

# Journal of the House

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**Friday, April 3, 2015**

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

## **Devotional Exercises**

Devotional exercises were conducted by Sophia Cannizzaro, violinist from West Glover, Vt.

## **Memorial Service**

The Speaker placed before the House the following name of member of past sessions of the Vermont General Assembly who had passed away recently:

**George O. Stebbins, Jr. from Sheldon, Vt.**

Member of the House in Sessions 1983-84 and 1985-86

## **Pages Honored**

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

**Eleanor Churchill of Richmond**

**Silas Conlon of Cornwall**

**Alexandra Contreras-Montesano of Burlington**

**Hannah Fleming of Chester**

**Calista Hanna of Barre City**

**Emily Haynes of Woodstock**

**Riley McFaun of Barre Town**

**Levi Mulligan of Calais**

**Eleanor Reilly of Warren**

**Lydia Rice of Berlin**

## **House Bills Introduced**

House bills of the following titles were severally introduced, read the first time and referred as follows:

**H. 497**

House bill, entitled

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An act relating to approval of amendments to the charter of the Town of Colchester

To the committee on Government Operations.

**H. 498**

House bill, entitled

An act relating to banning the sale of toxic wood flooring;

To the committee on Commerce and Economic Development.

**Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

**S. 29**

Senate bill, entitled

An act relating to election day registration;

To the committee on Government Operations.

**S. 102**

Senate bill, entitled

An act relating to forfeiture of property associated with animal fighting and certain regulated drug possession, sale, and trafficking violations;

To the committee on Judiciary.

**Bill Referred to Committee on Appropriations**

**H. 481**

House bill, entitled

An act relating to supporting health care initiatives and establishing payroll and sugar-sweetened beverage taxes

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

**Consideration Resumed; House Resolution Amended and Adopted**

**H.R. 8**

Consideration resumed on House resolution, entitled

House resolution expressing strong opposition to state religious freedom restoration legislation that authorizes discrimination based on sexual orientation;

Pending the question, Shall the resolution be amended as recommended by Reps. Poirier of Barre City, et al? **Rep. Poirier of Barre City** asked and was granted leave of the House to withdraw his amendment.

Pending the call of the roll, **Reps. Poirier of Barre City, Davis of Washington, González of Winooski, Ancel of Calais, Bartholomew of Hartland, Baser of Bristol, Beck of St. Johnsbury, Berry of Manchester, Botzow of Pownal, Briglin of Thetford, Browning of Arlington, Burke of Brattleboro, Buxton of Tunbridge, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Clarkson of Woodstock, Cole of Burlington, Condon of Colchester, Connor of Fairfield, Conquest of Newbury, Copeland-Hanzas of Bradford, Cupoli of Rutland City, Donovan of Burlington, Eastman of Orwell, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Frank of Underhill, French of Randolph, Grad of Moretown, Haas of Rochester, Head of South Burlington, Hooper of Montpelier, Jerman of Essex, Johnson of South Hero, Juskiewicz of Cambridge, Keenan of St. Albans City, Klein of East Montpelier, Komline of Dorset, Krowinski of Burlington, LaLonde of South Burlington, Lanpher of Vergennes, Lenes of Shelburne, Lippert of Hinesburg, Long of Newfane, Lucke of Hartford, Macaig of Williston, Manwaring of Wilmington, Martin of Wolcott, Masland of Thetford, McCormack of Burlington, McCoy of Poultney, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, Murphy of Fairfax, Nuovo of Middlebury, Olsen of Londonderry, O'Sullivan of Burlington, Partridge of Windham, Patt of Worcester, Pearson of Burlington, Pugh of South Burlington, Ram of Burlington, Russell of Rutland City, Ryerson of Randolph, Sheldon of Middlebury, Sibia of Dover, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Burlington, Sweaney of Windsor, Till of Jericho, Toleno of Brattleboro, Toll of Danville, Townsend of South Burlington, Trieber of Rockingham, Troiano of Stannard, Viens of Newport City, Walz of Barre City, Webb of Shelburne, Woodward of Johnson, Yantachka of Charlotte, Young of Glover, and Zagar of Barnard** moved that the resolution be amended by striking all after the title and inserting in lieu thereof the following:

Whereas, in 1992, the State of Vermont prohibited discrimination based on sexual orientation, and

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Whereas, in 2000, the State of Vermont established civil unions, becoming the first state to grant legal recognition to same sex couples, and

Whereas, in 2007, the State of Vermont prohibited discrimination based on gender identity, and

Whereas, in 2009, the State of Vermont established full marriage equality, becoming the first state to grant this recognition legislatively, and

Whereas, on March 26, 2015, Indiana adopted the Religious Freedom Restoration Act that many organizations, businesses, and individuals criticized as potentially granting private businesses the right to discriminate against individuals who are gay, lesbian, bisexual, or transgender, and

Whereas, the National Collegiate Athletic Association (NCAA), which is headquartered in Indianapolis, expressed concern how the legislation might affect student-athletes and NCAA employees, and the American Federation of State, County and Municipal Employees cancelled plans to hold its 2015 Women's Conference in that city, and

Whereas, the Indiana law sparked a national conversation about similar legislation under consideration in Arkansas and other states, and how best to protect Americans' religious liberties while also ensuring that no groups or individuals are discriminated against, and

Whereas, Governor Shumlin condemned the Indiana law, offered Vermont as an alternative to any organizations that did not wish to hold conferences or events in Indiana, and the Secretary of Administration cancelled State-funded and State-sponsored trips to Indiana by employees of the State of Vermont, and

Whereas, in response to the national controversy, on April 2, 2015, the Indiana legislature passed, and Governor Pence signed, an amendment clarifying that Indiana's Religious Freedom Restoration Act did not authorize the denial of services, facilities, public accommodations, goods, employment, or housing to anyone on the basis of race, color, religion, ancestry, age, national origin, disability, sex, sexual orientation, gender identity, or military service, and

Whereas, also on April 2, 2015, Arkansas Governor Hutchinson signed into law a religious freedom bill that had been modified in response to concerns that it might lead to discrimination, now therefore be it

Resolved by the House of Representatives:

That this legislative body expresses its opposition to Indiana's Religious Freedom Restoration Act as originally passed and expresses its support for the amendment signed into law on April 2, 2015, and be it further

Resolved: That this legislative body reaffirms its support for protecting religious liberties while protecting members of the lesbian, gay, bisexual, and transgender communities from discrimination, and be it further

Resolved: That this legislative body requests Governor Shumlin to modify the directive concerning State employee travel so that it applies to any state that adopts, or has adopted, a law similar to the original version of Indiana's Religious Freedom Restoration Act, and urges the Judicial and Legislative Branches of State government to adopt a similar policy, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the governors of all 50 states, Chief Justice Paul Reiber, Speaker of the House Shap Smith, and Senate President Pro Tempore John Campbell.

Thereupon, **Rep. Donahue of Northfield** moved to amend the recommendation of amendment offered by Reps. Poirier of Barre City, et al, as follows:

By adding a new second Resolve clause to read:

Resolved: That this legislative body declares its strong opposition to any federal or state law that discriminates against an individual or group of individuals based on their race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, and be it further

Which was agreed to.

Pending the question, Shall the resolution be adopted as recommended by Reps. Poirier of Barre city, et al, as amended? **Rep. Lippert of Hinesburg** moved to amend the recommendation of amendment offered by Reps. Poirier of Barre City, et al, as amended, as follows:

By adding a new Resolved clause preceding the third Resolved clause to read as follows:

Resolved: That this legislative body encourages all 50 states to enact nondiscrimination statutes to protect their lesbian, gay, bisexual, and transgender citizens, and be it further

Which was agreed to.

Thereupon, the recommendation of amendment offered by Reps. Poirier of Barre City, et al, as amended, was agreed to.

Pending the question, Shall the resolution be adopted as amended? **Rep. Poirier of Barre City** 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 resolution be adopted as amended? was decided in the affirmative. Yeas, 119. Nays, 1.

Those who voted in the affirmative are:

Ancel of Calais	Gonzalez of Winooski	Nuovo of Middlebury
Bancroft of Westford	Graham of Williamstown	O'Sullivan of Burlington
Bartholomew of Hartland	Greshin of Warren	Parent of St. Albans City
Baser of Bristol	Haas of Rochester	Partridge of Windham
Beck of St. Johnsbury	Head of South Burlington	Patt of Worcester
Berry of Manchester	Hooper of Montpelier	Pearce of Richford
Bissonnette of Winooski	Hubert of Milton	Pearson of Burlington
Botzow of Pownal	Huntley of Cavendish	Poirier of Barre City
Branagan of Georgia	Jerman of Essex	Pugh of South Burlington
Briglin of Thetford	Johnson of South Hero	Ram of Burlington
Burke of Brattleboro	Juskiewicz of Cambridge	Russell of Rutland City *
Carr of Brandon	Keenan of St. Albans City	Ryerson of Randolph
Chesnut-Tangerman of Middletown Springs	Klein of East Montpelier	Savage of Swanton
Christie of Hartford	Komline of Dorset	Scheuermann of Stowe
Clarkson of Woodstock	Krebs of South Hero	Sharpe of Bristol
Cole of Burlington	Krowinski of Burlington	Shaw of Pittsford
Condon of Colchester	LaClair of Barre Town	Shaw of Derby
Connor of Fairfield	Lalonde of South Burlington	Sheldon of Middlebury
Conquest of Newbury	Lanpher of Vergennes	Sibilia of Dover
Copeland-Hanzas of Bradford	Lawrence of Lyndon	Smith of New Haven
Corcoran of Bennington	Lefebvre of Newark	Stevens of Waterbury
Cupoli of Rutland City	Lenes of Shelburne	Stuart of Brattleboro
Dakin of Chester	Lewis of Berlin	Sullivan of Burlington
Dakin of Colchester	Lippert of Hinesburg	Sweaney of Windsor
Davis of Washington	Long of Newfane	Tate of Mendon *
Deen of Westminster	Lucke of Hartford	Till of Jericho
Dickinson of St. Albans Town	Macaig of Williston	Toleno of Brattleboro
Donahue of Northfield	Manwaring of Wilmington	Toll of Danville
Donovan of Burlington	Marcotte of Coventry	Townsend of South Burlington
Ellis of Waterbury	Martin of Wolcott	Troiano of Stannard
Emmons of Springfield	Masland of Thetford	Turner of Milton *
Evans of Essex	McCormack of Burlington	Viens of Newport City
Fagan of Rutland City *	McCoy of Poultney	Walz of Barre City
Feltus of Lyndon	McCullough of Williston	Webb of Shelburne
Fiske of Enosburgh	McFaun of Barre Town	Willhoit of St. Johnsbury
Forguites of Springfield	Miller of Shaftsbury	Woodward of Johnson
Frank of Underhill	Morris of Bennington	Wright of Burlington
French of Randolph	Morrissey of Bennington	Yantachka of Charlotte
	Mrowicki of Putney *	Young of Glover
	Murphy of Fairfax	Zagar of Barnard
	Myers of Essex	

Those who voted in the negative are:

Van Wyck of Ferrisburgh

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

Batchelor of Derby	Fields of Bennington	O'Brien of Richmond
Beyor of Highgate	Gage of Rutland City	Olsen of Londonderry
Brennan of Colchester	Gamache of Swanton	Potter of Clarendon
Browning of Arlington	Grad of Moretown	Purvis of Colchester
Burditt of West Rutland	Hebert of Vernon	Quimby of Concord
Buxton of Tunbridge	Helm of Fair Haven	Rachelson of Burlington
Canfield of Fair Haven	Higley of Lowell	Strong of Albany
Dame of Essex	Jewett of Ripton	Terenzini of Rutland Town
Devereux of Mount Holly	Kitzmiller of Montpelier	Trieber of Rockingham
Eastman of Orwell	Martel of Waterford	

**Rep. Fagan of Rutland City** explained his vote as follows:

“Mr. Speaker:

I vote yes and want to ensure my name is added as a sponsor. I requested yesterday to be so added but was inadvertently left off.”

**Rep. Mrowicki of Putney** explained his vote as follows:

“Mr. Speaker:

This all began as response to Indiana’s Religious Freedom Restoration Act. There are 2 significant differences between the original Indiana law and the Federal law which is why there has been the national uproar. They are not the same law. I support adding our voices to the chorus of support for our LGBT family and friends – especially on a day when we welcome LGBT youth to the State House.”

**Rep. Russell of Rutland City** explained his vote as follows:

“Mr. Speaker:

Vermont has a long-standing tradition of inclusion. We are proudly known for our diversity.

As a gay man who chose to move here, first returning member of my family since 1816, I considered this place a natural choice.

I reaffirm our motto ‘Freedom and Unity’ by joining all LGBT Vermonters in voting yes for this resolution on this Good Friday.”

**Rep. Tate of Mendon** explained his vote as follows:

“Mr. Speaker:

On Good Friday when Christians all over the globe are commemorating the crucifixion of Jesus Christ I think it is apropos that we are making this act of love – inclusion and support for peoples of all personal persuasion to, as the Lord Himself said, ‘Come whosoever will, let him take the water of life freely.’ As a member of our nation’s most diverse military in history I applaud any condemnation of discrimination...be it for someone’s sexual orientation or be it the persecution and slaughter of my fellow believers all over the world.”

**Rep. Turner of Milton** explained his vote as follows:

“Mr. Speaker:

I want to thank the original sponsors for working with our caucus team to find the right balance, which addresses the initial concern in a manner that could be accepted by many. Thank you.”

### **Third Reading; Bills Passed**

House bills of the following titles were severally taken up, read the third time and passed:

#### **H. 367**

House bill, entitled

An act relating to miscellaneous revisions to the municipal plan adoption, amendment, and update process

#### **H. 492**

House bill, entitled

An act relating to capital construction and State bonding

### **Senate Proposal of Amendment Concurred in**

#### **H. 240**

The Senate proposed to the House to amend House bill, entitled

An act relating to miscellaneous technical corrections to laws governing motor vehicles, motorboats, and other vehicles

First: In Sec. 12, 23 V.S.A. § 458, by striking out the second sentence in its entirety and inserting in lieu thereof the following:

The purchaser, if a properly licensed, on attaching the number plate with temporary validation stickers, temporary plate or decal purchaser either attaches to the motor vehicle, motorboat, snowmobile, or all-terrain vehicle, or carries in the motorboat such number plate or decal, he or she may operate the



same for a period not to exceed 60 consecutive days immediately following the purchase.

Second: By striking out Sec. 21 in its entirety, and by renumbering the remaining sections to be numerically correct.

Which proposal of amendment was considered and concurred in.

### Remarks Journalized

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

“Mr. Speaker:

I rise in support of this resolution and to offer an amendment that I hope will both strengthen it and place it in a larger context of inclusion.

Do I believe this resolution is part of the essential work of this body? To be honest, I do not. But I am willing to stand in support of making this statement out of respect for those who feel strongly that it is important for us to speak out.

Mr. Speaker, it breaks my heart when I hear freedom of religion and freedom from discrimination being pitted against each other, as though they are not essential to the existence, each, of the other. The God of my faith is not capable of causing hurt, but rather, is the very embodiment of love; is not capable of being a force for division, but rather, only of unity; is not capable of exclusion, but only of inclusion. And yet, throughout the ages and throughout our world today, we humans continue to use our different concepts of God as a force of division.

This resolution takes a stand against those who might wish to use the fundamental value of freedom of religion as a cloak for discrimination against persons with differences in sexual orientation or gender identity.

But we all have a long way to go in overcoming a history of discrimination against those who are different from us in many other ways as well – whether because of race, or ethnicity, or disability or religious affiliation or in any of the many ways in which we divide ourselves from others we perceive as “different.” And simply because some people may misuse religion to discriminate, does not make it just, to label all persons of religious faith, based upon the actions of some. Indeed, one of the first groups to cancel its convention in Indiana was a Christian group, the Disciples of Christ. The fact that a person is concerned about protection of their religious freedom does not automatically mean that their motive is to claim a right to discriminate. For our resolution to be misconstrued as implying that would allow it to become, itself,

a statement of pre-judgment. The sponsors of this resolution have included in their amendment an explicit clause that clarifies this very point, and I thank them for strengthening it in that way.

The situation in the public eye was the perception of intended discrimination against one particular group: so it is appropriate to focus our statement on that issue. This proposed addition to this resolution has a single purpose: to make our intent clear, that we are condemning the threat of discrimination against some individuals and groups not only because that discrimination is wrong – which it is – but also because our values base includes a context that affirms that we stand against discrimination of all kinds, under any justification.

It is a context that we can be proud of, and I ask for your support.

### **Remarks Journalized**

On motion of **Rep. Russell of Rutland City**, the following remarks by **Rep. Lippert of Hinesburg** were ordered printed in the Journal:

“Mr. Speaker:

Thank you, Mr. Speaker. You should find on your desks an amendment under my name. It adds an additional Resolved clause, and I think it is consistent with the additional Resolved clause that we just adopted. I supported that Resolved clause, and I support the underlying resolution.

I am hoping that we will add this Resolved clause to give even clearer support for non-discrimination, particularly around lesbian, gay, bisexual and transgender citizens.

The Resolved clause reads as follows: “Resolved, That this legislative body encourages all fifty states to enact non-discrimination statutes to protect their lesbian, gay, bisexual and transgender citizens.”

I have to say that I am heartened that Indiana has responded to what has been the public outcry of concern that what they were doing, whether deliberately or inadvertently, could lead to discrimination against lesbian, gay, bisexual and transgender citizens in their state. But, in fact, it does not go far enough. It does not protect non-discrimination in employment or in housing.

In fact, only twenty states in the country offer some version of these protections.

[Holding up a printed map of the United States showing which states have sexual orientation / gender identity non-discrimination statutes.] I didn’t slaughter trees in order to put this on everybody’s desk, but I am happy to

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welcome anyone who would like to look more closely at a map of the United States indicating those states which have non-discrimination laws protecting sexual orientation and/or some gender identity as well.

We in Vermont, as outlined in this resolution, helped lead the nation in establishing non-discrimination laws. In 1992 we were one of the first states that established non-discrimination for sexual orientation. It took us until 2007 to actually add gender identity to our non-discrimination statutes.

And, of course, we took other very important steps in recognizing the legal recognition of same-sex couples through civil unions in 2000, and became the first state to enact marriage equality legislatively in 2009. In fact, that anniversary will be next Tuesday. April 7 will be the sixth anniversary of this chamber overriding the governor's veto and establishing full marriage equality in Vermont.

I stand here as someone who has benefited from non-discrimination statutes. I stand here as someone who has benefited from the welcoming environment that we have created here in Vermont.

Yesterday there was a clause in the original resolution asserting that Vermont had benefited economically as a result of creating this welcoming environment. And a question was raised whether we really know this to be true.

I assert, yes we do know. I found myself last night looking up an op-ed piece which I submitted last summer.

Particularly around marriage equality in Vermont, we know that almost 40% of all out-of-state marriage couples coming to Vermont, using our caterers, our venues, our florists, bringing their guests to stay in our bed-and-breakfasts or hotels – almost 40% of couples coming to Vermont to be married are same-sex couples coming from out of state.

Following our enactment of civil unions in 2000, over 7,000 couples came from all 49 other states and twenty countries. We were the first state to give legal recognition to same-sex couples, and our economy benefited – not starved or been defeated – by the fear and threat of boycotts that were expressed in the beginning.

So what I want to do today is to add this Whereas clause. I think we should encourage other states to develop – to adopt – full non-discrimination laws. It will be to their benefit for their citizens; it will benefit their economy.

I celebrate Vermont's achievements. I think we have much to be proud of. And I am reminded of the cartoon that was crafted on April 9, 2009, and published in the Philadelphia Inquirer, by cartoonist Tony Auth.

It is a cartoon that shows two people – you can't tell exactly what gender – but two people walking down a path in the woods, and there is a sign that says, "Welcome to Vermont. All you need is love."

I think that really encapsulates what this is all about. And so I celebrate what we've achieved. I think we have every reason to encourage our fellow citizens in other states to join us. We've reached through these struggles and found that having a welcoming state of Vermont is in fact something that strengthens all of us.

So I would ask you to support my amendment – the additional Whereas clause – and to support the underlying Resolution.

Thank you."

### **Adjournment**

At ten o'clock and nineteen minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, April 7, 2015, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 22.

### **Concurrent Resolutions Adopted**

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

#### **H.C.R. 89**

House concurrent resolution congratulating Aliah Curry on her record breaking career on the Norwich University women's basketball team;

#### **H.C.R. 90**

House concurrent resolution recognizing the centennial anniversary of the Vermont Workers' Compensation Act;

#### **H.C.R. 91**

House concurrent resolution congratulating Alexander (AJ) Ginnis on winning a bronze medal in the men's slalom at the 2015 Junior World Championships;

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**H.C.R. 92**

House concurrent resolution designating March as Women's History Month in Vermont;

**H.C.R. 93**

House concurrent resolution designating April 2015 as the Month of the Military Child in Vermont;

**H.C.R. 94**

House concurrent resolution congratulating the 2014 Proctor High School Phantoms Division IV championship girls' soccer team;

**H.C.R. 95**

House concurrent resolution congratulating the Cabot School on winning the Teach for the Planet Innovation Challenge;

**H.C.R. 96**

House concurrent resolution congratulating the 2015 Proctor High School Phantoms Division IV championship boys' basketball team;

**H.C.R. 97**

House concurrent resolution congratulating the 2015 Woodstock Union High School Wasps Division II championship boys' basketball team;

**H.C.R. 98**

House concurrent resolution recognizing the American Traffic Safety Association and its Foundation for their outstanding public awareness, education, and training programs with respect to safety in highway work zones and designating March 30–April 3, 2015 as Vermont Work Zone Awareness Week;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2015, seventy-third Biennial session.]