

Journal of the House

Wednesday, April 4, 2018

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Joint Resolution Adopted in Concurrence

J.R.S. 54

By Senator Ashe,

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

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 6, 2018, it be to meet again no later than Tuesday, April 10, 2018.

Was taken up, read and adopted in concurrence.

Second Reading; Bill Amended; Third Reading Ordered

H. 548

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

An act relating to limiting additional TIF districts

Reported in favor of its passage when amended as follows:

By striking out Sec. 2, effective date, in its entirety and inserting after Sec. 1 the following:

Sec. 2. TAX INCREMENT FINANCING; METRICS; REPORT

(a) On or before December 15, 2018, the Vermont Economic Progress Council, in consultation with the Agency of Commerce and Community Development, the Department of Taxes, the State Auditor, the consulting Legislative Economist, and the Joint Fiscal Office, shall develop metrics to evaluate:

(1) the regional and statewide economic impact of existing tax increment financing districts; and

(2) the projected regional and statewide economic benefits that would result from a newly created tax increment financing district.

(b) On or before January 15, 2019, the Vermont Economic Progress Council shall prepare and present to the House Committees on Commerce and Economic Development and on Ways and Means, and the Senate Committees on Economic Development, Housing and General Affairs and on Finance draft legislation incorporating the metrics described in subsection (a) of this section as part of the criteria used to evaluate a municipality's application for a tax increment financing district.

Sec. 3. TAX INCREMENT FINANCING; SMALL TOWN; STUDY

(a) On or before January 15, 2019, the Agency of Commerce and Community Development, in consultation with interested stakeholders, shall study the creation of a tax increment financing program or alternative economic development tool that achieves a similar goal that would be targeted at promoting economic development and affordable housing in towns with a population at or below 4,000. The study may include:

(1) options for how to sustain a tax increment financing district or alternative economic development program in towns with a small tax base; and

(2) a consideration of whether a population size at or below 4,000 would be appropriate for the program.

(b) The Secretary of Commerce and Community Development shall submit a report to the House Committees on Commerce and Economic Development and on Ways and Means and the Senate Committees on Economic Development, Housing and General Affairs and on Finance with recommendations on the feasibility of the program described in subsection (a) of this section, and if feasible, how the program would be implemented.

Sec. 4. 24 V.S.A. § 1892 is amended to read:

§ 1892. CREATION OF DISTRICT

* * *

~~(g) Beginning in 2019 and annually thereafter, on or before January 15 of each year, the Joint Fiscal Office, with the assistance of the consulting Legislative Economist, the Department of Taxes, and the Agency of Commerce and Community Development in consultation with the Vermont Economic Progress Council, shall examine the recommendations and conclusions of the tax increment financing capacity study and report created pursuant to subsection (e) of this section, and shall submit to the Emergency Board and to the House Committees on Commerce and Economic Development and on Ways and Means and the Senate Committees on Economic Development, Housing and General Affairs and on Finance an updated summary report that includes:~~

~~(1) an assessment of any material changes from the initial report concerning TIFs and other tools and an assessment of the health and sustainability of the tax increment financing system in Vermont;~~

~~(2) short-term and long-term projections on the positive and negative fiscal impacts of the TIF districts or other tools, as applicable, that are currently active or authorized in the State;~~

~~(3) a review of the size and affordability of the net indebtedness for TIF districts and an estimate of the maximum amount of new long-term net debt that prudently may be authorized for TIF districts or other tools in the next fiscal year. [Repealed.]~~

~~(h) Annually, based on the analysis and recommendations included in the reports required in this section, the General Assembly shall consider the amount of new long-term net debt that prudently may be authorized for TIF districts in the next fiscal year and determine whether to expand the number of TIF districts or similar economic development tools in addition to the previously approved districts referenced in subsection (d) of this section and the six additional districts authorized by 32 V.S.A. § 5404a(f). [Repealed.]~~

Sec. 5. 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 tax increment financing districts”

Rep. Wright of Burlington, for the committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the committee on Commerce and Economic Development and when further amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. TAX INCREMENT FINANCING; METRICS; REPORT

(a) On or before December 15, 2018, the Vermont Economic Progress Council, in consultation with the Agency of Commerce and Community Development, the Department of Taxes, the State Auditor, the consulting Legislative Economist, and the Joint Fiscal Office, shall develop metrics to evaluate:

(1) the local economic impact of existing tax increment financing districts and the projected local economic benefits that would result from a newly created tax increment financing district;

(2) the regional economic impact of existing tax increment financing districts and the projected regional economic benefits that would result from a

newly created tax increment financing district; and

(3) the statewide economic impact of existing tax increment financing districts and the projected statewide economic benefits that would result from a newly created tax increment financing district.

(b) On or before January 15, 2019, the Vermont Economic Progress Council shall prepare and present to the House Committees on Commerce and Economic Development and on Ways and Means and the Senate Committees on Economic Development, Housing and General Affairs and on Finance draft legislation incorporating the metrics described in subsection (a) of this section as part of the criteria used to evaluate a municipality's application for a tax increment financing district.

Sec. 2. VERMONT ECONOMIC PROGRESS COUNCIL; ECONOMIC DEVELOPMENT; STUDY

(a) On or before January 15, 2019, the Vermont Economic Progress Council, in consultation with interested stakeholders, shall study the creation of a statewide economic development tool that achieves the same goals of the tax increment financing program of promoting economic development and expanding affordable housing, but that does not utilize resources from the Education Fund. The study shall include options for how to sustain such an economic development program in towns with both small and large populations.

(b) The Secretary of Commerce and Community Development shall submit a report to the House Committees on Commerce and Economic Development and on Ways and Means and the Senate Committees on Economic Development, Housing and General Affairs and on Finance with recommendations on the feasibility of the program described in subsection (a) of this section, and if feasible, how the program would be implemented.

Sec. 3. 24 V.S.A. § 1892 is amended to read:

§ 1892. CREATION OF DISTRICT

* * *

(g) Beginning in 2019 2021 and annually every four years thereafter, on or before January 15 of each year, the Joint Fiscal Office, with the assistance of the consulting Legislative Economist, the Department of Taxes, and the Agency of Commerce and Community Development in consultation with the Vermont Economic Progress Council, shall examine the recommendations and conclusions of the tax increment financing capacity study and report created pursuant to subsection (e) of this section, and shall submit to the Emergency Board and to the House Committees on Commerce and Economic

Development and on Ways and Means and the Senate Committees on Economic Development, Housing and General Affairs and on Finance an updated summary report that includes:

* * *

(h) Annually Beginning in 2021 and every four years thereafter, based on the analysis and recommendations included in the reports required in this section, the General Assembly shall consider the amount of new long-term net debt that prudently may be authorized for TIF districts in the next fiscal year and determine whether to expand the number of TIF districts or similar economic development tools in addition to the previously approved districts referenced in subsection (d) of this section and the six additional districts authorized by 32 V.S.A. § 5404a(f).

Sec. 4. 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 tax increment financing districts”

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 Ways and Means.

Pending the question, Shall the bill be amended as recommended by the committee on Commerce and Economic Development, as amended? **Rep. Chesnut-Tangerman of Middletown Springs** moved to amend the bill as follows:

First: By striking out Sec. 4, Effective Date, and inserting in lieu thereof the following:

Sec. 4. 32 V.S.A. § 305b is amended to read:

§ 305b. EDUCATION PROPERTY TAX INCREMENT; EMERGENCY
BOARD ESTIMATE

Annually, at the January meeting of the Emergency Board held pursuant to section 305a of this title, the Joint Fiscal Office and the Secretary of Administration shall provide to the Emergency Board a consensus estimate of the ~~impact on~~ foregone revenue from the Education Fund resulting from tax increment financing districts authorized pursuant to 24 V.S.A. chapter 53 and section 5404a of this title. The estimate shall be for the succeeding fiscal year. The Emergency Board shall adopt an official estimate of the ~~impact on~~ foregone revenue the Education Fund at the January meeting.

Second: By adding a Sec. 5, amending 16 V.S.A. § 4025, to read as follows:

Sec. 5. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

(a) The Education Fund is established to comprise the following:

(1) All revenue paid to the State from the statewide education tax on nonresidential and homestead property under 32 V.S.A. chapter 135.

(2) For each fiscal year, the amount of the general funds appropriated and transferred to the Education Fund shall be \$305,900,000.00, to be increased annually beginning for fiscal year 2018 by the consensus Joint Fiscal Office and Administration determination of the National Income and Product Accounts (NIPA) Implicit Price Deflator for State and Local Government Consumption Expenditures and Gross Investment as reported by the U.S. Department of Commerce, Bureau of Economic Analysis through the fiscal year for which the payment is being determined, plus an additional one-tenth of one percent, plus an amount equal to the official estimate of forgone revenue from the Education Fund adopted by the Emergency Board pursuant to section 305b of this title.

* * *

Third: By adding a Sec. 6, Effective Date, to read as follows:

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

Thereupon, **Rep. Chesnut-Tangerman of Middletown Springs** asked and was granted leave of the House to withdraw his amendment.

Thereupon, the report of the committee on Commerce and Economic Development, as amended, was agreed to and third reading was ordered.

**Senate Proposal of Amendment Considered;
Action on Bill Postponed**

H. 611

The Senate proposed to the House to amend House bill, entitled
An act relating to compensation for victims of crime

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

In Sec. 1, 13 V.S.A. § 5357, by amending the last sentence to read as follows:

Such subrogation shall be against ~~the perpetrator of the crime or any person~~ liable for the pecuniary loss.

Which proposal of amendment was considered.

Thereupon, pending the question, Will the House concur in the Senate proposal of amendment? on motion of **Rep. Morris of Bennington**, action on the bill was postponed until April 5, 2018.

**Senate Proposal of Amendment Passed in Concurrence;
H. 693**

The Senate proposed to the House to amend House bill, entitled
An act relating to increasing the minimum wage

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 1 V.S.A. § 496a is added to read:

§ 496a. HONOR AND REMEMBER FLAG

The Honor and Remember Flag is designated as the flag that recognizes those Vermonters who died during or as the result of serving on active duty in the U.S. Armed Forces. This designation will recognize their bravery and educate Vermonters about the sacrifices their fellow citizens have made to protect our nation. The Department of Buildings and General Services shall establish a protocol for the flying of the Honor and Remember Flag and may accept donations of the flag to be flown on State-owned flagpoles. The Honor and Remember Flag may be flown on State-owned and municipally owned flagpoles, including those at military facilities, war memorials, and veterans cemeteries on such days as the Department of Buildings and General Services shall designate in the protocol.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

Action on Bill Postponed

H. 836

House bill, entitled

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

Was taken up and pending the consideration of the Senate proposal of amendment, on motion of **Rep. Colburn of Burlington**, action on the bill was postponed until April 5, 2018.

Joint Resolution Adopted**J.R.H. 15**

Joint resolution, entitled

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

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

Remarks Journalized

On motion of **Rep. Burke of Brattleboro**, the following remarks by **Rep. Toleno of Brattleboro** were ordered printed in the Journal:

“Madam Speaker:

We just heard a resolution honoring the life of Tim O’Connor. The resolution highlighted a few of Tim’s accomplishments, many of which are no doubt well-known to members of this body. I know that all of us from the Windham County delegation share the sentiment that Tim was a true legend of Vermont politics, but even more importantly he was a powerful role model for public service, in all its forms.

Today we are lucky enough to have some of Tim’s family here. Kate and Kerry are here, as they have been so many times before for their work and to support Tim and his widow Martha over the years.

Before we welcome them as a body, I would like to offer a brief personal testimony to the spirit of this family and to acknowledge that part of what made Tim special was that he was part of a family team that shared his ethic of service. Simply put, I can’t think of another family that has been more committed to Vermont and Vermonters.

Our worlds didn’t overlap that much until I decided to start my own political service. As it happened, Kate and I ended up in a primary against each other. It was uncharted waters for us both of us and when it was over it was hard for me to know what would come next. I remembered seeing Kate and Tim out walking our district throughout the summer and I worried that we would struggle to build a relationship. That fear was unfounded and it began with Tim treating me with kindness and respect, with genuine interest in my experience here and with him gently coaching me to serve with passion and skill. Kate, like her father, engaged me with her good-nature and her own generous spirit of service to our community and state. I feel so lucky to have her in my world. I had a chance to work with Martha too, as she served on the Vermont State College Board and I have come to believe that Martha’s

achievements are worthy of their own special acknowledgment.

These layers of connection, and their foundation in service, are why I feel that honoring Tim must also mean honoring his family, as the family continues to unfold a legacy worthy of our respect and admiration.

Please join me in welcoming them. They are seated in the gallery.”

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

S. 53

Rep. Turner of Milton moved that the committee on Rules be relieved of House bill, entitled

An act relating to recommendations for achieving universal coverage for primary care in Vermont

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

Remarks Journalized

On motion of **Rep. Mrowicki of Putney**, the following remarks by **Rep. Christie of Hartford** were ordered printed in the Journal:

“Madam Speaker:

May I share a brief thought with you and the body.

Fifty years ago today Dr. Martin Luther King, Jr. was slain. Today we in Vermont have the opportunity to continue his work and ours 'to promote racial justice reform throughout the State by mitigating systemic racism in all systems of State government and creating a culture of inclusiveness.'

Dr. King said, I have a dream when we let freedom ring when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God’s children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, 'Free at last! Thank God Almighty, we are free at last!’”

Remarks Journalized

On motion of **Rep. Morris of Bennington**, the following remarks by **Rep. Gonzalez of Winooski** were ordered printed in the Journal:

“Madam Speaker:

Today marks the 50th anniversary of the assassination of Dr. Martin Luther King Jr. as well as the birthday of the great poet Maya Angelou, who would

have turned 80 today.

Dr. Martin Luther King Jr, fought against poverty and for equal rights across ethnic groups for all Americans.

This year is the 50th anniversary for many historic civil rights events. And I believe we would be remiss not to acknowledge the legislative and legal efforts King and others made to improve America for all Americans. I for one would not hold this seat if not for the Civil Rights movement.

I believe we would also be remiss if we did not mark and acknowledge these issues still significantly plague us. Income and wealth inequality is greater now than it was 50 years ago with white families having seven times the wealth of Black families and five times the wealth of Latino families. Despite equal levels of violating laws, African-Americans are incarcerated at a much higher rate than white Americans. We continue to have much work to do to follow Dr. King's vision of equity across race and class.

Maya Angelou, one of our great American literary treasures, acknowledged this tension in her many literary works. When she was alive, she would send flowers to Coretta Scott King, Dr. King's widow every year. Madam speaker may I read a short section of one of her poems? Her poem, 'And Still I Rise' has been an inspiration to me and many more as we work for equity across race.

'Out of the huts of history's shame
I rise
Up from a past that's rooted in pain
I rise
I'm a black ocean, leaping and wide,
Welling and swelling I bear in the tide.
Leaving behind nights of terror and fear
I rise
Into a daybreak that's wondrously clear
I rise
Bringing the gifts that my ancestors gave,
I am the dream and the hope of the slave.
I rise
I rise
I rise.'"

Remarks Journalized

On motion of **Rep. Turner of Milton**, the following remarks by **Rep. Wright of Burlington** were ordered printed in the Journal:

"Madam Speaker:

Adding to the remarks of the members from Hartford and Winooski regarding the 50th anniversary of the assassination of the great civil rights leader Martin Luther King, Jr., I'd like to read the quote I remember the most: 'I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character.'

Madam Speaker, those are words that we should all strive to follow, and if we all lived by those words, people in Vermont and across the country, our nation would be a much better place.”

Message from the Senate No. 46

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 bill originating in the House of the following title:

H. 686. An act relating to establishing the Child Fatality Review Team.

And has passed the same in concurrence.

The Senate has considered bill originating in the House of the following title:

H. 271. An act relating to administration of the Supplemental Nutrition Assistance Program.

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

Adjournment

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