

Journal of the House

Friday, April 17, 2015

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

Devotional Exercises

Devotional exercises were conducted by Rev. Katelyn Macrae, Richmond Congregational Church, United Church of Christ, Richmond, Vt.

House Bill Introduced

H. 503

By Reps. Donovan of Burlington, Bissonnette of Winooski, Cole of Burlington, Gonzalez of Winooski, Krowinski of Burlington, McCormack of Burlington, Pearson of Burlington, Rachelson of Burlington, Ram of Burlington and Sullivan of Burlington,

House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington;

To the committee on Government Operations.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 393

Rep. Johnson of South Hero moved that the committee on Appropriations be relieved of House bill, entitled

An act relating to creating a financial literacy commission

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

Third Reading; Consideration Interrupted by Recess

S. 141

Senate bill, entitled

An act relating to possession of firearms

Was taken up and read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Savage of Swanton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Recess

Pending the call of the roll, at ten o'clock and twenty-five minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At ten o'clock and forty-five minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed; Passed in Concurrence with Proposal of Amendment

S. 141

Consideration resumed on Senate bill, entitled

An act relating to possession of firearms;

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

Thereupon, **Rep. Grad of Moretown** moved to amend the House proposal of amendment as follows:

In Sec. 10 (effective dates) as follows:

First: In subsection (b), by striking out "6, and 7" and inserting in lieu thereof the following "and 6"

Second: By inserting a new subsection to be subsection (c) to read as follows:

(c) Sec. 7 shall take effect on October 1, 2015.

Thereupon, **Rep. Turner of Milton** raised a Point of Order that the amendment substantially negated action taken by the House, which the Speaker ruled not well taken pursuant to Mason's Manual of Legislative Procedure.

Thereupon, the proposal of amendment offered by Rep. Grad of Moretown was agreed to.

Pending the recurring question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Savage of Swanton** 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 in concurrence

with proposal of amendment? was decided in the affirmative. Yeas, 80. Nays, 62.

Those who voted in the affirmative are:

Ancel of Calais	Grad of Moretown	O'Sullivan of Burlington
Bartholomew of Hartland	Greshin of Warren	Partridge of Windham
Berry of Manchester *	Haas of Rochester	Patt of Worcester
Bissonnette of Winooski	Head of South Burlington	Pearson of Burlington
Botzow of Pownal	Hooper of Montpelier	Rachelson of Burlington
Browning of Arlington	Huntley of Cavendish *	Ram of Burlington
Burke of Brattleboro	Jerman of Essex *	Ryerson of Randolph
Carr of Brandon	Jewett of Ripton	Scheuermann of Stowe
Chesnut-Tangerman of Middletown Springs	Johnson of South Hero	Sharpe of Bristol
Christie of Hartford	Kitzmillier of Montpelier	Sheldon of Middlebury
Cole of Burlington	Klein of East Montpelier	Stevens of Waterbury *
Conquest of Newbury	Komline of Dorset *	Stuart of Brattleboro
Copeland-Hanzas of Bradford	Krebs of South Hero	Sullivan of Burlington
Corcoran of Bennington	Krowinski of Burlington	Sweaney of Windsor
Dakin of Chester	Lalonde of South Burlington	Till of Jericho *
Dakin of Colchester	Lanpher of Vergennes	Toleno of Brattleboro *
Deen of Westminster *	Lenes of Shelburne	Toll of Danville
Donovan of Burlington	Lippert of Hinesburg	Townsend of South Burlington
Ellis of Waterbury	Long of Newfane	Trieber of Rockingham
Emmons of Springfield	Lucke of Hartford	Troiano of Stannard *
Evans of Essex	Macaig of Williston	Walz of Barre City
Fields of Bennington	Manwaring of Wilmington	Webb of Shelburne
Forguites of Springfield	Masland of Thetford	Wright of Burlington *
Frank of Underhill	McCormack of Burlington	Yantachka of Charlotte
French of Randolph	McCullough of Williston	Young of Glover
Gonzalez of Winooski	Miller of Shaftsbury	Zagar of Barnard
	Morris of Bennington	
	Nuovo of Middlebury	

Those who voted in the negative are:

Bancroft of Westford	Davis of Washington	Higley of Lowell
Baser of Bristol	Devereux of Mount Holly	Hubert of Milton *
Batchelor of Derby *	Dickinson of St. Albans Town	Juskiewicz of Cambridge
Beck of St. Johnsbury *	Donahue of Northfield	Keenan of St. Albans City
Beyor of Highgate	Eastman of Orwell	LaClair of Barre Town
Branagan of Georgia	Fagan of Rutland City	Lawrence of Lyndon
Brennan of Colchester	Feltus of Lyndon	Lefebvre of Newark
Burditt of West Rutland	Fiske of Enosburgh *	Lewis of Berlin
Buxton of Tunbridge	Gage of Rutland City	Marcotte of Coventry
Canfield of Fair Haven	Gamache of Swanton *	Martel of Waterford
Condon of Colchester	Graham of Williamstown *	McCoy of Poultney
Connor of Fairfield	Hebert of Vernon	McFaun of Barre Town
Cupoli of Rutland City	Helm of Fair Haven	Morrissey of Bennington
Dame of Essex		Murphy of Fairfax

Myers of Essex	Russell of Rutland City	Tate of Mendon
Olsen of Londonderry	Savage of Swanton	Terenzini of Rutland Town *
Parent of St. Albans City	Shaw of Pittsford *	Turner of Milton
Pearce of Richford	Shaw of Derby	Van Wyck of Ferrisburgh
Potter of Clarendon	Sibilia of Dover	Viens of Newport City
Purvis of Colchester *	Smith of New Haven	Willhoit of St. Johnsbury
Quimby of Concord	Strong of Albany	Woodward of Johnson

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

Briglin of Thetford	Mrowicki of Putney	Pugh of South Burlington
Clarkson of Woodstock	O'Brien of Richmond	
Martin of Wolcott	Poirier of Barre City	

Rep. Batchelor of Derby explained her vote as follows:

“Mr. Speaker:

‘The people have a right to bear arms for the defense of themselves and the State’ are words Vermonters have lived by since July 8, 1977. Now, nearly two and a half centuries later, this founding principle is being challenged by S.141.

Vermonters, first in our own state constitution, and later in the American Bill of Rights, have always understood and preserved our right to protect ourselves without infringement from Government – be it local, state or federal.

I vote ‘NO’ to stand up for nearly 250 years of tradition and to protect the right to bear arms for future generations of Vermonters.

Thank you!”

Rep. Beck of St. Johnsbury explained his vote as follows:

“Mr. Speaker:

I vote no on this bill for two reasons. I am skeptical of the undue out of state influence that several groups have imposed on the discussion over what is an appropriate gun control policy in Vermont. I also vote no because I feel that the ultimate goal of these groups is the deterioration of our 2N Amendment rights. S.141, I believe, is a first step toward this unfortunate end.”

Rep. Berry of Manchester explained his vote as follows:

“Mr. Speaker:

I voted for S.141 because this is a bill that focuses on the responsibility of legislators to protect and defend all Vermonters from those who would abuse

our 2nd Amendment. I was not voting, nor being asked to vote, on the rights for citizens to bear arms. Mr. Speaker, everyone in this chamber has the responsibility to protect the most vulnerable Vermonters.”

Rep. Deen of Westminster explained his vote as follows:

“Mr. Speaker:

In passing S.141 we Vermonters have taken a focused and valuable step to increase the safety of all Vermonters while protecting the rights of Vermonters who chose to buy and own guns.”

Rep. Fiske of Enosburgh explained his vote as follows:

“Mr. Speaker:

Most Vermonters, in a time when the state is facing a cost of living crisis and struggling to provide economic opportunities, may be wondering why the legislature is wasting time wrestling over legislation that will impede their constitutional right. The answer is simple. Tens of thousands of dollars in special interest money from outside of Vermont has poured into campaigns, lobbyists and in marketing efforts designed to scare constituents into believing we have a gun violence problem in Vermont.

I vote ‘NO’ because this is not legislation advanced by the people of Vermont. It’s legislation pushed by special interest groups seeking to use our state as a pawn to advance their own national agenda.

This legislation isn’t about a safer Vermont. It’s about limiting your rights as Vermonters and Americans, and paying political debts for campaign contributions from outside interest groups.

Thank you!”

Rep. Gamache of Swanton explained her vote as follows:

“Mr. Speaker:

Most Vermonters, in a time when the state is facing a cost of living crisis and struggling to provide economic opportunities, may be wondering why the legislature is wasting time wrestling over legislation that will impede their constitutional right. The answer is simple. Tens of thousands of dollars in special interest money from outside of Vermont has poured into campaigns, lobbyists and in marketing efforts designed to scare constituents into believing we have a gun violence problem in Vermont.

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This legislation isn't about a safer Vermont. It's about limiting your rights as Vermonters and Americans, and paying political debts for campaign contributions from outside interest groups.

Thank you!"

Rep. Graham of Williamstown explained his vote as follows:

"Mr. Speaker:

Most Vermonters, in a time when the state is facing a cost of living crisis and struggling to provide economic opportunities, may be wondering why the legislature is wasting time wrestling over legislation that will impede their constitutional right. The answer is simple. Tens of thousands of dollars in special interest money from outside of Vermont has poured into campaigns, lobbyists and in marketing efforts designed to scare constituents into believing we have a gun violence problem in Vermont.

I vote 'NO' because this is not legislation advanced by the people of Vermont. It's legislation pushed by special interest groups seeking to use our state as a pawn to advance their own national agenda.

This legislation is not about a safer Vermont. It's about limiting your Constitutional rights as Vermonters and Americans, and paying political debts to outside interest groups.

Thank you!"

Rep. Hubert of Milton explained his vote as follows:

"Mr. Speaker:

'The people have a right to bear arms for the defense of themselves and the State' are words Vermonters have lived by since July 8, 1777. Now, nearly two and a half centuries later, this founding principle is being challenged by S.141.

Vermonters, first in our own state constitution, and later in the American Bill of Rights, have always understood and preserved our right to protect ourselves without infringement from Government – be it local, state or federal.

I vote 'NO' to stand up for nearly 250 years of tradition and to protect the right to bear arms for future generations of Vermonters.

Thank you!"

Rep. Huntley of Cavendish explained his vote as follows:

"Mr. Speaker:

I love this work – compelling and difficult, often requires intestinal fortitude. On the fence, for all the wrong reasons – I respect my responsibility as an elected official – but after a dunning email (which I will not read) demanding me to vote no...or else, I chose to support this ‘as he said “Nothing Burger”’, as I do not respond well to bullying.”

Rep. Jerman of Essex explained his vote as follows:

“Mr. Speaker:

I vote yes on behalf of all the victims of gun violence in my community. This bill begins an important dialog on gun suicide, and it helps to protect the public from convicted felons and those with serious mental health issues while protecting their constitutional rights.”

Rep. Komline of Dorset explained her vote as follows:

“Mr. Speaker:

I am proud that we, Vermonters, took up this challenging issue and found a way to keep guns out of the wrong hands while protecting the rights of law-abiding citizens. Contrary to comments made, our Veterans and others needing counseling will still be able to get their support services while keeping their guns. No ‘outside’ money or out-of-state-special interests ever influence my vote. I feel privileged to support this bill. The time for this law is long overdue.”

Rep. Purvis of Colchester explained his vote as follows:

“Mr. Speaker:

Vermonters, first in our own state constitution, and later in the American Bill of Rights, have always understood and preserved our right to protect ourselves without infringement from Government – be it local, state or federal. The Green Mountain Boys would have been declared insane to take up arms against the crown of England.

I vote ‘NO’ to take a stand for nearly 250 years of tradition and to protect the right to bear arms for future generations of Vermonters.

Thank you!”

Rep. Shaw of Pittsford explained his vote as follows:

“Mr. Speaker:

‘The people have a right to bear arms for the defense of themselves and the State’ are words Vermonters have lived by since July 8, 1977. Now, nearly

two and a half centuries later, this founding principle is being challenged by S.141.

I vote ‘NO’ to stand up for nearly 250 years of tradition and to protect the right to bear arms for future generations of Vermonters.

Thank you!”

Rep. Stevens of Waterbury explained his vote as follows:

“Mr. Speaker:

I voted yes to give our public safety officers the tools to keep guns from convicted felons and those who have been judged to be a danger to themselves or others. Our responsibility is to pass law that balances the interests and safety of all Vermonters. This bill does that. As Justice Scalia wrote, the rights under the 2nd Amendment are not unlimited, and it should not be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill.”

Rep. Terenzini of Rutland Town explained his vote as follows:

“Mr. Speaker:

‘The people have a right to bear arms for the defense of themselves and the State’ are words Vermonters have lived by since July 8, 1977. Now, nearly two and a half centuries later, this founding principle is being challenged by S.141.

Vermonters, first in our own state constitution, and later in the American Bill of Rights, have always understood and preserved our right to protect ourselves without infringement from Government – local, state or federal.

I vote ‘NO’ to stand up for nearly 250 years of tradition and to protect the right to bear arms for future generations of Vermonters.

Thank you!”

Rep. Till of Jericho explained his vote as follows:

“Mr. Speaker:

I vote yes. When one actually looks at the facts about gun deaths in Vermont, the statistics reveal a disturbing fact: Vermont has a much higher gun death rate than most people believe.

For 2013 Vermont had a gun death rate of 9.2/100,000, only a bit below the national average of 10.4/100,000. Vermont consistently has a higher gun death rate than New York, New Jersey and most of the New England states.

Vermont's firearm death rate is double the rate in New York and almost 3 times the rate in Massachusetts.

Ninety percent of Vermont gun deaths are by suicide. We have the highest teen suicide rate in New England. S.141 takes a small step in the right direction. It is not enough but it is a step.

We do, in fact, have a gun problem in Vermont – that problem, today, is suicide. Both the mental health provision and the Vermont gun shop project are steps on the path to reducing the public health scourge of the impulsive act of suicide by firearm – which claims on average 60 Vermonters per year.”

Rep. Toleno of Brattleboro explained his vote as follows:

“Mr. Speaker:

Two essential truths of this bill shaped my yes vote: judged strictly on what the bill itself actually does, it is narrow in scope, rational and appropriate. Beyond that, the bill fixes a gap in the current system by establishing a fair process to restore rights.”

Rep. Troiano of Stannard explained his vote as follows:

“Mr. Speaker:

I voted yes. I am a gun owner. For the past 30+ years as an investigator in the Public Defender system I have worked on hundreds of cases to keep Vermonters from losing their rights to possess firearms. I voted for this because it makes sense. It strongly represents states rights, it represents the wishes of a majority of Vermonters. This is not a gun control bill. This is not a background check bill. U.S. Attorney's offices often do not prosecute firearm case due to lack of resources. This bill makes sense.”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

I respect differing opinions on this issue, and I respect and understand concerns expressed that this will be just a ‘first step’.

However, I support this legislation because it is a recognition that there are times that people should not have access to guns, even if only temporarily.

I have the utmost respect for veterans, including those that served this country in Iraq. But we need to be clear that any veteran that needs help after returning home and is in need of treatment has nothing to fear from this bill. But IF a veteran, or anyone, has developed mental health issues such that they are a ‘danger to themselves or others’ then I would want that person's name on

the National Data Base. I only wish that the individual that shot and killed Chris Kyle and his friend had been on that list.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Mr. Speaker:

I voted yes for this bill. Why?

It was not money from Michael Bloomberg (I didn’t get any). I certainly didn’t get any from the NRA or the Vermont Sportsmen’s Federation. What had the most influence on me was the murder of 20 second graders and 6 of their teachers by a demented individual in Newtown, CT. We cannot forget them.”

Message from the Senate No. 48

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 141. An act relating to the Organ and Tissue Donation Working Group.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Governor has informed the Senate that on the tenth day of April, 2015, he approved and signed a bill originating in the Senate of the following title:

S. 2. An act relating to the establishment of a State Latin Motto.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 113. House concurrent resolution in memory of Caryl June Stewart.

H.C.R. 114. House concurrent resolution congratulating the 2015 Woodstock Union High School Wasps Division II girls’ and boys’ championship Nordic skiing teams.

H.C.R. 115. House concurrent resolution congratulating the 2015 Woodstock Union High School girls’ and boys’ State championship alpine skiing teams.

H.C.R. 116. House concurrent resolution in memory of Gary Michael Carey of Colchester.

H.C.R. 117. House concurrent resolution congratulating Windsor High School on winning the first 3D Vermont championship.

H.C.R. 118. House concurrent resolution honoring the 10th Annual Rock, Rattle & Drum Pow Wow.

H.C.R. 119. House concurrent resolution recognizing the value of public-private academic partnerships such as 3D Vermont.

H.C.R. 120. House concurrent resolution congratulating the 2015 Rutland Senior High School Division I and New England coed team cheerleading champions.

H.C.R. 121. House concurrent resolution designating April 14, 2015, as Equal Pay Day in Vermont.

H.C.R. 122. House concurrent resolution commemorating the 70th anniversary of the conclusion of World War II.

H.C.R. 123. House concurrent resolution congratulating Dismas House of Rutland on its 25th anniversary and its commemorative dinner honorees.

H.C.R. 124. House concurrent resolution congratulating Brian Godfrey on being named the 2014 Vermont Elementary Physical Education Teacher of the Year.

H.C.R. 125. House concurrent resolution congratulating the Housing Trust of Rutland County on its conversion of the former Watkins School in Rutland City to affordable senior housing.

H.C.R. 126. House concurrent resolution designating October 1–4, 2015, as “The Wall That Heals” Days in Vermont.

H.C.R. 127. House concurrent resolution congratulating the 2014 Vermont recipients of the Girl Scout Silver and Gold Awards.

Adjournment

At twelve o'clock and two minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, April 21, 2015, at ten o'clock in the forenoon, pursuant to the provisions of JRS 24.

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. 113

House concurrent resolution in memory of Caryl June Stewart;

H.C.R. 114

House concurrent resolution congratulating the 2015 Woodstock Union High School Wasps Division II girls' and boys' championship Nordic skiing teams;

H.C.R. 115

House concurrent resolution congratulating the 2015 Woodstock Union High School girls' and boys' State championship alpine skiing teams;

H.C.R. 116

House concurrent resolution in memory of Gary Michael Carey of Colchester;

H.C.R. 117

House concurrent resolution congratulating Windsor High School on winning the first 3D Vermont championship;

H.C.R. 118

House concurrent resolution honoring the 10th Annual Rock, Rattle & Drum Pow Wow;

H.C.R. 119

House concurrent resolution recognizing the value of public-private academic partnerships such as 3D Vermont;

H.C.R. 120

House concurrent resolution congratulating the 2015 Rutland Senior High School Division I and New England coed team cheerleading champions;

H.C.R. 121

House concurrent resolution designating April 14, 2015, as Equal Pay Day in Vermont;

H.C.R. 122

House concurrent resolution commemorating the 70th anniversary of the conclusion of World War II;

H.C.R. 123

House concurrent resolution congratulating Dismas House of Rutland on its 25th anniversary and its commemorative dinner honorees;

H.C.R. 124

House concurrent resolution congratulating Brian Godfrey on being named the 2014 Vermont Elementary Physical Education Teacher of the Year;

H.C.R. 125

House concurrent resolution congratulating the Housing Trust of Rutland County on its conversion of the former Watkins School in Rutland City to affordable senior housing;

H.C.R. 126

House concurrent resolution designating October 1–4, 2015, as “The Wall That Heals” Days in Vermont;

H.C.R. 127

House concurrent resolution congratulating the 2014 Vermont recipients of the Girl Scout Silver and Gold Awards;

[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.]