

Journal of the House

Friday, February 19, 2016

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

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Bill Amended, Read Third Time and Passed

H. 622

House bill, entitled

An act relating to obligations for reporting child abuse and neglect and cooperating in investigations of child abuse and neglect

Was taken up and pending third reading of the bill, **Reps. Mrowicki of Putney, Berry of Manchester, Dame of Essex, Fiske of Enosburgh, French of Randolph, Haas of Rochester, Krowinski of Burlington, McCoy of Poultney, McFaun of Barre Town, Pugh of South Burlington, and Troiano of Stannard** moved to amend the bill as follows:

In Sec. 1, 33 V.S.A. § 4913, in subsection (c), by striking out the word "confirmed" and inserting in lieu thereof the words "written confirmation"

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Bill Amended, Read Third Time and Passed

H. 297

House bill, entitled

An act relating to the sale of ivory or rhinoceros horn

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

First: In Sec. 1, 10 V.S.A. chapter 175, in § 7701, by striking out subsection (f) in its entirety and inserting in lieu thereof the following:

(f) Enforcement; civil penalties.

(1) A person who violates this section shall be fined:

(A) For a first offense, \$1,000.00 or an amount equal to two times the total value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products involved in the offense, whichever is greater.

(B) For a second or subsequent offense, \$5,000.00 or an amount equal to two times the total value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products involved in the offense, whichever is greater.

(2) The penalties provided in this section shall be in addition to any penalty that may be imposed under federal law.

(3) The penalties collected under this subsection shall be deposited in the Fish and Wildlife Trust Fund under section 4049 of this title and used for the purpose of donations to nonprofit organizations or government agencies that implement programs in Africa against the poaching of elephants and rhinoceros.

Second: By adding Secs. 2a, 2b, and 2c to read:

Sec. 2a. 10 V.S.A. § 4049 is amended to read:

§ 4049. FISH AND WILDLIFE TRUST FUND

(a) The General Assembly recognizes the importance to the people of Vermont of conserving Vermont's fish and wildlife resources. Therefore, in order to provide the opportunity for Vermonters to invest in the future of its fish and wildlife resources, there is hereby created a Fish and Wildlife Trust Fund within the Fish and Wildlife Fund which shall consist of:

- (1) receipts from sales of any lifetime licenses created pursuant to subsection 4279(f) of this title;
- (2) any gifts, grants, or contributions made to the Trust Fund;
- (3) funds that may be appropriated by the General Assembly; and
- (4) penalties for violations of chapter 175 of this title.

(b) The Commissioner, after consultation with the Secretary of Natural Resources, the Secretary of Administration, and the State Treasurer, may determine whether the Trust Fund is to be managed by the State Treasurer, or by a private firm contracted by the State Treasurer at the direction of the Commissioner.

(c) When the balance of the Trust Fund reaches \$250,000.00, the Commissioner may withdraw interest as needed for operation of departmental programs. The principal shall remain in the ~~trust fund~~ Trust Fund in perpetuity, even should provisions of law regarding lifetime licenses be repealed.

(d) The Commissioner shall donate receipts deposited in the Fund for violation of chapter 175 of this title to nonprofit organizations or government agencies that implement programs in Africa against the poaching of elephants and rhinoceros.

Sec. 2b. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes, and the Board may take such action with respect to subdivision (10) of this subsection:

* * *

(26) 10 V.S.A. chapter 168, relating to the collection and disposal of primary batteries; ~~and~~

(27) 10 V.S.A. chapter 123, relating to threatened and endangered species; ~~and~~

(28) 10 V.S.A. chapter 175, relating to sale of ivory and rhinoceros horn.

* * *

Sec. 2c. 10 V.S.A. § 8503(a) is amended to read:

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

* * *

(U) chapter 168 (product stewardship for primary batteries and rechargeable batteries);

(V) chapter 175 (sale of ivory and rhinoceros horn).

* * *

Which was agreed to.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Deen of Westminster** 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, 135. Nays, 4.

Those who voted in the affirmative are:

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

Those who voted in the negative are:

Beyor of Highgate	Smith of New Haven
Dame of Essex	Terenzini of Rutland Town

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

Ancel of Calais	Johnson of South Hero	Yantachka of Charlotte
Christie of Hartford	Lippert of Hinesburg	Young of Glover
Gamache of Swanton	Morrissey of Bennington	
Huntley of Cavendish	Ram of Burlington	

Third Reading; Bill Passed

H. 530

House bill, entitled

An act relating to categorization of State contracts for service

Was taken up, read the third time and passed.

Adjournment

At ten o'clock and twelve minutes in the forenoon, on motion of **Rep. Savage of Swanton**, the House adjourned until Tuesday, February 23, 2016, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 42.

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 Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 242

House concurrent resolution recognizing the importance of the Black Lives Matter Movement in the U.S. and Vermont Black communities;

H.C.R. 243

House concurrent resolution congratulating the 2015 class of Green Mountain Council Eagle Boy Scouts;

H.C.R. 244

House concurrent resolution honoring J. Morgan's Steakhouse's bartender, Roderick Vincent O'Brien, for his consummate professional and unfailing courtesy;

H.C.R. 245

House concurrent resolution honoring former Juvenile Defender Robert Sheil for his exemplary public service;

H.C.R. 246

House concurrent resolution in memory of former Representative Barbara L. Wood of Bethel;

H.C.R. 247

House concurrent resolution congratulating the Rutland Regional Medical Center on its receipt of two excellence awards from Healthgrades;

S.C.R. 35

Senate concurrent resolution congratulating Matt Hynes on being named the 2015-2016 Vermont boys' cross country Gatorade Player of the Year;

S.C.R. 36

Senate concurrent resolution honoring Central Vermont Chamber of Commerce President and CEO George Malek;

[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 2016, seventy-third Biennial session.]