

Journal of the House

Wednesday, March 22, 2017

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

Devotional Exercises

Devotional exercises were conducted by Reverend Nathan Strong, Albany Methodist Church, Albany, VT.

Rep. Krowinski of Burlington presiding.

Senate Bill Referred

S. 4

Senate bill, entitled

An act relating to publicly accessible meetings of an accountable care organization's governing body

Was read and referred to the committee on Human Services.

Bill Referred to Committee on Ways and Means

H. 509

House bill, entitled

An act relating to calculating statewide education tax rates

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Appropriations

H. 508

House bill, entitled

An act relating to building resilience for individuals experiencing adverse childhood experiences

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

Bill Referred to Committee on Appropriations

H. 510

House bill, entitled

An act relating to the cost share for State agricultural water quality financial assistance grants

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

Bill Referred to Committee on Appropriations

H. 511

House bill, entitled

An act relating to highway safety

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

Bill Referred to Committee on Appropriations

H. 512

House bill, entitled

An act relating to the procedure for conducting recounts

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

Bill Referred to Committee on Appropriations

H. 513

House bill, entitled

An act relating to making miscellaneous changes to education law

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

Joint Resolution Adopted in Concurrence

J.R.S. 24

By Senator Ashe,

J.R.S. 24. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 24, 2017, it be to meet again no later than Tuesday, March 28, 2017.

Was taken up, read and adopted in concurrence.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 364

Rep. Rachelson of Burlington moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to State collection of electronic data and metadata

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

Remarks Journalized

On motion of **Rep. Carr of Brandon**, the following remarks by **Rep. Poirier of Barre City** were ordered printed in the Journal:

“Madam Speaker:

Tom Davis was a 17th generation Vermonter. He was the son of former Governor Deane Davis. Tom was a political activist on issues regarding the poor. He was the founder of the Office of Economic Opportunity during the administration of Governor Phil Hoff. He later became the Secretary of Human Services for Governor Thomas Salmon. He was the state director for Senator Patrick Leahy. Tom was an accomplished author and wrote 2 novels (mysteries) in which Vermont was the background for the books. He also authored 3 memoirs about Barre and Vermont.

Tom was very active in associations all over the state. He was a board member for the Council of Elders and The Heart Association. He was a founding member of the board of directors of the Barre Labor Hall and was active in getting the hall named an historical Labor site.

Tom was an active golfer and he had more golf clubs in his basement than most sporting stores.

Tom is survived by his wife Dolly, 9 children and 10 grandchildren. Tom was a mentor to many people from all over Vermont and his dedication to public service will be forever remembered.”

Remarks Journalized

On motion of **Rep. Carr of Brandon**, the following remarks by **Rep. McFaun of Barre Town** were ordered printed in the Journal:

“Madam Speaker:

I first met Tom Davis in 1966, during the early stages of the war on poverty. I was working at the Central Vermont community action Council, a regional anti-poverty program. Running a youth employment program. He was

the state director of the office of economic opportunity. In those days the state office of economic opportunity was a fast growing office in state government. As soon as you came up with a way to fight poverty you could go to Washington and get federal money to support your idea.

In 1967 Tom asked me to go to dinner with him. During the course of the evening he asked me to come to work with him in the state OEO office. It was during the early discussions I had with him when I first came on board, that I realized what a visionary he was.

Working with him was like being on a roller coaster always going at breakneck speed and somehow experiencing ups and downs while you were doing that. Staff would sit around the table with Tom reading research papers, on poverty, the causes of poverty and how to overcome poverty. We would get into a deep discussion about ways that we thought, based on what we read, would be good ways to eliminate poverty. All of a sudden Tom would announce, I've got an idea, He would tell us what the idea was and say see what you can do with that. I'll be back in a couple of hours to see were at.

Tom would return and we'd give him a completed skeleton of the program that we thought might work. We would get into our another deep discussion about what we had in front of us. When he thought we had talked enough he would say great I think we got it. Let me work on it for a while and I'll get back to you. It was amazing how he could envision and put it in words. He would come back with a fully designed program that might have a positive effect on low income people's lives.

Soon after that his secretary would be booking flights to Washington for several office staff. We had some good people in Washington then Sen. Aiken, Sen. Prouty, Congressman Stafford. They would open up the doors for us with the national OEO staff and we would bring the money back to implement the program. Sometimes we would give this money to community action agencies to run the anti-poverty program. Other times we kept it in house and ran the program ourselves. I want to quickly talk about two very significant programs that came out of Tom's head and went through the sitting around the table process I just described.

One day there was a massive demonstration on the Statehouse lawn. It was young people that were home from Vietnam and couldn't find a job. Phil Hoff was governor at the time. He called Tom over to the ceremonial office here in the state house. Tom had me come with him. As we sat in the office the governor said something like this, there a lot of people out there that served our country and we need to find a way to put them to work. I'm going out on the Statehouse steps in a little while and I want to tell them we're going to do something to help them. Tom sat there and looked at me. We talked for a while

about what we might do to put them to work. Tom said I think I got it. He started to write, about a half an hour he had a skeleton of a work program for vets. The Governor called the state veterans rep over to the Statehouse and they both went out to the Statehouse steps and told the vets he had an idea that might be able to put them to work. He invited the leaders of the demonstration into the ceremonial office. Tom told them what we were thinking about and asked them to come to the state office of economic opportunity and put the finishing touches on what later was known as operation mainstream, a public service employment program for vets.

We went to Washington and got the money to support the program. The project to advance veterans employment PAVE was established. Hundreds of vets were put to work, in public service jobs, all over the state. The program was a huge success. this came out of Tom's brain in a half an hour sitting in the governor's office.

Tom always thought that the way out of poverty was education if we could educate the kids and young adults we had a chance to solve the poverty problem.

One day we were sitting around the table having one of our brainstorming sessions in the office and Tom asked why can't low income people go to college. When Tom had an idea we all knew it was switch into overdrive time. We all brainstormed and came up with all the reasons we could think off, why low income kids and adults didn't go to college. With some ideas, on how some of the barriers, may be eliminated. Tom took this information and over several weeks brought in educators, low income people, and anyone else he thought could contribute to the idea.

Next thing I knew we were off to Washington and came back with the money to support the planning grant for the community college of Vermont

I tell you these two stories because this guy Tom Davis and the work that he did ,had a tremendous impact ,on the lives of low income people here in Vermont .Tom was a wonderful man and a true visionary. I relinquish the floor to representative Walz from Barre city.

Remarks Journalized

On motion of **Rep. Carr of Brandon**, the following remarks by **Rep. Walz of Barre City** were ordered printed in the Journal:

“Madam Speaker:

I did not know Tom Davis as long as my colleagues from Barre City and Barre Town and have no personal anecdotes to share. I got to know him only later in life. I could only marvel at and envy his long list of accomplishments.

The Tom Davis I knew was a compassionate man who cared deeply for those less fortunate than we are. Not only was he compassionate, he was also passionate in advocating for those folks and doing what is right and just.

It is fitting and proper that we remember him and honor him here today.”

Rep. Johnson of South Hero presiding.

Bill Amended; Read Third Time and Passed

H. 22

House bill, entitled

An act relating to the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council

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

First: In Sec. 1, 20 V.S.A. chapter 151, in § 2401 (definitions), in subdivision (3) (“Category C conduct”), in subdivision (G), following “intentional failure to” by inserting “conduct a valid investigation or”

Second: In Sec. 2 (transitional provisions to implement this act), by adding a subsection (f) to read:

(f) Annual report of Executive Director. Annually, on or before January 15, beginning in the year 2018 and ending in the year 2021, the Executive Director of the Vermont Criminal Justice Training Council shall report to the General Assembly regarding the Executive Director’s analysis of the implementation of this act and any recommendations he or she may have for further legislative action.

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

Third Reading; Bill Passed

H. 29

House bill, entitled

An act relating to permitting Medicare supplemental plans to offer expense discounts

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 136**

House bill, entitled

An act relating to accommodations for pregnant employees

Was taken up, read the third time.

Pending the question, Shall the bill pass? **Rep. Dickinson of St. Albans Town** moved that the bill be committed to the committee on Appropriations.

Thereupon, **Rep. Dickinson of St. Albans Town** asked and was granted leave of the House to withdraw her motion.

Pending the question, Shall the bill pass? **Rep. Donahue of Northfield** moved that the bill be committed to the committee on Appropriations.

Pending the question, Shall the bill be committed to the Committee on Appropriations? **Rep. Donahue of Northfield** 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 Appropriations? was decided in the negative. Yeas, 54. Nays, 91.

Those who voted in the affirmative are:

Ainsworth of Royalton	Gamache of Swanton	Norris of Shoreham
Bancroft of Westford	Graham of Williamstown	Parent of St. Albans Town
Baser of Bristol	Greshin of Warren	Pearce of Richford
Beck of St. Johnsbury	Helm of Fair Haven	Quimby of Concord
Beyor of Highgate	Higley of Lowell	Rosenquist of Georgia
Brennan of Colchester	Hubert of Milton	Savage of Swanton
Browning of Arlington	Juskiewicz of Cambridge	Scheuermann of Stowe
Burditt of West Rutland	Keefe of Manchester	Shaw of Pittsford
Canfield of Fair Haven	LaClair of Barre Town	Smith of Derby
Condon of Colchester	Lawrence of Lyndon	Smith of New Haven
Cupoli of Rutland City	Lefebvre of Newark	Strong of Albany
Devereux of Mount Holly	Lewis of Berlin	Tate of Mendon
Dickinson of St. Albans	Marcotte of Coventry	Terenzini of Rutland Town
Donahue of Northfield	Martel of Waterford	Turner of Milton
Fagan of Rutland City	Morrissey of Bennington	Van Wyck of Ferrisburgh
Feltus of Lyndon	Murphy of Fairfax	Viens of Newport City
Frenier of Chelsea	Myers of Essex	Willhoit of St. Johnsbury
Gage of Rutland City	Nolan of Morristown	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Gonzalez of Winooski	Olsen of Londonderry
Bartholomew of Hartland	Grad of Moretown	O'Sullivan of Burlington
Belaski of Windsor	Haas of Rochester	Partridge of Windham

Bissonnette of Winooski	Head of South Burlington	Poirier of Barre City
Bock of Chester	Hill of Wolcott	Potter of Clarendon
Botzow of Pownal	Hooper of Montpelier	Pugh of South Burlington
Briglin of Thetford	Hooper of Brookfield	Rachelson of Burlington
Brumsted of Shelburne	Houghton of Essex	Scheu of Middlebury
Buckholz of Hartford	Howard of Rutland City	Sharpe of Bristol
Burke of Brattleboro	Jessup of Middlesex	Sheldon of Middlebury
Carr of Brandon	Jickling of Brookfield	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Squirrell of Underhill
Christensen of Weathersfield	Keenan of St. Albans City	Stevens of Waterbury
Christie of Hartford	Kimbell of Woodstock	Stuart of Brattleboro
Cina of Burlington	Kitzmiller of Montpelier	Sullivan of Dorset
Colburn of Burlington	Krowinski of Burlington	Sullivan of Burlington
Conlon of Cornwall	Lalonde of South Burlington	Taylor of Colchester
Connor of Fairfield	Lanpher of Vergennes	Till of Jericho
Conquest of Newbury	Lippert of Hinesburg	Toleno of Brattleboro
Copeland-Hanzas of Bradford	Long of Newfane	Toll of Danville
Corcoran of Bennington	Lucke of Hartford	Townsend of South Burlington
Dakin of Colchester	Macaig of Williston	Trieber of Rockingham
Deen of Westminster	Masland of Thetford	Troiano of Stannard
Donovan of Burlington	McCormack of Burlington	Walz of Barre City
Dunn of Essex	McCullough of Williston	Webb of Shelburne
Emmons of Springfield	McFaun of Barre Town	Weed of Enosburgh
Fields of Bennington	Miller of Shaftsbury	Wood of Waterbury
Forguites of Springfield	Morris of Bennington	Yacavone of Morristown
Gannon of Wilmington	Mrowicki of Putney	Yantachka of Charlotte
Giambatista of Essex	Noyes of Wolcott	Young of Glover
	Ode of Burlington	

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

Batchelor of Derby	Hebert of Vernon
Gardner of Richmond	McCoy of Poultney

Pending the question, Shall the bill pass? **Rep. Head of South Burlington** 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 pass? was decided in the affirmative. Yeas, 97. Nays, 44.

Those who voted in the affirmative are:

Ancel of Calais	Gonzalez of Winooski	Olsen of Londonderry
Bartholomew of Hartland	Grad of Moretown	O'Sullivan of Burlington
Baser of Bristol	Greshin of Warren	Parent of St. Albans Town
Beck of St. Johnsbury	Haas of Rochester	Partridge of Windham
Belaski of Windsor	Head of South Burlington	Poirier of Barre City
Bissonnette of Winooski	Hill of Wolcott	Potter of Clarendon
Bock of Chester	Hooper of Montpelier	Pugh of South Burlington
Botzow of Pownal	Hooper of Brookfield	Scheu of Middlebury
Briglin of Thetford	Houghton of Essex	Sharpe of Bristol

Brumsted of Shelburne	Howard of Rutland City	Sheldon of Middlebury
Buckholz of Hartford	Jessup of Middlesex	Sibilia of Dover
Burke of Brattleboro	Jickling of Brookfield	Squirrell of Underhill
Carr of Brandon	Joseph of North Hero	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Juskiewicz of Cambridge	Stuart of Brattleboro *
Christensen of Weathersfield	Kimbell of Woodstock	Sullivan of Dorset
Christie of Hartford	Kitzmiller of Montpelier	Sullivan of Burlington
Cina of Burlington	Krowinski of Burlington	Taylor of Colchester
Colburn of Burlington	Lalonde of South Burlington	Till of Jericho
Conlon of Cornwall	Lanpher of Vergennes	Toleno of Brattleboro
Connor of Fairfield	Lefebvre of Newark	Toll of Danville
Conquest of Newbury	Lippert of Hinesburg	Townsend of South Burlington
Copeland-Hanzas of Bradford	Long of Newfane	Trieber of Rockingham
Corcoran of Bennington	Lucke of Hartford	Troiano of Stannard
Dakin of Colchester	Macaig of Williston	Walz of Barre City
Deen of Westminster	Masland of Thetford	Webb of Shelburne
Donovan of Burlington	McCormack of Burlington	Weed of Enosburgh
Dunn of Essex	McCullough of Williston	Willhoit of St. Johnsbury
Emmons of Springfield	McFaun of Barre Town	Wood of Waterbury
Fields of Bennington	Miller of Shaftsbury	Wright of Burlington
Forguites of Springfield	Morris of Bennington	Yacavone of Morristown
Gannon of Wilmington	Mrowicki of Putney	Yantachka of Charlotte
Giambatista of Essex	Noyes of Wolcott	Young of Glover
	Ode of Burlington	

Those who voted in the negative are:

Ainsworth of Royalton	Graham of Williamstown	Pearce of Richford
Bancroft of Westford	Helm of Fair Haven	Quimby of Concord
Beyron of Highgate	Higley of Lowell	Rosenquist of Georgia
Brennan of Colchester	Hubert of Milton	Savage of Swanton
Browning of Arlington	Keefe of Manchester	Scheuermann of Stowe
Burditt of West Rutland	LaClair of Barre Town	Shaw of Pittsford
Canfield of Fair Haven	Lawrence of Lyndon	Smith of Derby
Cupoli of Rutland City	Lewis of Berlin	Smith of New Haven
Dickinson of St. Albans	Marcotte of Coventry	Strong of Albany
Donahue of Northfield	Martel of Waterford	Tate of Mendon
Fagan of Rutland City	Morrissey of Bennington	Terenzini of Rutland Town
Feltus of Lyndon	Murphy of Fairfax *	Turner of Milton
Frenier of Chelsea	Myers of Essex	Van Wyck of Ferrisburgh
Gage of Rutland City	Nolan of Morristown	Viens of Newport City
Gamache of Swanton	Norris of Shoreham	

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

Batchelor of Derby	Gardner of Richmond	McCoy of Poultney
Condon of Colchester	Hebert of Vernon	Rachelson of Burlington
Devereux of Mount Holly	Keenan of St. Albans City	

Rep. Murphy of Fairfax explained her vote as follows:

“Madam Speaker:

I vote no despite my support for the “intent” of this bill to mandate accommodations that should be simple common courtesy within any employee/employer relationship. The inclusion of “time off to recover from childbirth” is a greater consideration and should not be included unless a fiscal note or appropriation review has been given.”

Rep. Stuart of Brattleboro explained her vote as follows:

“Madam Speaker:

I wholeheartedly vote in favor of H.136. And I wholeheartedly commend the General, Housing and Military Affairs Committee for their due diligence on this bill.

Madam Speaker, the debate on this bill called to mind a refrain from one of my favorite contemporary singer/songwriter’s songs. That refrain Madam Speaker by Jewel is “only kindness matters”.

Madam Speaker, I am proud that today this bill passed in the People’s House in the great state of Vermont.

Madam Speaker, this bill demonstrates that the Green Mountain State is a kind state, and the kind of state where young people and their families can work, live and play. It also makes Vermont the kind of state the young people we so urgently need in our graying state will want to remain in or move to.”

Third Reading; Bill Passed

H. 145

House bill, entitled

An act relating to establishing the Mental Health Crisis Response Commission

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 152

House bill, entitled

An act relating to the Vermont Revised Uniform Fiduciary Access to Digital Assets Act

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 167**

House bill, entitled

An act relating to establishing drug possession thresholds to distinguish misdemeanor and felony crimes

Was taken up, read the third time and passed.

Third Reading; Bill Passed**H. 347**

House bill, entitled

An act relating to the State Telecommunications Plan

Was taken up, read the third time and passed.

Read Third Time and Passed**H. 422**

House bill, entitled

An act relating to confiscation of dangerous or deadly weapons from a person arrested or cited for domestic assault

Was taken up and read the third time. **Rep. Savage of Swanton** demanded the yeas and nays, which demand was sustained by the constitutional number.

Pending the call of the roll, **Rep. Wright of Burlington** asked and was granted leave of the House to offer an amendment after third reading.

Rep. Wright of Burlington moved to amend the bill as follows:

First: In Sec. 2, 13 V.S.A. § 1048(a), after the words “or any other person” by inserting “from an immediate risk of serious bodily harm”

Second: In Sec. 2, 13 V.S.A. § 1048(b) (1), by striking out “five days” and inserting in lieu thereof “48 hours”

Which was disagreed to.

Thereupon, the Clerk proceeded to call the roll and the question, Shall the bill pass? was decided in the affirmative. Yeas, 78. Nays, 60.

Those who voted in the affirmative are:

Ancel of Calais	Forguites of Springfield	Miller of Shaftsbury
Bartholomew of Hartland	Giambatista of Essex	Morris of Bennington
Belaski of Windsor	Gonzalez of Winooski	Mrowicki of Putney
Bissonnette of Winooski	Grad of Moretown *	Ode of Burlington

Bock of Chester	Greshin of Warren	O'Sullivan of Burlington
Botzow of Pownal	Haas of Rochester	Partridge of Windham
Briglin of Thetford	Head of South Burlington	Pugh of South Burlington
Brumsted of Shelburne	Hill of Wolcott	Rachelson of Burlington
Buckholz of Hartford	Hooper of Montpelier	Scheu of Middlebury
Burke of Brattleboro	Hooper of Brookfield	Sharpe of Bristol
Carr of Brandon	Houghton of Essex	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Howard of Rutland City	Squirrell of Underhill
Christensen of Weathersfield	Jessup of Middlesex	Stevens of Waterbury
Christie of Hartford	Joseph of North Hero	Stuart of Brattleboro
Cina of Burlington	Keenan of St. Albans City	Sullivan of Burlington
Colburn of Burlington	Kimbell of Woodstock	Till of Jericho
Conlon of Cornwall	Kitzmiller of Montpelier	Toleno of Brattleboro
Connor of Fairfield	Krowinski of Burlington	Toll of Danville
Conquest of Newbury	Lalonde of South Burlington	Townsend of South Burlington
Copeland-Hanzas of Bradford	Lanpher of Vergennes	Walz of Barre City
Dakin of Colchester	Lippert of Hinesburg	Webb of Shelburne
Deen of Westminster	Long of Newfane	Weed of Enosburgh
Donovan of Burlington	Lucke of Hartford	Wood of Waterbury
Dunn of Essex	Macaig of Williston	Yacavone of Morristown
Emmons of Springfield	Masland of Thetford	Yantachka of Charlotte
Fields of Bennington	McCormack of Burlington	
	McCullough of Williston	

Those who voted in the negative are:

Ainsworth of Royalton	Higley of Lowell	Poirier of Barre City
Bancroft of Westford	Hubert of Milton	Potter of Clarendon
Baser of Bristol	Jickling of Brookfield	Quimby of Concord
Beyor of Highgate	Juskiewicz of Cambridge	Rosenquist of Georgia
Brennan of Colchester	Keefe of Manchester	Savage of Swanton
Browning of Arlington	LaClair of Barre Town	Scheuermann of Stowe
Canfield of Fair Haven	Lawrence of Lyndon	Shaw of Pittsford
Condon of Colchester	Lefebvre of Newark	Sibilia of Dover
Corcoran of Bennington	Lewis of Berlin	Smith of New Haven
Cupoli of Rutland City	Martel of Waterford	Strong of Albany
Devereux of Mount Holly	McFaun of Barre Town	Sullivan of Dorset
Dickinson of St. Albans	Morrissey of Bennington	Tate of Mendon
Donahue of Northfield	Murphy of Fairfax	Taylor of Colchester
Fagan of Rutland City	Myers of Essex	Terenzini of Rutland Town
Feltus of Lyndon	Nolan of Morristown	Turner of Milton
Frenier of Chelsea	Norris of Shoreham	Van Wyck of Ferrisburgh
Gage of Rutland City	Noyes of Wolcott	Viens of Newport City
Gamache of Swanton	Olsen of Londonderry	Willhoit of St. Johnsbury
Graham of Williamstown	Parent of St. Albans Town	Wright of Burlington *
Helm of Fair Haven	Pearce of Richford	Young of Glover

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

Batchelor of Derby	Gardner of Richmond	Smith of Derby
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Beck of St. Johnsbury
Burditt of West Rutland
Gannon of Wilmington

Hebert of Vernon
Marcotte of Coventry
McCoy of Poultney

Trieber of Rockingham
Troiano of Stannard

Rep. Grad of Moretown explained her vote as follows:

“Madam Speaker:

I vote yes on H.422. This bill is the most effective way to address the problem of domestic violence related homicides in Vermont.

While there are many ways to address domestic violence in our state, law enforcement lacks the effective tool that this bill provides to address domestic violence related homicides.

Data show that there is a strong connection between domestic violence homicides and the presence of firearms. This bill is an effective way to prevent those deaths.”

Rep. Wright of Burlington explained his vote as follows:

“Madam Speaker:

My amendment would have significantly reduced one of the constitutional issues with this bill, while still providing the same protection. Forty-eight hours would have left ample time for a relief of abuse order to have been granted, and guns could have then been kept for a longer period of time. Without that amendment I cannot support this bill.”

Message from the Senate No. 33

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. 22. An act relating to increased penalties for possession, sale, and dispensation of fentanyl.

S. 112. An act relating to creating the Spousal Support and Maintenance Task Force.

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

Second Reading; Third Reading Ordered

H. 502

Rep. Colburn of Burlington spoke for the committee on Judiciary.

House bill entitled

An act relating to modernizing Vermont's parentage laws

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

Second Reading; Bill Amended; Third Reading Ordered

H. 503

Rep. Lalonde of South Burlington spoke for the committee on Judiciary.

House bill entitled

An act relating to bail

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. Shaw of Pittsford and Rep. Emmons of Springfield** moved to amend the bill as follows:

Sec. 4. 13 V.S.A. § 7554b is amended to read:

§ 7554b. HOME DETENTION PROGRAM

(a) Definition. As used in this section, "home detention" means a program of confinement and supervision that restricts a defendant to a preapproved residence continuously, except for authorized absences, and is enforced by appropriate means of surveillance and electronic monitoring by the Department of Corrections. The court may authorize scheduled absences such as work, school, or treatment. Any changes in the schedule shall be solely at the discretion of the Department of Corrections. A defendant who is on home detention shall remain in the custody of the Commissioner of Corrections with conditions set by the ~~Court~~ court.

(b) Procedure. ~~The~~ At the request of the court, the Department of Corrections, or the defendant, the status of a defendant who is detained pretrial ~~for more than seven days~~ in a correctional facility for lack of bail may be reviewed by the ~~Court~~ court to determine whether the defendant is appropriate for home detention. ~~The request for review may be made by either the Department of Corrections or the defendant.~~ After At arraignment or after a hearing, the court may order that the defendant be released to the Home Detention Program, providing that the ~~Court~~ court finds placing the defendant on home detention will reasonably assure his or her appearance in ~~Court~~ court when required and the proposed residence is appropriate for home detention. In making such a determination, the court shall consider:

* * *

(d) A defendant shall receive credit for a sentence of imprisonment for time served in the Home Detention Program.

And by renumbering the remaining section to be numerically correct

Which was agreed to and third reading ordered.

Rep. Krowinski of Burlington in chair.

Second Reading; Bill Amended; Third Reading Ordered

H. 230

Rep. Donahue of Northfield, for the committee on Health Care, to which had been referred House bill, entitled

An act relating to consent by minors for mental health treatment related to sexual orientation and gender identity

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

Sec. 1. 18 V.S.A. chapter 196 is amended to read:

CHAPTER 196. CONVERSION THERAPY OUTPATIENT MENTAL HEALTH TREATMENT FOR MINORS

Subchapter 1. Consent by Minors for Mental Health Care

§ 8350. CONSENT BY MINORS FOR MENTAL HEALTH TREATMENT RELATED TO SEXUAL ORIENTATION OR GENDER IDENTITY

A minor may give consent to receive outpatient treatment from a mental health professional, as defined in section 7101 of this title, for any underlying condition related to the minor's sexual orientation or gender identity. Consent under this section shall not be subject to disaffirmance due to minority of the person consenting. The consent of a parent or legal guardian shall not be necessary to authorize outpatient treatment related to a consenting minor's sexual orientation or gender identity. As used in this section, "outpatient treatment," means psychotherapy and supportive counseling, but not prescription drugs.

Subchapter 2. Prohibition of Conversion Therapy

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Health Care agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 312

Rep. Devereux of Mount Holly for the committee on Government Operations, to which had been referred House bill entitled,

An act relating to retirement and pensions

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

Sec. 1. VERMONT MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM
RATES FOR FISCAL YEAR 2018

Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period July 1, 2017 through June 30, 2018, contributions shall be made by:

(1) Group A members at the rate of 2.5 percent of earnable compensation;

(2) Group B members at the rate of 4.875 percent of earnable compensation;

(3) Group C members at the rate of 10 percent of earnable compensation; and

(4) Group D members at the rate of 11.350 percent of earnable compensation.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

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 Government Operations

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Government Operations was agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 411

Rep. McCormack of Burlington, for the committee on Energy and Technology, to which had been referred House bill, entitled

An act relating to Vermont's energy efficiency standards for appliances and equipment

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

Sec. 1. PURPOSE

The purpose of this act is to adopt federal appliance and lighting efficiency standards in effect on January 19, 2017 so that the same standards will be in place in Vermont should the federal standards be repealed or voided. The act also adopts federal standards for general service lighting that have been adopted by the U.S. Department of Energy and are scheduled to come into effect on January 20, 2020, again so that the same standards will be in place in Vermont. The act does not adopt standards for other products or standards for a product that are different from the federal standards.

Sec. 2. 9 V.S.A. § 2793 is amended to read:

§ 2793. DEFINITIONS

As used in this chapter:

* * *

(15) “General service lamp” has the same meaning as set forth in the action published at 82 Fed. Reg. 7276, 7321-22 (January 19, 2017) and modified by the action published at 82 Fed. Reg. 7322, 7333 (January 19, 2017).

Sec. 3. 9 V.S.A. § 2794 is amended to read:

§ 2794. SCOPE

(a) The provisions of this chapter apply to the following types of new products sold, offered for sale, or installed in the State:

- (1) Medium voltage dry-type distribution transformers.
- (2) Metal halide lamp fixtures.
- (3) Residential furnaces and residential boilers.
- (4) Single-voltage external AC to DC power supplies.
- (5) State-regulated incandescent reflector lamps.
- (6) General service lamps.

(7) Each other product for which the Commissioner is required to adopt an efficiency or water conservation standard by rule pursuant to section 2795 of this title.

(8) Any other product that may be designated by the Commissioner in accordance with section 2797 of this title.

(b) The provisions of this chapter do not apply to:

(1) New products manufactured in the State and sold outside the State and the equipment used in manufacturing those products.

(2) New products manufactured outside the State and sold at wholesale inside the State for final retail sale and installation outside the State.

(3) Products installed in mobile manufactured homes at the time of construction.

(4) Products designed expressly for installation and use in recreational vehicles.

Sec. 4. 9 V.S.A. § 2795 is amended to read:

§ 2795. EFFICIENCY AND WATERCONSERVATIONSTANDARDS

~~Not later than June 1, 2007, the~~ The Commissioner shall adopt rules in accordance with the provisions of 3 V.S.A. chapter 25 establishing minimum efficiency standards for the types of new products set forth in section 2794 of this title. The rules shall provide for the following minimum efficiency standards for products sold or installed in this State:

* * *

(6) In the rules, the Commissioner shall adopt minimum efficiency and water conservation standards for each product that is subject to a standard under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19, 2017. The minimum standard and the testing protocol for each product shall be the same as adopted in those sections of the Code of Federal Regulations.

(7) In the rules, the Commissioner shall adopt a minimum efficacy standard for general service lamps of 45 lumens per watt, when tested in accordance with 10 C.F.R. § 430.23(gg) as that provision existed on January 19, 2017.

Sec. 5. 9 V.S.A. § 2796 is amended to read:

§ 2796. IMPLEMENTATION

* * *

(f)(1) When federal preemption under 42 U.S.C. § 6297 applies to a standard adopted pursuant to this chapter for a product, the standard shall become enforceable on the occurrence of the earliest of the following:

(A) The federal energy or water conservation standard for the product under 42 U.S.C. chapter 77 is withdrawn, repealed, or otherwise voided. However, this subdivision (A) shall not apply to any federal energy or water conservation standard set aside by a court of competent jurisdiction upon

the petition of a person who will be adversely affected, as provided in 42 U.S.C. § 6306(b).

(B) A waiver is issued pursuant to 42 U.S.C. § 6297.

(2) The federal standard for general service lamps shall be considered to be withdrawn, repealed, or otherwise voided within the meaning of this subsection if it does not come into effect on January 20, 2020 pursuant to the actions published at 82 Fed. Reg. 7276 and 7333 (January 19, 2017).

(3) When a standard adopted pursuant to this chapter becomes enforceable under this subsection, a person shall not sell or offer for sale in the State a new product subject to the standard unless the efficiency or water conservation of the new product meets or exceeds the requirements set forth in the standard.

Sec. 6. RULE ADOPTION; SCHEDULE; REPORT

(a) Rule adoption; schedule.

(1) On or before August 1, 2017, the Commissioner of Public Service shall file with the Secretary of State proposed rules to effect Sec. 2 of this act.

(2) On or before April 1, 2018, the Commissioner shall finally adopt these rules, unless the Legislative Committee on Administrative Rules extends this date pursuant to 3 V.S.A. § 843(c).

(b) Reports.

(1) On or before December 15, 2017, the Commissioner of Public Service shall file a progress report on the rulemaking required by this act. The report shall attach the proposed rules as filed with the Secretary of State.

(2) On or before December 15, 2018, the Commissioner of Public Service shall file a further progress report on the rulemaking required by this act. The report shall attach the rules as finally adopted by the Commissioner.

Sec. 7. EFFECTIVE DATE

This act shall take effect on 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 amended as recommended by the committee on Energy and Technology? **Rep. McCormack of Burlington** moved to amend the recommendation of amendment of the committee on Energy and Technology as follows:

In Sec. 6 (rule adoption; schedule; report), in subdivision (a)(1), after “effect”, by striking out “Sec. 2” and inserting in lieu thereof Sec. 4

Which was agreed to. Thereupon the report of the committee on Energy and Technology, as amended, was agreed to and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 462

Rep. Hill of Wolcott, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to social media privacy for employees

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

Sec. 1. 21 V.S.A. § 495k is added to read:

§ 495k. SOCIAL MEDIA ACCOUNT PRIVACY; PROHIBITIONS

(a) As used in this section:

(1) “Social media account” means an account with an electronic medium or service through which users create, share, and interact with content, including videos, still photographs, blogs, video blogs, podcasts, instant or text messages, e-mail, online services or accounts, or Internet website profiles or locations. “Social media account” does not include an account provided by an employer or intended to be used primarily on behalf of an employer.

(2) “Specifically identified content” means data, information, or other content stored in a social media account that is identified with sufficient particularity to distinguish the individual piece of content being sought from any other data, information, or content stored in the account. “Specifically identified content” shall not include a username, password, or other means of authentication for the purpose of accessing an employee’s or applicant’s social media account.

(b) An employer shall not require, request, or coerce an employee or applicant to do any of the following:

(1) disclose a username, password, or other means of authentication, or turn over an unlocked personal electronic device for the purpose of accessing the employee’s or applicant’s social media account;

(2) access a social media account in the presence of the employer;

(3) divulge or present any content from the employee’s or applicant’s social media account; or

(4) change the account or privacy settings of the employee’s or applicant’s social media account to increase third-party access to its contents.

(c) An employer shall not require or coerce an employee or applicant to add anyone, including the employer, to their list of contacts associated with a social media account.

(d) No agreement by an employee to waive his or her rights under this section shall be valid.

(e)(1) Nothing in this section shall preclude an employer from requesting an employee to share specifically identified content for the purpose of:

(A) complying with the employer's legal and regulatory obligations;

(B) investigating an allegation of the unauthorized transfer or disclosure of an employer's proprietary or confidential information or financial data through an employee's or an applicant's social media account; or

(C) investigating an allegation of unlawful harassment, threats of violence in the workplace, or discriminatory or disparaging content concerning another employee.

(2) Nothing in this section shall prohibit or restrict a law enforcement agency, as defined in 15 V.S.A. § 1151(5), from requesting or requiring:

(A) an applicant to provide access to the applicant's social media account as part of a screening or fitness determination during the hiring process; or

(B) an employee to provide access to the employee's social media account in relation to a continued fitness determination or an allegation or investigation of employee misconduct, a violation of policy, or a violation of law.

(3) Nothing in this section shall restrict or otherwise prohibit a law enforcement agency, as defined in 15 V.S.A. § 1151(5), from retaining any social media account information acquired pursuant to this subsection, provided that the information shall be protected in accordance with law and the law enforcement agency's policy.

(f) Nothing in this section shall preclude an employer from requesting a username or password that is necessary to access an employer-issued electronic device.

(g) An employer shall not discharge or in any other manner retaliate against an employee who exercises or attempts to exercise his or her rights under this section. The provisions against retaliation in subdivision 495(a)(8) of this title and the penalty and enforcement provisions of section 495b of this title shall apply to this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2018.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Commerce and Economic Development agreed to and third reading ordered.

Speaker Johnson of South Hero in chair.

Second Reading; Bill Amended; Third Reading Ordered

H. 290

Rep. Dickinson of St. Albans Town, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to clarifying ambiguities relating to real estate titles and conveyances

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. Dickinson of St. Albans Town** moved to amend the bill as follows:

First: In Sec. 5, 14 V.S.A. § 3184, in subsection (b), by striking out the words “the failure to register the foreign order” and inserting in lieu thereof either the failure to register the foreign order or the registration of the foreign order.

Second: In Sec. 7, by striking out all after the catchline and inserting in lieu thereof the following:

This act shall take effect on passage.

Which was agreed to and third reading ordered.

Adjournment

At five o'clock and forty-three minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.