

House Calendar

Friday, March 23, 2018

80th DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 924

An act relating to making appropriations for the support of government

Amendment to be offered by Rep. Toll of Danville to H. 924

First: By striking out Sec. B.200 in its entirety and inserting in lieu thereof a new Sec. B.200 to read as follows:

Sec. B.200 Attorney general

Personal services	9,953,901
Operating expenses	1,423,414
Grants	<u>26,894</u>
Total	11,404,209
Source of funds	
General fund	5,206,635
Special funds	1,685,836
Tobacco fund	348,000
Federal funds	1,220,634
Interdepartmental transfers	<u>2,943,104</u>
Total	11,404,209

Second: In Sec. B.1100.1(a) by striking out the figure “\$2,989,000” and inserting in lieu thereof the figure “\$2,989,900”

Third: In Sec. C.105.1 by striking out subdivision (a)(3) in its entirety and inserting in lieu thereof a new subdivision (a)(3) to read as follows:

(a)(3) \$2,000,000 is transferred to the General Fund and reserved in the General Fund Balance Reserve established pursuant to 32 V.S.A. § 308c.

Fourth: In Sec. C.110(b)(2)(A), by striking out the figure “\$5,000,0000” and inserting in lieu thereof the figure “\$5,000,000”

Fifth: In Sec. E.113 by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) The \$3,432,525 interdepartmental transfer in this appropriation shall be

from the fiscal year 2019 General Bond Fund appropriation in the Capital Bill of the 2017 legislative session (2017 Acts and Resolves No. 85, Sec. 2(c)(3)).

Sixth: By striking Sec. E. 800 in its entirety

Amendment to be offered by Rep. Viens of Newport City to H. 924

That the bill be amended as follows:

First: By striking Sec. B.202 in its entirety and inserting in lieu thereof a new Sec. B.202 to read as follows:

Sec. B.202 Defender general - public defense

Personal services	11,471,891
Operating expenses	<u>1,082,613</u>
Total	12,554,504
Source of funds	
General fund	11,964,851
Special funds	<u>589,653</u>
Total	12,554,504

Second: By striking Sec. B.205 in its entirety and inserting in lieu thereof a new Sec. B.205 to read as follows:

Sec. B.205 State's attorneys

Personal services	13,349,576
Operating expenses	<u>1,834,103</u>
Total	15,183,679
Source of funds	
General fund	12,363,761
Special funds	106,471
Federal funds	31,000
Interdepartmental transfers	<u>2,682,447</u>
Total	15,183,679

Amendment to be offered by Reps. Gage of Rutland City and Hooper of Randolph to H. 924

That the bill be amended by adding a new Sec. E.221 to read as follows:

Sec. E.221. VIOLENT AND GRAPHIC VIDEO GAMES AND SCHOOL

SHOOTING; TASK FORCE

(a) Creation. There is created the Violent and Graphic Video Games and School Shooting Task Force to study the connection between violent and sexually graphic video games and school shootings and to develop a scientifically based rating system for violent and sexually graphic video games.

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

(1) two current members of the House of Representatives, not from the same political party, who shall be appointed by the Speaker of the House;

(2) two current members of the Senate, not from the same political party, who shall be appointed by the Committee on Committees;

(3) one member of a school board, who shall be appointed by the Vermont School Boards Association;

(4) the Attorney General or designee;

(5) the President of the Vermont Federation of Sportsmen's Clubs or designee;

(6) the Executive Director of Gun Sense Vermont or designee;

(7) the Director of the Vermont State Police or designee;

(8) the Commissioner of the Department of Mental Health or designee; and

(9) a member of the public who is interested in public safety, who shall be appointed by the Committee on Committees.

(c) Powers and duties. The Task Force shall:

(1) study the connection between violent and sexually graphic video games and school shootings including:

(A) the addictive nature of violent and sexually graphic video games;

(B) the scientific basis for the connection between violent and sexually graphic video games and school violence and school shootings;

(C) the link between mass shootings and the perpetrator's use of violent and sexually graphic video games;

(D) the impact upon youth when the viewing of, or use of, violent and sexually graphic video games is curtailed; and

(2) develop a scientifically based ratings system for violent and sexually graphic video games, including:

(A) a rating system to provide parents with an easy to understand method of determining whether a video game is suitable to be used or watched by a child based on the child's age and the content of the video game; and

(B) a rating system to be used in establishing restrictions concerning the purchase or rental of violent or sexually graphic video games based on a child's age.

(d) Assistance. The Task Force shall have the administrative, technical, and legal assistance of the Department of Public Safety and the Department of Mental Health.

(e) Report. On or before January 15, 2019, and the Task Force shall submit a written report to the General Assembly, the House Committees on Health Care and on Human Services, and the Senate Committee on Health and Welfare with specific findings and recommendations for legislative action.

(f) Meetings.

(1) The first appointed member of the House of Representatives shall call the first meeting of the Task Force to occur on or before June 30, 2018.

(2) The Committee shall select a chair from among its members at the first meeting.

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

(4) The Task Force shall meet at least once a month until it ceases to exist.

(5) The Task Force shall cease to exist on January 15, 2019.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Task Force shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for meetings.

(2) Other members of the Task Force 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 pursuant to 32 V.S.A. § 1010 for meetings. These payments shall be made from monies appropriated to the General Assembly.

(h) Appropriation. The sum of \$5,000.00 is appropriated to the General Assembly from the General Fund in fiscal year 2019 for per diem compensation and reimbursement of expenses for members of the Task Force.

Favorable with Amendment

S. 55

An act relating to the disposition of unlawful and abandoned firearms

Rep. Lalonde of South Burlington, for the Committee on Judiciary, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 20 V.S.A. § 2301 is amended to read:

§ 2301. APPLICABILITY OF CHAPTER

Notwithstanding any other provisions of law relating to the retention and disposition of evidence or lost, unclaimed, or abandoned property, the provisions of this chapter shall govern the retention or disposition, or both, of unlawful firearms, ~~as defined in section 2302 of this title,~~ in the possession of any agency, ~~as defined in section 2302~~ and the disposition of abandoned firearms in the possession of the Department of Public Safety.

Sec. 2. 20 V.S.A. § 2302 is amended to read:

§ 2302. UNLAWFUL FIREARMS; AGENCY

~~(a) For purposes of~~ As used in this chapter;

(1) ~~“unlawful~~ Unlawful firearms” means firearms the possession of which constitutes a violation of federal or state State law and firearms carried or used in violation of any federal or state State law or in the commission of any federal or state State felony.

~~(b)(2) For purposes of this chapter,~~ “agency” “Agency” means any state State or local law enforcement agency, any state State agency except the Vermont ~~fish and wildlife department~~ Department of Fish and Wildlife, and any local government entity.

(3) “Unlawful per se” means firearms the possession of which is unlawful under any circumstances under State or federal law.

(4) “Abandoned firearms” means firearms in the possession of the Department of Public Safety that are no longer needed as evidence and remain unclaimed for more than 18 months from the date the firearms come into the Department’s possession.

Sec. 3. 20 V.S.A. § 2305 is amended to read:

§ 2305. DISPOSITION OF UNLAWFUL FIREARMS

(a) Any ~~unlawful~~ firearm which the commissioner of public safety determines to be unsafe or the possession of which is unlawful per se shall either be destroyed, or if the ~~commissioner of public safety~~ Commissioner of

~~Public Safety deems such to be it~~ appropriate, retained by the ~~department of public safety~~ Department of Public Safety for purposes of forensic science reference. In no event shall the ~~commissioner of public safety~~ Commissioner of Public Safety dispose of such an ~~unlawful~~ a firearm in any other manner or to any other person.

(b)(1) Except as provided in section 2306 of this title, all ~~other~~ unlawful and abandoned firearms shall either be:

(A) ~~delivered to the state treasurer~~ Commissioner of Buildings and General Services as directed by him or her for ~~disposition by public sale pursuant to the provisions of chapter 13 of Title 27, or by such other manner of sale deemed appropriate by the state treasurer, or sale to a federally licensed firearms dealer pursuant to the Commissioner's authority under Title 29;~~

(B) ~~at the discretion of the state treasurer~~ Commissioner of Buildings and General Services, ~~donated to a governmental agency or to a nonprofit organization upon the recommendation of the commissioner of fish and wildlife, transferred to the Commissioner of Fish and Wildlife for disposition;~~ or;

(C) ~~if the commissioner of public safety~~ Commissioner of Public Safety ~~deems such to be it~~ appropriate, retained by the ~~department of public safety~~ Department of Public Safety for purposes of forensic science reference.

(2) ~~Notwithstanding the foregoing provision subdivision (1) of this subsection,~~ an unlawful firearm used in the commission of a homicide shall not be delivered to the ~~state treasurer for disposition by public sale~~ Commissioner of Buildings and General Services, but shall be disposed of only in accordance with:

(A) ~~the provisions of subsection (a) of this section in the same manner as unlawful per se firearms;~~ or

(B) ~~section 2306 of this title.~~

(c) ~~When the firearms sold under this section have been delivered to the commissioner of public safety by a local law enforcement agency, the state treasurer~~ Commissioner of Buildings and General Services shall return two-thirds of the net proceeds from the sale to the appropriate municipality. The remaining proceeds shall be allocated pursuant to the authority of the Commissioner of Buildings and General Services under 29 V.S.A. § 1557. Proceeds allocated to a municipality under this subsection shall, to the extent needed by the municipality, be used to offset the costs of storing nonevidentiary firearms.

(d) No State agency or department or State official shall be subject to any civil, criminal, administrative, or regulatory liability for any act taken or

omission made in reliance on the provisions of this chapter.

Sec. 4. 20 V.S.A. § 2306 is amended to read:

§ 2306. RIGHTS OF INNOCENT OWNER

Nothing contained in subsection 2305(b) of this title shall prejudice the rights of the bona fide owner of any unlawful firearm, the disposition of which is governed by that subsection, upon affirmative proof by him or her that he or she had no express or implied knowledge that such unlawful firearm was being or intended to be used illegally or for illegal purposes. If the bona fide owner provides reasonable and satisfactory proof of his or her ownership and of his or her lack of express or implied knowledge to the ~~commissioner of public safety~~ Commissioner of Public Safety, the unlawful firearm shall be returned to him or her. If the ~~commissioner of public safety~~ Commissioner of Public Safety determines that the proof offered is not satisfactory or reasonable, the person may, within 14 days, request a hearing before the ~~state treasurer~~ Commissioner of Buildings and General Services and the ~~commissioner of public safety~~ Commissioner of Public Safety, jointly. The ~~state treasurer~~ Commissioner of Buildings and General Services and the ~~commissioner of public safety~~ Commissioner of Public Safety shall promptly hold a hearing on any claim filed under this section, in accordance with the provisions for contested cases in 3 V.S.A. chapter 25 of Title 3.

Sec. 5. 20 V.S.A. § 2307 is amended to read:

§ 2307. FIREARMS RELINQUISHED PURSUANT TO RELIEF FROM
ABUSE ORDER; STORAGE; FEES; RETURN

* * *

(2)(A)(i) If the owner fails to retrieve the firearm, ammunition, or weapon and pay the applicable storage fee within 90 days of the court order releasing the items, the firearm, ammunition, or weapon may be sold for fair market value. Title to the items shall pass to the law enforcement agency or firearms dealer for the purpose of transferring ownership, except that the Vermont State Police shall follow the procedure described in section 2305 of this title.

* * *

Sec. 6. 13 V.S.A. § 4019 is added to read:

§ 4019. FIREARMS TRANSFERS; BACKGROUND CHECKS

(a) As used in this section:

(1) “Firearm” shall have the same meaning as in subsection 4017(d) of this title.

(2) “Immediate family member” means a spouse, parent, stepparent, child, stepchild, sibling, stepsibling, grandparent, stepgrandparent, grandchild, stepgrandchild, greatgrandparent, stepgreatgrandparent, greatgrandchild, and stepgreatgrandchild.

(3) “Law enforcement officer” shall have the same meaning as in subdivision 4016(a)(4) of this title.

(4) “Licensed dealer” means a person issued a license as a dealer in firearms pursuant to 18 U.S.C. § 923(a).

(5) “Proposed transferee” means an unlicensed person to whom a proposed transferor intends to transfer a firearm.

(6) “Proposed transferor” means an unlicensed person who intends to transfer a firearm to another unlicensed person.

(7) “Transfer” means to transfer ownership of a firearm by means of sale, trade, or gift.

(8) “Unlicensed person” means a person who has not been issued a license as a dealer, importer, or manufacturer in firearms pursuant to 18 U.S.C. § 923(a).

(b)(1) Except as provided in subsection (e) of this section, an unlicensed person shall not transfer a firearm to another unlicensed person unless:

(A) the proposed transferor and the proposed transferee physically appear together with the firearm before a licensed dealer and request that the licensed dealer facilitate the transfer; and

(B) the licensed dealer agrees to facilitate the transfer and determines that the proposed transferee is not prohibited by State or federal law from purchasing or possessing the firearm.

(2) A person shall not, in connection with the transfer or attempted transfer of a firearm pursuant to this section, knowingly make a false statement or exhibit a false identification intended to deceive a licensed dealer with respect to any fact material to the transfer.

(c)(1) A licensed dealer who agrees to facilitate a firearm transfer pursuant to this section shall comply with all requirements of State and federal law and shall, unless otherwise expressly provided in this section, conduct the transfer in the same manner as the licensed dealer would if selling the firearm from his or her own inventory, but shall not be considered a vendor.

(2) A licensed dealer shall return the firearm to the proposed transferor and decline to continue facilitating the transfer if the licensed dealer determines that the proposed transferee is prohibited by federal or State law

from purchasing or possessing the firearm.

(3) A licensed dealer may charge a reasonable fee to facilitate the transfer of a firearm between a proposed transferor and a proposed transferee pursuant to this section.

(d)(1) An unlicensed person who transfers a firearm to another unlicensed person in violation of subdivision (b)(1) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

(2) A person who violates subdivision (b)(2) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.

(e) This section shall not apply to:

(1) the transfer of a firearm by or to a law enforcement agency;

(2) the transfer of a firearm by or to a law enforcement officer or member of the U.S. Armed Forces acting within the course of his or her official duties;

(3) the transfer of a firearm from one immediate family member to another immediate family member; or

(4) a person who transfers the firearm to another person in order to prevent imminent harm to any person, provided that this subdivision shall only apply while the risk of imminent harm exists.

(f) A licensed dealer who facilitates a firearm transfer pursuant to this section shall be immune from any civil or criminal liability for any actions taken or omissions made when facilitating the transfer in reliance on the provisions of this section. This subsection shall not apply to reckless or intentional misconduct by a licensed dealer.

Sec. 7. 13 V.S.A. § 4020 is added to read

§ 4020. SALE OF FIREARMS TO MINORS PROHIBITED

(a) A person shall not sell a firearm to a person under 21 years of age. A person who violates this subsection shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both.

(b) This section shall not apply to:

(1) a law enforcement officer;

(2) an active or veteran member of the Vermont National Guard, of the National Guard of another state, or of the U.S. Armed Forces;

(3) a person who provides the seller with a certificate of satisfactory completion of a Vermont hunter safety course or an equivalent hunter safety course that is approved by the Commissioner; or

(4) a person who provides the seller with a certificate of satisfactory completion of a hunter safety course in another state or a province of Canada that is approved by the Commissioner.

(c) As used in this section:

(1) "Firearm" shall have the same meaning as in subsection 4017(d) of this title.

(2) "Law enforcement officer" shall have the same meaning as in subsection 4016(a) of this title.

Sec. 8. 13 V.S.A. § 4021 is added to read

§ 4021. LARGE CAPACITY AMMUNITION FEEDING DEVICES

(a) A person shall not manufacture, possess, transfer, offer for sale, purchase, receive, or import into this State a large capacity ammunition feeding device.

(b) A person who violates this section shall be imprisoned for not more than one year or fined not more than \$500.00, or both.

(c) The prohibition on possession of large capacity ammunition feeding devices established by subsection (a) of this section shall not apply to a large capacity ammunition feeding device lawfully possessed on or before the effective date of this act.

(d) This section shall not apply to any large capacity ammunition feeding device:

(1) manufactured for, transferred to, or possessed by the United States or a department or agency of the United States, or any state or a department, agency, or political subdivision of a state;

(2) transferred to or possessed by a state or federal law enforcement officer for legitimate law enforcement purposes, whether the officer is on or off duty;

(3) transferred to a licensee under Title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by federal law, or possessed by an employee or contractor of such a licensee on-site for these purposes, or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

(4) possessed by an individual who is retired from service with a law enforcement agency after having been transferred to the individual by the agency upon his or her retirement, provided that the individual is not otherwise prohibited from receiving ammunition; or

(5) manufactured, transferred, or possessed by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the U.S. Attorney General.

(e) As used in this section, “large capacity ammunition feeding device” means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition, provided that “large capacity ammunition feeding device” shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

Sec. 9. 13 V.S.A. § 4023 is added to read

§ 4023. BUMP-FIRE STOCKS; POSSESSION PROHIBITED

(a) As used in this section, “bump-fire stock” means a butt stock designed to be attached to a semiautomatic firearm and intended to increase the rate of fire achievable with the firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate a reciprocating action that facilitates the repeated activation of the trigger.

(b) A person shall not possess a bump-fire stock. A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 6-5-0)

(For text see Senate Journal March 2, 2018)

Amendment to be offered by Reps. Higley of Lowell and Buckholz of Hartford to the recommendation of amendment of the Committee on Judiciary to S. 55

By adding a new Sec. 10 to read as follows:

Sec. 10. PREK TO GRADE 4 EDDIE EAGLE GUN SAFE PROGRAM

Once each school year, every Vermont school shall ensure that all students in grades PreK to 4 watch the National Rifle Association’s (NRA) Eddie Eagle Gun Safe Program educational video, and shall contact the NRA to obtain related educational materials that shall be made available to students.

and by renumbering the remaining section (effective date) to be numerically correct.

NOTICE CALENDAR

Favorable

H. 923

An act relating to capital construction and State bonding budget adjustment.

(Rep. Emmons of Springfield will speak for the Committee on Corrections and Institutions.)

Rep. Lanpher of Vergennes, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

S. 128

An act relating to executive sessions under the Open Meeting Law

Rep. Gardner of Richmond, for the Committee on Government Operations, recommends that the bill ought to pass in concurrence.

(Committee Vote: 9-0-2)

(For text see Senate Journal January 16, 2018)

J.R.S. 48

Joint resolution authorizing the Commissioner of Forests, Parks and Recreation to amend the Department's lease with the Stowe Mountain Resort and to amend a conservation easement in the Town of Plymouth.

Rep. Macaig of Williston, for the Committee on Corrections and Institutions, recommends the resolution ought to be adopted in concurrence.

(Committee Vote: 9-0-2)

Ordered to Lie

H. 167

An act relating to alternative approaches to addressing low-level illicit drug use.

Pending Question: Shall the House concur in the Senate proposal of amendment?

H. 219

An act relating to the Vermont spaying and neutering program.

Pending Question: Shall the House concur in the Senate proposal of amendment?

S. 103

An act relating to the regulation of toxic substances and hazardous materials.

Pending Question: Shall the House concur in the Senate proposal of amendment to the House proposal of amendment??

S. 267

An act relating to timing of a decree nisi in a divorce proceeding.

Pending Question: Second reading?

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of March 22, 2018.

H.C.R. 279

House concurrent resolution honoring Andrew A. Pallito for his exemplary leadership and wisdom as a Vermont public official

H.C.R. 280

House concurrent resolution designating July 2018 as Parks and Recreation Month in Vermont

H.C.R. 281

House concurrent resolution designating March 19, 2018 as Women in Public Office Day

H.C.R. 282

House concurrent resolution in memory of Dr. John W. Hennessey Jr. of Shelburne

H.C.R. 283

House concurrent resolution designating March 2018 as Older Vermonters Nutrition Month

H.C.R. 284

House concurrent resolution congratulating the St. Johnsbury Academy Hilltoppers on winning their fourth consecutive Division I girls' indoor track and field championship

H.C.R. 285

House concurrent resolution congratulating the 2018 St. Johnsbury Academy Hilltoppers Division I championship boys' indoor track and field team

H.C.R. 286

House concurrent resolution in memory of Elaine B. Little of Shelburne and Burlington

H.C.R. 287

House concurrent resolution honoring the life and legacy of Robert Romeo De Cormier Jr. of Belmont

H.C.R. 288

House concurrent resolution celebrating the cultural and economic centrality of agriculture in the State of Vermont

H.C.R. 289

House concurrent resolution designating March 22, 2018 as Vermont Nonprofit Legislative Day at the State House

H.C.R. 290

House concurrent resolution designating March 2018 as National Social Work Month in Vermont

S.C.R. 22

Senate concurrent resolution designating Saturday, March 24, 2018 as Northeast Kingdom Day in Vermont