

Journal of the House

Tuesday, April 3, 2018

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

Devotional Exercises

Devotional exercises were conducted by Phil Kolling, Servermont, Barre Town, VT.

Pledge of Allegiance

Page Charlotte Wood of Fairfax led the House in the Pledge of Allegiance.

Senate Bill Referred

S. 285

Senate bill, entitled

An act relating to universal recycling requirements

Was read and referred to the committee on Natural Resources, Fish, and Wildlife.

Bill Referred to Committee on Ways and Means

H. 925

House bill, entitled

An act relating to approval of amendments to the charter of the City of Barre

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

Joint Resolution Placed on Calendar

J.R.H. 15

Joint resolution requesting the Federal Trade Commission, the Federal Communications Commission, and Congress to adopt more effective measures to enforce the federal Do Not Call list and to police illegal robocalls

Offered by: Representatives Keenan of St. Albans City, Briglin of Thetford, Dakin of Colchester, Donovan of Burlington, Howard of Rutland City, Jessup of Middlesex, Kimbell of Woodstock, Sullivan of Burlington, Wood of Waterbury, and Young of Glover

Whereas, millions of Americans would prefer not to receive annoying

telephone calls soliciting them to make unwanted purchases, and

Whereas, in 1991, Congress enacted legislation that created the first Do Not Call registry; however, the registry was not federally maintained, and

Whereas, in 2003, Congress realized a more assertive federal response was required, and Congress adopted, with strong bipartisan support, a new Do Not Call registry and assigned its administration and enforcement to the Federal Trade Commission (FTC), and

Whereas, only one person at the FTC is responsible for maintaining the list of 230 million numbers, although contractors field 19,000 complaints daily and a relatively small contingent of FTC staff conduct enforcement proceedings, and

Whereas, the placement of a telephone number on the list is supposed to alert private telemarketers not to call that number, but it does not technically block a telemarketer from calling the number, and

Whereas, the advancement of robocalling technology greatly increased the number of telemarketing calls, and in 2009, the FTC adopted new regulations prohibiting most uses of robocalling, except by schools, political organizations, and other organizations not selling a product, and

Whereas, in 2016, the Federal Communications Commission (FCC), which shares jurisdiction with the FTC on these topics, convened the Robocall Strike Force, in which telecommunications industry leaders brainstormed, and

Whereas, an increasingly prevalent telemarketing phenomenon is known as neighborhood spoofing, a technology by which national telemarketers use a false local number to give cell phone owners the misleading impression that the call is from a neighbor, and

Whereas, separately, in 2015, the FCC adopted an order giving telecommunication carriers new authority to block certain robocalls directly, addressing in part, but not eliminating, the persisting and annoying problem of neighborhood spoofing, and

Whereas, on March 16, 2018, the U.S. Court of Appeals for the District of Columbia Circuit in the case *ACA International et al. v. Federal Communications Commission*, No. 15-1211, struck down key provisions of the 2015 order, and

Whereas, while the court upheld the order's authorization of multiple methods for consumers to withdraw their consent to be called, including a provision on healthcare-related calls, the court voided the order's seemingly broad applicability to any ordinary call originating from a conventional smartphone as an unreasonably expansive interpretation of the Telephone

Consumer Protection Act of 1991 (the Act), and

Whereas, the court also ruled that the order's ban on calls to a wireless number previously assigned to a consumer who had given consent to be called, but since reassigned to a consumer who had not given consent, also violated the Act, and

Whereas, this decision narrows the FCC's authority to combat robocalls, and

Whereas, although anecdotal evidence indicates a possible 20 percent decline in robocalls, the problem remains a significant impediment to the well-being of millions of Americans, especially during evening hours, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests the Federal Trade Commission, the Federal Communications Commission, and Congress to adopt more effective measures to enforce the federal Do Not Call list and to police illegal robocalls, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the chairs of the FTC and of the FCC and to the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, placed on the Calendar for action on the next legislative day under Rule 52.

Message from the Senate No. 44

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 bill of the following title:

S. 285. An act relating to universal recycling requirements.

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

The Senate has considered bills originating in the House of the following titles:

H. 585. An act relating to management of records.

H. 615. An act relating to prohibiting the use of drones near correctional facilities.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

H. 611. An act relating to compensation for victims of crime.

H. 693. An act relating to the Honor and Remember Flag.

H. 836. An act relating to electronic court filings for relief from abuse orders.

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

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 291. House concurrent resolution congratulating the Vermont State Housing Authority on its 50th anniversary.

H.C.R. 292. House concurrent resolution congratulating the 2018 Rutland High School Division I championship cheerleading team.

H.C.R. 293. House concurrent resolution congratulating Milton High School senior Nick Johnson on his varsity athletic achievements.

H.C.R. 294. House concurrent resolution congratulating Southwestern Medical Center on its centennial anniversary.

H.C.R. 295. House concurrent resolution congratulating the Vermont teams participating in the 2017–2018 FIRST robotics competitions.

H.C.R. 296. House concurrent resolution congratulating the 2017 Northfield High School Marauders Division III championship girls' cross-country team.

H.C.R. 297. House concurrent resolution congratulating William O'Neil on his 2018 induction into the National Federation of State High School Associations' Hall of Fame.

H.C.R. 298. House concurrent resolution honoring the TRIO academic programs in Vermont and designating March 29, 2018 as TRIO Day at the State House.

H.C.R. 299. House concurrent resolution congratulating the Brattleboro Floral Arts and Garden Club on its 50th anniversary.

H.C.R. 300. House concurrent resolution congratulating Melba Masse on her induction into the Vermont Sports Hall of Fame.

H.C.R. 301. House concurrent resolution congratulating the 2018 Fair

Haven Union High School Slaters Division II championship boys' basketball team.

Message from the Senate No. 45

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

Madam Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 616. An act relating to thermal efficiency monies and biomass-led district heat.

H. 620. An act relating to State-owned airports and economic development.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

H. 422. An act relating to removal of firearms from a person arrested or cited for domestic assault.

H. 563. An act relating to repealing the crimes of vagrancy.

H. 771. An act relating to the Vermont National Guard.

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

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

S. 55. An act relating to the disposition of unlawful and abandoned firearms.

And has concurred therein.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 54. Joint resolution relating to weekend adjournment.

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

Adjournment

At ten o'clock and twenty-three minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.