

Journal of the House

Thursday, February 25, 2016

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

Devotional Exercises

Devotional exercises were conducted by Rep. Michael Yantachka of Charlotte, Vt.

House Committee Bills Introduced

House Committee bills of the following titles were severally introduced, read the first time and placed on the Calendar as follows:

H. 854

Rep. Klein of East Montpelier, for the committee on Natural Resources & Energy, introduced a bill, entitled

An act relating to timber trespass;

H. 855

Rep. Klein of East Montpelier, for the committee on Natural Resources & Energy, introduced a bill, entitled

An act relating to forest fire suppression and forest fire wardens.

Joint Resolution Referred to Committee

J.R.H. 21

Joint resolution relating to a reduction in incarceration rates

Offered by: Representatives Emmons of Springfield and Grad of Moretown

Whereas, it is a core governmental responsibility to enforce its laws equitably, and to protect the citizenry from criminal behavior, and

Whereas, during the approximately past 20 years, the reported national violent crime rate has experienced a nearly 50 percent reduction, and

Whereas, Vermont's violent crime rate is approximately one-third the national average, and during the approximately past 20 years has remained steady, and

Whereas, despite these trends in crime rates, between 1975 and 2009, incarceration in federal and state prisons, on a per capita basis, increased almost fivefold, and

Whereas, the United States currently has the world's highest incarceration rate, with nearly one out of every 108 American adults behind bars, and

Whereas, Vermont's general population grew just over 35 percent over the last 40 years, but its incarcerated population grew by more than 300 percent, and

Whereas, at the end of fiscal year 2015, Vermont's incarcerated population included approximately 365 pretrial detainees and 424 inmates held beyond their minimum release dates, of whom approximately 131 lacked housing options deemed appropriate for supervised release, and

Whereas, Vermont has entered into contracts to house nearly 500 inmates in privately operated out-of-state prisons, and in mid-December 2015, 241 Vermont inmates were housed in a privately operated prison in Michigan, and

Whereas, more than 90 percent of inmates currently in the custody of the Vermont Department of Corrections (the Department) will eventually be released into the community, and

Whereas, correctional-related spending in Vermont has increased dramatically during the past 40 years, rising from approximately \$6.6 million in fiscal year 1975 to approximately \$152 million in fiscal year 2014, an inflation adjusted increase of over 400 percent, and

Whereas, in fiscal year 2014, the average cost to incarcerate an inmate in a Vermont prison was \$59,640.00, and

Whereas, since fiscal year 2010, between 40 and 50 percent of inmates in the custody of the Department have served time beyond their minimum release dates, and

Whereas, opportunities are available for some inmates to work, receive educational and vocational training, and participate in self-help groups, parenting groups, religious activities, and recreational activities, and

Whereas, many inmates, families, and advocacy groups have expressed a desire to increase opportunities for rehabilitative programming during the entirety of inmates' sentences, and

Whereas, community-based drug treatment programs, particularly when coupled with close supervision, can significantly reduce recidivism rates and correctional costs, and

Whereas, restorative justice is effective in holding offenders accountable, and meeting the needs of victims, while leading to a cost-effective reduction in repeat offending, and

Whereas, overall, controlling for other factors, incarceration itself increases the likelihood of criminal activity upon release, and

Whereas, California's Back on Track program costs \$5,000.00 per participant, compared to \$50,000.00 to house a low-level offender in a correctional facility, and program graduates have a 10 percent recidivism rate, compared to 53 percent among other California drug offenders, and

Whereas, Philadelphia's The Choice is Yours program achieved similar cost and recidivism rate reductions for offenders with comparable profiles, and

Whereas, 6,000 Vermont children have lived with the challenge of a parental incarceration, and

Whereas, incarcerating an offender in proximity to his or her family and community can reduce recidivism, and

Whereas, at three well-attended public hearings, conducted during December 2015 in White River Junction, Rutland, and Burlington, speakers, while recognizing the importance of victim and public safety, expressed overwhelming support for reduced reliance on incarceration, and for alternative approaches to the care of offenders, and

Whereas, these alternatives include nonincarcerative treatment options for those suffering from either mental health or addiction problems, or both; shifts of any savings resulting from less incarceration to improved treatment programs; more affordable and stable housing and transportation options; increased educational and vocational opportunities; and stronger community resources to support those released from prison and those convicted of crimes but not sentenced to periods of incarceration, and

Whereas, Vermont is a leader in attempting to reduce incarceration and recidivism, and these efforts include: the 2008 justice reinvestment strategy; adoption of incarceration alternatives such as intermediate sanctions; adoption of restorative justice as a State policy; enactment of 2014 Acts and Resolves No. 195 (An act relating to pretrial services, risk assessments, and criminal justice programs); the related provision of treatment options to individuals with either mental health or substance abuse problems, or both; and the removal of these treatment options from the traditional criminal justice process when appropriate, and

Whereas, Vermont can retain its commitment to an effective criminal justice system that protects the public while, at the same time, reducing its reliance on incarceration, and

Whereas, this commitment will not be realized without the full support and resolve of the General Assembly, State and local leaders, prosecutors, judges, Department personnel, Vermont communities, and Vermonters, and

Whereas, reducing the number of individuals detained before trial; reducing the number of criminal defendants sentenced to prison terms upon conviction and the length of sentences for those to be incarcerated; expanding early release options; modifying the penalties imposed for minor probation, parole, and early release requirement violations; and engaging in programming and practices that reduce recidivism can all result in a decrease in Vermont's incarceration rate, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its support for a State public policy that through individual and collective actions enhances public safety and Vermonter's confidence in the criminal justice system, while significantly reducing reliance on incarceration as a reaction to violations of the State's criminal laws.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Corrections & Institutions.

Joint Resolution Referred to Committee

J.R.H. 22

Joint resolution supporting the merger of the Vermont Veterans' Home into the U.S. Veterans Health Administration beginning in federal fiscal year 2018

Offered by: Representatives Berry of Manchester, Ancel of Calais, Bartholomew of Hartland, Botzow of Pownal, Branagan of Georgia, Briglin of Thetford, Chesnut-Tangerman of Middletown Springs, Clarkson of Woodstock, Cole of Burlington, Connor of Fairfield, Conquest of Newbury, Corcoran of Bennington, Dakin of Chester, Dakin of Colchester, Dame of Essex, Deen of Westminster, Donovan of Burlington, Evans of Essex, Forguites of Springfield, French of Randolph, Higley of Lowell, Jewett of Ripton, Keenan of St. Albans City, Klein of East Montpelier, Krowinski of Burlington, LaLonde of South Burlington, Long of Newfane, Macaig of Williston, Martin of Wolcott, Masland of Thetford, McCullough of Williston, McFaun of Barre Town, Miller of Shaftsbury, Morris of Bennington, Mrowicki of Putney, Nuovo of Middlebury, O'Sullivan of Burlington,

Partridge of Windham, Patt of Worcester, Russell of Rutland City, Ryerson of Randolph, Sharpe of Bristol, Sheldon of Middlebury, Stevens of Waterbury, Sullivan of Burlington, Sweaney of Windsor, Till of Jericho, Toll of Danville, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Yantachka of Charlotte, Young of Glover, and Zagar of Barnard

Whereas, in 1884, the General Assembly adopted 1884 Acts and Resolves No. 180, An act incorporating the Trustees of the Soldiers' Home of Vermont, and

Whereas, in 1971, the General Assembly changed the name of the Vermont Soldiers' Home to the Vermont Veterans' Home, and

Whereas, in 2004, the General Assembly revised comprehensively State law relating to the Home and designated it "a body corporate and politic and a public instrumentality of the State," and

Whereas, the current mission of the Home is "to provide a healthcare community for U.S. military veterans, their spouses and Gold Star parents in an environment that allows residents to achieve their self-determined quality of life," and

Whereas, in fiscal year 2016, the State spent \$5,894,000.00 of State funds on the Home, or 28 percent of the Home's overall budget, with the balance coming from commercial insurance, Medicaid, Medicare, and private funds, and

Whereas, although close collaborators, the Veterans Health Administration (the Administration), a unit of the U.S. Department of Veterans Affairs, and the Home are separate organizations, under federal and State jurisdiction respectively, and

Whereas, the Home is not organized as an official State veterans' home, as are the veterans' homes in all other states, but the Home's mission is similar to that of these comparable health care institutions, and

Whereas, the General Assembly's continuing concerns about the operations and funding of the Home led to a recently released legislative study on this topic, and

Whereas, the merging of the Home into the Administration, effective beginning in federal fiscal year 2018, may prove the best alternative and could establish a nationwide model for the future governance of the nation's veterans' homes, and

Whereas, a merger requires both federal and State statutory and regulatory changes, and, if the proposed target date is to be met, the federal changes should begin in 2016, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests that the Vermont Congressional Delegation and the U.S. Department of Veterans Affairs start the necessary federal legislative and regulatory processes required for the Home to be merged into the Administration at the start of federal fiscal year 2018, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the U.S. Secretary of Veterans Affairs and to the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on General, Housing & Military Affairs.

House Resolution Placed on Calendar

H.R. 13

House resolution, entitled

House resolution urging that the State of Vermont remove the stocks of companies with coal holdings and the stock of the Exxon Mobil Corporation from its pension investment portfolios

Offered by: Representatives Sullivan of Burlington, Donovan of Burlington, Bartholomew of Hartland, Briglin of Thetford, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Clarkson of Woodstock, Copeland-Hanzas of Bradford, Deen of Westminster, Emmons of Springfield, Forguites of Springfield, Gonzalez of Winooski, Haas of Rochester, Hooper of Montpelier, Jewett of Ripton, Klein of East Montpelier, Krebs of South Hero, Krowinski of Burlington, LaLonde of South Burlington, Macaig of Williston, Masland of Thetford, McCormack of Burlington, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, Mrowicki of Putney, O'Sullivan of Burlington, Partridge of Windham, Patt of Worcester, Pearson of Burlington, Poirier of Barre City, Ryerson of Randolph, Sharpe of Bristol, Sheldon of Middlebury, Stevens of Waterbury, Stuart of Brattleboro, Till of Jericho, Troiano of Stannard, Walz of Barre City, Webb of Shelburne, Woodward of Johnson, Yantachka of Charlotte, and Zagar of Barnard

Whereas, the Intergovernmental Panel on Climate Change (IPCC), consisting of leading scientists from across the world, agrees that "Warming of

the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and the sea level has risen,” and

Whereas, the IPCC has also stated that “Continued emission of greenhouse gases will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible impacts for people and ecosystems,” and

Whereas, the overwhelming consensus among published climate scientists is that climate change is a reality, and that human activity, including the burning of fossil fuel, contributes to climate change, and

Whereas, fossil fuel energy companies are not disclosing sufficient information about key factors such as capital expenditures on high-cost oil and gas exploration projects, government efforts to limit carbon emissions, and the possibility of reduced global demand for oil as early as 2020 (collectively “carbon asset risks”), and

Whereas, the State Treasurer and the Vermont Pension Investment Committee (VPIC), representing the State of Vermont, have partnered with Ceres, an advocate for sustainability leadership, and other business and governmental entities as a signatory to the Carbon Asset Risk Initiative (CARI), acknowledging that carbon asset risks pose a threat to Vermont’s economy and pension funds, and

Whereas, in signing the CARI, the State Treasurer and the Vermont Pension Investment Committee are committed to establishing and encouraging policies that protect the long-term health of our environment and that adhere to the State’s obligation to invest pension assets prudently, and

Whereas, fossil fuel energy is a known stranded asset that, over time, may no longer be able to earn an economic return as a result of changes in the market and regulatory environment associated with the transition to a low-carbon economy, and

Whereas, fossil fuel companies are putting billions of investment dollars at risk each year by developing high-cost, high-carbon reserves (coal, oil, and gas) that may never be utilized, and

Whereas, a significant segment of the world’s high-carbon reserves cannot be removed from the ground if the cumulative impacts of climate change and global warming are to be reversed, and

Whereas, high-carbon reserves are currently recognized in the accounts of energy companies and contribute to their stock market valuations, and

Whereas, an alarming number of coal companies have filed for Chapter 11 bankruptcy, citing lack of profitability, including, on January 11, 2016, Arch Coal, one of the world's largest coal producers, and

Whereas, Exxon Mobil Corporation is the world's largest publicly traded international oil and gas company, and the California and New York Attorney Generals are investigating the company for deliberately misleading the public and investors about the risks of climate change, now therefore be it

Resolved by the House of Representatives:

That this legislative body joins with the State Treasurer and the VPIC in supporting the Carbon Asset Risk Initiative, and be it further

Resolved: That this legislative body urges the State Treasurer and the VPIC to develop a strategy, in accordance with State law and prudent investment practices, to remove from the State's pension investment portfolios all stocks of companies that have coal holdings, and be it further

Resolved: That this legislative body urges the State Treasurer and the VPIC to develop a strategy, in accordance with State law and prudent investment practices, to remove from the State's pension investment portfolios all Exxon Mobil Corporation stock, and be it further

Resolved: That this legislative body requests the State Treasurer and the VPIC to submit a periodic update detailing both the State's pension investment portfolios' exposure to carbon risks and of activities intended to mitigate those risks, and be it further

Resolved: That this legislative body requests the State Treasurer and the VPIC to continue to act proactively to support efforts detailed in this resolution and encourages them to pursue socially responsible and renewable energy investments and to work with investment managers to accomplish these aims, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the State Treasurer and to the VPIC.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Bill Amended; Third Reading Ordered**H. 278**

Rep. Gonzalez of Winooski, for the committee on General, Housing & Military Affairs, to which had been referred House bill, entitled

An act relating to selection of the Adjutant and Inspector General

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

Sec. 1. 20 V.S.A. § 370 is added to read:

§ 370. ADJUTANT AND INSPECTOR GENERAL RECOMMENDATION BOARD

(a) The Adjutant and Inspector General Recommendation Board is created to nominate candidates for Adjutant and Inspector General.

(b)(1) The Board shall consist of 10 members who shall be selected as follows:

(A) The Senate Committee on Committees shall appoint four members of the Senate, not all of whom shall be members of the same party.

(B) The Speaker of the House shall appoint four members of the House, not all of whom shall be members of the same party.

(C) The Governor shall appoint two members who shall have served in the U.S. Armed Forces.

(2) The members of the Board appointed by the Governor shall serve for terms of two years and may serve for no more than three terms. The members of the Board appointed by the House and Senate shall serve for terms of two years and may serve for no more than three consecutive terms. All appointments shall occur between January 1 and February 1 of each odd-numbered year, except to fill a vacancy. Members shall serve until their successors are appointed.

(3) The members shall elect their own chair who shall serve for a term of two years.

(c) Legislative members of the Board shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 406. Members of the Board who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses in the same manner as Board members are compensated under

32 V.S.A. § 1010. All compensation and reimbursement shall be paid from the legislative appropriation.

(d) A quorum of the Board shall consist of six members.

(e) The Board is authorized to use the staff and services of appropriate State agencies and departments as necessary to conduct investigations of applicants.

Sec. 2. 20 V.S.A. § 371 is added to read:

§ 371. DECLARATION OF CANDIDACY FOR ADJUTANT AND
INSPECTOR GENERAL

A candidate for Adjutant and Inspector General shall, not later than four months prior to the election, declare his or her candidacy to the Board and demonstrate that he or she meets the qualifications set forth in 2 V.S.A. § 12(c)(1)–(4) as required pursuant to procedures adopted by the Board.

Sec. 3. 20 V.S.A. § 372 is added to read:

§ 372. DUTIES OF RECOMMENDATION BOARD

(a) Establishment of criteria, standards, and procedures.

(1) The Board shall adopt rules under 3 V.S.A. chapter 25 that establish criteria and standards for the evaluation and nomination of qualified candidates for Adjutant and Inspector General. In adopting criteria and standards, the Board shall consult with current and retired members of the Vermont Army National Guard and Vermont Air National Guard. The criteria and standards adopted by the Board shall include:

(A) leadership;

(B) integrity;

(C) administrative and communicative skills; and

(D) other criteria and standards as determined by the Board from time to time.

(2) The Board's procedures related to section 371 of this chapter shall not be subject to rulemaking under 3 V.S.A. chapter 25 and may be adopted and revised at the discretion of the Board.

(b) Interview and selection.

(1) The Board shall interview each candidate for Adjutant and Inspector General who meets the qualifications set forth in 2 V.S.A. § 12(c)(1)–(4).

(2)(A) All meetings of the Board are confidential, and shall be exempt from the Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

(B) Except as otherwise provided by subsection (c) of this section, all records of the Board, including the names of candidates considered by the Board and information about any candidate submitted by any source shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

(3) After interviewing each qualified candidate, the Board shall evaluate the candidates based on the criteria and standards established pursuant to subsection (a) of this section and shall nominate for election to the position of Adjutant and Inspector General all qualified candidates that satisfy such criteria and standards.

(c) Nomination. The Board shall submit the list of its nominees for Adjutant and Inspector General to the General Assembly and to the Secretary of State at least seven weeks prior to the election of the Adjutant and Inspector General. The list shall constitute the complete list of all candidates for Adjutant and Inspector General and shall be printed on a ballot prepared by the Secretary of State pursuant to 2 V.S.A. § 12.

Sec. 4. 2 V.S.A. § 12 is amended to read:

§ 12. LEGISLATIVE ELECTIONS; UNIFORM BALLOTS

* * *

(b) A candidate for office, other than for Adjutant and Inspector General, shall, not later than one week preceding the election, notify the Secretary of State in writing of his or her candidacy, naming the particular office. If he or she fails so to notify the Secretary of State, his or her name shall not be printed on the ballot. No ballot may be used other than the official ballot provided by the Secretary of State.

(c) A candidate for Adjutant and Inspector General shall:

(1) be a resident of Vermont;

(2) have attained the rank of lieutenant colonel (O-5) or above;

(3) be a current member of the U.S. Army, the U.S. Air Force, the U.S. Army Reserve, the U.S. Air Force Reserve, the Army National Guard, or the Air National Guard or be eligible to return to active service in the Army National Guard or the Air National Guard;

(4) be a graduate of a Senior Service College, be currently enrolled in a Senior Service College, or be eligible to be enrolled in a Senior Service

College during the biennium in which the candidate would first be appointed; and

(5) be nominated by the Adjutant and Inspector General Recommendation Board pursuant to 20 V.S.A. § 372.

Sec. 5. IMPLEMENTATION OF THE ADJUTANT AND INSPECTOR
GENERAL RECOMMENDATION BOARD

(a) The Adjutant and Inspector General Recommendation Board, as constituted in this act, is established on March 15, 2017. The Senate Committee on Committees, the Speaker of the House, and the Governor shall appoint the members of the Board as set forth in Sec. 1 of this act on or before March 15, 2017. Initially, the members of the Board shall be appointed for a term that expires when their successors are appointed as provided in Sec. 1 of this act.

(b) On or before September 1, 2017, the Adjutant and Inspector General Recommendation Board shall propose for adoption rules that establish criteria and standards for the evaluation and nomination of qualified candidates for Adjutant and Inspector General.

Sec. 6. 2017 ELECTION OF ADJUTANT AND INSPECTOR GENERAL;
CERTIFICATION OF QUALIFICATIONS

For purposes of the 2017 election, a candidate for Adjutant and Inspector General shall, at the time he or she notifies the Secretary of State of his or her candidacy pursuant to 2 V.S.A. § 12(b), certify under oath to the Secretary that he or she meets the qualifications set forth in 2 V.S.A. § 12(c)(1)–(4).

Sec. 7. EFFECTIVE DATES

(a) This section and Sec. 6 shall take effect on July 1, 2016.

(b) In Sec. 4, in 2 V.S.A. § 12, subdivisions (c)(1)–(4) shall take effect on July 1, 2016. The remaining provisions of Sec. 4 shall take effect on March 1, 2017.

(c) The remaining sections of this act shall take effect on March 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 General, Housing & Military Affairs was agreed to.

Pending the question, Shall the bill be read a third time? **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 be read a third time? was decided in the affirmative. Yeas, 141.
Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Frank of Underhill	Miller of Shaftsbury
Bancroft of Westford	French of Randolph	Morris of Bennington
Bartholomew of Hartland	Gage of Rutland City	Mrowicki of Putney
Baser of Bristol	Gamache of Swanton	Murphy of Fairfax
Batchelor of Derby	Gonzalez of Winooski	Myers of Essex
Beck of St. Johnsbury	Grad of Moretown	Nuovo of Middlebury
Berry of Manchester	Graham of Williamstown	O'Brien of Richmond
Beyor of Highgate	Greshin of Warren	Olsen of Londonderry
Bissonnette of Winooski	Haas of Rochester	O'Sullivan of Burlington
Branagan of Georgia	Head of South Burlington	Parent of St. Albans Town
Brennan of Colchester	Hebert of Vernon	Partridge of Windham
Briglin of Thetford	Helm of Fair Haven	Patt of Worcester
Browning of Arlington	Higley of Lowell	Pearce of Richford
Burditt of West Rutland	Hooper of Montpelier	Pearson of Burlington
Burke of Brattleboro	Hubert of Milton	Potter of Clarendon
Buxton of Tunbridge	Huntley of Cavendish	Pugh of South Burlington
Canfield of Fair Haven	Jerman of Essex	Purvis of Colchester
Carr of Brandon	Jewett of Ripton	Quimby of Concord
Chesnut-Tangerman of Middletown Springs	Johnson of South Hero	Rachelson of Burlington
Clarkson of Woodstock	Juskiewicz of Cambridge	Ram of Burlington
Cole of Burlington	Kitzmiller of Montpelier	Russell of Rutland City
Condon of Colchester	Klein of East Montpelier	Ryerson of Randolph
Connor of Fairfield	Komline of Dorset	Savage of Swanton
Conquest of Newbury	Krebs of South Hero	Scheuermann of Stowe
Copeland-Hanzas of Bradford	Krowinski of Burlington	Sharpe of Bristol
Corcoran of Bennington	LaClair of Barre Town	Shaw of Pittsford
Cupoli of Rutland City	Lalonde of South Burlington	Sheldon of Middlebury
Dakin of Chester	Lanpher of Vergennes	Sibilia of Dover
Dakin of Colchester	Lawrence of Lyndon	Smith of New Haven
Dame of Essex	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
Donovan of Burlington	Lucke of Hartford	Tate of Mendon *
Eastman of Orwell	Macaig of Williston	Terenzini of Rutland Town
Emmons of Springfield	Manwaring of Wilmington	Till of Jericho
Evans of Essex	Marcotte of Coventry	Toleno of Brattleboro
Feltus of Lyndon	Martel of Waterford	Toll of Danville
Fields of Bennington	Martin of Wolcott	Townsend of South Burlington
Fiske of Enosburgh *	Masland of Thetford	Trieber of Rockingham
Forguites of Springfield	McCormack of Burlington	Troiano of Stannard
	McCoy of Poultney	Turner of Milton
	McCullough of Williston	Van Wyck of Ferrisburgh
	McFaun of Barre Town	

Viens of Newport City	Wood of Waterbury	Young of Glover
Walz of Barre City	Woodward of Johnson	Zagar of Barnard
Webb of Shelburne	Wright of Burlington	
Willhoit of St. Johnsbury	Yantachka of Charlotte	

Those who voted in the negative are:

none

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

Botzow of Pownal	Fagan of Rutland City	Poirier of Barre City
Christie of Hartford	Keenan of St. Albans City	Shaw of Derby
Donahue of Northfield	Morrissey of Bennington	

Rep. Fiske of Enosburgh explained his vote as follows:

“Mr. Speaker:

As a 20 year veteran who defended his country in the line of fire, it is imperative we have a leader in our National Guard who knows what saving their country means.”

Rep. Lewis of Berlin explained her vote as follows:

“Mr. Speaker:

I want to thank the committee for thoughtfully contemplating this bill. The result is a blending of the bill I sponsored, H.420, which set specific criteria for candidates for the election of Adjutant and Inspector General, and H.278, which creates the Recommendation board.

This is not a position to be taken lightly. It is one that demands leadership and integrity. The importance of having a qualified candidate who will ensure the highest degree of both is of utmost concern. This is the highest ranking military officer in the state. This commanding officer needs to be Federally recognized at the General Officer level, for it will be his or her duty to participate at the federal level to negotiate for support for our Vermont troops.

Vermont has historically had the highest per capita of National Guard members in the nation. Whether it is Army or Air, these troops have been put to the test in recent years with deployments to war zones in Iraq and Afghanistan. Their level of professionalism is well respected across the United States. Their training is beyond compare.

The Vermont Army and Air Guard may be deployed at home for natural disasters or for homeland security. We must trust that the Adjutant General is the strong leader that this position demands.

As someone who has witnessed the election process of the Adjutant General from both sides of the process, I can unequivocally state that appropriate qualifications need to be set in statute. I applaud the Legislature for confirming the importance of this process.

Thank you.”

Rep. Stevens of Waterbury explained his vote as follows:

“Mr. Speaker:

The election of the Adjutant General of our National Guard by the General Assembly remains unique in the United States. As such, we need to treat it as a privilege, and not a luxury. The process approved today will help make sure the best candidates for this integral job are vetted, approved and put forward for this body’s consideration.”

Rep. Tate of Mendon explained his vote as follows:

“Mr. Speaker:

I believe it is extremely critical that those who wear the uniform be led by someone who themselves has also worn the uniform and thoroughly understands the challenges and joy of service.”

Bill Amended; Third Reading Ordered

H. 749

Rep. Rachelson of Burlington, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to allowing a friend to file a request for relief from abuse order

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

Sec. 1. 15 V.S.A. § 1103 is amended to read:

§ 1103. REQUESTS FOR RELIEF

(a) Any family or household member may seek relief from abuse by another family or household member on behalf of ~~him~~ him- or herself or his or her children by filing a complaint under this chapter. A minor 16 years of age or older may file a complaint under this chapter seeking relief on his or her own behalf. The plaintiff shall submit an affidavit in support of the order.

* * *

Sec. 2. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the Court that the defendant has abused the plaintiff or his or her children, or both. The plaintiff shall submit an affidavit in support of the order. A minor 16 years of age or older may seek relief on his or her own behalf. Relief under this section shall be limited as follows:

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

and that after passage, the title of the bill be amended to read: “An act relating to filing a request for relief from abuse”

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

Adjournment

At one o'clock and fifty-six minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.