

Journal of the House

Tuesday, February 9, 2016

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

Devotional Exercises

Devotional exercises were conducted by Rabbi, Tobie Weisman, Director, Yearning for Learning Center for Jewish Studies.

Pledge of Allegiance

Pages Alix St. Hilaire of Hinesburgh and Anna Kalfus of Colchester led the House in the Pledge of Allegiance.

House Bill Introduced

H. 844

Reps. McCullough of Williston, Clarkson of Woodstock, Deen of Westminster and Sullivan of Burlington introduced a bill, entitled

An act relating to conservation of forestland

Which was read the first time and referred to the committee on Natural Resources & Energy.

Senate Bill Referred

S. 198

Senate bill, entitled

An act relating to the Government Accountability Committee and the annual report on the State's population-level outcomes

Was read and referred to the committee on Government Operations.

Action on Bill Postponed

H. 249

House bill, entitled

An act relating to intermunicipal services and the authority to create a regional council of governments

Was taken up and pending the reading of the report of the committee on Government Operations, on motion of **Rep. Martin of Wolcott**, action on the bill was postponed until the next legislative day.

Bill Amended; Third Reading Ordered

H. 512

Rep. Bartholomew of Hartland, for the committee on Agriculture & Forest Products, to which had been referred House bill, entitled

An act relating to adequate shelter of dogs and cats

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

Sec. 1. 13 V.S.A. § 351 is amended to read:

§ 351. DEFINITIONS

As used in this chapter:

(1) “Animal” means all living sentient creatures, not human beings.

* * *

(11) “Livestock” means cattle, bison, horses, sheep, goats, swine, cervidae, ratites, and camelids.

* * *

(13) “Livestock and poultry husbandry practices” means the raising, management, and using of animals to provide humans with food, fiber, or transportation in a manner consistent with:

(A) husbandry practices recommended for the species by agricultural colleges and the U.S. Department of Agriculture Extension Service;

(B) husbandry practices modified for the species to conform to the Vermont environment and terrain; and

(C) husbandry practices that minimize pain and suffering.

* * *

(15) “Living space” means any cage, crate, or other structure used to confine an animal that serves as its principal, primary housing and that provides protection from the elements. Living space does not include a structure, such as a doghouse, in which an animal is not confined, or a cage, crate, or other structure in which the animal is temporarily confined.

(16) “Adequate food” means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding food is in accordance with accepted ~~agricultural or veterinarian~~ veterinary practices or livestock and poultry husbandry practices.

(17) “Adequate water” means ~~fresh, potable water provided at suitable intervals for the species, and which, in no event, shall exceed 24 hours at any interval. The animal must have access to the water~~ potable water that is either accessible to the animal at all times or is provided at suitable intervals for the species and in sufficient quantity for the health of the animal. In no event shall the interval when water is provided exceed 24 hours. Snow or ice is not an adequate water source unless provided in accordance with livestock and poultry husbandry practices.

(18) “Adequate shelter” means shelter which protects the animal from injury and environmental hazards.

(19) “Enclosure” means any structure, fence, device, or other barrier used to restrict an animal or animals to a limited amount of space.

(20) “Livestock guardian dog” means a purpose-bred dog that is:

(A) specifically trained to live with livestock without causing them harm while repelling predators;

(B) being used to live with and guard livestock; and

(C) acclimated to local weather conditions.

Sec. 2. 13 V.S.A. § 365 is amended to read:

§ 365. SHELTER OF ANIMALS

(a) Adequate shelter. All livestock and animals ~~which that~~ are to be predominantly maintained out-of-doors must in an outdoor area shall be provided with adequate shelter to prevent direct exposure to the elements.

(b) Shelter for livestock.

(1) Adequate natural shelter, or a three-sided, roofed building with exposure out of the prevailing wind and of sufficient size to adequately accommodate all livestock maintained ~~out-of-doors~~ in an outdoor area shall be provided. The building opening size and height ~~must shall~~, at a minimum, extend one foot above the withers of the largest animal housed and ~~must shall~~ be maintained at that level even with manure and litter build-up. Nothing in

this section shall control dairy herd housing facilities, either loose housing, comfort stall, or stanchion ties, or other housing under control of the ~~department of agriculture, food and markets~~ Agency of Agriculture, Food and Markets. This section shall not apply to any accepted housing or grazing practices for any livestock industry.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, livestock may be temporarily confined in a space sufficient for them to stand and turn about freely, provided that they are exercised in accordance with livestock and poultry husbandry practices, and are provided sufficient food, water, shelter, and proper ventilation.

(c) Minimum size of living space; dogs and cats.

(1) A dog, whether chained or penned, shall be provided an adequate living space no less than three feet by four feet for 25 pound and smaller dogs, four feet by four feet for 26-35 pound dogs, four feet by five feet for 36-50 pound dogs, five feet by five feet for 51-99 pound dogs, and six feet by five feet for 100 pound and larger dogs that is large enough to allow the dog, in a normal manner, to turn about freely, stand, sit, and lie down. A dog shall be presumed to have adequate living space if provided with the floor space in square footage calculated according to the following formula: Floor space in square feet = (length of dog in inches + 6) x (length of dog in inches + 6) ÷ 144. The length of the dog in inches shall be measured from the tip of the nose of the dog to the base of its tail.

(2) The specifications required by subdivision (c)(1) of this section shall apply to be required for each dog, regardless of whether the dog is housed individually or with other animals.

(3)(A) A cat over the age of two months shall be provided adequate living space that is large enough to allow the cat, in a normal manner, to turn about freely, stand, sit, and lie down. A cat shall be presumed to have adequate living space if provided with:

(i) floor space, including raised resting platforms, of at least nine square feet; and

(ii) a primary structure of at least 24 inches in height.

(B) The requirements of this subdivision (c)(3) shall apply to each cat regardless of whether the cat is housed individually or with other animals.

(4)(A) Each female dog with nursing puppies shall be provided the living space required under subdivision (1) of this subsection (c) plus sufficient additional floor space to allow for a whelping box and the litter, based on the

size or the age of the puppies. When the puppies discontinue nursing, the living space requirements of subdivisions (1) and (2) of this subsection shall apply for all dogs housed in the same living space.

(B) Each female cat with nursing kittens shall be provided the living space required under subdivision (3) of this subsection (c) plus sufficient additional floor space to allow for a queening box and the litter, based on the size or the age of the kittens. When the kittens discontinue nursing, the living space requirements of subdivision (3) of this subsection shall apply for all cats housed in the same living space.

(5) Dogs or cats that are housed in the same primary living space or enclosure shall be compatible, as determined by observation, provided that:

(A) Females in heat (estrus) shall not be housed in the same primary living space or enclosure with males, except for breeding purposes.

(B) A dog or cat exhibiting a vicious or overly aggressive disposition shall be housed separately from other dogs or cats.

(6) All dogs or cats shall have access to adequate water and adequate food.

(d) Daily exercise; dogs or cats. A dog or cat confined in a living space shall be permitted outside the cage, crate, or structure living space for an opportunity of at least one hour of daily exercise, unless otherwise modified or restricted by a licensed veterinarian. Separate space for exercise is not required if an animal's living space is at least three times larger than the minimum requirements set forth in subdivision (c)(1) of this section.

(e) Shelter for dogs maintained outdoors in enclosures.

(1) Except as provided in subdivision (2) of this subsection, a dog or dogs maintained ~~out-of-doors must~~ outdoors in an enclosure shall be provided with ~~suitable housing that assures that the dog is protected from wind and draft, and from excessive sun, rain and other environmental hazards throughout the year~~ a primary one or more shelter ~~structure~~ structures. A shelter structure shall:

(A) Provide each dog housed in the structure sufficient space to, in a normal manner, turn about freely, stand, sit, and lie down.

(B) Be structurally sound and constructed of suitable, durable material.

(C) Have four sides, a roof, and a ground or floor surface that enables the dog to stay clean and dry.

(D) Have an entrance or portal large enough to allow each dog housed in the shelter unimpeded access to the structure, and the entrance or portal shall be constructed with a windbreak or rainbreak.

(E) Provide adequate protection from cold and heat, including protection from the direct rays of the sun and the direct effect of wind, rain, or snow. Shivering due to cold is evidence of inadequate shelter for any dog.

(F) Contain clean, dry bedding material if the ambient temperature is below 50 degrees Fahrenheit.

(2) A shelter structure is not required for a healthy livestock guardian dog that is maintained outdoors in an enclosure.

(3) If multiple dogs are maintained outdoors in an enclosure at one time:

(A) Each dog will be provided with an individual structure, or the structure or structures provided shall be cumulatively large enough to contain all of the dogs at one time.

(B) A shelter structure shall be accessible to each dog in the enclosure.

(4) The following categories of dogs shall not be maintained outdoors in an enclosure when the ambient temperature is below 50 degrees Fahrenheit:

(A) dogs that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

(B) dogs that cannot tolerate the prevalent temperatures of the area without stress or discomfort; and

(C) sick or infirm dogs or dogs that cannot regulate their own body temperature.

(5) Metal barrels, cars, refrigerators, freezers, and similar objects shall not be used as a shelter structure for a dog maintained in an outdoor enclosure.

(6) In addition to the shelter structure, one or more separate outdoor areas of shade shall be provided, large enough to contain all the animals and protect them from the direct rays of the sun.

(f) Tethering of dog.

(1) ~~A~~ Except as provided under subdivision (2) of this subsection, a dog ~~chained to a shelter must~~ maintained outdoors on a tether shall be on a tether ~~chain~~ at least four times the length of the dog as measured from the tip of its nose to the base of its tail, and shall allow the dog access to the shelter.

(2) A dog regularly used in training or participation in competitive or recreational sled dog activities and housed outdoors in close proximity with other dogs may, if necessary for the safety of the dog, be maintained on a tether three times the length of the dog, as measured from the tip of its nose to the base of its tail.

(3) A tether used for any dog shall be attached to both the dog and the anchor using swivels or similar devices that prevent the tether from becoming entangled or twisted. The tether shall be attached to a well-fitted collar or harness on the dog. The tether shall be of a size and weight that will not cause discomfort to a tethered dog. A choke collar shall not be used as part of a tethering method.

~~(g) A cat, over the age of two months, shall be provided minimum living space of nine square feet, provided the primary structure shall be constructed and maintained so as to provide sufficient space to allow the cat to turn about freely, stand, sit, and lie down. Each primary enclosure housing cats must be at least 24 inches high. These specifications shall apply to each cat regardless of whether the cat is housed individually or with other animals. [Repealed.]~~

~~(h) Notwithstanding the provisions of this section, animals may be temporarily confined in a space sufficient for them to stand and turn about freely, provided that they are exercised in accordance with accepted agricultural or veterinarian practices, and are provided sufficient food, water, shelter, and proper ventilation. [Repealed.]~~

~~(i) Violations. Failure to comply with this section shall be a violation of subdivision 352(3) or (4) of this title.~~

~~(j) Notwithstanding the provisions of this section, an animal may be sheltered, chained, confined, or maintained out of doors if doing so is directed by a licensed veterinarian or is in accordance with accepted agricultural or veterinarian practices. [Repealed.]~~

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Thereupon, the report of the committee on Agriculture and Forest Products was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Partridge of Windham** 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 read a third time? was decided in the affirmative. Yeas, 137.
Nays, 6.

Those who voted in the affirmative are:

Ancel of Calais	French of Randolph	Murphy of Fairfax
Bancroft of Westford	Gamache of Swanton	Myers of Essex
Bartholomew of Hartland	Gonzalez of Winooski	Nuovo of Middlebury
Baser of Bristol	Grad of Moretown	O'Brien of Richmond
Batchelor of Derby	Greshin of Warren	Olsen of Londonderry
Beck of St. Johnsbury	Haas of Rochester	Parent of St. Albans Town
Berry of Manchester	Head of South Burlington	Partridge of Windham
Bissonnette of Winooski	Hebert of Vernon	Patt of Worcester
Botzow of Pownal	Helm of Fair Haven	Pearce of Richford
Brennan of Colchester	Hooper of Montpelier	Pearson of Burlington
Briglin of Thetford	Hubert of Milton	Potter of Clarendon
Browning of Arlington	Huntley of Cavendish	Pugh of South Burlington
Burditt of West Rutland	Jerman of Essex	Purvis of Colchester
Burke of Brattleboro	Jewett of Ripton	Quimby of Concord
Buxton of Tunbridge	Johnson of South Hero	Rachelson of Burlington
Canfield of Fair Haven	Juskiewicz of Cambridge	Ram of Burlington
Carr of Brandon	Keenan of St. Albans City	Russell of Rutland City
Chesnut-Tangerman of Middletown Springs	Kitzmiller of Montpelier	Ryerson of Randolph
Clarkson of Woodstock	Klein of East Montpelier	Savage of Swanton
Cole of Burlington	Komline of Dorset	Scheuermann of Stowe
Condon of Colchester	Krebs of South Hero	Sharpe of Bristol
Connor of Fairfield	Krowinski of Burlington	Shaw of Pittsford
Conquest of Newbury	LaClair of Barre Town	Shaw of Derby
Copeland-Hanzas of Bradford	Lalonde of South Burlington	Sheldon of Middlebury
Corcoran of Bennington	Lanpher of Vergennes	Sibilia of Dover
Cupoli of Rutland City	Lawrence of Lyndon	Smith of New Haven
Dakin of Colchester	Lefebvre of Newark	Stevens of Waterbury
Davis of Washington	Lenes of Shelburne	Strong of Albany
Deen of Westminster	Lewis of Berlin	Stuart of Brattleboro
Devereux of Mount Holly	Lippert of Hinesburg	Sullivan of Burlington
Dickinson of St. Albans Town	Long of Newfane	Sweaney of Windsor
Donahue of Northfield	Lucke of Hartford	Tate of Mendon
Donovan of Burlington	Macaig of Williston	Terenzini of Rutland Town
Eastman of Orwell	Manwaring of Wilmington	Till of Jericho
Emmons of Springfield	Marcotte of Coventry	Toleno of Brattleboro
Evans of Essex	Martel of Waterford	Toll of Danville
Fagan of Rutland City	Martin of Wolcott	Townsend of South Burlington
Feltus of Lyndon	Masland of Thetford	Trieber of Rockingham
Fields of Bennington	McCormack of Burlington	Troiano of Stannard
Fiske of Enosburgh	McCoy of Poultney	Turner of Milton
Forguites of Springfield	McCullough of Williston	Viens of Newport City
Frank of Underhill	McFaun of Barre Town	Walz of Barre City
	Miller of Shaftsbury	Webb of Shelburne
	Morris of Bennington	Willhoit of St. Johnsbury
	Mrowicki of Putney	

Wood of Waterbury
Woodward of Johnson

Wright of Burlington
Yantachka of Charlotte

Young of Glover
Zagar of Barnard

Those who voted in the negative are:

Beyor of Highgate
Dame of Essex

Gage of Rutland City
Graham of Williamstown

Higley of Lowell
Van Wyck of Ferrisburgh

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

Branagan of Georgia
Christie of Hartford

Dakin of Chester
Morrissey of Bennington

O'Sullivan of Burlington
Poirier of Barre City

Favorable Report; Third Reading Ordered

H. 548

Rep. Kitzmiller of Montpelier, for the committee on Commerce & Economic Development, to which had been referred House bill, entitled

An act relating to extraordinary dividends for life insurers

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Adjournment

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