

# Journal of the House

Tuesday, March 8, 2016

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

## Devotional Exercises

Devotional exercises were conducted by Rev. Peter Plagge, Congregational Church in Waterbury, Vt.

## Pledge of Allegiance

**Page Morgan Marckres of Grand Isle** led the House in the Pledge of Allegiance.

## Message from the Senate No. 23

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 on its part passed Senate bills of the following titles:

**S. 10.** An act relating to the State DNA database.

**S. 223.** An act relating to regulating fantasy sports contests.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolutions of the following titles:

**J.R.S. 43.** Joint resolution providing for a Joint Assembly to vote on the retention of four Superior Judges.

**J.R.S. 44.** Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

## House Committee Bills Introduced

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

### H. 857

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

An act relating to timber harvesting;

**H. 858**

**Rep. Grad of Moretown**, for the committee on Judiciary, introduced a bill, entitled

An act relating to miscellaneous criminal procedure amendments.

**Senate Bills Referred**

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

**S. 241**

Senate bill, entitled

An act relating to the regulation of marijuana;

To the committee on Judiciary.

**S. 252**

Senate bill, entitled

An act relating to the sale of lottery products;

To the committee on General, Housing & Military Affairs.

**Bills Referred to Committee on Appropriations**

House bills of the following titles, appearing on the Calendar, carrying appropriations, under the rule, were referred to the committee on Appropriations:

**H. 130**

House bill, entitled

An act relating to the Agency of Public Safety;

**H. 855**

House bill, entitled

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

**Bill Referred to Committee on Ways and Means****H. 570**

House bill, entitled

An act relating to hunting, fishing, and trapping

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Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

### **Remarks Journalized**

On motion of **Rep. Sweaney of Windsor**, the following remarks by **Rep. Devereux of Mount Holly** were ordered printed in the Journal:

“Mr. Speaker:

It is important to note that while we were gone last week, two dates were reached that played a large part in our state's history.

On March 3rd, 1778 the first elections were held in the Republic of Vermont to select our first Governor, Lt. Governor, Treasurer, Executive Committee, and the General Assembly. In eight short months, the Committee of Safety without compensation, led by its president Thomas Chittenden, had:

Dealt with property owners accused of being Tories, imposed an embargo on the export of grains out of state, resolved disputes between citizens that ranged from horse theft to probate administration and fraud. This group of men also sent militia to our northern frontier to protect settlers, lent their own funds to operate our republic, had the constitution printed and distributed, and finally urged men to vote.

Voters in 37 towns went to the polls to elect representatives. The Towns of Brattleboro, Putney, Newfane, Vernon, and Weathersfield refused to recognize the new constitution, or to send any representatives to the General Assembly in Windsor. When the ballots were counted on March 12th, Thomas Chittenden was declared Governor, and with no one receiving a majority of votes for Treasurer the General Assembly elected Ira Allen. Those present also elected Thomas Chandler Jr., of Chester, as Secretary of State. These elected men were tasked with creating our state and local government. And many of their accomplishments are still woven into our statutes.

The other milestone reached last week is the 225th anniversary of Vermont becoming the 14th state on March 4th, 1791. We heard a resolution earlier that observed this historic date. Nearly 20 years after the Green Mountain Boys were organized to protect the early settlers from New York authorities, and paying \$30,000 to satisfy New York claims, the Republic of Vermont proudly joined the first 13 states.”

### **Bill Amended, Read Third Time and Passed**

#### **H. 458**

House bill, entitled

An act relating to automatic voter registration through motor vehicle driver's license applications

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

First: In Sec. 1, 17 V.S.A. § 2145a (registration at the Department of Motor Vehicles), by striking out subdivision (b)(2)(C) in its entirety and inserting in lieu thereof the following:

(C) "In order to be registered to vote, you must: (1) be a U.S. citizen; (2) be a resident of Vermont; (3) have taken the voter's oath; and (4) be 18 years of age or older. Any person meeting the requirements of (1)–(3) who will be 18 years of age on or before the date of a general election may register and vote in the primary election immediately preceding that general election. Failure to decline to register is an attestation that you meet the requirements to vote."

Second: In Sec. 2, 17 V.S.A. § 2145 (application forms), by adding after subdivision (a)(5) the following:

\* \* \*

(f) A person who makes a false statement in completing a voter registration application form or the voter registration portion of an application for a motor vehicle driver's license or nondriver identification card knowing the statement to be false shall be subject to the penalties of perjury as provided in 13 V.S.A. § 2901, except that a person who is not eligible to register to vote and who otherwise completes the application accurately shall not be considered to have made a false statement under this subsection by his or her failure to opt out on a motor vehicle driver's license or nondriver identification card application under section 2145a of this title.

\* \* \*

Which was agreed to.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Sweaney of Windsor** 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, 137. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais

Bartholomew of Hartland

Beck of St. Johnsbury

Bancroft of Westford

Batchelor of Derby

Berry of Manchester

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Beyor of Highgate	Haas of Rochester	Partridge of Windham
Bissonnette of Winooski	Head of South Burlington	Patt of Worcester
Botzow of Pownal	Hebert of Vernon	Pearce of Richford
Branagan of Georgia	Helm of Fair Haven	Pearson of Burlington *
Brennan of Colchester	Higley of Lowell	Poirier of Barre City
Briglin of Thetford	Hooper of Montpelier	Potter of Clarendon
Browning of Arlington	Hubert of Milton	Purvis of Colchester
Burditt of West Rutland	Jerman of Essex	Quimby of Concord
Burke of Brattleboro	Jewett of Ripton	Rachelson of Burlington
Buxton of Tunbridge	Johnson of South Hero	Ram of Burlington
Canfield of Fair Haven	Juskiewicz of Cambridge	Russell of Rutland City
Carr of Brandon	Keenan of St. Albans City	Savage of Swanton
Chesnut-Tangerman of Middletown Springs	Kitzmiller of Montpelier	Scheuermann of Stowe
Clarkson of Woodstock	Klein of East Montpelier	Sharpe of Bristol
Cole of Burlington	Komline of Dorset	Shaw of Pittsford
Condon of Colchester	Krebs of South Hero	Shaw of Derby
Conquest of Newbury	Krowinski of Burlington	Sheldon of Middlebury
Copeland-Hanzas of Bradford	LaClair of Barre Town	Sibilia of Dover
Corcoran of Bennington	Lalonde of South Burlington	Smith of New Haven
Cupoli of Rutland City	Lanpher of Vergennes	Stevens of Waterbury
Dakin of Chester	Lawrence of Lyndon	Strong of Albany
Dakin of Colchester	Lefebvre of Newark	Stuart of Brattleboro
Dame of Essex	Lenes of Shelburne	Sullivan of Burlington
Davis of Washington	Lewis of Berlin	Sweaney of Windsor
Deen of Westminster	Lippert of Hinesburg	Tate of Mendon
Devereux of Mount Holly	Long of Newfane	Terenzini of Rutland Town
Donahue of Northfield	Lucke of Hartford	Till of Jericho
Donovan of Burlington	Macaig of Williston	Toleno of Brattleboro
Eastman of Orwell	Manwaring of Wilmington	Toll of Danville
Emmons of Springfield	Marcotte of Coventry	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
French of Randolph	Miller of Shaftsbury	Webb of Shelburne
Gage of Rutland City	Mrowicki of Putney	Wood of Waterbury
Gamache of Swanton	Murphy of Fairfax	Woodward of Johnson
Gonzalez of Winooski	Myers of Essex	Wright of Burlington
Grad of Moretown	Nuovo of Middlebury	Yantachka of Charlotte
Graham of Williamstown	O'Brien of Richmond	Young of Glover
Greshin of Warren	Olsen of Londonderry	Zagar of Barnard
	O'Sullivan of Burlington	
	Parent of St. Albans Town	

Those who voted in the negative are: none

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

Baser of Bristol	Frank of Underhill	Pugh of South Burlington
Christie of Hartford	Huntley of Cavendish	Ryerson of Randolph
Connor of Fairfield	Martel of Waterford	Willhoit of St. Johnsbury
Dickinson of St. Albans Town	Morris of Bennington	
	Morrissey of Bennington	

**Rep. Pearson of Burlington** explained his vote as follows:

“Mr. Speaker:

This change is an important part of strengthening our democracy because it helps remove barriers to voting. I appreciate the good work of the Government Operations committee and the overwhelming support of the House.”

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

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

#### **H. 507**

House bill, entitled

An act relating to eligibility for economic development in impaired waters of the State;

#### **H. 577**

House bill, entitled

An act relating to voter approval of electricity purchases by municipalities and electric cooperatives;

### **Action on Bill Postponed**

#### **H. 854**

House bill, entitled

An act relating to timber trespass

Was taken up and pending second reading of the bill, on motion of **Rep. Forguites of Springfield**, action on the bill was postponed until Tuesday, March 15, 2016.

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**Bill Amended; Third Reading Ordered****H. 829**

**Rep. Beyor of Highgate**, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to water quality on small farms

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

Sec. 1. 6 V.S.A. § 4810a(a) is amended to read:

§ 4810a. REQUIRED AGRICULTURAL PRACTICES; REVISION

(a) On or before July 1, 2016, the Secretary of Agriculture, Food and Markets shall amend by rule the required agricultural practices in order to improve water quality in the State, assure practices on all farms eliminate adverse impacts to water quality, and implement the small farm certification program required by section 4871 of this title. At a minimum, the amendments to the required agricultural practices shall:

(1) Specify those farms that:

(A) are required to comply with the small farm certification requirements under section 4871 of this title due to the potential impact of the farm or type of farm on water quality as a result of livestock managed on the farm, agricultural inputs used by the farm, or tillage practices on the farm; and

(B) shall be subject to the required agricultural practices, but shall not be required to comply with small farm certification requirements under section 4871 of this title.

(2)(A) ~~Prohibit~~ Except where approved by the Secretary, prohibit a farm from stacking or piling manure, storing fertilizer, or storing other nutrients on the farm:

(i) in a manner and location that presents a threat of discharge to a water of the State or presents a threat of contamination to groundwater; or

(ii) on lands in a floodway or otherwise subject to annual flooding.

(B) ~~In~~ Except for waste storage facilities designed by a licensed engineer, in no case shall manure stacking or piling sites, fertilizer storage, or other nutrient storage be located within 200 feet of a private well or within 200 feet of a water of the State, provided that the Secretary may authorize siting within 200 feet, but not less than 100 feet, of a private well or surface water if the Secretary determines that a manure stacking or piling site, fertilizer

storage, or other nutrient storage will not have an adverse impact on groundwater quality or a surface water quality.

\* \* \*

(7) ~~Prohibit the construction or siting of a farm structure for the storage of manure, fertilizer, or pesticide storage within a floodway area identified on a National Flood Insurance Program Map on file with a town clerk. [Repealed.]~~

(8) Regulate, in a manner consistent with the Agency of Natural Resources' flood hazard area and river corridor rules, the construction or siting of a farm structure or the storage of manure, fertilizer, or pesticides within a river corridor designated by the Secretary of Natural Resources.

\* \* \*

Sec. 2. 6 V.S.A. § 4871(b) is amended to read:

(b) Required small farm certification. Beginning on July 1, 2017, a person who owns or operates a small farm, as designated by the Secretary consistent with section 4810a(1) of this title, shall, on a form provided by the Secretary, certify compliance with the required agricultural practices. The Secretary of Agriculture, Food and Markets shall establish the requirements and manner of certification of compliance with the required agricultural practices, provided that the Secretary shall require an owner or operator of a farm to submit an annual certification of compliance with the required agricultural practices.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up read the second time and the report of the committee on Fish, Wildlife & Water Resources agreed to.

**Rep. Copeland-Hanzas** in Chair.

Pending the question, Shall the bill be read a third time? **Rep. Buxton of Tunbridge** 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, 136. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Beck of St. Johnsbury	Botzow of Pownal
Bancroft of Westford	Berry of Manchester	Branagan of Georgia
Bartholomew of Hartland	Beyor of Highgate	Brennan of Colchester
Batchelor of Derby	Bissonnette of Winooski	Briglin of Thetford



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

Those who voted in the negative are:

none

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

Baser of Bristol

Christie of Hartford

Connor of Fairfield

Dickinson of St. Albans  
Town  
Frank of Underhill  
Huntley of Cavendish

Martel of Waterford  
Morris of Bennington  
Morrissey of Bennington  
Pugh of South Burlington

Ryerson of Randolph  
Smith of Morristown  
Willhoit of St. Johnsbury

### Remarks Journalized

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

“Thank you Madam Speaker,

Today, March 8th, is international women’s day. There are many things to celebrate, acknowledge and address for women’s lives; internationally, nationally, and here in Vermont. One paradox I want to highlight is our national ranking of number two and number forty-one. We are number two in how many state representatives are women, only one other state has more women house members than Vermont. Yet we are number forty-one in the total number of women in elected offices; combining local, state, and federal offices.

As we passed out H.458 today to ease the way to political participation, one way we can celebrate international women’s day is to reflect on other ways we can continue to ease the way for women to participate in elected positions.”

### Adjournment

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