

Journal of the House

Thursday, March 15, 2018

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

Devotional Exercises

Devotional exercises were conducted by Youth from Outright Vermont, Burlington, VT.

Senate Bill Referred

S. 241

Senate bill, entitled

An act relating to the makeup and duties of the Emergency Medical Services Advisory Committee

Was read and referred to the committee on Health Care.

Bill Referred to Committee on Appropriations

H. 785

House bill, entitled

An act relating to housing and affordability

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

Rules Suspended; Second Reading; Bill Amended; Third Reading Ordered

H. 710

On motion of **Rep. Savage of Swanton**, the rules were suspended and Senate bill, entitled

An act relating to beer and wine franchises

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

Rep. Scheuermann of Stowe, for the committee on General, Housing, and Military Affairs, to which had been referred the Senate bill reported in favor of its passage by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REDESIGNATION; ADDITION OF SUBCHAPTER

7 V.S.A. chapter 23, subchapter 1, which shall include 7 V.S.A. §§ 701-709, is added to read:

Subchapter 1. General Provisions

Sec. 2. 7 V.S.A. § 701 is amended to read:

§ 701. DEFINITIONS

As Except as otherwise provided pursuant to section 752 of this chapter, as used in this chapter:

* * *

(7) “Wholesale dealer” means a packager licensed pursuant to section 272 of this title or a wholesale dealer licensed pursuant to section 273 of this title.

Sec. 3. 7 V.S.A. § 702 is amended to read:

§ 702. PROHIBITED ACTS BY MANUFACTURER

A manufacturer shall not:

* * *

(3) fail or refuse to deliver promptly to a wholesale dealer after the receipt of its order any malt beverages or vinous beverages when the product is publicly advertised available for immediate sale.

Sec. 4. 7 V.S.A. chapter 23, subchapter 2 is added to read:

Subchapter 2. Small Manufacturers and Certificate of Approval Holders

§ 751. APPLICATION

(a) The provisions of this subchapter shall apply to any franchise between a wholesale dealer and either:

(1) a certificate of approval holder that produces or distributes not more than 50,000 barrels of malt beverages and whose products comprise three percent or less of the wholesale dealer’s total annual sales of malt beverages by volume; or

(2) a manufacturer that produces not more than 50,000 barrels of malt beverages and whose products comprise three percent or less of the wholesale dealer’s total annual sales of malt beverages by volume.

(b) The provisions of sections 702, 705, and 706 of this title shall apply to any franchise that is subject to the provisions of this subchapter.

(c)(1) The amount of malt beverages manufactured by a certificate of approval holder or manufacturer shall include the worldwide, aggregate

amount of all brands of malt beverages that are manufactured directly or indirectly, by or on behalf of the certificate of approval holder or manufacturer, and any entity that controlled, was controlled by, or was under common control with the certificate of approval holder or manufacturer during the year.

(2) The amount of malt beverages distributed by a certificate of approval holder shall include the aggregate amount of all brands of malt beverages distributed by or on behalf of the certificate of approval holder both inside and outside Vermont.

§ 752. DEFINITIONS

As used in this subchapter:

(1) “Barrel” means 31 gallons of malt beverages.

(2) “Certificate of approval holder” means a holder of a certificate of approval issued by the Liquor Control Board pursuant to section 274 of this title that produces or distributes not more than 50,000 barrels of malt beverages or per year and whose products comprise three percent or less of a wholesale dealer’s total annual sales of malt beverages by volume.

(3) “Compensation” means the cost of a wholesale dealer’s laid-in inventory related to a franchise that has been or is about to be terminated plus five times the average annual gross profits earned by the wholesale dealer on the sale of products pursuant to the franchise during the last three fiscal years or, if the franchise has not been in existence for three years, the period of time during which the franchise has been in existence. “Gross profits” shall equal the revenue earned by the wholesale dealer on the sale of products pursuant to the franchise minus the cost of those products, including shipping and taxes.

(4) “Franchise” means an agreement governing a relationship between a wholesale dealer and a certificate of approval holder or manufacturer that was entered into on or after January 1, 2019 and has existed for at least one year and has one or more of the following characteristics:

(A) the wholesale dealer is granted the right to offer and sell the brands of malt beverages offered by the certificate of approval holder or manufacturer;

(B) the wholesale dealer, as an independent business, constitutes a component of a certificate of approval holder’s or manufacturer’s distribution system;

(C) the wholesale dealer’s business is substantially associated with the certificate of approval holder’s or manufacturer’s brand, advertising, or other commercial symbol designating the manufacturer;

(D) the wholesale dealer's business is substantially reliant on the certificate of approval holder or manufacturer for the continued supply of malt beverages; and

(E) the certificate of approval holder or manufacturer has granted the wholesale dealer a license to use a trade name, trade mark, service mark, or related characteristic, and there is a community of interest in the marketing of goods or services at wholesale, retail, by lease, or otherwise.

(5) "Manufacturer" means a manufacturer licensed pursuant to section 271 of this title that produces not more than 50,000 barrels of malt beverages per year and whose products comprise three percent or less of a wholesale dealer's total annual sales of malt beverages by volume.

§ 753. CANCELLATION OF FRANCHISE

(a) A certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause a wholesale dealer to relinquish a franchise as provided pursuant to the terms of a written franchise between the certificate of approval holder or manufacturer and the wholesale dealer.

(b) In the absence of a provision of a franchise governing termination for good cause, or if the franchise between the parties is not in writing, the certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause the wholesale dealer to relinquish the franchise for good cause as provided pursuant to section 754 of this subchapter.

(c) In the absence of a provision of a franchise governing termination for no cause, or if the franchise between the parties is not in writing, the certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause the wholesale dealer to relinquish the franchise for no cause as provided pursuant to section 755 of this subchapter.

§ 754. CANCELLATION FOR GOOD CAUSE; NOTICE;

RECTIFICATION

(a)(1) Except as otherwise provided pursuant to subsection 753(a) of this subchapter and subsection (d) of this section, a certificate of approval holder or manufacturer that wishes to terminate or cancel a franchise for good cause shall provide the franchisee with at least 120 days' written notice of the intent to terminate or cancel the franchise.

(2) The notice shall state the causes and reasons for the intended termination or cancellation.

(b) A franchisee shall have 120 days in which to rectify any claimed deficiency.

(c) The Superior Court, upon petition and after providing both parties with notice and opportunity for a hearing, shall determine whether good cause exists to allow termination or cancellation of the franchise.

(d) The notice provisions of subsection (a) of this section may be waived if the reason for termination or cancellation is insolvency, the occurrence of an assignment for the benefit of creditors, bankruptcy, or if the certificate of approval holder or manufacturer is able to prove to the court that providing the required notice would do irreparable harm to the marketing of its product.

§ 755. CANCELLATION FOR NO CAUSE; NOTICE; COMPENSATION

Except as otherwise provided pursuant to subsection 753(a) of this subchapter, a certificate of approval holder or manufacturer that wishes to terminate or cancel a franchise for no cause shall:

(1) provide the franchisee with written notice of the intent to cancel or terminate the franchise at least 30 days before the date on which the franchise shall terminate; and

(2) on or before the date the franchise shall be canceled or terminated, pay, or have paid on its behalf by a designated wholesale dealer, compensation for the franchisee's interest in the franchise.

§ 756. SALE OR TRANSFER BY WHOLESALE DEALER

(a)(1) In the absence of a provision of the franchise to the contrary, or if the franchise between the parties is not in writing, a wholesale dealer wishing to sell or otherwise transfer its interests in a franchise shall give at least 90 days' written notice of the proposed sale or transfer to the certificate of approval holder or manufacturer.

(2) The notice of intended sale or transfer shall give the full name and address of the proposed transferee, along with full details outlining the qualifications of the proposed transferee which, in the opinion of the wholesale dealer, make the proposed transferee competent to operate the franchise.

(b) If the certificate of approval holder or manufacturer opposes the proposed sale or transfer to the proposed transferee, the certificate of approval holder or manufacturer may either:

(1) prevent the proposed sale or transfer from occurring by paying compensation for the wholesale dealer's interest in the franchise in the same manner as if the franchise were being terminated for no cause pursuant to section 755 of this subchapter; or

(2) not less than 60 days before the date of the proposed sale or transfer, file a petition with the Superior Court that clearly states the certificate of

approval holder's or manufacturer's reasons for resisting the proposed sale or transfer.

(c)(1) Upon receipt of a petition pursuant to subdivision (b)(2) of this section, the Superior Court shall hold a hearing on the proposed transfer or sale. The court shall make a full inquiry into the qualifications of the proposed transferee and shall determine whether or not the proposed transferee is in a position to substantially continue the operations of the franchise, to assume the obligations of the franchise holder, and to conduct the business in a manner that will protect the legitimate interests of the certificate of approval holder or manufacturer.

(2) If the Superior Court finds the proposed transferee is qualified to operate the franchise, it shall approve the transfer of the franchise to the proposed transferee.

§ 757. MERGER OF FRANCHISOR

In the absence of a provision of the franchise to the contrary, or if the franchise between the parties is not in writing, the merger of a certificate of approval holder or manufacturer with a third party shall not void the franchise unless good cause is shown pursuant to section 754 of this subchapter, or the franchise is terminated pursuant to section 755 of this subchapter.

§ 758. HEIRS, SUCCESSORS, AND ASSIGNS

In the absence of a provision of the franchise to the contrary, or if the franchise between the parties is not in writing, the provisions of this subchapter shall apply to the heirs, successors, and assigns of any party to a franchise that is subject to this subchapter.

Sec. 5. 7 V.S.A. § 759 is added to read:

§ 759. WRITTEN AGREEMENT

All franchises entered into pursuant to this subchapter shall be in writing.

Sec. 6. 7 V.S.A. § 752 is amended to read:

§ 752. DEFINITIONS

As used in this subchapter:

* * *

(4) "Franchise" means ~~an~~ a written agreement governing a relationship between a wholesale dealer and a certificate of approval holder or manufacturer that was entered into after January 1, 2019 and has existed for at least one year and has one or more of the following characteristics:

* * *

Sec. 7. 7 V.S.A. § 753 is amended to read:

§ 753. CANCELLATION OF FRANCHISE

(a) A certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause a wholesale dealer to relinquish a franchise as provided pursuant to the terms of a ~~written~~ franchise between the certificate of approval holder or manufacturer and the wholesale dealer.

(b) In the absence of a provision of a franchise governing termination for good cause, ~~or if the franchise between the parties is not in writing,~~ the certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause the wholesale dealer to relinquish the franchise for good cause as provided pursuant to section 754 of this subchapter.

(c) In the absence of a provision of a franchise governing termination for no cause, ~~or if the franchise between the parties is not in writing,~~ the certificate of approval holder or manufacturer may cancel, terminate, refuse to continue, or cause the wholesale dealer to relinquish the franchise for no cause as provided pursuant to section 755 of this subchapter.

Sec. 8. 7 V.S.A. § 756 is amended to read:

§ 756. SALE OR TRANSFER BY WHOLESALE DEALER

(a)(1) In the absence of a provision of the franchise to the contrary, ~~or if the franchise between the parties is not in writing,~~ a wholesale dealer wishing to sell or otherwise transfer its interests in a franchise shall give at least 90 days' written notice of the proposed sale or transfer to the certificate of approval holder or manufacturer.

* * *

Sec. 9. 7 V.S.A. § 757 is amended to read:

§ 757. MERGER OF FRANCHISOR

In the absence of a provision of the franchise to the contrary, ~~or if the franchise between the parties is not in writing,~~ the merger of a certificate of approval holder or manufacturer with a third party shall not void the franchise unless good cause is shown pursuant to section 754 of this subchapter, or the franchise is terminated pursuant to section 755 of this subchapter.

Sec. 10. 7 V.S.A. § 758 is amended to read:

§ 758. HEIRS, SUCCESSORS, AND ASSIGNS

In the absence of a provision of the franchise to the contrary, ~~or if the franchise between the parties is not in writing,~~ the provisions of this subchapter shall apply to the heirs, successors, and assigns of any party to a

franchise that is subject to this subchapter.

Sec. 11. TRANSITION TO WRITTEN CONTRACTS

(a) A certificate of approval holder or manufacturer and a wholesale dealer who are parties to a franchise agreement that was entered into before January 1, 2019 and is not in writing shall negotiate a written franchise agreement to take effect on or before July 1, 2022.

(b) If the certificate of approval holder or manufacturer and the wholesale dealer are unable to reach agreement on the terms of a written franchise agreement on or before July 1, 2022 or if the parties mutually agree that the franchise shall not continue beyond that date, the franchise shall be deemed to terminate on July 1, 2022 and the certificate of approval holder or manufacturer shall pay the wholesale dealer compensation for its interest in the franchise in the same manner as if the franchise were terminated for no cause pursuant to 7 V.S.A. § 755.

(c) As used in this section,

(1) “certificate of approval holder” has the same meaning as in 7 V.S.A. § 752;

(2) “manufacturer” has the same meaning as in 7 V.S.A. § 752; and

(2) “wholesale dealer” has the same meaning as in 7 V.S.A. § 701.

Sec. 12. EFFECTIVE DATES

(a) This section and Secs. 1, 2, 3, 4, and 11 shall take effect on January 1, 2019.

(b) The remaining sections shall take effect on July 1, 2022.

Thereupon, the bill was read the second time, the report of the committee on General, Housing, and Military Affairs was agreed to and third reading was ordered.

Third Reading; Bill Passed

H. 859

House bill, entitled

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

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 639**

House bill, entitled

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

Was taken up, read the third time and passed.

Bill Amended; Read Third Time; Bill Passed**H. 730**

House bill, entitled

An act relating to State response to waters in crisis

Was taken up and pending third reading of the bill **Rep. Chesnut-Tangerman of Middletown Springs** moved to amend the bill as follows:

In Sec. 1, in 10 V.S.A. § 1312, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) and a subsection (e) to read as follows:

(d) Term of order. When the Secretary issues a lake in crisis order under this section, the order shall include a term for the duration of each water quality requirement in the order.

(e) Term of designation. A lake shall remain designated as in crisis under this subchapter until the Secretary determines that the lake no longer satisfies the criteria for designation under subsection 1310(b) of this title.

Which was agreed to.

Thereupon, pending third reading of the bill, **Rep. Gamache of Swanton** moved to amend the bill as follows:

First: In Sec. 1, in 10 V.S.A. § 1311, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) Adoption of crisis response plan. When a lake is declared in crisis, the Secretary shall within 90 days after the designation of the lake in crisis issue a comprehensive crisis response plan for the management of the lake in crisis in order to improve water quality in the lake or to mitigate or eliminate the potential harm to public health or the risk of damages to the environment or natural resources. The Secretary shall coordinate with the Secretary of Agriculture, Food and Markets and the Secretary of Transportation in the development of the crisis response plan. The crisis response plan shall require implementation of or compliance with existing water quality requirements under one or more of the following:

(1) water quality requirements under chapter 47 of this title, including requiring a property owner to obtain a permit or implement best management practices for the discharge or stormwater runoff from any size of impervious surfaces if the Secretary determines that the treatment of the discharge or stormwater runoff is necessary to reduce the adverse impacts of the discharge or stormwater to water quality of the lake in crisis;

(2) agricultural water quality requirements under 6 V.S.A. chapter 215, including best management practices under 6 V.S.A. § 4810 to reduce runoff from the farm; or

(3) water quality requirements adopted under section 1264 of this title for stormwater runoff from municipal or State roads.

Second: By striking Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. LAKE CARMI; LAKE IN CRISIS

The General Assembly recommends that the Secretary of Natural Resources designate Lake Carmi as a lake in crisis under 10 V.S.A. chapter 47, subchapter 2A. If the Secretary of Natural Resources designates Lake Carmi as a lake in crisis, the crisis response plan for the lake shall include implementation of runoff controls.

Pending the question, Shall the bill be amended as offered by Rep. Gamache of Swanton? **Rep. McCoy of Poultney** 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 offered by Rep. Gamache of Swanton? was decided in the negative. Yeas, 51. Nays, 86.

Those who voted in the affirmative are:

Bancroft of Westford	Helm of Fair Haven	Quimby of Concord
Baser of Bristol	Higley of Lowell	Read of Fayston
Batchelor of Derby	Juskiewicz of Cambridge	Rosenquist of Georgia
Beck of St. Johnsbury	Keefe of Manchester	Savage of Swanton
Brennan of Colchester	Kimbell of Woodstock	Scheuermann of Stowe
Canfield of Fair Haven	LaClair of Barre Town	Shaw of Pittsford
Cupoli of Rutland City	Lawrence of Lyndon	Sibilia of Dover
Devereux of Mount Holly	Marcotte of Coventry	Smith of Derby
Dickinson of St. Albans Town	Mattos of Milton	Smith of New Haven
Donahue of Northfield	McCoy of Poultney	Strong of Albany
Fagan of Rutland City	McFaun of Barre Town	Sullivan of Dorset
Feltus of Lyndon	Morrissey of Bennington	Terenzini of Rutland Town
Gage of Rutland City	Murphy of Fairfax	Van Wyck of Ferrisburgh
Gamache of Swanton	Myers of Essex	Viens of Newport City
	Nolan of Morristown	Willhoit of St. Johnsbury

Graham of Williamstown	Norris of Shoreham	Wright of Burlington
Harrison of Chittenden	Parent of St. Albans Town	
Hebert of Vernon	Poirier of Barre City	

Those who voted in the negative are:

Ancel of Calais	Gardner of Richmond	Ode of Burlington
Bartholomew of Hartland	Giambatista of Essex	O'Sullivan of Burlington
Belaski of Windsor	Gonzalez of Winooski	Partridge of Windham
Beyor of Highgate	Haas of Rochester	Pearce of Richford
Bissonnette of Winooski	Head of South Burlington	Potter of Clarendon
Bock of Chester	Hill of Wolcott	Pugh of South Burlington
Botzow of Pownal	Hooper of Montpelier	Rachelson of Burlington
Briglin of Thetford	Hooper of Randolph	Scheu of Middlebury
Browning of Arlington	Houghton of Essex	Sharpe of Bristol
Brumsted of Shelburne	Howard of Rutland City	Sheldon of Middlebury
Carr of Brandon	Jessup of Middlesex	Squirrell of Underhill
Chesnut-Tangerman of Middletown Springs	Jickling of Randolph	Stevens of Waterbury
Christensen of Weathersfield	Joseph of North Hero	Stuart of Brattleboro
Christie of Hartford	Keenan of St. Albans City	Sullivan of Burlington
Cina of Burlington	Kitzmillier of Montpelier	Taylor of Colchester
Colburn of Burlington	Krowinski of Burlington	Till of Jericho
Conlon of Cornwall	Lalonde of South Burlington	Toleno of Brattleboro
Connor of Fairfield	Lanpher of Vergennes	Toll of Danville
Conquest of Newbury	Lefebvre of Newark	Townsend of South Burlington
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Trieber of Rockingham
Corcoran of Bennington	Long of Newfane	Troiano of Stannard
Dakin of Colchester	Lucke of Hartford	Walz of Barre City
Deen of Westminster	Macaig of Williston	Webb of Shelburne
Donovan of Burlington	Masland of Thetford	Weed of Enosburgh
Dunn of Essex	McCormack of Burlington	Wood of Waterbury
Emmons of Springfield	McCullough of Williston	Yacovone of Morrystown
Forguites of Springfield	Miller of Shaftsbury	Yantachka of Charlotte
Gannon of Wilmington	Morris of Bennington	Young of Glover
	Mrowicki of Putney	
	Noyes of Wolcott	

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

Ainsworth of Royalton	Condon of Colchester	Lewis of Berlin
Buckholz of Hartford	Fields of Bennington	Martel of Waterford
Burditt of West Rutland	Frenier of Chelsea	Pajala of Londonderry
Burke of Brattleboro	Grad of Moretown	Turner of Milton

Thereupon, the bill was read a third time.

Pending the question, Shall the bill pass? **Rep. Sheldon of Middlebury** 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 pass? was decided in the affirmative. Yeas, 118. Nays, 16.

 Those who voted in the affirmative are:

Ancel of Calais	Gardner of Richmond	Ode of Burlington
Bancroft of Westford	Giambatista of Essex	O'Sullivan of Burlington
Bartholomew of Hartland	Gonzalez of Winooski	Parent of St. Albans Town
Baser of Bristol	Grad of Moretown	Partridge of Windham
Beck of St. Johnsbury	Haas of Rochester	Pearce of Richford
Belaski of Windsor	Harrison of Chittenden	Potter of Clarendon
Beyor of Highgate	Head of South Burlington	Pugh of South Burlington
Bissonnette of Winooski	Helm of Fair Haven	Rachelson of Burlington
Bock of Chester	Hill of Wolcott	Read of Fayston
Botzow of Pownal	Hooper of Montpelier	Rosenquist of Georgia
Brennan of Colchester	Hooper of Randolph	Savage of Swanton
Briglin of Thetford	Houghton of Essex	Scheu of Middlebury
Browning of Arlington	Howard of Rutland City	Scheuermann of Stowe
Brumsted of Shelburne	Jessup of Middlesex	Sharpe of Bristol
Canfield of Fair Haven	Jickling of Randolph	Shaw of Pittsford
Carr of Brandon	Joseph of North Hero	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Juskiewicz of Cambridge	Sibilia of Dover
Christensen of Weathersfield	Keenan of St. Albans City	Smith of New Haven
Christie of Hartford	Kimbell of Woodstock	Squirrell of Underhill
Cina of Burlington	Kitzmiller of Montpelier	Stevens of Waterbury
Colburn of Burlington	Krowinski of Burlington	Strong of Albany
Conlon of Cornwall	Lalonde of South Burlington	Stuart of Brattleboro
Connor of Fairfield	Lanpher of Vergennes	Sullivan of Dorset
Conquest of Newbury	Lawrence of Lyndon	Sullivan of Burlington
Copeland-Hanzas of Bradford	Lefebvre of Newark	Taylor of Colchester
Corcoran of Bennington	Lippert of Hinesburg	Terenzini of Rutland Town
Cupoli of Rutland City	Long of Newfane	Till of Jericho
Dakin of Colchester	Lucke of Hartford	Toleno of Brattleboro
Deen of Westminster	Macaig of Williston	Townsend of South Burlington
Dickinson of St. Albans Town	Masland of Thetford	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	Miller of Shaftsbury	Weed of Enosburgh
Emmons of Springfield	Morris of Bennington	Willhoit of St. Johnsbury
Fagan of Rutland City	Morrissey of Bennington	Wood of Waterbury
Forguites of Springfield	Mrowicki of Putney	Wright of Burlington
Gamache of Swanton	Murphy of Fairfax	Yacovone of Morristown
Gannon of Wilmington	Myers of Essex	Yantachka of Charlotte
	Nolan of Morristown	Young of Glover
	Norris of Shoreham	
	Noyes of Wolcott	

Those who voted in the negative are:

Batchelor of Derby	Keefe of Manchester	Quimby of Concord
Devereux of Mount Holly	LaClair of Barre Town	Smith of Derby
Gage of Rutland City	Marcotte of Coventry	Van Wyck of Ferrisburgh *
Graham of Williamstown	Mattos of Milton	Viens of Newport City
Hebert of Vernon	McFaun of Barre Town	

Higley of Lowell

Poirier of Barre City

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

Ainsworth of Royalton

Feltus of Lyndon

McCormack of Burlington

Buckholz of Hartford

Fields of Bennington

Pajala of Londonderry

Burditt of West Rutland

Frenier of Chelsea

Toll of Danville

Burke of Brattleboro

Lewis of Berlin

Trieber of Rockingham

Condon of Colchester

Martel of Waterford

Turner of Milton

Rep. Van Wyck of Ferrisburgh explained his vote as follows:

“Madam Speaker:

I voted No. You never let a serious crisis go to waste. And what I mean by that it's an opportunity to do things you think you could not do before.”

Third Reading; Bill Passed

H. 856

House bill, entitled

An act relating to miscellaneous amendments to municipal law

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 903

House bill, entitled

An act relating to regenerative farming

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 907

House bill, entitled

An act relating to improving rental housing safety

Was taken up, read the third time and passed.

Action on Bill Postponed

H. 921

House bill, entitled

An act relating to nursing home oversight

Was taken up and pending the reading of the report of the committee on Human Services, on motion of **Rep. Gamache of Swanton**, action on the bill

was postponed until March 20, 2018.

Second Reading; Bill Amended; Third Reading Ordered

H. 767

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

An act relating to adopting the ThinkVermont Innovation 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. THINKVERMONT INNOVATION INITIATIVE

(a) Purpose.

(1) The ThinkVermont Innovation Initiative is created to respond to the growth needs of Vermont small businesses with 20 or fewer employees by funding innovative strategies that accelerate small business growth and meet the project criteria specified in this section.

(2) The Initiative shall enable the State to invest in projects with grants that can be accessed more quickly and with fewer restrictions than traditional federal initiatives.

(b) Process; grant distribution.

(1) The Secretary of Commerce and Community Development, in consultation with the Vermont Economic Progress Council shall:

(A) adopt a schedule and process for accepting, reviewing, and approving grant proposals on a competitive basis;

(B) distribute grants across geographic areas of the State; and

(C) distribute grants across diverse industries, sectors, and business types, including for-profit and nonprofit organizations.

(2)(A) A grant shall provide funding in only one fiscal year.

(B) A recipient shall be eligible for a grant through the Initiative in not more than two fiscal years.

(c) Funding; matching requirements.

(1) The Secretary shall reserve not less than 10 percent of the funding through the Initiative for microgrants of not more than \$10,000.00.

(2) The Secretary shall require a grant recipient to provide matching funds for a grant as follows:

(A) for a microgrant reserved under subdivision (3) of this subsection, a funding match of 25 percent of the value of the grant; and

(B) for all other grants, a funding match of 100 percent of the value of the grant.

(d) Eligibility criteria. To be eligible for a grant, a project shall:

(1) provide workforce training that is not eligible for funding through another State or federal program and that serves an immediate employer need to fill one or more job vacancies;

(2) enable a business to attract, retain, or support remote workers in Vermont;

(3) establish or enhance a facility that attracts small companies or remote workers, or both, including generator and maker spaces, co-working spaces, remote work hubs, and innovation spaces, with special emphasis on facilities that promote colocation of nonprofit, for-profit, and government entities;

(4) enable or support deployment of broadband telecommunications connectivity;

(5) leverage economic development funding outside State government, including the federal New Market Tax Credit program and Small Business Innovation Research grants;

(6) support growth in Vermont's aerospace, aviation, or aviation technology sectors; or

(7) provide technical assistance to support small business growth.

(e) Outcomes; measures. The Secretary shall adopt measures to evaluate a grant to determine its impact, including job growth measured at one-, three-, and five-year intervals.

(f) Appropriation. In fiscal year 2019, the amount of \$400,000.00 is appropriated from the General Fund to the Agency of Commerce and Community Development to implement the ThinkVermont Innovation Initiative pursuant to this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended the bill ought to pass when amended by the committee on Commerce and Economic Development.

The bill, having appeared on the Calendar one day for notice, was taken up,

read second time, the report of the committees on Commerce and Economic Development and Appropriations agreed to and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 831

Rep. Howard of Rutland City, for the committee on General, Housing, and Military Affairs, to which had been referred House bill entitled,

An act relating to funding for an accelerated weatherization 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. ACCELERATED WEATHERIZATION PROGRAM; STATE
TREASURER; FUNDING

(a) The General Assembly finds that, in addition to the weatherization efforts provided under the Home Weatherization Assistance Program established in 33 V.S.A. chapter 25, an increased pace of weatherization would result in both environmental and economic benefits to the State. Accelerated weatherization efforts will:

- (1) decrease the emission of greenhouse gases; and
- (2) increase job opportunities in the field of weatherization.

(b) In fiscal years 2019 and 2020, the State Treasurer is authorized to invest up to \$5,000,000.00 of funds from the credit facility established in 10 V.S.A. § 10 for an accelerated weatherization program, provided that the funds shall be used to support weatherization efforts for households with a median family income that is not more than 120 percent of the statewide median family income as reported by the Vermont Department of Taxes for the most recent year for which data are available.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

Rep. Dakin of Colchester, for the committee on Appropriations, recommended the bill ought to pass when amended by the committee on General, Housing, and Military Affairs.

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

Committee Bill; Second Reading; Third Reading Ordered**H. 916**

Rep. O'Sullivan of Burlington spoke for the committee on Commerce and Economic Development.

House bill entitled

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

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended the bill ought to pass

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

Joint Resolution Adopted**J.R.H. 14**

Joint resolution, entitled

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House;

Was taken up and adopted on the part of the House.

Message from the Senate No. 35

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. 166. An act relating to the provision of medication-assisted treatment for inmates.

S. 173. An act relating to sealing criminal history records when there is no conviction.

S. 206. An act relating to business consumer protection for point-of-sale equipment leases.

S. 224. An act relating to co-payment limits for visits to chiropractors.

S. 229. An act relating to State Board of Education approval of independent schools.

S. 261. An act relating to mitigating trauma and toxic stress during

childhood by strengthening child and family resilience.

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

Adjournment

At three o'clock and forty-six minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.