

# Journal of the House

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Wednesday, January 18, 2017

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

## Devotional Exercises

Devotional exercises were conducted by Rep. Kevin Christie of Hartford, VT.

## 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. 62

By Reps. Christie of Hartford, Buckholz of Hartford, Hill of Wolcott and Lucke of Hartford,

House bill, entitled

An act relating to a study regarding the use of lights on motor vehicles;

To the committee on Transportation.

### H. 63

By Reps. Christie of Hartford, Batchelor of Derby, Buckholz of Hartford, Burditt of West Rutland, Higley of Lowell, Hill of Wolcott, Lucke of Hartford, McCormack of Burlington and Viens of Newport City,

House bill, entitled

An act relating to special license plates for municipal law enforcement vehicles;

To the committee on Transportation.

### H. 64

By Rep. Poirier of Barre City,

House bill, entitled

An act relating to increasing the minimum wage;

To the committee on General, Housing and Military Affairs.

### H. 65

By Reps. Weed of Enosburgh, Chesnut-Tangerman of Middletown Springs,

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Cina of Burlington, Colburn of Burlington, Dunn of Essex, Gonzalez of Winooski, Haas of Rochester, McCormack of Burlington, Till of Jericho and Yantachka of Charlotte,

House bill, entitled

An act relating to health insurance coverage for enteral formula for home use;

To the committee on Health Care.

#### **H. 66**

By Reps. Donahue of Northfield and Lewis of Berlin,

House bill, entitled

An act relating to shared candidate campaign expenditures;

To the committee on Government Operations.

#### **H. 67**

By Reps. Weed of Enosburgh, Bartholomew of Hartland, Buckholz of Hartford, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Colburn of Burlington, Dunn of Essex, Gannon of Wilmington, Gonzalez of Winooski, Masland of Thetford, McCormack of Burlington, McCullough of Williston, Squirrell of Underhill, Sullivan of Burlington and Webb of Shelburne,

House bill, entitled

An act relating to the expansion of the beverage container redemption system;

To the committee on Natural Resources, Fish & Wildlife.

#### **H. 68**

By Rep. Frenier of Chelsea,

House bill, entitled

An act relating to the definition of “resident” in the motor vehicle laws;

To the committee on Transportation.

#### **H. 69**

By Reps. Condon of Colchester, Baser of Bristol, Bissonnette of Winooski, Canfield of Fair Haven, Gage of Rutland City, Graham of Williamstown, Greshin of Warren, Hubert of Milton, Poirier of Barre City, Smith of New Haven and Van Wyck of Ferrisburgh,

House bill, entitled

An act relating to declaring August 26 and 27, 2017 a State sales tax holiday;

To the committee on Ways and Means.

**H. 70**

By Reps. Gonzalez of Winooski, Buckholz of Hartford, Chesnut-Tangerman of Middletown Springs, Lalonde of South Burlington, Partridge of Windham and Rachelson of Burlington,

House bill, entitled

An act relating to Medicaid coverage for doula services;

To the committee on Health Care.

**H. 71**

By Reps. Donahue of Northfield and Lewis of Berlin,

House bill, entitled

An act relating to lowering the minimum corporate tax for a tax-exempt corporation;

To the committee on Ways and Means.

**H. 72**

By Reps. Till of Jericho, Christie of Hartford, Tate of Mendon, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Connor of Fairfield, Cupoli of Rutland City, Dunn of Essex, Fields of Bennington, Gannon of Wilmington, Gonzalez of Winooski, Lucke of Hartford, Morris of Bennington, Morrissey of Bennington, Parent of St. Albans Town, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Sibilina of Dover, Smith of Derby, Strong of Albany, Terenzini of Rutland Town and Walz of Barre City,

House bill, entitled

An act relating to the Vermont National Guard Educational Assistance Program;

To the committee on General, Housing and Military Affairs.

**H. 73**

By Reps. Bissonnette of Winooski, Brennan of Colchester and Strong of Albany,

House bill, entitled

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An act relating to prohibiting nudity in a public place;

To the committee on Judiciary.

**Executive Order Referred to Committee**

The Speaker placed before the House Executive Order No.05-17 which was read and referred to the committee on Commerce and Economic Development.

**STATE OF VERMONT**

**EXECUTIVE DEPARTMENT**

**EXECUTIVE ORDER NO. 05-17**

[Creation of the Agency of Economic Opportunity]

WHEREAS, the Governor, pursuant to 3 V.S.A. Section 2001, may make such changes in the organization of the Executive Branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

WHEREAS, it is desirable to reorganize the agencies, departments and divisions of government by better coordinating certain activities and improve the coordination and effectiveness of services to the public; and

WHEREAS, the Agency of Commerce and Community Development and the Department of Labor administer programs and provide services that share common policy interests, objectives and constituencies; and

WHEREAS, the goals of greater affordability, economic growth and optimal government efficacy require a stronger and more direct alignment of State government workforce training, recruitment and service programs with economic and community development activities; and

WHEREAS, certain Department of Labor programs relating to workforce and consumer safety can be more efficiently administered by the Department of Public Safety, where additional opportunities for simplifying and streamlining service to Vermonters will be created; and

WHEREAS, the State could strengthen and more efficiently deliver services to the public through the reorganization of the Agency of Commerce and Community Development and the Department of Labor into a single Agency of Economic Opportunity.

NOW THEREFORE, by virtue of the authority vested in me by 3 V.S.A. chapter 41 as Governor, I, Philip B. Scott, do hereby create an Agency of Economic Opportunity by reorganizing the Agency of Commerce and

Community Development and the Department of Labor. The Agency of Economic Opportunity shall be successor to the Agency of Commerce and Community Development and the Department of Labor.

1. All duties, responsibilities and authority of the Agency of Commerce and Community Development are hereby transferred to the Agency of Economic Opportunity.
2. All other authorized positions and equipment of the Agency of Commerce and Community Development are transferred to the Agency of Economic Opportunity.
3. All duties, responsibilities and authority of the Department of Labor, other than those relating to V.O.S.H.A., Project WorkSAFE and Passenger Tramway Safety, are hereby transferred to the Agency of Economic Opportunity.
4. All duties, responsibilities and authority of the Department of Labor relating to V.O.S.H.A., Project WorkSAFE and Passenger Tramway Safety, are hereby transferred to the Department of Public Safety.
5. The rules of the former Agency of Commerce and Community Development and the former Department of Labor in effect on the effective date of this Executive Order, other than those relating to V.O.S.H.A., WorkSAFE and Passenger Tramway Safety, shall be the rules of the Agency of Economic Opportunity.
6. The rules of the former Department of Labor in effect on the effective date of this Executive Order relating to V.O.S.H.A., WorkSAFE and Passenger Tramway Safety, shall be the rules of the Department of Public Safety.
7. The positions of Secretary of the Agency of Commerce and Community Development and Commissioner of the Department of Labor are abolished and all the duties, responsibilities, and authority of the Secretary and the Commissioner are hereby transferred to the Secretary of the Agency of Economic Opportunity.
8. Effective April 17, 2017, the Agency of Economic Opportunity shall administer the programs formerly administered by the Department of Labor, other than those programs relating to V.O.S.H.A, WorkSAFE and Passenger Tramway Safety, including but not limited to:

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- A. Apprenticeship Division and Council (21 V.S.A. §§ 1101-1105);
  - B. State and Federal job training and employment services programs, including Vermont Employment Service (21 V.S.A. §§ 1201-1206), Displaced Homemakers (21 V.S.A. §§ 1231-1232), Domestic and Sexual Violence Survivors' Transitional Employment Program (21 V.S.A. §§ 1253-1255), and Regional Workforce Education and Training (10 V.S.A. § 542);
  - C. Vermont Employment Security Board (21 V.S.A. § 1302);
  - D. Workforce Development Board (10 V.S.A. § 541a);
  - E. Advisory Council (21 V.S.A. § 1306);
  - F. Employee Leasing Companies (21 V.S.A. §§ 1031-1043);
  - G. Employment Practices (21 V.S.A. §§ 301-561);
  - H. Governor's Committee on Employment of People with Disabilities (21 V.S.A. § 497a);
  - I. Employee's Liability and Workers' Compensation program (21 V.S.A. §§ 601-711); and
  - J. Unemployment Compensation law (21 V.S.A §§ 1301-1471).
9. The Youth in Agriculture, Natural Resources and Food Production Consortium (21 V.S.A. §§ 1151-1153), shall be attached to the Agency of Economic Opportunity for administrative purposes.
  10. All duties, responsibilities and authority of the Department of Labor relating to the following programs are hereby transferred to the Department of Public Safety:
    - A. V.O.S.H.A. and Project WorkSAFE programs (21 V.S.A. §§ 201-232 and 18 V.S.A. §§ 1415-1418 (transferred to Department of Labor by Executive Order No. 21-08 dated January 14, 2005)); and
    - B. Passenger Tramway program and the Passenger Tramway Board (31 V.S.A. §§ 701-712).
  11. All other positions and equipment of the Department of Labor relating to VOSHA, Project WorkSAFE and the Passenger Tramway Program are transferred to the Department of Public Safety.
  12. Effective April 17, 2017, the Agency of Economic Opportunity shall administer all programs formerly administered by the Agency of

Commerce and Community Development including, but not limited to:

- A. Housing, Community Development, Economic Development Historic Preservation and Tourism and Marketing programs (3 V.S.A. §§ 2401-2516);
  - B. Vermont Housing Council (created by Executive Order 08-11); and
  - C. Travel and Information Council (10 V.S.A. § 484 (for purposes of the collection and distribution of travel information)).
13. The Sustainable Jobs Fund Program (10 V.S.A. §§ 326-330), shall be attached to the Agency of Economic Opportunity for administrative purposes.
14. Effective April 17, 2017, the Agency of Economic Opportunity shall consist of four Departments:
- A. Department of Marketing and Tourism;
  - B. Department of Economic Development;
  - C. Department of Housing and Community Development; and
  - D. Department of Labor and Workforce Development.
15. The Agency of Economic Opportunity shall be headed by a Secretary appointed by the Governor, with advice and consent of the Senate. The Governor shall also appoint a Deputy Secretary. Each of the four Departments shall be headed by a Commissioner to be appointed by the Governor.
16. The Secretary of the Agency of Economic Opportunity, together with the Commissioner of Labor and Workforce Development, shall further study the effectiveness, priority and delivery of services and shall report any additional recommendation for restructuring and/or statutory changes to the Governor by November 17, 2017.

This Executive Order supersedes and replaces Executive Order No. 01-05, codified as Executive Order No. 21-8.

This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002. This Executive Order shall take effect on April 17, 2017, unless disapproved by the General Assembly pursuant to 3 V.S.A. § 2002(b).

WITNESS my name hereunto subscribed  
and the Great Seal of the State of Vermont  
hereunto affixed at Montpelier this 15th day of January, 2017.

/s/Philip B. Scott  
Governor

### **Executive Order Referred to Committee**

The Speaker placed before the House Executive Order No.06-17 which was read and referred to the committee on Energy and Technology.

## **STATE OF VERMONT**

### **EXECUTIVE DEPARTMENT**

#### **EXECUTIVE ORDER NO. 06-17**

[Creation of the Agency of Digital Services]

WHEREAS, the Governor, pursuant to 3 V.S.A. Section 2001, may make such changes in the organization of the executive branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

WHEREAS, it is desirable to reorganize the departments and divisions of government by better coordinating certain activities and to improve the coordination and effectiveness of services to the public; and

WHEREAS, the Department of Information and Innovation and various State agencies purchase information technology (IT) products and services, administer IT programs and provide IT services; and

WHEREAS, the existing structure of centralized IT and decentralized IT operating in parallel has made it difficult to (i) share data; (ii) capture comprehensive IT usage metrics, including spending; (iii) develop a comprehensive strategy for funding, procurement and use of IT; (iv) ensure results based accountability; and (v) collaborate on statewide best practices; and

WHEREAS, many states have restructured information technology governance in order to increase efficiency, broaden transparency and enable more strategic use of IT; and

WHEREAS, restructuring IT governance presents an opportunity to better align business functions and IT through:

- 1) Improved coordination of technology procurements;



- 2) Improved project management practices and standards;
- 3) Improved communication among State agency and department technology resources;
- 4) Improved IT governance;
- 5) Utilization of technology skills and resources across departments for the benefit of all agencies and departments;
- 6) A comprehensive understanding of IT spending;
- 7) Support of results based accountability;
- 8) Realignment of IT resources with State priorities; and

WHEREAS, this restructuring offers benefits to State employees through greater opportunities for professional development within State government; and

WHEREAS, the State could improve and more efficiently deliver services to the public through the creation of the Agency of Digital Services.

NOW THEREFORE, by virtue of the authority vested in me by 3 V.S.A. Chapter 41 as Governor, I, Philip B. Scott, do hereby create an Agency of Digital Services. The Agency of Digital Services shall be the successor to, and the continuation of, the Department of Information and Innovation.

1. All duties, obligations, responsibilities and authority, including all contracts, grant agreements, service level agreements and MOUs of the Department of Information and Innovation are hereby transferred to the Agency of Digital Services and shall continue in force and effect without any interruption in their functions.

2. All financial assets and liabilities of the Department of Information and Innovation are hereby transferred to the Agency of Digital Services and shall be accounted for in the Internal Services Fund, known as the Communications and Information Technology Fund.

3. The position of the Commissioner of the Department of Information and Innovation is abolished and all the duties, responsibilities and authority of the Commissioner are hereby transferred to the Secretary and Chief Information Officer of the Agency of Digital Services.

4. All other authorized positions and equipment of the Department of Information and Innovation are transferred to the Agency of Digital Services.

5. Effective April 17, 2017, the Agency of Digital Services shall be headed by the Secretary and Chief Information Officer (together, the "CIO") appointed by the Governor with the advice and consent of the Senate.

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6. Effective April 17, 2017, the CIO of the Agency of Digital Services may appoint a Chief Financial Officer who shall be exempt from the classified service.

7. Effective April 17, 2017, the Agency of Digital Services shall consist of five divisions: (A) the Security Division which shall be headed by the Chief Information Security Officer appointed by the CIO of the Agency of Digital Services, with the approval of the Governor; (B) the Enterprise Architecture Division which shall be headed by the Chief Technology Officer appointed by the CIO of the Agency of Digital Services, with the approval of the Governor; (C) the Data Management Division which shall be headed by the Chief Data Officer appointed by the CIO of the Agency of Digital Services, with the approval of the Governor; (D) the Division of Enterprise Project Management; and (E) the Division of Shared Services. The Division of Enterprise Project Management and the Division of Shared Services shall each be headed by a Director appointed by the CIO of the Agency of Digital Services, with the approval of the Governor. The Chief Information Security Officer, the Chief Technology Officer, the Chief Data Officer and the Directors shall be exempt from the classified service.

8. Effective April 17, 2017, all existing department and agency technology leaders, including, but not limited to, chief information officers and directors of information technology (“technology leaders”), and their professional IT personnel in the Executive Branch agencies and departments, shall report directly to the CIO of the Agency of Digital Services.

9. The Commissioner of the Department of Human Resources and the CIO of the Agency of Digital Services, in consultation with agency and department heads, shall identify technology leaders. The Commissioner of the Department of Human Resources and the CIO of the Agency of Digital Services shall define the position duties and identify and determine appropriate classifications for all State personnel who perform information security activities, as that term is defined in 3 V.S.A. §2222(9) and information technology activities, as that term is defined in 3 V.S.A. 2222(10). All technology leaders shall be exempt from the classified service.

10. Beginning April 17, 2017, on an agency-by-agency and department-by-department basis, all positions and incumbents identified by the Commissioner of Human Resources and the CIO of the Agency of Digital Services as set forth above, shall transfer to the Agency of Digital Services. Technology leaders and professional IT personnel shall remain in their current physical locations.

11. Beginning April 17, 2017, on an agency-by-agency and department-

by-department basis, all appropriations associated with the positions transferred pursuant to paragraph 10 above, shall transfer from the affected agencies and departments to the Agency of Digital Services.

12. Beginning April 17, 2017, on an agency-by-agency and department-by-department basis, all the functions, equipment, supplies and inventory associated with the positions transferred pursuant to paragraph 10 above, shall transfer from the affected agencies and departments to the Agency of Digital Services. All agency and department contracts for goods and services shall remain with the respective agencies and departments.

13. The CIO of the Agency of Digital Services shall further study the effectiveness, priority and delivery of IT services and shall report to the Governor any additional recommendation for restructuring and/or statutory changes by November 17, 2017.

This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002 and shall take effect on April 17, 2017, unless disapproved by the General Assembly pursuant to 3 V.S.A. § 2002(b).

WITNESS my name hereunto subscribed  
and the Great Seal of the State of Vermont  
hereunto affixed at Montpelier this 15th day of January, 2017.

/s/Philip B. Scott  
Governor

**Executive Order Referred to Committee**

The Speaker placed before the House Executive Order No.07-17 which was read and referred to the committee on General; Housing and Military Affairs.

**STATE OF VERMONT**

**EXECUTIVE DEPARTMENT**

**EXECUTIVE ORDER NO. 07-17**

[Merger of the Department of Liquor Control and the State Lottery  
Commission]

WHEREAS, the Governor, pursuant to 3 V.S.A. Section 2001, may make such changes in the organization of the Executive Branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

WHEREAS, it is desirable to reorganize the departments and divisions of government by better coordinating certain activities and to improve the coordination, effectiveness and value of services to the public; and

WHEREAS, both the Department of Liquor Control and the State Lottery Commission have rights, powers, duties and responsibilities that involve, in significant part, the collection of proceeds, charges and other forms of revenue to the State of Vermont; and

WHEREAS, the State could improve and more efficiently deliver services to the public through the merger of the Department of Liquor Control and the State Lottery Commission; and

WHEREAS, streamlining and consolidating the functions of the Department of Liquor Control and the State Lottery Commission under a single Department offers the opportunity to realize cost savings, eliminate redundancy, improve accountability, provide more efficient use of specialized expertise and facilities, and promote more effective sharing of best practices and state of the art technology, among other benefits.

NOW THEREFORE, by virtue of the authority vested in me by 3 V.S.A. Chapter 41 as Governor, I, Philip B. Scott, do hereby create the Department of Liquor and Lottery by merging the Department of Liquor Control with the State Lottery Commission. The Department of Liquor and Lottery shall be successor to, and a continuation of, the Department of Liquor Control with the State Lottery Commission.

1. All duties, responsibilities and authority, including all contracts, grant agreements and MOUs of the Department of Liquor Control, are hereby transferred to the Department of Liquor and Lottery and shall continue in force and effect without any interruption in their functions.

2. The State Lottery Commission is abolished and all duties, responsibilities and authority, including all contracts, grant agreements and MOUs of the State Lottery Commission, are hereby transferred to the Department of Liquor and Lottery and shall continue in force and effect without any interruption in their functions.

3. The position of the Director of the Lottery Commission is abolished and all the duties, responsibilities and authority of the Director are hereby transferred to the Commissioner of Liquor and Lottery.

4. The position of the Commissioner of Liquor Control is hereby renamed the Commissioner of Liquor and Lottery with all of the duties, responsibilities and authority of the former Commissioner of Liquor Control

and the former Director of the Lottery Commission. The Commissioner of Liquor and Lottery shall be a State employee exempt from the State classified system who shall serve at the pleasure of the Governor, subject to Laws of 2016, Act No. 144 § 20.

5. All other authorized positions and equipment of the Department of Liquor Control and the State Lottery Commission are transferred to the Department of Liquor and Lottery.

6. Effective April 17, 2017, the Department of Liquor and Lottery shall be comprised of a Commissioner of Liquor and Lottery and a Board of Liquor and Lottery.

7. The Board of Liquor and Lottery will consist of a Chair and four (4) members who shall be appointed by the Governor, with the advice and consent of the Senate. Initially, the members of the Board of Liquor and Lottery shall be the five (5) members of the former Liquor Control Board who shall serve the remainder of their terms at the pleasure of the Governor, subject to removal pursuant to 7 V.S.A. § 102. Vacancies on the Board of Liquor and Lottery shall be filled by the Governor, with the advice and consent of the Senate. A member appointed by the Governor when the General Assembly is not in session shall be subject to approval by the Senate at its next regular, special or adjourned session. The members shall serve until their successors are appointed and qualified. No member of the Board of Liquor and Lottery shall have any pecuniary interest in any licensee licensed to conduct a lottery or to sell malt, vinous beverages and/or spirituous liquors. No member of the Board of Liquor and Lottery shall have a pecuniary interest in any contract awarded by the Board or Department.

8. The Chair shall have general charge of the offices and employees of the Board. The Chair shall receive reasonable compensation at a level to be determined by the Governor.

9. The term of each member, other than the Chair and the members of the former Liquor Control Board, shall be three (3) years.

10. Effective April 17, 2017, the Department of Liquor and Lottery shall consist of a Division of Liquor Control and a Division of State Lottery, with both divisions reporting to the Commissioner of Liquor and Lottery. The divisions shall each be headed by a Director appointed by the Commissioner of Liquor and Lottery. The Directors shall be exempt from the classified service.

11. The Governor shall annually submit a budget to the General Assembly.

12. The rules of the Department of Liquor Control and the State Lottery Commission in effect on the effective date of this Executive Order shall be the rules of the Department of Liquor and Lottery, until amended or repealed.

13. The Chair, in consultation with the Board of Liquor and Lottery and the Commissioner of Liquor and Lottery, shall further study the effectiveness, priority and delivery of liquor and lottery sales and services and shall report to the Governor additional recommendation for restructuring and/or statutory changes by November 17, 2017.

This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002 and shall take effect on April 17, 2017, unless disapproved by the General Assembly pursuant to 3 V.S.A. § 2002(b).

WITNESS my name hereunto subscribed  
and the Great Seal of the State of Vermont  
hereunto affixed at Montpelier this 15th day of January, 2017.

Philip B. Scott  
Governor

**Joint Resolution Adopted in Concurrence**

**J.R.S. 10**

By Senator Ashe,

**J.R.S. 10.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, January 20, 2017, it be to meet again no later than Tuesday, January 24, 2017.

Was taken up read and adopted in concurrence.

**Legislative Committee On  
Administrative Rules (LCAR) Appointed**

Pursuant to 3 V.S.A. § 817, the Chair hereby appoints the following members the Legislative Committee on Administrative Rules:

**Rep. Chesnut-Tangerman of Middletown Springs**

**Rep. Myers of Essex**

**Rep. Sheldon of Middlebury**

**Rep. Yantachka of Charlotte**

**PreKindergarten-16 Council Appointed**

Pursuant to 16 V.S.A. § 2905, the Chair hereby appoints the following member to the PreKindergarten-16 Council:

**Rep. Christie of Hartford**

**Advisory Council On Special Education Appointed**

Pursuant to 16 V.S.A. § 2945, the Chair hereby appoints the following member to the Advisory Council on Special Education:

**Rep. Christie of Hartford**

**Higher Education Subcommittee of  
PreK Council Appointed**

Pursuant to Act 140 of 2015 Sec. 1, the Chair hereby appoints the following member to the Higher Education Subcommittee of PreK Council:

**Rep. Christie of Hartford**

**Adjournment**

At one o'clock and twenty six minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.