

Journal of the House

Wednesday, April 4, 2012

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

Devotional Exercises

Devotional exercises were conducted by Rev. M'ellen Kennedy, of the Universalist Churches in Barre, Strafford and Washington, VT.

Joint Resolution Referred to Committee

J.R.S. 54

By Committee on Institutions,

J.R.S. 54. Joint resolution approving a land exchange in Alburgh and a lease with Camp Downer, Inc.

Whereas, in accordance with 10 V.S.A. § 2606(b), the general assembly may adopt a resolution authorizing the commissioner of forests, parks and recreation to exchange or lease certain lands that are under the jurisdiction of the commissioner, and

Whereas, the general assembly has reviewed the proposed transactions and considers them to be in the best interest of the state, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly authorizes the commissioner of forests, parks and recreation to:

First: Enter into an exchange of a portion of Alburgh Dunes State Park in the Town of Alburgh with the South Alburgh Cemetery Association, Inc. for up to 44 +/- acres to be added to Alburgh Dunes State Park in the town of Alburgh that is of equivalent or greater value to the state. Any exchange of state parkland with the South Alburgh Cemetery Association, Inc. shall be contingent on the following: (1) the land exchange shall have the support of the selectboard of the town of Alburgh; (2) an independent appraiser shall determine the value of the parcels for exchange; (3) the South Alburgh Cemetery Association, Inc. shall be responsible for any and all associated costs of the exchange, including appraisal, survey, permitting, and legal costs; (4) the parcel conveyed to the state in exchange for the state park parcel conveyed to the South Alburgh Cemetery Association, Inc. shall be placed under the control and jurisdiction of the department of forests, parks and

recreation; (5) the coholders of the conservation easement that encumbers Alburgh Dunes State Park (The Nature Conservancy and the Vermont Housing and Conservation Board) shall approve the land exchange, and the conservation easement shall be amended to reflect this land exchange.

Second: Amend the lease with Camp Downer, Inc. at Downer State Forest in Sharon to provide for two additional ten-year renewal periods.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the Committee on Corrections and Institutions.

Joint Resolution Adopted in Concurrence

J.R.S. 55

By Senators Carris and Mullin,

J.R.S. 55. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Thursday April 5, 2012, or, Friday, April 6, 2012, it be to meet again no later than Tuesday, April 10, 2012.

Was taken up read and adopted in concurrence.

House Resolution Adopted

H.R. 17

House resolution, entitled

House resolution congratulating the Republic of China (Taiwan), President Ma Ying-jeou, and the 23 million Taiwanese people on their successful 2012 democratic elections and urging support for Taiwan's participation in various international organizations

Offered by: Representatives Leriche of Hardwick and Marcotte of Coventry

Whereas, on January 14, 2012, the Republic of China (Taiwan) held a successful democratically conducted election for president, vice president, and the legislature, demonstrating it is a beacon for freedom and democracy, and

Whereas, recently re-elected President Ma Ying-jeou has worked tirelessly to uphold democratic principles in Taiwan, ensure the prosperity of the Taiwanese people, promote its standing as a responsible member of the international community, increase participation in international organizations, dispatch humanitarian missions abroad, and further improve relations between the United States and Taiwan, and

Whereas, the United States and the Republic of China (Taiwan), and especially the State of Vermont, share an historically close relationship, marked by strong bilateral trade, educational and cultural exchanges, scientific and technological interests, and tourism, and

Whereas, in December 2011, Taiwan was nominated to participate in the United States Visa Waiver Program, and

Whereas, the United States ranks as Taiwan's third largest trading partner and Taiwan is the 10th largest trading partner of the United States, and bilateral trade reached \$62 billion with exports to Taiwan totaling approximately \$25 billion in 2011, and Vermont's exports to Taiwan totaled \$154 million in 2010, and

Whereas, on November 12, 2011, President Barack Obama and the leaders of eight Trans-Pacific Partnership countries announced the achievement of the broad outlines for a 21st century Trans-Pacific Partnership agreement which will forge close links among economies, enhance competitiveness, and benefit consumers, and

Whereas, the Asia-Pacific region is the largest market in the world for U.S. exports, and \$3.9 billion, or 93 percent, of Vermont's total exports went to markets in that region, and

Whereas, exports to Taiwan are estimated to support 12,300 Vermont jobs, and the latest available data (2009) indicated that 898 companies exported goods from Vermont, and

Whereas, Taiwan is the world's seventeenth largest trading economy and a member of the Asia-Pacific Economic Cooperation Forum, and

Whereas, the United Nations Framework Convention on Climate Change is the leading international agency addressing climate change, and Taiwan desires and should be granted membership in this important organization, and

Whereas, it remains in the interest of the traveling public that Taiwan be included in the International Civil Aviation Organization since Taiwan is a key transport hub in the Asia-Pacific region, and the Taipei Flight Information Region which is under Taiwan's jurisdiction covers an area of 176,000 square nautical miles with 1.35 million controlled flights annually passing through, now therefore be it

Resolved by the House of Representatives:

That this legislative body congratulates the Republic of China (Taiwan), President Ma Ying-jeou, and the 23 million Taiwanese people on their successful 2012 democratic elections and urges support for Taiwan's

participation in various international organizations and agreements, including the Trans-Pacific Partnership, the United Nations Framework Convention on Climate Change, and the International Civil Aviation Organization, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to President Barack Obama, Governor Peter Shumlin, the Vermont Congressional Delegation, Taiwanese President Ma Ying-jeou, and Anne Hung, Director-General of the Taipei Economic and Cultural Office in Boston.

Which was read and adopted.

Bill Amended; Third Reading Ordered

H. 506

Rep. Smith of New Haven, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to vinous beverages

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

Sec. 1. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:

* * *

(6) “Caterer’s permit license”: a permit license issued by the liquor control board authorizing the holder of a first class license or first and third class licenses for a cabaret, restaurant, or hotel premises to serve malt or vinous beverages or spirituous liquors at a function located on premises other than those occupied by a first, first and third, or second class licensee to sell alcoholic beverages.

* * *

(7) “Club”: an unincorporated association or a corporation authorized to do business in this state, that has been in existence for at least two consecutive years prior to the date of application for license under this title and owns, hires, or leases a building or space in a building that is suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and contains suitable and adequate kitchen and dining room space and equipment implements and facilities. A club may be used or leased by a

nonmember as a location for a social event as if it were any other licensed commercial establishment. Such club shall file with the liquor control board, before May 1 of each year, a list of the names and residences of its members and a list of its officers. Its affairs and management shall be conducted by a board of directors, executive committee, or similar body chosen by the members at its annual meeting, and no member or any officer, agent, or employee of the club shall be paid, or directly or indirectly receive, in the form of salary or other compensation, any profits from the disposition or sale of alcoholic liquors to the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at annual meetings by the members or by its directors or other governing body, and as reported by the club to the liquor control board. An auxiliary member of a club may invite one guest at any one time. An officer or director of a club may perform the duties of a bartender without receiving any payment for that service, provided the officer or director is in compliance with the requirements of this title that relate to service of alcoholic beverages. An officer, member, or director of a club may volunteer to perform services at the club other than serving alcoholic beverages, including seating patrons and checking identification, without receiving payment for those services. An officer, member, or director of a club who volunteers his or her services shall not be considered to be an employee of the club. A bona fide unincorporated association or corporation whose officers and members consist solely of veterans of the armed forces of the United States, or a subordinate lodge or local chapter of any national fraternal order, and which fulfills all requirements of this subdivision, except that it has not been in existence for two years, shall come within the terms of this definition six months after the completion of its organization. A club located on and integrally associated with at least a regulation nine-hole golf course need only be in existence for six months prior to the date of application for license under this title.

* * *

(28) "Fourth class license" or "farmers' market license": the license granted by the liquor control board permitting a manufacturer or rectifier of malt or vinous beverages or spirits to sell by the unopened container and distribute, by the glass with or without charge, beverages manufactured by the licensee. No more than a combined total of ten fourth class and farmers' market licenses may be granted to a licensed manufacturer or rectifier. At only one fourth class license location, a manufacturer or rectifier of vinous beverages may sell by the unopened container and distribute by the glass, with or without charge, vinous beverages produced by no more than ~~three~~ five additional manufacturers or rectifiers, provided these beverages are purchased

on invoice from the manufacturer or rectifier. A manufacturer or rectifier of vinous beverages may sell its product to no more than ~~three~~ five additional manufacturers or rectifiers. A fourth class licensee may distribute by the glass no more than two ounces of malt or vinous beverage with a total of eight ounces to each retail customer and no more than one-quarter ounce of spirits with a total of one ounce to each retail customer for consumption on the manufacturer's premises or at a farmers' market. A farmers' market license is valid for all dates of operation for a specific farmers' market location.

* * *

(33) "Commercial catering license": A license granted by the board permitting a business licensed by the department of health as a commercial caterer and having a commercial kitchen facility in the home or place of business to sell malt, vinous, or spirituous liquors at a function previously approved by the local licensing authority.

Sec. 2. 7 V.S.A. § 66 is amended to read:

§ 66. VINOUS BEVERAGE SHIPPING LICENSE; IN STATE; OUT OF STATE; PROHIBITIONS; PENALTIES

* * *

(c) A manufacturer or rectifier of vinous beverages that is licensed in-state or out-of-state and holds valid state and federal permits and operates a winery in the United States may apply for a retail shipping license by filing with the department of liquor control an application in a form required by the department accompanied by a copy of their in-state or out of state license and the fee as required by subdivision 231(7)(C) of this title. The retail shipping license may be renewed annually by filing the renewal fee as required by subdivision 231(7)(C) of this title accompanied by the licensee's current in-state or out-of-state manufacturer's license. This license permits the holder, which includes the holder's affiliates, franchises, and subsidiaries, to sell up to ~~2,000~~ 5,000 gallons of vinous beverages a year directly to first or second class licensees and deliver the beverages by common carrier or the manufacturer's or rectifier's own vehicles or the vehicle of an employee of a manufacturer or rectifier, provided that the beverages are sold on invoice, and no more than ~~40~~ 100 gallons per month are sold to any single first or second class licensee. The retail shipping license holder shall ~~provide~~ report to the department documentation of the annual and monthly number of gallons sold.

* * *

(e) A holder of any shipping license granted pursuant to this section shall:

* * *

(4) Report at least twice a year to the department of liquor control if the holder of a direct consumer shipping license and once a year if the holder of a retail shipping license in a manner and form required by the department all the following information:

(A) The total amount of vinous beverages shipped into or within the state for the preceding six months if a holder of a direct consumer shipping license or every twelve months if a holder of a retail shipping license.

(B) The names and addresses of the purchasers to whom the vinous beverages were shipped.

(C) The date purchased, if appropriate, the name of the common carrier used to make each delivery, and the quantity and value of each shipment.

* * *

Sec. 3. 7 V.S.A. § 67 is amended to read:

§ 67. ALCOHOLIC BEVERAGE TASTINGS; PERMIT; PENALTIES

* * *

(b) A wine or beer tasting event held pursuant to subdivisions (a)(1) and (2) of this section, not including an alcohol beverage tasting conducted on the premises of the manufacturer or rectifier, shall comply with the following:

(1) Continue for no more than six hours, with no more than six beverages to be offered at a single event, and no more than two ounces of any single beverage and no more than a total of eight ounces of various vinous or malt beverages to be dispensed to a customer. No more than eight customers may be served at one time.

(2) Be conducted totally within ~~an area that is clearly cordoned off by barriers that extend~~ a designated area that extends no further than 10 feet from the point of service, and ~~a~~ that is marked by a clearly visible sign that ~~clearly~~ states that no one under the age of 21 may participate in the tasting ~~shall be placed in a visible location at the entrance to the tasting area.~~

* * *

Sec. 4. 7 V.S.A. § 238 is amended to read:

§ 238. CATERER'S ~~PERMIT~~ LICENSE, GRANTING OF; SALE TO MINORS

(a) The liquor control board may issue a caterer's ~~permit~~ license only to those persons who hold a current first ~~and third~~ class license or current first and third class licenses for a restaurant or hotel premises.

(b) The board may issue a commercial catering license only to those persons who hold a first class license or current first and third class licenses.

(c) The liquor control board shall promulgate rules or regulations as it deems necessary to effectuate the purposes of this section.

~~(e)~~(d) No malt or vinous beverages or spirituous liquors shall be sold or served to a minor by a holder of a caterer's ~~permit~~ license.

~~(d)~~(e) Notwithstanding the provisions of subsection (a) of this section, the liquor control board may issue a caterer's ~~permit~~ license to a licensed manufacturer or rectifier who holds a current first class license.

Sec. 5. 7 V.S.A. § 238a is amended to read:

§ 238a. OUTSIDE CONSUMPTION PERMITS; GOLF COURSES;

WINERIES

Pursuant to regulations of the liquor control board, an outside consumption permit may be granted to the holder of a first or first and third class ~~license~~ licenses for all or part of the outside premises of a golf course or to the holder of a fourth class license for all or part of the outside premises ~~of a winery for consumption of wine produced on the premises~~, provided that such permit is first obtained from the local control commissioners and approved by the board.

Sec. 6. 7 V.S.A. § 231 is amended to read:

§ 231. FEES FOR LICENSES; DISPOSITION OF FEES

(a) The following fees shall be paid:

* * *

(8)(A) For a caterer's ~~permit~~ license, \$200.00.

(B) For a commercial catering license, \$200.00.

* * *

Rep. Condon of Colchester, for the committee on Ways and Means, recommended that the bill ought to pass when amended, as recommended, by the committee on General, Housing and Military Affairs.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on General, Housing and Military Affairs and Ways and Means agreed to and third reading ordered.

Joint Resolution Adopted in Concurrence**J.R.S. 52**

Joint resolution, entitled

Joint resolution relating to the issuance of a commemorative United States postage stamp in honor of former United States Senator George D. Aiken

Was taken up and adopted in concurrence.

Adjournment

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