

Journal of the House

Tuesday, March 26, 2019

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

Rep. Krowinski of Burlington in chair. Speaker Johnson of South Hero was Acting Governor.

Devotional Exercises

Devotional exercises were conducted by Sam Bulpin, Runner-up VT Poetry Out Loud contest, St. Johnsbury, VT.

Pledge of Allegiance

Page Eli Ferro of Tunbridge led the House in the Pledge of Allegiance.

Message from the Senate No. 28

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. 7. An act relating to social service integration with Vermont's health care system.

S. 30. An act relating to the regulation of hydrofluorocarbons.

S. 31. An act relating to informed health care financial decision making.

S. 68. An act relating to Indigenous Peoples' Day.

S. 105. An act relating to miscellaneous judiciary procedures.

S. 107. An act relating to elections corrections.

S. 110. An act relating to data privacy and consumer protection.

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

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

S.C.R. 7. Senate concurrent resolution congratulating Bag Balm on its 120th anniversary.

S.C.R. 8. Senate concurrent resolution congratulating Alice Johnson Blair

on her 100th birthday..

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

H.C.R. 83. House concurrent resolution honoring Poultney civic leader and esteemed educator Francis Fressie.

H.C.R. 84. House concurrent resolution honoring pharmacist, entrepreneur, and community leader Frank Buonincontro of Bristol.

H.C.R. 85. House concurrent resolution honoring Weybridge's creative volunteer Michael A. Newkirk.

H.C.R. 86. House concurrent resolution recognizing March 2019 as National Social Work Month in Vermont.

H.C.R. 87. House concurrent resolution designating Friday, March 29, 2019 as Alzheimer's Awareness Day at the State House.

H.C.R. 88. House concurrent resolution in memory of Lyndon Justice of the Peace Edith Bell-Brown.

H.C.R. 89. House concurrent resolution honoring Vermont Economic Development Authority Chief Executive Officer Rosalea Bradley for her dynamic and innovative leadership.

H.C.R. 90. House concurrent resolution congratulating the 2019 Vermont Prudential Spirit of Community Awards Honorees and Distinguished Finalists.

H.C.R. 91. House concurrent resolution congratulating Richard E. Prentiss on 50 years of dedicated firefighting service in the Town of Bennington.

H.C.R. 92. House concurrent resolution congratulating William Kinney on 50 years of outstanding firefighting service in the Town of Bennington.

H.C.R. 93. House concurrent resolution congratulating the 2019 Mt. Anthony Union High School Patriots on winning their historic 31st consecutive State wrestling championship and 100th school victory.

H.C.R. 94. House concurrent resolution congratulating Charles Harvey on 50 years of exemplary firefighting service in the Town of Bennington.

H.C.R. 95. House concurrent resolution congratulating the 2019 Mt. Anthony Union High School Patriots Division I boys' Nordic skiing championship team.

H.C.R. 96. House concurrent resolution in memory of former Representative Sylvia Rita Kennedy of Chelsea.

H.C.R. 97. House concurrent resolution in memory of Ken Tohinaka.

H.C.R. 98. House concurrent resolution congratulating Outright Vermont on its 30th anniversary.

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. 537

By Rep. Sullivan of Dorset,
House bill, entitled
An act relating to affirmative consent;
To the committee on Judiciary.

H. 538

By Reps. Strong of Albany and Young of Greensboro,
House bill, entitled
An act relating to the right of a grandparent to petition for visitation with grandchildren;
To the committee on Human Services.

H. 539

By Rep. Scheuermann of Stowe,
House bill, entitled
An act relating to approval of amendments to the charter of the Town of Stowe and to the merger of the Town and the Stowe Fire District No. 3;
To the committee on Government Operations.

H. 540

By Reps. Macaig of Williston and McCullough of Williston,
House bill, entitled
An act relating to approval of the amendments to the charter of the Town of Williston;
To the committee on Government Operations.

H. 541

By the committee on Ways and Means,
An act relating to changes that affect the revenue of the State;

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 542

By the committee on Appropriations,

An act relating to making appropriations for the support of government;

Pursuant to House rule 48, bill placed on the Calendar for notice.

Senate Bill Referred

S. 7

Senate bill, entitled

An act relating to social service integration with Vermont's health care system

Was read and referred to the committee on Health Care.

Senate Bill Referred

S. 30

Senate bill, entitled

An act relating to the regulation of hydrofluorocarbons

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

Senate Bill Referred

S. 31

Senate bill, entitled

An act relating to informed health care financial decision making

Was read and referred to the committee on Health Care.

Senate Bill Referred

S. 68

Senate bill, entitled

An act relating to Indigenous Peoples' Day

Was read and referred to the committee on General, Housing, and Military Affairs.

Senate Bill Referred**S. 105**

Senate bill, entitled

An act relating to miscellaneous judiciary procedures

Was read and referred to the committee on Judiciary.

Senate Bill Referred**S. 107**

Senate bill, entitled

An act relating to elections corrections

Was read and referred to the committee on Government Operations.

Senate Bill Referred**S. 110**

Senate bill, entitled

An act relating to data privacy and consumer protection

Was read and referred to the committee on Commerce and Economic Development.

Bill Referred to Committee on Appropriations**H. 107**

House bill, entitled

An act relating to paid family and medical leave

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

Third Reading; Bill Passed**H. 82**

House bill, entitled

An act relating to the taxation of timber harvesting equipment

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 249**

House bill, entitled

An act relating to additional Reach Up Program benefits

Was taken up, read the third time and passed.

Bill Amended; Read Third Time; Bill Passed

H. 529

House bill, entitled

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

Was taken up and pending third reading of the bill, **Rep. McCormack of Burlington** moved to amend the bill as follows:

By adding a new section to be Sec. 4a and accompanying reader assistance heading to read as follows:

* * * Electric Vehicle Charging Stations at Park and Ride Lots * * *

Sec. 4a. ELECTRIC VEHICLE CHARGING STATIONS AT PARK AND
RIDE LOTS

Within the Agency of Transportation's Proposed Fiscal Year 2020 Transportation Program (Revised February 21, 2019) for Park & Ride Lots authorized spending for Statewide EVCS(1)-EV charging stations is amended as follows:

<u>FY20</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	300,000	300,000	0
Total	300,000	300,000	0
<u>Sources of funds</u>			
State (Transportation Fund)	300,000	0	-300,000
State (Interdepartmental Transfer)	0	300,000	300,000
Total	300,000	300,000	0

Which was agreed to.

Pending third reading of the bill, **Rep. Brennan of Colchester** moved to amend the bill as follows:

First: By striking out in its entirety Sec. 34 (commuter rail technical analysis), and its accompanying reader assistance heading, and inserting in lieu thereof the following:

Sec. 34. [Deleted.]

Second: In Sec. 35 (effective dates), in subsection (a), by striking out “2 and 34 (commuter rail technical analysis)” and inserting before “32 (PUC jurisdiction)” the word “and”

Which was disagreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 530

House bill, entitled

An act relating to the qualifications and election of the Adjutant and Inspector General

Was taken up, read the third time and passed.

Third Reading; Bill Passed in Concurrence

S. 109

Senate bill, entitled

An act relating to captive insurance companies and risk retention groups

Was taken up, read the third time and passed in concurrence.

Committee Bill; Second Reading; Consideration Interrupted

H. 536

Rep. Till of Jericho spoke for the committee on Ways and Means.

House bill entitled

An act relating to education finance

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

Recess

At eleven o'clock and nine minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

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

Consideration Resumed; Third Reading Ordered

H. 536

Consideration resumed on House bill, entitled

An act relating to education finance

Thereupon third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 205

Rep. Bartholomew of Hartland for the committee on Agriculture and Forestry, to which had been referred House bill entitled,

An act relating to the regulation of neonicotinoid pesticides

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

Sec. 1. 6 V.S.A. § 911 is amended to read:

§ 911. DEFINITIONS

As used in this chapter:

* * *

(4) “Secretary” means the Secretary of Agriculture, Food and Markets.

(5) “Economic poison” means:

(A) any substance produced, distributed, or used for preventing, destroying, or repelling any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living ~~man~~ humans or other animals, which the Secretary shall declare to be a pest;

(B) any substance produced, distributed, or used as a plant regulator, defoliant, or desiccant.

* * *

(7) “Fungicide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

(8) “Herbicide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

* * *

(12) “Insecticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects ~~which~~ that may be present in any environment whatsoever.

* * *

(16) “Person” means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

(17) "Registrant" means the person registering any economic poison pursuant to the provisions of this chapter.

(18) "Rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal ~~which~~ that the Secretary shall declare to be a pest.

(19) "Weed" means any plant ~~which~~ that grows where not wanted.

(20) "Nematocide" means any substance produced, distributed, or used for preventing, destroying, or repelling nematodes.

(21) "Plant regulator" means any substance produced, distributed, or used for the purposes of accelerating or retarding the rate of growth or rate of maturation, or otherwise altering the behavior of plants but shall not include substances produced, distributed, or used for plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

(22) "Defoliant" means any substance produced, distributed, or used for causing the foliage to drop from a plant, with or without causing abscission.

(23) "Desiccant" means any substance produced, distributed, or used for artificially accelerating the drying of plant tissues.

* * *

(25) "Agricultural seed" has the same meaning as in section 641 of this title.

(26) "Neonicotinoid pesticide" means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals, including:

(A) imidacloprid;

(B) nithiazine;

(C) acetamiprid;

(D) clothianidin;

(E) dinotefuran;

(F) thiacloprid;

(G) thiamethoxam; and

(H) any other chemical designated by the Secretary by rule.

(27) "Treated article" or "treated article pesticide" shall have the same meaning as "treated article" in section 1101 of this title.

(28) "Treated article seed" means an agricultural seed, flower seed, or vegetable seed that is a treated article pesticide.

Sec. 2. 6 V.S.A. § 918 is amended to read:

§ 918. REGISTRATION

(a) Every economic poison ~~which~~ that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered in the Office of the Secretary, and such registration shall be renewed annually; provided that products ~~which~~ that have the same formula are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison; and additional names and labels shall be added by ~~supplement~~ supplemental statements during the current period of registration. It is further provided that any economic poison imported into this State, which is subject to the provisions of any federal act providing for the registration of economic poisons and which has been duly registered under the provisions of this chapter, may, in the discretion of the Secretary, be exempted from registration under this chapter, when sold or distributed in the unbroken immediate container in which it was originally shipped. The registrant shall file with the Secretary a statement including:

(1) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant.

(2) The name of the economic poison.

(3) A complete copy of the labeling accompanying the economic poison and a statement of all claims to be made for it, including directions for use.

(4) If requested by the Secretary, a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information ~~which~~ that is different from that furnished when the economic poison was registered or last reregistered.

(b) The registrant shall pay an annual fee of ~~\$175.00~~ \$200.00 for each product registered, and \$160.00 of that amount shall be deposited in the special fund created in section 929 of this title, of which \$5.00 from each product registration shall be used for an educational program related to the proper purchase, application, and disposal of household pesticides, and \$5.00 from each product registration shall be used to collect and dispose of obsolete and unwanted pesticides. Of the registration fees collected under this subsection, \$15.00 of the amount collected shall be deposited in the Agricultural Water Quality Special Fund under section 4803 of this title. Of the registration fees collected under this subsection, \$25.00 of the amount

collected shall be used to offset the additional costs of inspection and to provide educational services and technical assistance to the general public and beekeepers in the State. The annual registration year shall be from December 1 to November 30 of the following year.

* * *

(f) The Secretary shall register as a restricted use pesticide any neonicotinoid pesticide labeled as approved for outdoor use that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State, provided that the Secretary shall not register the following products as restricted use pesticides, unless classified under federal law as restricted use products:

(1) pet care products used for preventing, destroying, repelling, or mitigating fleas, mites, ticks, heartworms, or other insects or organisms;

(2) personal care products used for preventing, destroying, repelling, or mitigating lice or bedbugs;

(3) indoor pest control products used for preventing, destroying, repelling, or mitigating insects indoors; and

(4) treated article seed.

Sec. 3. 6 V.S.A. § 3023 is amended to read:

§ 3023. DUTIES TO REGISTRATION; REPORT

(a) It shall be the duty of any Registration. A person who is the owner of any bees, apiary, colony, or hive to report to in the State shall register with the Secretary in writing.

(b) Report. Annually the owner of any bees, apiary, colony, or hive registered under subsection (a) of this section shall submit a report to the Secretary that includes all of the following information:

(1) the The location of all such apiaries and number of colonies that the person owns. The location of an apiary shall become its registered location;

(2) the change of Whether the location of any apiary will change within two weeks of the date that the report is submitted unless the change of location is to provide pollination services and the colonies will be returned to a registered apiary. Hives from a registered apiary may be moved to another registered apiary without reregistering;

(3) the discovery of Whether a serious disease was discovered within any of his or her colonies; registered colony.

(4) ~~the transportation~~ Whether the owner transported into this the State of any colonies or used equipment, except as noted in authorized under subsection 3032(c) of this title; and.

(5) ~~the fact that he or she~~ Whether the owner is engaged in the rearing of queen bees or any other bees for sale, if applicable.

(6) A current varroa mite and pest mitigation plan for each registered colony.

(7) Proof of certification, if required, under section 3023a of this title.

Sec. 4. 6 V.S.A. § 3023a is added to read:

§ 3023a. VERMONT BEEKEEPER CERTIFICATE

(a) The Secretary shall establish an educational program to train a person who owns bees, apiaries, colonies, or hives in the State. The educational program shall address:

(1) bee health;

(2) varroa mite identification and control;

(3) identification of common diseases or pests;

(4) proper maintenance of hives;

(5) State laws regarding beekeeping and pesticide application; and

(6) continued education opportunities.

(b) The Secretary shall award a certificate to a person who completes the Vermont beekeeper training program under subsection (a) of this section.

Sec. 5. 6 V.S.A. § 3032 is amended to read:

§ 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO
THE STATE

(a) ~~No~~ Except as provided under subsections (c) and (d) of this section, bees, used equipment, or colonies shall not be brought into the State of Vermont unless approved by the Secretary by permit. The Secretary shall not approve the import of bees, used equipment, or colonies from out of state unless accompanied by a valid certificate of inspection within the previous ~~ten months~~ 90 days from the state or country of origin stating that the bees, used equipment, or bee colonies are free from bee disease.

(b) Any person, other than a common carrier, who knowingly transports or causes to be transported used equipment or colonies to a point within this State

shall provide the ~~secretary~~ Secretary with a copy of the certificate of inspection not more than 72 hours after entry into this State.

(c) This section shall not apply to a shipment of bees, equipment, or colonies which originated outside the ~~state~~ State and is destined for another point that is also located outside this State.

(d) The Secretary shall not require an import permit or a valid certificate of inspection under subsection (a) for bees, used equipment, or colonies that:

(1) are registered in Vermont;

(2) were transported no more than 75 miles from the registered location of the owner of the bees or colonies; and

(3) are imported back into the State within 90 days of the date of original transport.

Sec. 6. 6 V.S.A. § 3030 is amended to read:

§ 3030. RULES

The Secretary may adopt and enforce ~~such rules which may provide for to~~ implement the requirements of this chapter, including rules regarding:

(1) inspection, disinfection, seizure, destruction, or other disposition of bees, equipment, or bee products capable of carrying or transmitting any disease;

(2) importation of bees, equipment, or bee products capable of carrying or transmitting any disease; or

(3) registration and reporting by persons owning bees, an apiary, a colony, or a hive.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

Rep. Browning of Arlington, for the committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the committee on Agriculture and Forestry and when further amended as follows:

In Sec. 2, 6 V.S.A. § 918, in subsection (b), in the first sentence, by striking out “\$160.00” where it appears and inserting in lieu thereof “~~\$160.00~~ \$185.00”

Rep. Conquest of Newbury, for the committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the committees on Agriculture and Forestry and Ways and Means and when further amended as follows:

By adding Sec. 6a to read as follows:

Sec. 6a. POSITIONS; POLLINATOR SPECIALIST; PESTICIDE
ENFORCEMENT

The establishment of the following new classified, full-time positions is authorized in fiscal year 2020:

(1) In the Agency of Agriculture, Food and Markets – pollinator specialist.

(2) In the Agency of Agriculture, Food and Markets – enforcement specialist.

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

Message from the Senate No. 29

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. 53. An act relating to determining the proportion of health care spending allocated to primary care.

S. 55. An act relating to the regulation of toxic substances and hazardous materials.

S. 73. An act relating to licensure of ambulatory surgical centers.

S. 112. An act relating to earned good time.

S. 134. An act relating to background investigations for State employees with access to federal tax information.

S. 141. An act relating to nutritional requirements for children's meals.

S. 169. An act relating to firearms procedures.

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

J.R.S. 20. Joint resolution relating to weekend adjournment.

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

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

H. 513

Rep. Sibiliala of Dover spoke for the committee on Energy and Technology.
House bill entitled

An act relating to broadband deployment throughout Vermont

Rep. Young of Greensboro for the committee on Ways and Means recommended that the bill ought to pass when amended as follows:

In Sec. 7, 30 V.S.A. § 7521(e), concerning the application of the Universal Service Charge to prepaid wireless telecommunications service, in subdivision (1), by striking out the last sentence in its entirety and by inserting in lieu thereof a new sentence to read as follows: “The Commissioner of Taxes shall establish registration and payment procedures applicable to the Universal Service Charge imposed under this subsection consistent with the registration and payment procedures that apply to the sales tax imposed on such services and also consistent with the administrative provisions of 32 V.S.A. chapter 151, including any enforcement or collection action available for taxes owed pursuant to that chapter.”

Rep. Feltus of Lydon, for the committee on Appropriations, recommend the bill ought to pass when amended as recommended by the committee on Ways and Means.

Having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Ways and Means and Appropriations were agreed to.

Pending the question, Shall the bill be read a third time? **Reps. Sibiliala of Dover, Briglin of Thetford, Campbell of St. Johnsbury, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Higley of Lowell, Patt of Worcester, Scheuermann of Stowe and Yantachka of Charlotte** moved to amend the bill as follows:

First: In Sec. 14 (concerning the recommendation on general obligation bonding for municipal communications plants), by striking out the words “Director of the Municipal Bond Bank” and by inserting in lieu thereof “Executive Director of the Vermont Municipal Bond Bank”

Second: In Sec. 15, 10 V.S.A. § 280ee(c)(1), by striking out the word “Program” and by inserting in lieu thereof “Authority”

Third: In Sec. 15, 10 V.S.A. chapter 12, subchapter 114, in subdivision 280ee(c)(2), by striking out the words “adopt by rule standards”

and by inserting in lieu thereof “establish policies,” and by striking out the word “rules” and by inserting in lieu thereof “policies”

Fourth: In Sec. 15, 10 V.S.A. chapter 12, subchapter 14, in subdivision 280ee(c)(2)(C), by striking out the words “borrowers may borrow up to” and by inserting in lieu thereof “a loan shall not exceed”

Fifth: In Sec. 15, 10 V.S.A. chapter 12, subchapter 14, in § 280ee, by adding a subsection (d) to read as follows:

(d) On or before January 1, 2020, and annually thereafter, the Authority shall submit a report of its activities pursuant to this section to the Senate Committee on Finance and the House Committees on Commerce and Economic Development and on Energy and Technology. Each report shall include operating and financial statements for the two most recently concluded State fiscal years. In addition, each report shall include information on the Program portfolio, including the number of projects financed; the amount, terms, and repayment status of each loan; and a description of the broadband projects financed in whole or in part by the Program.

Sixth: In Sec. 15, 10 V.S.A. chapter 12, subchapter 14, in § 280ff, by striking out subsection (b) in its entirety and by inserting in lieu thereof a new subsection (b) to read as follows:

(b) Repayment from or appropriation to the Authority in years 2021 and until the Program terminates is based on the Authority’s contributions to loan loss reserves for the Program in accordance with generally accepted accounting principles. Any difference between the actual loan losses incurred by the Authority in fiscal year 2020 through Program termination shall be adjusted in the following year’s appropriation.

(1) The Program shall terminate when all borrowers enrolled in the Program have repaid in full or loans have been charged-off against the reserves of the Authority.

(2) Upon termination of the Program, any remaining funds held by the Authority and not used for the Program shall be repaid to the State.

(3) The accumulated total of the appropriation shall not exceed \$8,500,000.00 over the life of the Program.

(4) The Authority shall absorb its historical loan loss reserve rate before any State funds are expended.

(5) Additionally, the Authority shall absorb up to \$3,000,000.00 in Program losses shared with the State on a pro rata basis.

Which was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Sibilia of Dover** 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 read a third time? was decided in the affirmative. Yeas, 139. Nays, 2.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Noyes of Wolcott *
Anthony of Barre City	Gardner of Richmond	O'Brien of Tunbridge
Austin of Colchester	Giambatista of Essex	Ode of Burlington
Bancroft of Westford	Goslant of Northfield	O'Sullivan of Burlington
Bartholomew of Hartland	Grad of Moretown	Page of Newport City
Batchelor of Derby	Graham of Williamstown	Pajala of Londonderry
Bates of Bennington	Gregoire of Fairfield	Palasik of Milton
Beck of St. Johnsbury	Haas of Rochester	Partridge of Windham
Birong of Vergennes	Hango of Berkshire	Patt of Worcester
Bock of Chester	Harrison of Chittenden	Potter of Clarendon
Brennan of Colchester	Hashim of Dummerston	Pugh of South Burlington
Briglin of Thetford *	Helm of Fair Haven	Quimby of Concord
Brownell of Pownal	Higley of Lowell	Rachelson of Burlington
Browning of Arlington	Hill of Wolcott	Redmond of Essex
Brumsted of Shelburne	Hooper of Montpelier	Rogers of Waterville
Burke of Brattleboro	Hooper of Randolph	Rosenquist of Georgia
Campbell of St. Johnsbury	Hooper of Burlington	Savage of Swanton
Canfield of Fair Haven	Houghton of Essex	Scheu of Middlebury
Carroll of Bennington	James of Manchester	Scheuermann of Stowe
Chase of Colchester	Jerome of Brandon	Seymour of Sutton
Chesnut-Tangerman of Middletown Springs	Jessup of Middlesex	Shaw of Pittsford
Christensen of Weathersfield	Killacky of South Burlington	Sheldon of Middlebury
Christie of Hartford	Kimbell of Woodstock	Sibilia of Dover
Cina of Burlington	Kitzmiller of Montpelier	Smith of Derby
Coffey of Guilford	Kornheiser of Brattleboro	Smith of New Haven
Colburn of Burlington	LaClair of Barre Town	Squirrell of Underhill
Colston of Winooski	LaLonde of South Burlington	Stevens of Waterbury
Conlon of Cornwall	Lanpher of Vergennes	Strong of Albany
Conquest of Newbury	Leffler of Enosburgh	Sullivan of Dorset
Copeland-Hanzas of Bradford *	Long of Newfane	Sullivan of Burlington
Corcoran of Bennington	Macaig of Williston	Szott of Barnard
Cordes of Lincoln	Marcotte of Coventry	Taylor of Colchester
Cupoli of Rutland City	Martel of Waterford	Terenzini of Rutland Town
Demrow of Corinth	Masland of Thetford	Till of Jericho
Dickinson of St. Albans Town	Mattos of Milton	Toleno of Brattleboro
Dolan of Waitsfield	McCarthy of St. Albans City	Toll of Danville
Donahue of Northfield	McCormack of Burlington	Toof of St. Albans Town
Durfee of Shaftsbury	McCoy of Poultney *	Townsend of South Burlington
Elder of Starksboro	McCullough of Williston	Trieber of Rockingham
Emmons of Springfield	McFaun of Barre Town	Troiano of Stannard
	Morgan of Milton	Walz of Barre City
	Morrissey of Bennington	Webb of Shelburne

Fagan of Rutland City	Mrowicki of Putney	Wood of Waterbury
Fegard of Berkshire	Murphy of Fairfax	Yacovone of Morristown
Feltus of Lyndon	Myers of Essex	Yantachka of Charlotte
Forguites of Springfield	Nicoll of Ludlow	Young of Greensboro
Gamache of Swanton	Norris of Shoreham	
	Notte of Rutland City	

Those who voted in the negative are:

Burditt of West Rutland	Ralph of Hartland
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Those members absent with leave of the House and not voting are:

Donovan of Burlington	Jickling of Randolph	Lippert of Hinesburg
Gonzalez of Winooski	**Johnson of South Hero	White of Hartford
Howard of Rutland City	(Acting Governor)	
	Lefebvre of Newark	

Rep. Briglin of Thetford explained his vote as follows:

“Madam Speaker:

Using the best models of success in Vermont, this bill empowers local communities to solve local deficiencies in broadband service. By supporting these communities with state resources, we can create a Vermont that works for everyone by getting broadband internet access to everyone. It’s time to increase the fiber in Vermont’s telecommunications diet.”

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

“Madam Speaker:

There’s no doubt that small town Vermont is an ideal location to raise a family and grow a business. There’s an undeniable charm in our small villages and close-knit communities. Four years ago a young couple moved into my neighborhood with a dream of operating a sustainable farm and CSA. When they realized the cost and barriers to high speed internet in my neighborhood there were shocked. With frustration they asked, ‘What young family would ever make the choice to live in a place with no opportunity to connect to the outside world?’

The technology gap between the haves and the have-nots has disadvantaged our rural families and our small towns for far too long.

Many thanks to the Energy and Technology committee for putting a plan in place to close that gap.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

I continue to support broadband for all. While I am concerned about ‘the worst case scenario’ as stated in the bill explanation, we need to move forward so we may finally realize broadband for all.”

Rep. Noyes of Wolcott explained his vote as follows:

“Madam Speaker:

Access to high-speed broadband internet opens economic markets and drives innovation. It will benefit older Vermonters and help them to age in their homes and communities by providing access to the internet of things, telemedicine, and monitoring services. I voted to support this bill that will provide the funding and tools need to bring broadband to our rural communities, where we need it the most.”

Second Reading; Consideration Interrupted

H. 439

Rep. Masland of Thetford, for the committee on Ways and Means, to which had been referred House bill, entitled

An act relating to the Home Weatherization Assistance 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. 33 V.S.A. § 2503 is amended to read:

§ 2503. FUEL TAX

(a)(1) There is imposed a tax on the retail sale of heating oil, propane, kerosene, and other dyed diesel fuel delivered to a residence or business, at the rate of ~~\$0.02~~ \$0.04 per gallon.

(2) There is imposed a gross receipts tax of ~~0.75~~ 1.0 percent on the retail sale of natural gas and 1.5 percent on the retail sale of coal.

* * *

Sec. 2. FUEL TAX; RATE SETTING

A company subject to 30 V.S.A. § 218 shall be entitled to recovery of an increase in the fuel tax in 33 V.S.A. § 2503(a)(2), in Sec. 1 of this act, from the effective date of that increase. The manner of recovery shall be approved by the Vermont Public Utility Commission pursuant to its authority in 30 V.S.A. § 218.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

Pending the question, Shall the bill be amended as recommended by the committee on Ways and Means? **Rep. Browning of Arlington** moved to amend the bill as follows:

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

Sec. 1. PERSONAL INCOME TAX RATES

(a) Notwithstanding any other provision of law, for taxable year 2019 and after, income tax rates under 32 V.S.A. § 5822(a)(1)–(5), after taking into consideration any inflation adjustments to taxable income as required by 32 V.S.A. § 5822(b)(2), shall be as follows:

(1) taxable income that was subject to a rate of 7.60 percent in taxable year 2018 shall be taxed at the rate of 7.725 percent instead; and

(2) taxable income that was subject to a rate of 8.75 percent in taxable year 2018 shall be taxed at the rate of 8.875 percent instead.

(b) When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Council shall revise the tables in 32 V.S.A. § 5822(a)(1)–(5) to reflect the changes to the tax rates and tax brackets made in this section.

Sec. 2. 32 V.S.A. § 435 is amended to read:

§ 435. GENERAL FUND

(a) There is established the General Fund ~~which~~ that shall be the basic operating fund of the State. The General Fund shall be used to finance all expenditures for which no special revenues have otherwise been provided by law.

(b) The General Fund shall be composed of revenues from the following sources:

* * *

(5) ~~Individual~~ 99.53 percent of the income taxes levied pursuant to chapter 151 of this title;

* * *

Sec. 3. 33 V.S.A. § 2501 is amended to read:

§ 2501. HOME WEATHERIZATION ASSISTANCE FUND

* * *

(b) The Fund shall be composed of the receipts from the gross receipts tax on retail sales of fuel imposed by section 2503 of this title, 0.47 percent of the

income taxes levied pursuant to 32 V.S.A. chapter 151, such funds as may be allocated from the Oil Overcharge Fund, such funds as may be allocated from the federal Low Income Energy Assistance Program, and such other funds as may be appropriated by the General Assembly.

* * *

Sec. 4. EFFECTIVE DATES

(a) This section shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 1 (income tax rates) shall take effect retroactively on January 1, 2019 and apply to taxable year 2019 and after.

(c) Secs. 2–3 (income tax allocation) shall take effect July 1, 2019 and apply to fiscal year 2020 and after.

Pending the question, Shall the bill be amended as recommended by the committee on Ways and Means? **Rep. Browning of Arlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Thereupon, **Rep. Bartholomew of Hartland** asked that the question be divided and that Secs. 1 and 2 be taken first, Sec 3 be taken second and Sec. 4 be taken third.

Thereupon **Rep. McCarthy of St. Albans City** raised a point of order that Secs. 1 and 2 were not germane.

Recess

Pending the ruling of the Speaker, at one o'clock and twenty-nine minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At three o'clock and fifty minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Bill Amended; Third Reading Ordered

H. 439

Consideration resumed on House bill, entitled

An act relating to the Home Weatherization Assistance Program

Thereupon the Speaker ruled the point of order well taken.

Thereupon, **Rep. Browning of Arlington**, asked and was granted leave of the House to withdraw the remainder of her amendment.

Pending the question, Shall the bill be amended as recommended by the committee on Ways and Means?, **Rep. Leffler of Enosburg** moved to commit the bill to the committee on Energy and Technology.

Pending the question, Shall the bill be committed to the Committee on Energy and Technology? **Rep. Leffler of Enosburgh** 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 committed to the Committee on Energy and Technology? was decided in the negative. Yeas, 51. Nays, 90.

Those who voted in the affirmative are:

Bancroft of Westford	Hango of Berkshire	Page of Newport City
Batchelor of Derby	Harrison of Chittenden	Pajala of Londonderry
Beck of St. Johnsbury	Helm of Fair Haven	Palasik of Milton
Birong of Vergennes	Higley of Lowell	Quimby of Concord
Brennan of Colchester	Hill of Wolcott	Rosenquist of Georgia
Browning of Arlington	LaClair of Barre Town	Savage of Swanton
Burditt of West Rutland	Leffler of Enosburgh	Scheuermann of Stowe
Canfield of Fair Haven	Marcotte of Coventry	Seymour of Sutton
Cupoli of Rutland City	Martel of Waterford	Shaw of Pittsford
Dickinson of St. Albans Town	Mattos of Milton	Sibilia of Dover
Donahue of Northfield	McCoy of Poultney	Smith of Derby
Fagan of Rutland City	McFaun of Barre Town	Smith of New Haven
Gamache of Swanton	Morgan of Milton	Strong of Albany
Gardner of Richmond	Morrissey of Bennington	Sullivan of Dorset
Goslant of Northfield	Murphy of Fairfax	Terenzini of Rutland Town
Graham of Williamstown	Myers of Essex	Toof of St. Albans Town
Gregoire of Fairfield	Norris of Shoreham	
	Notte of Rutland City	

Those who voted in the negative are:

Ancel of Calais	Emmons of Springfield	O'Brien of Tunbridge
Anthony of Barre City	Fegard of Berkshire	Ode of Burlington
Austin of Colchester	Feltus of Lyndon	O'Sullivan of Burlington
Bartholomew of Hartland	Forguites of Springfield	Partridge of Windham
Bates of Bennington	Gannon of Wilmington	Patt of Worcester
Bock of Chester	Giambatista of Essex	Potter of Clarendon
Briglin of Thetford	Grad of Moretown	Pugh of South Burlington
Brownell of Pownal	Haas of Rochester	Rachelson of Burlington
Brumsted of Shelburne	Hashim of Dummerston	Ralph of Hartland
Burke of Brattleboro	Hooper of Montpelier	Redmond of Essex
Campbell of St. Johnsbury	Hooper of Randolph	Rogers of Waterville
Carroll of Bennington	Hooper of Burlington	Scheu of Middlebury
Chase of Colchester	Houghton of Essex	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	James of Manchester	Squirrell of Underhill
Christensen of Weathersfield	Jerome of Brandon	Stevens of Waterbury
Christie of Hartford	Jessup of Middlesex	Sullivan of Burlington
Cina of Burlington	Killacky of South Burlington	Szott of Barnard
Coffey of Guilford	Kimball of Woodstock	Taylor of Colchester
Colburn of Burlington	Kitzmiller of Montpelier	Till of Jericho
Colston of Winooski	Kornheiser of Brattleboro	Toleno of Brattleboro
	LaLonde of South	Toll of Danville

Conlon of Cornwall	Burlington	Townsend of South
Conquest of Newbury	Lanpher of Vergennes	Burlington
Copeland-Hanzas of Bradford	Long of Newfane	Trieber of Rockingham
Corcoran of Bennington	Macaig of Williston	Troiano of Stannard
Cordes of Lincoln	Masland of Thetford	Walz of Barre City
Demrow of Corinth	McCarthy of St. Albans City	Webb of Shelburne
Dolan of Waitsfield	McCormack of Burlington	Wood of Waterbury
Durfee of Shaftsbury	McCullough of Williston	Yacovone of Morristown
Elder of Starksboro	Mrowicki of Putney	Yantachka of Charlotte
	Nicoll of Ludlow	Young of Greensboro
	Noyes of Wolcott	

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

Donovan of Burlington	Jickling of Randolph	Lippert of Hinesburg
Gonzalez of Winooski	**Johnson of South Hero	White of Hartford
Howard of Rutland City	(Acting Governor)	
	Lefebvre of Newark	

Pending the question, Shall the bill be amended as recommended by the Committee on Ways and Means? **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 recommended by the Committee on Ways and Means? was decided in the affirmative. Yeas, 81. Nays, 60.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Anthony of Barre City	Giambatista of Essex	O'Sullivan of Burlington
Austin of Colchester	Grad of Moretown	Partridge of Windham
Bartholomew of Hartland	Haas of Rochester	Patt of Worcester
Bock of Chester	Hashim of Dummerston *	Potter of Clarendon
Briglin of Thetford	Hooper of Montpelier	Pugh of South Burlington
Brumsted of Shelburne	Hooper of Randolph	Rachelson of Burlington
Burke of Brattleboro	Hooper of Burlington	Ralph of Hartland
Campbell of St. Johnsbury	Houghton of Essex	Redmond of Essex
Carroll of Bennington	James of Manchester	Scheu of Middlebury
Chase of Colchester	Jerome of Brandon	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Jessup of Middlesex	Squirrell of Underhill
Christensen of Weathersfield	Killacky of South Burlington	Stevens of Waterbury
Christie of Hartford	Kimbell of Woodstock	Sullivan of Dorset
Cina of Burlington	Kitzmiller of Montpelier	Sullivan of Burlington
Coffey of Guilford	Kornheiser of Brattleboro	Taylor of Colchester
Colburn of Burlington	LaLonde of South Burlington	Till of Jericho
Conlon of Cornwall	Lanpher of Vergennes	Toleno of Brattleboro
Conquest of Newbury	Long of Newfane	Toll of Danville
Copeland-Hanzas of Bradford	Macaig of Williston	Townsend of South Burlington
Cordes of Lincoln	Masland of Thetford	Trieber of Rockingham
	McCarthy of St. Albans City	Troiano of Stannard

Dolan of Waitsfield	McCormack of Burlington	Walz of Barre City
Durfee of Shaftsbury	McCullough of Williston *	Webb of Shelburne
Elder of Starksboro	Mrowicki of Putney *	Wood of Waterbury
Emmons of Springfield	Nicoll of Ludlow	Yacovone of Morristown
Forguites of Springfield	Notte of Rutland City	Yantachka of Charlotte
	O'Brien of Tunbridge	

Those who voted in the negative are:

Bancroft of Westford	Goslant of Northfield	Noyes of Wolcott
Batchelor of Derby	Graham of Williamstown	Page of Newport City
Bates of Bennington	Gregoire of Fairfield	Pajala of Londonderry
Beck of St. Johnsbury	Hango of Berkshire	Palasik of Milton
Birong of Vergennes	Harrison of Chittenden	Quimby of Concord
Brennan of Colchester	Helm of Fair Haven	Rogers of Waterville
Brownell of Pownal	Higley of Lowell	Rosenquist of Georgia
Browning of Arlington *	Hill of Wolcott	Savage of Swanton
Burditt of West Rutland	Jickling of Randolph	Scheuermann of Stowe
Canfield of Fair Haven	LaClair of Barre Town	Seymour of Sutton
Corcoran of Bennington	Leffler of Enosburgh	Shaw of Pittsford
Cupoli of Rutland City	Marcotte of Coventry	Sibilia of Dover
Demrow of Corinth	Martel of Waterford	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	Szott of Barnard
Fegard of Berkshire	Morgan of Milton	Terenzini of Rutland Town
Feltus of Lyndon	Morrissey of Bennington	Toof of St. Albans Town
Gamache of Swanton	Murphy of Fairfax	Young of Greensboro
Gardner of Richmond *	Myers of Essex	
	Norris of Shoreham	

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

Colston of Winooski	Howard of Rutland City	Lippert of Hinesburg
Donovan of Burlington	**Johnson of South Hero	White of Hartford
Gonzalez of Winooski	(Acting Governor)	
	Lefebvre of Newark	

Representative Browning of Bennington explained her vote as follows:

“Madam Speaker:

I vote no because we are raising money for a good program in a regressive way that doubles the burden of this tax on ordinary Vermonters. We should raise money for the worthy home weatherization program in a progressive way instead.”

Rep. Gardner of Richmond explained her vote as follows:

“Madam Speaker:

I voted no. While I recognize the benefits this bill provides for a few and to the environment, I also recognize the burden it places on many others - our retirees, our young working families and our small business owners – who do not qualify for this program. I strongly support the program but I can't support the funding source.”

Representative Hashim of Windham explained his vote as follows:

“Madam Speaker:

I voted yes because I do strongly support our weatherization program, and I do actively support addressing climate change as do many of my constituents. However, I feel compelled to express my disappointment in the fact that our opportunity to fairly debate and vote on the amendment from the member of Arlington was taken from us.”

Representative McCullough of Chittenden explained his vote as follows:

“Madam Speaker:

I vote yes for weatherization to make Vermont's grandmothers warmer, while giving them a more cost-effective use of their limited and often meager dollars.”

Representative Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

I voted yes to help low income Vermonters; yes, for climate action; yes for a cleaner environment for today and future generations; yes for increased weatherization; and, yes to thank the Ways and Means Committee for their work on this vital piece of legislation.”

Thereupon, third reading was ordered.

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

H. 531

Rep. Wood of Waterbury spoke for the committee on Human Services.

House bill entitled

An act relating to Vermont's child care and early learning system

Rep. Trieber of Rockingham for the committee on Appropriations recommended that the bill ought to pass when amended as follows:

First: By inserting a new Sec. 5a after Sec. 5 (Bright Futures Information System; Modernization Plan) to read as follows:

Sec. 5a. BRIGHT FUTURES INFORMATION SYSTEM;
MODERNIZATION PLAN IMPLEMENTATION

(a) In fiscal year 2020, \$1,000,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division to begin implementation of the plan developed pursuant to Sec. 5 of this act.

(b) Any unused funds appropriated pursuant to Sec. 3 of this act shall be reserved to begin implementation of the plan developed pursuant to Sec. 5 of this act.

Second: By striking out Sec. 6 (Student Loan Repayment Assistance) and Sec. 7 (Child Care and Early Learning Workforce Scholarship) in their entirety and inserting in lieu thereof new Secs. 6 and 7 to read as follows:

Sec. 6. 33 V.S.A. § chapter 35, subchapter 5 is added to read:

Subchapter 5. Support for Child Care and Early Learning Workforce
§ 3533. STUDENT LOAN REPAYMENT ASSISTANCE

(a)(1) There is established a student loan repayment assistance program administered by the Division for the purpose of providing student loan repayment assistance to any individual employed by a regulated, privately operated center-based child care program or family child care home.

(2) An eligible individual shall:

(A) work in a privately operated center-based child care program or family child care home that is regulated by the Division for at least an average of 30 hours per week for 48 weeks of the year;

(B) receive an annual salary of not more than \$40,000.00; and

(C) have acquired credits in early childhood development or which are related directly to working with children birth through eight years of age.

(3) To participate in the program set forth in this section, an eligible individual shall submit to the Division documentation expressing the individual's intent to work in a regulated, privately operated center-based child care program or family child care home for at least the following 12 months. A participant may receive up to \$2,000.00 annually in student loan repayment assistance, which shall be distributed by the Division in two allotments. The Division shall distribute at least half of the individual's total annual benefit after the individual has completed six months of employment in accordance with the program. The remainder of an individual's total annual benefit shall

be distributed by the Division after the individual has completed the 12th month of employment in accordance with the program.

(b)(1) The Division shall adopt policies, procedures, and guidelines necessary to implement the provisions of this section.

(2) Funds appropriated for this program shall be expended for repayment of student loans. Student loan repayments shall be available pursuant to this section on a first-come, first-served basis until appropriated funds are depleted.

(c) Otherwise eligible individuals with access to alternative loan forgiveness or loan repayment programs shall not be considered eligible for repayment assistance under this section.

(d) An individual shall not simultaneously participate in the student loan repayment assistance program set forth in this section and the scholarship program set forth section 3534 of this title.

§ 3534. CHILD CARE AND EARLY LEARNING WORKFORCE

SCHOLARSHIP

(a) There is established a need-based scholarship program for individuals employed by a regulated, privately operated center-based child care program or family child care home while acquiring credits in early childhood development or which are related directly to working with children birth through eight years of age.

(b) The Division shall contract for the administration of the program set forth in subsection (a) of this section and adopt policies, procedures, and guidelines necessary for its implementation. Scholarships distributed pursuant to this section shall be available on a first-come, first-served basis until any appropriated funds are depleted.

(c) An individual shall not simultaneously participate in the scholarship program set forth in this section and the student loan repayment assistance program set forth in section 3533 of this title.

Sec. 7. APPROPRIATIONS; COLLEGE LOAN REPAYMENT

ASSISTANCE; CHILD CARE AND EARLY LEARNING

WORKFORCE SCHOLARSHIP

(a)(1) In fiscal year 2020, \$500,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the student loan repayment assistance program established pursuant to 33 V.S.A. § 3533.

(2) In fiscal year 2020, \$500,000.00 is appropriated from the General Fund to the Department for Children and Families' Child Development Division for the child care and early learning workforce scholarship program established pursuant to 33 V.S.A. § 3534.

(b) It is the intent of the General Assembly that appropriations that meet or exceed each of the amounts appropriated in fiscal year 2020 pursuant to subdivisions (a)(1) and (2) of this section be made in fiscal years 2021 through 2024.

Third: Before Sec. 8 by inserting a reader assistance heading to read as follows:

* * * Evaluation of Expenditures and Programs * * *

Fourth: By striking out Sec. 8 (Report; Evaluation of Expenditures and Programs) in its entirety and inserting a new Sec. 8 in lieu thereof to read as follows:

Sec. 8. REPORT; EVALUATION OF EXPENDITURES AND PROGRAMS

On or before January 1, 2024, the Commissioner for Children and Families, in consultation with stakeholders, shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare:

(1) evaluating the effectiveness of the expenditure in the Child Care Financial Assistance Program set forth in Sec. 3 of this act, the student loan repayment program set forth in 33 V.S.A. § 3533, and the scholarship program set forth in 33 V.S.A. § 3534;

(2) making recommendations as to whether the expenditures and programs in Sec. 3 of this act and in 33 V.S.A. §§ 3533–3534 should be continued and, if so, the appropriate funding amount and source; and

(3) evaluating how the expenditures and programs in Sec. 3 of this act and in 33 V.S.A. §§ 3533–3534 contribute to Vermont's children and young people reaching their potential pursuant to 3 V.S.A. § 2311.

Having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Appropriations agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 342

Rep. Conquest of Newbury, for the committee on Appropriations, to which had been referred House bill, entitled

An act relating to qualification for a public defender

Reported in favor of its passage.

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

Pending the question, Shall the bill be read a third time? **Rep. Hashim of Dummerston** moved to amend the bill as follows:

By striking Sec. 6 in its entirety and inserting in lieu thereof new Secs. 6–10 to read as follows:

Sec. 6. 13 V.S.A. § 5201 is amended to read:

§ 5201. DEFINITIONS

As used in this chapter:

(1) “Detain” means to have in custody or otherwise deprive of freedom of action.

(2) “Expenses,” when used with reference to representation under this chapter, includes the expenses of investigation, other preparation, and trial.

(3) “Needy person” means a person who at the time his or her need is determined is financially unable, without undue hardship, to provide for the full payment of an attorney and all other necessary expenses of representation or who is otherwise unable to employ an attorney.

(4) ~~Repealed~~ “Serious crime” includes:

(A) a felony;

(B) a misdemeanor the maximum penalty for which is a fine of more than \$1,000.00 or any period of imprisonment unless the judge, at the arraignment but before the entry of a plea, determines and states on the record that he or she will not sentence the defendant to a fine of more than \$1,000.00 or a period of imprisonment if the defendant is convicted of the misdemeanor; and

(C) an act that, but for the age of the person involved, would be a serious crime.

(5) “Serious crime” does not include the following misdemeanor offenses unless the judge at arraignment but before the entry of a plea determines and states on the record that a sentence of imprisonment or a fine over \$1,000.00 may be imposed on conviction:

(A) Big game violations (10 V.S.A. § 4518)

(B) Simple assault by mutual consent (13 V.S.A. § 1023(b))

- (C) Bad checks (13 V.S.A. § 2022)
- (D) Petit larceny (13 V.S.A. § 2502)
- (E) Theft of services under \$500.00 (13 V.S.A. § 2582)
- (F) Retail theft under \$900.00 (13 V.S.A. § 2577)
- (G) Unlawful mischief (13 V.S.A. § 3701(c))
- (H) Unlawful trespass (13 V.S.A. § 3705(a))
- (I) Disorderly conduct (13 V.S.A. § 1026)
- (J) Possession of marijuana (18 V.S.A. § 4230(a)(1)(A))
- (K) Violation of municipal ordinances.

Sec. 7. 13 V.S.A. § 5206 is amended to read:

§ 5206. ~~[Repealed.]~~ APPOINTMENT OF COUNSEL BY COURT; USE OF
UNCOUNSELED CONVICTIONS

(a) Prior to any decision regarding the appointment of counsel under the provisions of subdivisions 5201(4)(B) and (5) of this title, the judge shall inquire of the prosecutor whether a term of imprisonment or a fine over \$1,000.00 will be sought.

(b) At the request of the prosecutor or on the judge's own motion, at any time prior to the commencement of trial and if there is a change of circumstances or new information, the judge may vacate the commitment to not sentence the defendant to a fine of not more than \$1,000.00 or to a period of incarceration upon conviction. If the judge vacates the commitment, the judge shall inform the defendant of the right to apply for the appointment of counsel at State expense.

(c) A prior uncounseled criminal conviction of a crime listed in subdivisions (A) through (K) of subdivision (5) of section 5201 of this title in which counsel was denied and the defendant was otherwise entitled to appointed counsel under this subchapter, shall not be used to subject that defendant to the enhanced statutory penalty for a subsequent conviction for the same offense.

(d) Notwithstanding subdivision 5201(4)(B) of this title, a needy person who is charged with an offense that provides for a felony penalty for the next subsequent conviction for the same offense shall be entitled to counsel under this chapter.

Sec. 8. 13 V.S.A. § 5231 is amended to read:

§ 5231. RIGHT TO REPRESENTATION, SERVICES, AND FACILITIES

(a) A needy person who is being detained by a law enforcement officer without charge or judicial process, or who is charged with having committed or is being detained under a conviction of a serious crime, is entitled:

(1) To be represented by an attorney to the same extent as a person having his or her own counsel.

(2) To be provided with the necessary services and facilities of representation. Any such necessary services and facilities of representation that exceed \$1,500.00 per item must receive prior approval from the court after a hearing involving the parties. The court may conduct the hearing outside the presence of the State, but only to the extent necessary to preserve privileged or confidential information. This obligation and requirement to obtain prior court approval shall also be imposed in like manner upon the Attorney General or a State's Attorney prosecuting a violation of the law.

(b) The attorney, services and facilities, and court costs shall be provided at public expense to the extent that the person, at the time the court determines need, is unable to provide for the person's payment without undue hardship.

Sec. 9. 13 V.S.A. § 5234 is amended to read:

§ 5234. NOTICE OF RIGHTS; REPRESENTATION PROVIDED

(a) If a person who is being detained by a law enforcement officer without charge or judicial process, or who is charged with having committed or is being detained under a conviction of a serious crime, is not represented by an attorney under conditions in which a person having his or her own counsel would be entitled to be so represented, the law enforcement officer, magistrate, or court concerned shall:

(1) Clearly inform the person of the right to be represented by an attorney and the right of a needy person to be represented at public expense.

(2) If the person detained or charged does not have an attorney and does not knowingly, voluntarily, and intelligently waive his or her right to have an attorney when detained or charged, notify the appropriate public defender that he or she is not so represented. This shall be done upon commencement of detention, formal charge, or post-conviction proceeding. As used in this subsection, the term "commencement of detention" includes the taking into custody of a probationer or parolee.

* * *

Sec. 10. EFFECTIVE DATES

(a) This section and Secs. 1–5 shall take effect July 1, 2019.

(b) Secs. 6–9 shall take effect July 1, 2021.

Which was agreed to. Thereupon third reading ordered.

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

H. 526

Rep. Gannon of Wilmington, spoke for the committee on Government Operations.

An act relating to town clerk recording fees and town restoration and preservation reserve funds

Rep. Browning of Arlington, 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.

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

H. 533

Rep. Marcotte of Coventry, spoke for the committee on Commerce and Economic Development.

An act relating to workforce development

Rep. Myers of Essex, for the committee on Appropriations reported in favor of its passage.

The bill 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? **Rep. Marcotte of Coventry** moved to amend the bill as follows:

First: In Sec. 3, in subsection (a), by striking out the words "the amount of \$350,000.00 is appropriated from the General Fund to" and by striking out the following: ", which"

Second: In Sec. 5, in subsection (b), by striking out the words "Vermonters possess a credential of value" and inserting in lieu thereof the words "Vermonters possess a degree or credential of value"

Third: By striking out Sec. 7 in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. RELOCATION SUPPORT SYSTEM

(a) The Department of Labor shall:

(1) collaborate with key employers and nongovernmental organizations to ensure that appropriate expertise is available to program staff and individuals looking to enter Vermont's job market, through referrals or other information sharing mechanisms;

(2)(A) coordinate available information for each region that includes labor market information, housing and education information, recreation information, and other relevant resources; and

(B) make the information easily accessible for interested individuals to assist in aspects of preliminary decision making; and

(3) convene regional, multidisciplinary teams that:

(A) comprise partners with expertise from relevant sectors, including housing, transportation, education, health, child care, recreation, and economic development; and

(B) provide community-level knowledge, support, and services to best meet the needs of prospective employees.

(b) State agencies and State-funded programs shall coordinate with the Department to ensure that services and information that could assist a person in relocating to Vermont are made available through an integrated, employee-centered system.

Fourth: In Sec. 8 by adding a subsection (e) to read as follows:

(e) On or before January 15, 2020, the Department shall report to the House Committees on Commerce and Economic Development and on Appropriations and to the Senate Committees on Economic Development, Housing and General Affairs and on Appropriations concerning implementation and outcomes of this pilot program.

Fifth: In Sec. 10, by redesignating subsection (d) to be subsection (e) and by adding a new subsection (d) to read as follows:

(d) Meetings.

(1) The State Refugee Coordinator shall call the first meeting of the task force to occur on or before September 1, 2019.

(2) The task force shall select a chair from among its members at the first meeting.

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

(4) The task force shall meet not more than six times and shall cease to exist on January 15, 2020.

Sixth: In Sec. 11 by striking out the words “not less than” and inserting in lieu thereof the words “not more than”

Seventh: In Sec. 12 by designating the existing paragraph as subsection (a) and by adding a subsection (b) to read as follows:

(b) On or before January 15, 2020, the Department shall report to the House Committees on Commerce and Economic Development and on Appropriations and to the Senate Committees on Economic Development, Housing and General Affairs and on Appropriations concerning the creation of the registry and the extent the registry assisted employers and employees with barriers to employment.

Eighth: By striking out Sec. 14 in its entirety and inserting in lieu thereof a new Sec. 14 to read as follows:

Sec. 14. APPROPRIATIONS

In fiscal year 2020, the amount of \$1,595,000.00 is appropriated from the General Fund to the following recipients for the purposes specified:

(1) \$450,000.00 to the Agency of Commerce and Community Development as follows:

(A) \$225,000 for economic development marketing pursuant to its authority in 3 V.S.A. § 2476(c) to execute the State’s core Economic Development Marketing Plan through paid, owned, and earned media, utilizing technology, data, and analysis tools; and

(B) \$225,000.00 to identify, recruit, and provide relocation assistance to workers, including:

(i) identifying target audiences;

(ii) targeting through digital and social media; and

(iii) implementing strategies that convert visitors to residents and awarding grants for regional partnerships to help recruitment efforts at the local and regional levels; and

(2) \$1,145,000.00 to the Department of Labor as follows:

(A) \$275,000.00 to implement a relocation support system and provide services pursuant to Sec. 7 of this act; and

(B) \$870,000.00 for workforce development and training as follows:

(i) \$350,000.00 for grants to provide weatherization training pursuant to Sec. 3 of this act;

(ii) \$50,000.00 for a grant to the Community College of Vermont to purchase equipment to provide robotics training at its Rutland location; and

(iii) \$470,000.00 to the workforce education and training fund created in 10 V.S.A. § 543 to expand opportunities for apprenticeships, training, and adult career and technical education, which may include funding to replicate in additional locations the robotics training program at the Rutland location of the Community College of Vermont.

Ninth: By redesignating Sec. 15 to be Sec. 17 and adding new reader assistance headings and new Secs. 15–16 to read as follows:

* * * International Trade and Development * * *

Sec. 15. INTERNATIONAL TRADE, EDUCATION, AND CULTURAL
EXCHANGE

On or before December 15, 2019, the Agency of Commerce and Community Development shall review and report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs on effective mechanisms to collaborate with regional partners and form formal partnerships that will promote international trade, as well as educational and cultural exchanges, between and among Vermont, the New England states, and foreign nations.

* * * Agency of Commerce and Community Development;
Structure and Organization * * *

Sec. 16. AGENCY OF COMMERCE AND COMMUNITY
DEVELOPMENT; STRUCTURE AND ORGANIZATION;
REPORT

On or before January 15, 2020, the Secretary of Commerce and Community Development shall review and report to the House Committees on Commerce and Economic Development and on Appropriations and to the Senate Committees on Economic Development, Housing and General Affairs and on Appropriations concerning one or more proposals to amend the structure and organization of the Agency in order to enhance its ability to achieve its purposes and perform its duties.

Which was agreed to. Thereupon, third reading was ordered.

Adjournment

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