

# House Calendar

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THURSDAY, JANUARY 31, 2008

24th DAY OF ADJOURNED SESSION

House Convenes at 1:30 P M

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**ACTION CALENDAR**

**Action Postponed Until Thursday, January 31, 2008**

**Pending Action:** Second Reading

**H. 691**

An act relating to executive and judicial branch fees.

**NEW BUSINESS**

**Committee Bill for Second Reading**

**H. 737**

An act relating to fiscal year 2008 budget adjustments.

**(Rep. Heath of Westford will speak for the Committee on Appropriations.)**

**Favorable with Amendment**

**H. 575**

An act relating to small eligible telecommunications carriers.

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

Sec. 1. 30 V.S.A. § 227d is amended to read:

§ 227d. SMALL ELIGIBLE TELECOMMUNICATIONS CARRIERS

(a) A carrier which serves fewer than ten percent of subscriber lines installed in the aggregate statewide and has been designated as an eligible telecommunications carrier in a service area where a competitive eligible telecommunications carrier has also been designated may, by providing written notice to the public service board and to the department of public service, elect to be exempted from one or more of the regulatory requirements under sections 104, 105, 108, 225, 226, 227, 229, and 230, and 247 of this title, except for purposes of E-911 services, for switched or dedicated access to the local exchange by providers of long distance telephone service or for rates for utility pole attachments. For the purposes of this subsection, "eligible telecommunications carrier" means a telecommunications carrier designated eligible pursuant to 47 U.S.C. § 214(e).

(b) For any carrier that elects exemption under subsection (a) of this section:

(1) The carrier shall provide notice of its election to its existing customers within 30 days of its election and to any new customer at the time the new customer requests service from the carrier.

(2) The carrier shall maintain ~~the rate schedules that were required prior to the carrier's election~~ and upon request shall provide notice of any change to such rate schedules to the board and the department for informational purposes only.

(A) Notice of increases of rates for services offered by the carrier on or before June 30, 2005, shall be made at least 30 days in advance to the board and department.

(B) The carrier shall not withdraw any service subject to the jurisdiction of the board which it offered on June 30, 2005, without at least 30 days' advance notice to customers, the board, and the department.

(C) Rate schedules which are exempted from approval by the board under this section shall not have the effect of a tariff.

(3) ~~The board shall have continuing regulatory authority over service quality standards; access to carriers of long distance telecommunications services; customer deposits; disconnection of residential and nonresidential services; billing practices and procedures; access to emergency services; access to operators' services; access to directory services; the requirement under subsection 218(a) of this title that rates be just, reasonable, and nondiscriminatory; and the nine supported services required under 47 U.S.C. § 214(e) as related to basic exchange telecommunications service. For purposes of this subsection, "basic exchange telecommunications service" means the provision of publicly switched, voice grade interactive telecommunications services between or among two or more end users, where a single central office provides that service to those two or more end users any matter under its jurisdiction for which the authority of the board is not specifically limited by this section.~~

(4) The carrier shall not condition the purchase of basic exchange telecommunications service upon the purchase or subscription to bundles of or any combination of telecommunication services other than the one access line required for the provision of such service. For purposes of this subsection, "basic exchange telecommunications service" means the provision of publicly switched, voice grade interactive telecommunications services between or among two or more end users, where a single central office provides that service to those two or more end users.

(5) The carrier shall limit its prices as follows:

(A) the carrier shall not increase its price for basic exchange telecommunications service during the first year following such election ~~and~~; during the second and third years following the end of the year in which the carrier has made such election, the carrier shall not increase its price for basic exchange telecommunications service by more than nine percent or by \$1.50, whichever is less; and during the fourth and fifth years following the end of the year in which the carrier has made such election, the carrier shall not increase its price for basic exchange telecommunications service by more than 11 percent or by \$2.00, whichever is less;

\* \* \*

(c) Upon petition by the department, the board shall and upon its own initiative the board may investigate whether it should impose or reimpose any regulatory requirements which the carrier has elected out of pursuant to subsection (a) of this section. If the board finds, after notice and an opportunity for hearing, and, after considering the factors identified in subsection 227c(c) of this title, that the public is not sufficiently protected, the board may impose or reimpose any of the regulatory provisions listed in subsection (a) of this section. Pending any final order and subject to the provisions of section 12 of this title, the board may impose or reimpose any of the regulatory provisions listed in subsection (a) of this section on a temporary basis as it determines is just and reasonable. Upon petition of the carrier and after notice and opportunity for hearing, the board may modify, reduce, or suspend any regulatory requirement it has reimposed on the carrier.

Sec. 2. REPEAL

Sec. 2 of No. 73 of the Acts of 2005 (repeal of section 227d of Title 30) as amended by Sec. 17b of No. 79 of the Acts of 2007 is repealed.

Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage.

**(Committee vote: 10-0-1)**

#### **H. 665**

An act relating to political party state committee membership.

**Rep. Manwaring of Wilmington**, for the Committee on **Government Operations**, recommends the bill be amended by adding a Sec. 2 as follows:

Sec. 2. EFFECTIVE DATE

This act shall take effect upon passage.

**(Committee vote: 8-0-2)**

**Favorable**

**H. 669**

An act relating to the Vermont Historic Downtown.

**Rep. Bissonnette of Winooski**, for the Committee on **Commerce**, recommends the bill ought to pass.

**( Committee Vote: 10-0-1)**

**NOTICE CALENDAR**

**H. 267**

An act relating to industrial hemp.

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

Sec. 1. INTENT

The intent of this act is to establish policy and procedures for growing industrial hemp in Vermont so that farmers and other businesses in the Vermont agricultural industry can take advantage of this market opportunity when federal regulations permit.

Sec. 2. LEGISLATIVE FINDINGS

The general assembly finds:

(1) Industrial hemp is a suitable crop for Vermont, and its production will contribute to the future viability of Vermont agriculture.

(2) Allowing industrial hemp production will provide farmers an opportunity to sell their products to a marketplace that pays them a reasonable rate of return for their labor and capital investments. Farmers in Canada report an \$800.00 per-acre return for the crop.

(3) The infrastructure needed to process industrial hemp will result in increased business opportunities and new jobs in our communities.

(4) As a food crop, industrial hemp seeds and oil produced from the seeds have high nutritional value, including healthy fats and protein.

(5) As a fiber crop, industrial hemp can be used in the manufacture of products such as clothing, building supplies, and animal bedding.

(6) As a fuel crop, industrial hemp seeds can be processed into biodiesel, and stalks can be pelletized or flaked for burning or processed for

cellulosic ethanol. Industrial hemp also expands opportunities for on-farm renewable energy production.

(7) The production of industrial hemp can play a useful agronomic role in farm land management as part of a crop rotation system.

Sec. 3. 6 V.S.A. chapter 34 is added to read:

#### CHAPTER 34. INDUSTRIAL HEMP

##### § 560. DEFINITIONS

As used in this chapter:

(1) “Grower” means any person or business entity licensed under this chapter by the secretary as an industrial hemp grower.

(2) “Hemp products” means all products made from industrial hemp, including but not limited to cloth, cordage, fiber, food, fuel, paint, paper, particle board, plastics, seed, seed meal, seed oil, and certified seed for cultivation if such seeds originate from industrial hemp varieties.

(3) “Industrial hemp” means varieties of the plant cannabis sativa having no more than 0.3 percent tetrahydrocannabinol, whether growing or not, that are cultivated or possessed by a licensed grower in compliance with this chapter.

(4) “Secretary” means the secretary of agriculture, food and markets.

##### § 561. INDUSTRIAL HEMP: AN AGRICULTURAL PRODUCT

Industrial hemp is an agricultural product which may be grown, produced, possessed, and commercially traded in Vermont pursuant to the provisions of this chapter.

##### § 562. LICENSING; APPLICATION

(a) Any person or business entity wishing to engage in the production of industrial hemp must be licensed as an industrial hemp grower by the secretary. A license from the secretary shall authorize industrial hemp production only at a site or sites specified by the license.

(b) A license from the secretary shall be valid for 24 months from the date of issuance and may be renewed but shall not be transferable.

(c) Any person with a prior felony conviction is not eligible for licensure.

(d) When applying for a license from the secretary, an applicant shall provide information sufficient to demonstrate to the secretary that the applicant intends to grow and is capable of growing industrial hemp in accordance with this chapter, which at a minimum shall include:

(1) Filing a set of the applicant's fingerprints, taken by a law enforcement officer, and any other information necessary to complete a statewide and nationwide criminal history check with the Vermont criminal information center for statewide processing and with the Federal Bureau of Investigation for federal processing. Criminal history records provided to the secretary under this section are confidential and shall only be used in determining an applicant's eligibility for licensure.

(2) Filing with the secretary documentation certifying that the seeds obtained for planting are of a type and variety compliant with the maximum concentration of tetrahydrocannabinol set forth in subdivision 560(3) of this chapter.

(3) Filing with the secretary the location and acreage of all parcels sown and other field reference information as may be required by the secretary.

(e) To qualify for a license from the secretary, an applicant shall demonstrate to the satisfaction of the secretary that the applicant has adopted methods to ensure the legal production of industrial hemp, which at a minimum shall include:

(1) Ensuring that all parts of the industrial hemp plant that do not enter the stream of commerce as hemp products are destroyed, incorporated into the soil, or otherwise properly disposed of.

(2) Maintaining records that reflect compliance with the provisions of this chapter and with all other state laws regulating the planting and cultivation of industrial hemp.

(f) Every grower shall maintain all production and sales records for at least three years.

(g) Every grower shall allow industrial hemp crops, throughout sowing, growing season, harvest, storage, and processing, to be inspected by and at the discretion of the secretary or his or her designee.

#### § 563. RULEMAKING AUTHORITY

The secretary shall, no later than December 31, 2008, adopt rules to provide for the implementation of this chapter, which shall include rules to allow for the industrial hemp to be tested during growth for tetrahydrocannabinol levels and to allow for supervision of the industrial hemp during sowing, growing season, harvest, storage, and processing.

§ 564. REVOCATION AND SUSPENSION OF LICENSE:  
ENFORCEMENT

(a) The secretary may deny, suspend, revoke, or refuse to renew the license of any grower who:

(1) Makes a false statement or misrepresentation on an application for a license or renewal of a license.

(2) Fails to comply with or violates any provision of this chapter or any rule adopted under it.

(b) Revocation or suspension of a license may be in addition to any criminal penalties or fines imposed on a grower under other state law.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

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

**CONSENT CALENDAR**

**Concurrent Resolutions for Notice Under Joint Rule 16**

The following concurrent resolutions have been introduced for approval by the House and Senate and have been printed in the Senate and House Addendum to today's calendars. These will be adopted automatically unless a member requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration should be communicated to the Clerk of the House or to a member of his staff.

**(For text of Resolutions, see Addendum to House and Senate Notice Calendar for Thursday, Thursday, January 31, 2008)**

**H.C.R. 199**

House concurrent resolution in memory of former South Burlington Representative Theodore Riehle Jr.

**H.C.R. 200**

House concurrent resolution in memory of Rutland City Deputy Fire Chief Michael Walsh

**H.C.R. 201**

House concurrent resolution in memory of former Washington County side judge Paul H. Guare of Montpelier

**H.C.R. 202**

House concurrent resolution congratulating the Vergennes High School Commodores 2007 Division II championship baseball team

**H.C.R. 203**

House concurrent resolution congratulating the 2007 Poultney High School Blue Devils Division III championship football team

**H.C.R. 204**

House concurrent resolution wishing the New England Patriots good luck in Super Bowl XLII

**H.C.R. 205**

House concurrent resolution honoring Tom Frazier for his quarter-century-plus of outstanding local and regional public service on behalf of the town of Roxbury

**S.C.R. 27.**

Senate concurrent resolution congratulating the 2007 South Burlington High School Rebels girls' lacrosse Division I championship team.

**S.C.R. 28.**

Senate concurrent resolution congratulating the 2007 South Burlington High School Rebels Division I championship boys' tennis team.

**S.C.R. 29.**

Senate concurrent resolution congratulating the 2007 South Burlington High School Rebels Division I championship baseball team.

**House Appropriations Committee  
Members' amendments to  
Fiscal Year 2008 budget adjustment bill**

The Appropriations Committee invites all members of the House who intend to introduce amendments to the FY 2008 budget adjustment bill to meet with the committee on Thursday, January 31, from 9:00-10:00 a.m. in Room 42. Friday, February 1, from 8:45-9:30 a.m. has also been set aside for this purpose. Please contact Virginia Catone in Room 40 (ext. 2251) to schedule a time.