

House Calendar

Friday, March 01, 2019

52nd DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

Favorable with Amendment

H. 73 Approval of amendments to the charter of the City of Barre.....	519
Rep. Hooper for Government Operations	
H. 275 The Farm-to-Plate Investment Program.....	519
Rep. Fegard for Agriculture and Forestry	
H. 327 Automatic renewal contract provisions.....	522
Rep. Marcotte for Commerce and Economic Development	

NOTICE CALENDAR

Committee Bill for Second Reading

H. 511 Criminal statutes of limitations.....	524
Rep. LaLonde for Judiciary	

Favorable with Amendment

H. 26 Restricting retail and Internet sales of electronic cigarettes, liquid nicotine, and tobacco paraphernalia in Vermont.....	524
Rep. Brumsted for Human Services	

Consent Calendar

H.C.R. 59 Honoring former Bridport Selectboard member Thomas Carey Howlett for his outstanding community service.....	525
H.C.R. 60 Honoring Betty Bell of New Haven for her devoted community leadership.....	525
H.C.R. 61 In memory of former Representative Richard Cutler Pembroke Sr. of Bennington.....	525
H.C.R. 62 Honoring firefighter extraordinaire and former Marshfield Moderator Tom Maclay.....	525
H.C.R. 63 Congratulating Charles Bothfeld of Cabot on his 100th birthday	525

H.C.R. 64 Congratulating Jon Wilbur on achieving a perfect 900 bowling score.....	525
H.C.R. 65 Honoring Vernon’s extraordinary resident historian Barbara Ann Emery Moseley.....	526
H.C.R. 66 Designating March 13, 2019 as the 25th Early Childhood Day at the State House.....	526
S.C.R. 5 Senate concurrent resolution honoring Ralph Pace of Ludlow for his community leadership and public service.....	526

ORDERS OF THE DAY

ACTION CALENDAR

Favorable with Amendment

H. 73

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

Rep. Hooper of Burlington, for the Committee on Government Operations, recommends the bill be amended as follows:

First: In Sec. 2, 24 App. V.S.A. chapter 1, immediately after the ellipses following section 104, by inserting the following:

§ 105. ORDINANCES — SUBJECT MATTER

The general grant of ordinance promulgating authority in section 104 shall include the authority:

* * *

(g) To adopt and enforce ordinances relating to the mediation of landlord-tenant issues by the Housing Board of Review.

Second: In Sec. 2, 24 App. V.S.A. chapter 1, in section 527, by striking out subdivision (3) in its entirety and inserting in lieu thereof the following:

(3) the powers necessary to act as a mediator in landlord-tenant issues pursuant to an ordinance adopted under subsection 105(g) of this charter.

* * *

(Committee Vote: 10-0-1)

H. 275

An act relating to the Farm-to-Plate Investment Program

Rep. Fegard of Berkshire, for the Committee on Agriculture and Forestry, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 330 is amended to read:

§ 330. THE FARM-TO-PLATE INVESTMENT PROGRAM; CREATION;
GOALS OUTCOMES; TASKS; METHODS

(a) Creation.

(1) ~~The Sustainable Jobs Fund Program in consultation with the Vermont Sustainable Agriculture Council~~ shall establish the Vermont Farm-to-Plate Investment Program to fulfill the goals and carry out the tasks described in this section.

(2) If at least \$100,000.00 in funding is not made available for the purpose of this section, the Sustainable Jobs Fund Program is encouraged but no longer required to fulfill the provisions of this section.

(b) ~~Goals~~ Intended outcomes. The ~~goals~~ intended outcomes of the Farm-to-Plate Investment Program are to:

(1) Increase sustainable economic development and create jobs in Vermont's food and farm sector.

(2) ~~Create jobs in the food and farm economy~~ Improve soils, water, and resiliency of the working landscape in the face of climate change.

(3) Improve access to healthy local foods for all Vermonters.

(c) Tasks.

(1) ~~By June 30, 2010, the~~ The Vermont Farm-to-Plate Investment Program shall create a strategic plan for ~~agricultural-economic food system~~ development, which may be periodically reviewed and updated, based upon the following:

(A) Inventory Vermont's food system infrastructure by gathering existing data, studies, and analysis about the components of Vermont's food system, including:

(i) ~~The~~ the types of foods produced in Vermont, the number of producers of each type of food, the amount of each type of food produced, and the financial viability of each food-producing sector-;

(ii) ~~The~~ the types of food processors in Vermont, how much food produced in Vermont is purchased by Vermont processors, and the financial viability of the food processing sector in Vermont-;

(iii) ~~The~~ the current and potential markets in which Vermont food producers and processors can sell their products-;

(iv) ~~The~~ the extent of existing agricultural lands that could be expanded and the resources available to expand Vermont's food production-;

(v) ~~The~~ the potential for new farmers and food processors to enter the local food economy, the methods for new farmers to acquire land and other farm infrastructure, and the availability and barriers to farm and processing labor-; and

(vi) ~~The~~ the potential for entirely new local products and the barriers to farmers and processors entering new markets.

(B) Identify gaps in the infrastructure and distribution systems and identify ways to address these gaps.

(2) The Vermont Farm-to-Plate Investment Program shall ~~seek grant funding to support farm-to-table direct marketing, including farmers' markets and community-supported agriculture operations and to support regional community food hubs~~ provide support for farm and food businesses, including regional food hubs, selling in all types of markets, direct and wholesale, in the State and outside the State.

(3) As an ongoing task, the Farm-to-Plate Investment Program shall use the information gathered for the strategic plan and updates to the plan to identify methods and the funding necessary to strengthen the links among producers, processors, and markets, including:

(A) ~~Support~~ supporting of the work of existing farm-to-school programs to increase the purchase of local foods by Vermont schools, with a particular emphasis on procurement of nutrient-dense animal foods.;

(B) supporting the work of the Working Lands Enterprise Board to strategically invest in farm and food businesses;

(C) ~~Collaborating~~ collaborating with the Agency of Agriculture, Food and Markets and the Department of Buildings and General Services to increase procurement of local foods in accordance with 6 V.S.A. § 4601.;

~~(C)(D)~~ ~~Collaborating~~ collaborating with the Agency of Agriculture, Food and Markets ~~and the Sustainable Agriculture Council~~ to increase procurement of local foods by businesses and institutions.;

~~(D)(E)~~ ~~Supporting~~ supporting initiatives that improve ~~direct the~~ marketing of foods from the farm Vermont producers to the consumer. consumers inside the State and outside of the State;

(F) supporting education and workforce development initiatives that address skill and labor needs of farm and food businesses; and

~~(E)(G)~~ ~~Informing~~ informing agricultural lenders of the information collected under subdivision (1) of this subsection (c) in order to facilitate availability of ~~agricultural~~ farm and food sector financing.

(4) The Farm-to-Plate Investment Program ~~strategic plan~~ Strategic Plan shall also ~~include recommendations regarding~~ establish measurable goals that shall be tracked over the ~~ten-year~~ life of the Plan; methods for the ongoing collection of data necessary to track those goals; plans for updating the Plan as

needed; and appropriate methods to track the ongoing economic contribution of the farm and food sector to the Vermont economy.

(d) Methods. To accomplish the goals and carry out the ongoing tasks stated in this section, the Vermont Farm-to-Plate Investment Program may:

(1) ~~Create~~ create an advisory panel with representatives from the agricultural and business communities;

(2) ~~Hire~~ hire or assign staff;

(3) ~~Seek~~ seek and accept funds from private and public entities;

(4) serve as the administrative support for the Farm-to-Plate Network;
and

(5) ~~Utilize~~ utilize technical assistance, loans, grants, or other means approved by the Board.

(e) [Repealed.]

Sec. 2. REPEAL; FARM-TO-PLATE INVESTMENT PROGRAM

10 V.S.A. § 330 (Farm-to-Plate Investment Program) shall be repealed on January 1, 2031.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee Vote: 8-0-0)

H. 327

An act relating to automatic renewal contract provisions

Rep. Marcotte of Coventry, for the Committee on Commerce and Economic Development, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. § 2454a is amended to read:

§ 2454a. CONSUMER CONTRACTS; AUTOMATIC RENEWAL

(a) A contract between a consumer and a seller or a lessor with an initial term of one year or longer that renews for a subsequent term that is longer than one month shall not renew automatically unless:

(1) the contract states clearly and conspicuously the terms of the automatic renewal provision in plain, unambiguous language in bold-face type;
and

~~(2) in addition to accepting the contract, the consumer takes an affirmative action to opt in to the automatic renewal provision; and~~

~~(3) if the consumer opts in to the automatic renewal provision, the seller or lessor provides a written or electronic notice to the consumer:~~

~~(A) not less than 30 days and not more than 60 days before the earliest of:~~

~~(i) the automatic renewal date;~~

~~(ii) the termination date; or~~

~~(iii) the date by which the consumer must provide notice to cancel the contract; and~~

~~(B) that includes:~~

~~(i) the date the contract will terminate and a clear statement that the contract will renew automatically unless the consumer cancels the contract on or before the termination date; and~~

~~(ii) the length and any additional terms of the renewal period;~~

~~(iii) one or more methods by which the consumer can cancel the contract; and~~

~~(iv) contact information for the seller or lessor.~~

(b) A seller or lessor under a contract subject to subsection (a) of this section shall:

(1) provide to the consumer a toll-free telephone number, electronic-mail address, a postal address if the seller or lessor directly bills the consumer, or another cost-effective, timely, and easy-to-use mechanism for canceling the contract; and

(2) if the consumer accepted the contract online, permit the consumer to terminate the contract exclusively online, which may include a termination e-mail formatted and provided by the seller or lessor that the consumer can send without additional information.

(c) A person who violates a provision of subsection (a) of this section commits an unfair and deceptive act in commerce in violation of section 2453 of this title.

~~(e)(d) The provisions of this section do not apply to:~~

~~(1) a contract between a consumer and a financial institution, as defined in 8 V.S.A. § 11101, or between a consumer and a credit union, as defined in 8 V.S.A. § 30101; or~~

(2) a contract for insurance, as defined in 8 V.S.A. § 3301a.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2019 and supersedes contrary provisions of 2018 Acts and Resolves No. 179, Sec. 1.

(Committee Vote: 10-1-0)

NOTICE CALENDAR

Committee Bill for Second Reading

H. 511

An act relating to criminal statutes of limitations.

(Rep. LaLonde of South Burlington will speak for the Committee on Judiciary.)

Favorable with Amendment

H. 26

An act relating to restricting retail and Internet sales of electronic cigarettes, liquid nicotine, and tobacco paraphernalia in Vermont

Rep. Brumsted of Shelburne, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 1002(g) is amended to read:

(g) No person shall engage in the retail sale of tobacco products, tobacco substitutes, substances containing nicotine or otherwise intended for use with a tobacco substitute, or tobacco paraphernalia in the State unless the person is a licensed wholesale dealer as defined in 32 V.S.A. § 7702 or has purchased the tobacco products, tobacco substitutes, substances containing nicotine or otherwise intended for use with a tobacco substitute, or tobacco paraphernalia from a licensed wholesale dealer.

Sec. 2. 7 V.S.A. § 1010(b) is amended to read:

(b) No person shall cause cigarettes, roll-your-own tobacco, little cigars, or snuff, tobacco substitutes, substances containing nicotine or otherwise intended for use with a tobacco substitute, or tobacco paraphernalia, ordered or purchased by mail or through a computer network, telephonic network, or

other electronic network, to be shipped to anyone other than a licensed wholesale dealer or retail dealer in this State.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(**Committee Vote: 11-0-0**)

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of February 28, 2019.

H.C.R. 59

House concurrent resolution honoring former Bridport Selectboard member Thomas Carey Howlett for his outstanding community service

H.C.R. 60

House concurrent resolution honoring Betty Bell of New Haven for her devoted community leadership

H.C.R. 61

House concurrent resolution in memory of former Representative Richard Cutler Pembroke Sr. of Bennington

H.C.R. 62

House concurrent resolution honoring firefighter extraordinaire and former Marshfield Moderator Tom Maclay

H.C.R. 63

House concurrent resolution congratulating Charles Bothfeld of Cabot on his 100th birthday

H.C.R. 64

House concurrent resolution congratulating Jon Wilbur on achieving a perfect 900 bowling score

H.C.R. 65

House concurrent resolution honoring Vernon's extraordinary resident historian Barbara Ann Emery Moseley

H.C.R. 66

House concurrent resolution designating March 13, 2019 as the 25th Early Childhood Day at the State House

S.C.R. 5

Senate concurrent resolution honoring Ralph Pace of Ludlow for his community leadership and public service.

Information Notice

CROSSOVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2)) on or before **Friday, March 15, 2019**, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 22, 2019**, and filed with the Secretary/Clerk so that they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.