

Journal of the House

Friday, March 18, 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 Steve Reynes, Deacon at Christ Church, Calais, Vt.

Memorial Service

The Speaker placed before the House the following name of member of past sessions of the Vermont General Assembly who had passed away recently:

Wayne P. Calderara of Barre City Member of the House in
the session of 1966

Thereupon, the members of the House rose for a moment of prayer in memory of the deceased member. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved family

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. 872

Rep. Ancel of Calais, for the committee on Ways & Means, introduced a bill, entitled

An act relating to Executive Branch fees;

H. 873

Rep. Ancel of Calais, for the committee on Ways & Means, introduced a bill, entitled

An act relating to making miscellaneous tax changes.

Senate Bills Referred

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

S. 75

Senate bill, entitled

An act relating to food and lodging establishments;

To the committee on Human Services;

S. 183

Senate bill, entitled

An act relating to permanency for children in the child welfare system;

To the committee on Judiciary;

S. 196

Senate bill, entitled

An act relating to nutrition procurement standards for State government and the Agency of Human Services' contracts with providers;

To the committee on Human Services;

S. 225

Senate bill, entitled

An act relating to miscellaneous changes to laws related to motor vehicles;

To the committee on Transportation;

Petition Referred

Petition regarding grievance against the Vermont Judiciary;

To the committee on Judiciary.

Joint Resolution Placed on Calendar**J.R.H. 24**

Joint resolution authorizing the Green Mountain Girls State educational program to use the State House

Offered by: Representatives Krowinski of Burlington, Batchelor of Derby, Burke of Brattleboro, and Morris of Bennington

Whereas, the American Legion Auxiliary Department of Vermont sponsors the Green Mountain Girls State program, which provides an opportunity for girls in high school to study the workings of State government in Montpelier, and

Whereas, as part of their visit to the State's capital city, these young women conduct a mock legislative session in the State House, and

Whereas, this is an invaluable educational experience that provides firsthand knowledge about the legislative process, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Girls State program on Wednesday, June 22, 2016, from 8:00 a.m. to 4:30 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Auxiliary Department of Vermont in Montpelier.

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

Joint Resolution Referred to Committee

J.R.S. 45

By Committee on Institutions,

J.R.S. 45. Joint resolution relating to the transfer of two-State-owned parcels of land to the Town of Duxbury.

Whereas, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation to exchange or lease certain lands with the approval of the General Assembly, and

Whereas, the General Assembly considers the following actions to be in the best interest of the State of Vermont, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly authorizes the Commissioner of Forests, Parks and Recreation to convey a 137-acre portion of Camel's Hump State Park and an adjacent 32.3-acre State-owned parcel known as the "Father Logue's Camp," both located in the Town of Duxbury, to the Town of Duxbury for use as a municipal forest, *and be it further*

Resolved: That the Town of Duxbury shall use these two parcels only for forestry, conservation, and recreation purposes, *and be it further*

Resolved: That to ensure these purposes are upheld, the Department shall convey a conservation easement encumbering these parcels to the Duxbury Land Trust, *and be it further*

Resolved: That in consideration of the public benefits associated with these transactions, these parcels shall be transferred to the Town at no cost, *and be it further*

Resolved: That these transactions are conditioned on the Town of Duxbury assuming all associated costs, including legal, survey, and permitting that may be necessary to complete these transactions, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation, to the Duxbury Town Clerk, and to the Duxbury Land Trust.

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.S. 47

By Committee on Agriculture,

J.R.S. 47. Joint resolution expressing appreciation to the National Milk Producers Federation and Vermont's dairy farmers for their phasing out the tail docking of dairy farm animals.

Whereas, the National Milk Producers Federation (NMPF) is a large organization that most dairy farmers in Vermont are associated with through their respective cooperative memberships, and

Whereas, routine tail docking of dairy animals has become a controversial practice, and

Whereas, NMPF's National Dairy FARM (Farmers Assuring Responsible Management) Program opposes the tail docking of dairy farm animals except in instances of traumatic injury, and

Whereas, an NMPF initiative is directing the phasing out of the tail docking of dairy farm animals as of January 1, 2017, and

Whereas, switch trimming will be the recommended alternative, and

Whereas, although federal, state, and local animal cruelty laws can serve as important preventative measures, they are unnecessary with respect to the tail docking of dairy farm animals because Vermont's dairy farmers, along with the NMPF, are voluntarily decreasing the prevalence of this practice in routine situations on dairy farms in Vermont and nationwide, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its appreciation to the National Milk Producers Federation and Vermont's dairy farmers for their phasing out the tail docking of dairy farm animals, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the National Milk Producers Federation, to U.S. Secretary of Agriculture Tom Vilsack, to Vermont Secretary of Agriculture, Food and Markets Chuck Ross, 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 Agriculture & Forest Products.

Bill Amended; Third Reading Ordered

H. 743

Rep. Burditt of West Rutland, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to fair and impartial policing

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. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

* * *

(e)(1) The criteria for all minimum training standards under this section shall include anti-bias training approved by the Vermont Criminal Justice Training Council and training on the State, county, or municipal law enforcement agency's fair and impartial policing policy, adopted pursuant to subdivision 2366(a) of this title.

(2) On or before December 31, 2018, law enforcement officers shall receive a minimum of four hours of training as required by this subsection and shall receive a refresher course every two years in a program approved by the Vermont Criminal Justice Training Council in order to remain certified.

(3) A list of officers who have completed the fair and impartial policing training and the dates of the completion shall be public and posted on the Vermont Criminal Justice Training Council's website.

Sec. 2. 20 V.S.A. § 2366 is amended to read:

§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL
POLICING POLICY; RACE DATA COLLECTION

~~(a)(1) Except as provided in subdivision (2) of this subsection, on or before September 1, 2014, every State, local, county, and municipal law enforcement agency, and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title, shall adopt a fair and impartial policing policy. The policy shall contain substantially the same elements of either the current Vermont State Police fair and impartial policing policy or the most current model policy issued by the Office of the Attorney General.~~

~~(2)~~ On or before January 1, 2016, the Criminal Justice Training Council, in consultation with stakeholders, including the Vermont League of Cities and Towns, the Vermont Human Rights Commission, and Migrant Justice, shall ~~adopt~~ create a model fair and impartial policing policy. On or before July 1, 2016, every State, ~~local,~~ county, and municipal law enforcement agency, and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title, shall adopt a fair and impartial policing policy that includes, at a minimum, the elements of the Criminal Justice Training Council model policy.

(b) If a law enforcement agency or constable that is required to adopt a policy pursuant to subsection (a) of this section fails to do so on or before ~~September 1, 2014~~ July 1, 2016, that agency or constable shall be deemed to have adopted, and shall follow and enforce, the model policy issued by the ~~Office of the Attorney General~~ Criminal Justice Training Council.

(c) On or before September 15, 2014, and annually thereafter as part of their annual training report to the Council, every State, ~~local,~~ county, and municipal law enforcement agency, and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title, shall report to the Council whether the agency or officer has adopted a fair and impartial policing policy in accordance with subsections (a) and (b) of this section ~~and which policy has been adopted~~. The Criminal Justice Training Council shall determine, as part of the Council's annual certification of training requirements, if current officers have received training on fair and impartial policing as required by 20 V.S.A. § 2358(e).

(d) On or before October 15, 2014, and annually thereafter on April 1, the Criminal Justice Training Council shall report to the House and Senate Committees on Judiciary which departments and officers have adopted a fair and impartial policing policy, ~~which policy has been adopted~~, and whether officers have received training on fair and impartial policing.

(e)(1) On or before September 1, 2014, every State, ~~local~~, county, and municipal law enforcement agency shall collect roadside stop data consisting of the following:

- (A) the age, gender, and race of the driver;
- (B) the reason for the stop;
- (C) the type of search conducted, if any;
- (D) the evidence located, if any; and
- (E) the outcome of the stop, including whether:
 - (i) a written warning was issued;
 - (ii) a citation for a civil violation was issued;
 - (iii) a citation or arrest for a misdemeanor or a felony occurred; or
 - (iv) no subsequent action was taken.

(2) Law enforcement agencies shall work with the Criminal Justice Training Council and the Crime Research Group of Vermont with the goals of collecting uniform data, adopting uniform storage methods and periods, and ensuring that data can be analyzed. Roadside stop data, as well as reports and analysis of roadside stop data, shall be public.

(3) On or before September 1, 2016 and annually thereafter, law enforcement agencies shall provide the data collected under this subsection to the Crime Research Group of Vermont or, in the event the Crime Research Group of Vermont is unable to continue receiving data under this section, to the Criminal Justice Training Council. Law enforcement agencies shall provide the data collected under this subsection in an electronic format specified by the receiving agency.

(4) The data provided pursuant to subdivision (3) of this subsection shall be posted electronically in a manner that is analyzable and accessible to the public on the receiving agency's website.

(5) On or before April 1, 2017, and annually thereafter, the Criminal Justice Training Council shall report to the House and Senate Committees on Judiciary on the departments and officers that have and have not provided the data required by subdivision (3) of this subsection. The list of officers, agencies, or departments that have and have not provided the data in accordance with subdivision (3) of this subsection shall be public.

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 and read the second time.

Pending the question, Shall the report of the committee on Judiciary be agreed to? **Rep. Quimby of Concord** moved to amend the report of the committee on Judiciary as follows:

In Sec. 2, 20 V.S.A. § 2366, in subsection (e), by adding a subdivision (6) to read:

(6) A law enforcement agency that has fewer than 15 law enforcement officers shall not be required to collect, provide, or post the data described in this subsection if the data relate to a roadside stop resulting in a verbal warning.

Thereupon, Rep. Quimby of Concord asked and was granted leave of the House to withdraw her amendment.

Thereupon, the report of the committee on Judiciary was agreed to and third reading was ordered.

Third Reading; Bills Passed

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

H. 74

House bill, entitled

An act relating to safety protocols for social and mental health workers;

H. 183

House bill, entitled

An act relating to security in the Capitol Complex;

H. 261

House bill, entitled

An act relating to criminal record inquiries by an employer;

H. 518

House bill, entitled

An act relating to the membership of the Clean Water Fund Board;

H. 560

House bill, entitled

An act relating to traffic safety;

H. 610

House bill, entitled

An act relating to clarifying the Clean Water State Revolving Fund and Water Pollution Control Grant Programs;

H. 629

House bill, entitled

An act relating to the administration and issuance of vital records;

H. 789

House bill, entitled

An act relating to forest integrity and municipal and regional planning;

H. 818

House bill, entitled

An act relating to stalking;

H. 851

House bill, entitled

An act relating to the conduct of forestry operations;

H. 855

House bill, entitled

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

H. 869

House bill, entitled

An act relating to judicial organization and operations.

Bill Amended; Third Reading Ordered**H. 130**

Rep. Hubert of Milton, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to the Agency of Public Safety

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

Sec. 1. AGENCY OF PUBLIC SAFETY; STUDY COMMITTEE; REPORT

(a) Creation. There is created the Agency of Public Safety Study Committee to recommend whether the General Assembly should enact legislation to create an Agency of Public Safety.

(b) Membership. The Committee shall be composed of the following 11 members:

(1) one current member of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) one current member of the Senate, who shall be appointed by the Committee on Committees;

(3) the Commissioner of Public Safety or designee;

(4) the Commissioner of Fish and Wildlife or designee;

(5) the Commissioner of Motor Vehicles or designee;

(6) the Commissioner of Liquor Control or designee;

(7) the Executive Director of the Vermont Criminal Justice Training Council or designee;

(8) the Chief of the Capitol Police Department or designee;

(9) a sheriff appointed by the Executive Committee of the Vermont Sheriffs' Association;

(10) a chief of a municipal police department, appointed by the Chiefs of Police Association of Vermont; and

(11) one law enforcement officer appointed by the Vermont Police Association.

(c) Powers and duties. The Committee shall study the current coordination of law enforcement services in the State and whether the creation of an Agency of Public Safety would enhance that coordination. In its study, the Committee shall consider the following issues:

(1) Current law enforcement services. The current roles and duties of law enforcement officers in the State, including:

(A) how the types of crimes committed in this State have evolved, and how that evolution has affected the roles and duties of law enforcement officers;

(B) the manner in which State, county, and municipal law enforcement entities share or coordinate their services;

(C) whether the Vermont State Police's provision of general municipal and regional law enforcement services is sustainable; and

(D) whether any municipalities should be required to maintain their own police department or contract for regional policing with other municipalities or with sheriffs.

(2) Dispatch. The manner in which dispatch services are currently provided and funded and whether there should be any changes to this structure.

(3) Agency structure. If the Committee recommends that an Agency of Public Safety should be created, the Agency's structure, including:

(A) any issues with the proposed structure or operations of the Agency as set forth in this act as it was originally introduced (2015, H.130); and

(B) the entities that should be under the jurisdiction of the Agency, including whether any of the following entities should be added to the Agency:

(i) the Vermont Criminal Justice Training Council;

(ii) wardens of the Department of Fish and Wildlife;

(iii) the Capitol Police Department;

(iv) liquor control investigators; or

(v) motor vehicle inspectors.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(e) Report. On or before December 1, 2016, the Committee shall report to the House and Senate Committees on Government Operations with its findings and any recommendations for legislative action. The report may be in the form of proposed legislation.

(f) Meetings.

(1) The House and Senate members of the Committee shall call the first meeting of the Committee, to occur on or before August 1, 2016.

(2) The House and Senate members shall be co-chairs of the Committee.

(3)(A) A majority of the membership shall constitute a quorum.

(B) Notwithstanding 1 V.S.A. § 172, an action may be taken by the Committee with the assent of a majority of the members attending, assuming a quorum.

(4) The Committee shall cease to exist on December 2, 2016.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than five meetings.

(2) Other members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than five meetings.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Fagan of Rutland City, for the committee in Appropriations, recommended that the bill ought to pass when amended, as recommended, by the committee on Government Operations.

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

Pending the question, Shall the report of the committees on Government Operations and Appropriations be agreed to? **Rep. Hubert of Milton** moved to amend the report of the committee on Government Operations as follows:

First: In Sec. 1, by striking out subsection (b) (membership) in its entirety and inserting in lieu thereof the following:

(b) Membership. The Committee shall be composed of the following 13 members:

(1) one current member of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) one current member of the Senate, who shall be appointed by the Committee on Committees;

(3) the Commissioner of Public Safety or designee;

(4) the Commissioner of Fish and Wildlife or designee;

(5) the Commissioner of Motor Vehicles or designee;

(6) the Commissioner of Liquor Control or designee;

(7) the Executive Director of the Vermont Criminal Justice Training Council or designee;

(8) the Chief of the Capitol Police Department or designee;

(9) a sheriff appointed by the Executive Committee of the Vermont Sheriffs' Association;

(10) a chief of a municipal police department, appointed by the Chiefs of Police Association of Vermont;

(11) one law enforcement officer appointed by the Vermont Police Association;

(12) the Secretary of State or designee; and

(13) the Director of the Office of Professional Regulation or designee.

Second: In Sec. 1, in subsection (c) (powers and duties), by adding a subdivision (4) to read:

(4) Law enforcement officer regulation. The current regulation of law enforcement officers' certification and how that regulation should change, including:

(A) whether the profession's regulation should be transferred from the Vermont Criminal Justice Training Council to the Office of Professional Regulation;

(B) whether each law enforcement agency should be required to have an effective internal affairs program and, if so, what should be included in that program;

(C) when and under what circumstances a law enforcement agency should report alleged unprofessional conduct to the Council or the Office;

(D) when the Council or the Office should be able to investigate and take further action on reports of alleged law enforcement officer unprofessional conduct, including the Council's or the Office's ability to summarily suspend an officer; and

(E) what types of discipline the Council or the Office should be able to impose on a law enforcement officer's certification.

Which was agreed to.

Thereupon, the report of the committees on Government Operations, as amended and Appropriations was agreed to and third reading was ordered.

Adjournment

At ten o'clock and twenty-nine minutes in the forenoon, on motion of **Rep. Savage of Swanton**, the House adjourned until Tuesday, March 22, 2016, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 44.

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. 279

House concurrent resolution congratulating Peggy Fischer of St. Johnsbury on reaching the final four in the Food Network's 2016 Kids Baking Championship;

H.C.R. 280

House concurrent resolution designating March 9, 2016 as Turkish Cultural Day in Vermont;

H.C.R. 281

House concurrent resolution recognizing March as Meals on Wheels Month in Vermont;

H.C.R. 282

House concurrent resolution congratulating Abby McKearin on being named the 2015-2016 Vermont girls' soccer Gatorade Player of the Year;

H.C.R. 283

House concurrent resolution in memory of former Lyndon Town Moderator Norman R. Messier;

H.C.R. 284

House concurrent resolution designating May as Cystic Fibrosis Awareness Month in Vermont;

H.C.R. 285

House concurrent resolution in memory of Vermont journalist Rod Clarke ;

H.C.R. 286

House concurrent resolution congratulating the 2016 Rutland High School Raiders Division I championship cheerleading team;

[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.]