodies disapprove ~~of~~ the bylaws.

(c) First meeting. The first meeting of the district shall be called upon 30 days' posted and published notice by a presiding officer of a legislative body in which the district is located. ~~Voters within a municipality in which the district is located are eligible to vote at annual and special district meetings. At the first meeting of the district, and at each subsequent annual meeting, there shall be elected from among board members a chair, vice chair, clerk, and treasurer who shall assume their respective offices upon election. At the first meeting, the fiscal year of the district shall be established and rules of parliamentary procedure shall be adopted.~~ The board shall elect from among its members a chair, vice chair, clerk, and treasurer. The board shall establish the fiscal year of the district and shall adopt rules of parliamentary procedure. Prior to assuming their offices, officers may be required to post bond in such amounts as determined by resolution of the board. The cost of such bond shall be borne by the district.

(d) Annual and special meetings. Unless otherwise established by the voters, the annual district meeting shall be held on the second Monday in January and shall be warned by the clerk or, in the clerk's absence or neglect, by a member of the board. Special meetings shall be warned in the same manner on application in writing by five percent of the voters of the district. A warning for a district meeting shall state the business to be transacted. The time and place of holding the meeting shall be posted in two or more public places in the district not more than 40 days nor less than 30 days before the meeting and recorded in the office of the clerk before the same is posted.

(e) Annual report. The district shall report annually to the legislative bodies and the citizens of the municipalities in which the district is located on the results of its activities in support of economic growth, job creation, improved community efficiency, and any other benefits incident to its

activities.

(f) Definition. For purposes of this section and section 5709 of this chapter, after a district has been established pursuant to section 5702 of this chapter, “voter” means a board member or subscriber or customer of a service provided by the district. “Voter” does not mean an at-large board member unless the vote is taken at an annual or special meeting and the at-large board member is a subscriber or customer of a service provided by the district.

Sec. 2. 24 V.S.A. § 5705 is amended to read:

§ 5705. OFFICERS

(a) Generally. The district board shall elect at its first meeting and at each annual meeting thereafter a chair, vice chair, clerk, and treasurer, who shall hold office until the next annual meeting and until others are elected. The board may fill a vacancy in any office.

(b) Chair. The chair shall preside at all meetings of the board and make and sign all contracts on behalf of the district upon approval by the board. The chair shall perform all duties incident to the position and office as required by the general laws of the State.

(c) Vice chair. During the absence of or inability of the chair to render or perform his or her duties or exercise his or her powers, the same shall be performed and exercised by the vice chair, and when so acting, the vice chair shall have all the powers and be subject to all the responsibilities given to or imposed upon the chair. During the absence or inability of the vice chair to render or perform his or her duties or exercise his or her powers, the board shall elect from among its members an acting vice chair who shall have the powers and be subject to all the responsibilities given to or imposed upon the vice chair.

(d) Clerk. The clerk shall keep a record of the meetings, votes, and proceedings of the district for the inspection of its inhabitants.

(e) Treasurer. The treasurer of the district shall be ~~appointed~~ elected by the board, and shall serve at its pleasure. The treasurer shall have the exclusive charge and custody of the funds of the district and shall be the disbursing officer of the district. When warrants are authorized by the board, the treasurer may sign, make, or endorse in the name of the district all checks and orders for the payment of money and pay out and disburse the same and receipt therefor. The treasurer shall keep a record of every obligation issued and contract entered into by the district and of every payment made. The treasurer shall keep correct books of account of all the business and transactions of the district and such other books and accounts as the board may require. The treasurer shall render a statement of the condition of the finances

of the district at each regular meeting of the board and at such other times as required of the treasurer. The treasurer shall prepare the annual financial statement and the budget of the district for distribution, upon approval of the board, to the legislative bodies of district members. Upon the treasurer's termination from office by virtue of removal or resignation, the treasurer shall immediately pay over to his or her successor all of the funds belonging to the district and at the same time deliver to the successor all official books and papers.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

### **Committee Bill; Second Reading; Third Reading Ordered**

#### **H. 914**

**Rep. Christensen of Weathersfield** spoke for the committee on Health Care.

House bill entitled

An act relating to reporting requirements for the second year of the Vermont Medicaid Next Generation ACO Pilot Project

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

### **Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 696**

**Rep. Briglin of Thetford**, for the committee on Health Care, to which had been referred House bill, entitled

An act relating to establishing a State individual mandate

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

Sec. 1. 32 V.S.A. chapter 244 is added to read:

#### CHAPTER 244. REQUIREMENT TO MAINTAIN MINIMUM ESSENTIAL COVERAGE

### § 10451. DEFINITIONS

As used in this chapter:

(1) “Applicable individual” means, with respect to any month, an individual other than the following:

(A) an individual with a religious conscience exemption;

(B) an individual not lawfully present in the United States; or

(C) an individual for any month if for the month the individual is incarcerated, other than incarceration pending the disposition of charges.

(2) “Eligible employer-sponsored plan” shall have the same meaning as in 26 U.S.C. § 5000A, as amended, and as in effect on December 31, 2017, and any related regulations.

(3)(A) “Minimum essential health coverage” shall have the same meaning as in 26 U.S.C. § 5000A, as amended, and as in effect on December 31, 2017, and any related regulations.

§ 10452. REQUIREMENT TO MAINTAIN MINIMUM ESSENTIAL COVERAGE

An applicable individual shall ensure that the individual and any dependent of the individual who is also an applicable individual is covered at all times under minimum essential coverage.

Sec. 2. INDIVIDUAL MANDATE WORKING GROUP; REPORT

(a) Creation. There is created the Individual Mandate Working Group to develop recommendations regarding administration and enforcement of the individual mandate to maintain minimum essential health coverage.

(b) Membership. The Working Group shall be composed of the following members:

(1) the Secretary of Human Services or designee;

(2) the Commissioner of Financial Regulation or designee;

(3) the Commissioner of Taxes or designee;

(4) the Chair of the Green Mountain Care Board or designee;

(5) the Chief Health Care Advocate or designee; and

(6) one representative of each health insurer offering qualified health benefit plans through the Vermont Health Benefit Exchange.

(c) Powers and duties. The Working Group shall develop recommendations regarding administration and enforcement of the individual mandate to maintain minimum essential health coverage, including:

(1) enforcement mechanisms, such as financial penalties for failure to

maintain minimum essential health coverage;

(2) additional forms of coverage that should or should not be considered minimum essential coverage;

(3) exemptions from compliance with the individual mandate, including exemptions related to religion, affordability, hardship, and short gaps in coverage; and

(4) procedures for administration of the individual mandate and for collection of any financial penalties by the Department of Taxes.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Green Mountain Care Board, the Department of Vermont Health Access, the Department of Financial Regulation, and the Department of Taxes.

(e) Report. On or before November 1, 2018, the Working Group shall provide its recommendations for administration and enforcement of the individual mandate to the House Committees on Health Care and on Ways and Means, the Senate Committees on Health and Welfare and on Finance, the Joint Fiscal Committee, and the Health Reform Oversight Committee.

(f) Meetings.

(1) The Chair of the Green Mountain Care Board or designee shall call the first meeting of the Working Group to occur on or before July 1, 2018.

(2) The Working Group shall cease to exist on January 1, 2019.

### Sec. 3. EFFECTIVE DATES

(a) Sec. 1 (32 V.S.A. chapter 144) shall take effect on January 1, 2019.

(b) Secs. 2 (Individual Mandate Working Group) and this section shall take effect on passage.

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

### **Action on Bill Postponed**

#### **H. 639**

House bill, entitled

An act relating to banning cost-sharing for all breast imaging services

Was taken up and pending the reading of the report of the committee on Health Care, on motion of **Rep. Dunn of Essex**, action on the bill was postponed until March 14, 2018.

**Action on Bill Postponed****H. 907**

House bill, entitled

An act relating to improving rental housing safety

Was taken up and pending the reading of the report of the committee on General, Housing, and Military Affairs, on motion of **Rep. Gonzalez of Winooski**, action on the bill was postponed until March 14, 2018.

**Message from the Senate No. 33**

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 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.

**Adjournment**

At three o'clock and fifty-eight minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.