

# House Calendar

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Tuesday, March 27, 2018

84th DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 A.M.

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**ACTION CALENDAR**

**Third Reading**

**S. 55**

An act relating to the disposition of unlawful and abandoned firearms

**Amendment to be offered by Rep. Brennan of Colchester to S. 55**

Amend the House proposal of Amendment by adding four new sections as follows:

Sec. 10. 13 V.S.A. § 4010 is amended to read:

§ 4010. GUN SUPPRESSORS

(a) As used in this section:

(1) “Gun suppressor” means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a gun suppressor, and any part intended only for use in such assembly or fabrication.

(2) “Sport shooting range” shall have the same meaning as used in 10 V.S.A. § 5227(a).

(b) A person shall not manufacture, make, or import a gun suppressor, except for:

(1) a licensed manufacturer, as defined in 18 U.S.C. § 921, who is registered as a manufacturer pursuant to 26 U.S.C. § 5802;

(2) a licensed importer, as defined in 18 U.S.C. § 921, who is registered as an importer pursuant to 26 U.S.C. § 5802; or

(3) a person who makes a gun suppressor in compliance with the requirements of 26 U.S.C. § 5822.

(c) A person shall not use a gun suppressor in the State, except for use by:

(1) a Level III certified law enforcement officer or Department of Fish and Wildlife employee in connection with his or her duties and responsibilities and in accordance with the policies and procedures of that officer’s or employee’s agency or department;

(2) the Vermont National Guard in connection with its duties and responsibilities;

(3) a licensed manufacturer or a licensed importer, as defined in 18 U.S.C. § 921, who is also registered as a manufacturer or an importer pursuant to 26 U.S.C. § 5802, who in the ordinary course of his or her business as a manufacturer or as an importer tests the operation of the gun suppressor; ~~or~~

(4) a person lawfully using a sport shooting range; or

(5) a person taking game as authorized under 10 V.S.A. § 4701.

(d)(1) A person who violates subsection (b) of this section shall be fined not less than \$500.00 for each offense.

(2) A person who violates subsection (c) of this section shall be fined \$50.00 for each offense.

Sec. 11. 10 V.S.A. § 4701 is amended to read:

§ 4701. USE OF GUN, BOW AND ARROW, AND CROSSBOW; LEGAL DAY; DOGS; GUN SUPPRESSORS

(a) Unless otherwise provided by statute, a person shall not take game except with:

(1) a gun fired at arm's length;

(2) a bow and arrow; or

(3) a crossbow as authorized under section 4711 of this title or as authorized by the rules of the Board.

(b) A person shall not take game between one-half hour after sunset and one-half hour before sunrise unless otherwise provided by statute or by the rules of the Board.

(c) A person may take game and fur-bearing animals during the open season therefor, with the aid of a dog, unless otherwise prohibited by statute or by the rules of the Board.

(d) A person taking game with a gun may possess, carry, or use a gun suppressor in the act of taking game.

Sec. 12. 10 V.S.A. § 4704 is amended to read

§ 4704. USE OF MACHINE GUNS, ~~OR~~ AUTOLOADING RIFLES, ~~AND~~ GUN SUPPRESSORS

(a) A person engaged in hunting for wild animals shall not use, carry, or have in his or her possession:

(1) a machine gun of any kind or description; or

(2) an autoloading rifle with a magazine capacity of over six cartridges,

except a .22 caliber rifle using rim fire cartridges; or

~~(3) a gun suppressor.~~

~~(b) As used in this section, "gun suppressor" means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a gun suppressor, and any part intended only for use in such assembly or fabrication. [Repealed.]~~

Sec. 13. 10 V.S.A. § 4001 is amended to read:

#### § 4001. DEFINITIONS

Words and phrases used in this part, unless otherwise provided, shall be construed to mean as follows:

\* \* \*

(9) Game: game birds or game quadrupeds, or both.

(10) Game birds: quail, partridge, woodcock, pheasant, plover of any kind, Wilson snipe, other shore birds, rail, coot, gallinule, wild ducks, wild geese, and wild turkey.

\* \* \*

(15) Wild animals or wildlife: all animals, including birds, fish, amphibians, and reptiles, other than domestic animals.

\* \* \*

(23) Take and taking: pursuing, shooting, hunting, killing, capturing, trapping, snaring, and netting fish, birds, and quadrupeds and all lesser acts, such as disturbing, harrying or worrying, or wounding or placing, setting, drawing, or using any net or other device commonly used to take fish or wild animals, whether they result in the taking or not; and shall include every attempt to take and every act of assistance to every other person in taking or attempting to take fish or wild animals, provided that when taking is allowed by law, reference is had to taking by lawful means and in lawful manner.

\* \* \*

(40) Gun suppressor: any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a gun suppressor, and any part intended only for use in such assembly or fabrication.

and by renumbering the existing Sec. 10 to be Sec. 14

**Amendment to be offered by Rep. Donahue of Northfield to S. 55**

That the House proposal of amendment be amended as follows:

First: In Sec. 6, 13 V.S.A. § 4019, in subdivision (b)(1)(B), by striking out “determines that the proposed transferee is not prohibited by State or federal law from purchasing or possessing a firearm” and inserting in lieu thereof “conducts a background check through the National Instant Criminal Background Check System”

Second: In Sec. 8, 13 V.S.A. § 4021, in subsection (c), by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

(c)(1) 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.

(2) The prohibition on possession, transfer, sale, and purchase 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 by a licensed dealer as defined in subdivision 4019(a)(4) of this title prior to the effective date of this act and transferred by the dealer on or after the effective date of this act.

Third: In Sec. 8, 13 V.S.A. § 4021, in subsection (d), by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(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 by any state or by 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;

(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; or

(6) transported by an individual into or within this State for the exclusive purpose of use in a shooting competition sponsored by the Vermont Federation of Sportsmen's Clubs or another organization that sponsors recognized shooting competitions, if the device is lawfully possessed under subsection (c) of this section or the laws of another State.

**Amendment to be offered by Rep. Hebert of Vernon to S. 55**

In Sec. 8, 13 V.S.A. § 4021, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) A person shall not manufacture, possess, transfer, offer for sale, purchase, receive, or import into this State a large capacity ammunition feeding device. As used in this subsection, "import" shall not include the transportation back into this State of a large capacity ammunition feeding device by the same person who transported the device out of State if the person possessed the device on or before the effective date of this act.

**Amendment to be offered by Reps. Dickinson of St. Albans Town and Parent of St. Albans Town to S. 55**

In Sec. 8, 13 V.S.A. § 4021, in subsection (d), by striking subdivision (5) in its entirety and inserting in lieu thereof a new subdivision (5) to read as follows:

(5) manufactured, imported, transferred, or possessed by a manufacturer or importer licensed under 18 U.S.C. chapter 44:

(A) for the purposes of testing or experimentation authorized by the U.S. Attorney General, or for product development;

(B) for repair and return to the person from whom it was received; or

(C) for transfer in foreign or domestic commerce for delivery and possession outside the State of Vermont.

**Amendment to be offered by Rep. Brennan of Colchester to S. 55**

To amend the House proposal of amendment in Sec. 10 (effective dates), in subsection (a), by striking out "1-8" and inserting in lieu thereof "1-7" and by adding a subsection (c) to read as follows:

(c) Sec. 8 (large capacity ammunition feeding devices) shall take effect on January 1, 2019.

**Amendment to be offered by Rep. Lalonde of South Burlington to S. 55**

Amend the House proposal of amendment in Sec. 7, 13 V.S.A. § 4020, in the section heading, by striking out the word “MINORS” and inserting in lieu thereof “PERSONS UNDER 21 YEARS OF AGE” and in subsection (c), by adding a subdivision (3) to read as follows:

(3) “Commissioner” means the Commissioner of Fish and Wildlife.

**Amendment to be offered by Rep. Lalonde of South Burlington to S. 55**

That the House proposal of amendment be amended in Sec. 8, 13 V.S.A. § 4021, by striking out subsection (e) in its entirety and inserting in lieu thereof the following:

(e)(1) 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:

(A) more than 10 rounds of ammunition for a long gun; or

(B) more than 15 rounds of ammunition for a hand gun.

(2) The term “large capacity ammunition feeding device” shall not include:

(A) an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition; or

(B) a large capacity ammunition feeding device that is manufactured or sold solely for use by a lever action or bolt action long gun or by an antique firearm as defined in subdivisions 4017(d)(2)(A) and (B) of this title.

**Amendment to be offered by Rep. Lalonde of South Burlington to S. 55**

That the House proposal of amendment be amended as follows:

First: In Sec. 8, 13 V.S.A. § 4021, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d)(1) This section shall not apply to any large capacity ammunition feeding device:

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

(B) transferred to or possessed by a federal law enforcement officer or a law enforcement officer certified as a law enforcement officer by the Vermont Criminal Justice Training Council pursuant to 20 V.S.A. § 2358, for legitimate law enforcement purposes, whether the officer is on or off duty;



(C) 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;

(D) 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

(E) 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;

(2) This section shall not apply to a licensed dealer as defined in subdivision 4019(a)(4) of this title for the sole purpose of transferring or selling a large capacity ammunition feeding device to a person to whom this section does not apply under subdivision (1) of this subsection (d).

Second: In Sec. 10 (effective dates), in subsection (a), by striking out “1-8” and inserting in lieu thereof “1-7” and by adding a subsection (c) to read as follows:

(c) Sec. 8 (large capacity ammunition feeding devices) shall take effect on July 1, 2018, except that the prohibition on receipt and importation into this State of large capacity ammunition feeding devices shall take effect on passage.

## **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)**

**Amendment to be offered by Rep. Emmons of Springfield to H. 923**

First: In Sec. 1, in subdivision (c)(2), by striking out “\$6,919,354.00” and inserting in lieu thereof “\$6,917,054.00”, and by striking out all after subsection (g) and inserting in lieu thereof the following:

Appropriation – FY 2018	\$27,857,525.00
Appropriation – FY 2019	<del>\$27,853,933.00</del> <u>\$29,565,644.00</u>
Total Appropriation – Section 2	<del>\$55,711,458.00</del> <u>\$57,423,189.00</u>

Second: In Sec. 12, in subdivision (a)(28), by striking out “\$12,946.82” and inserting in lieu thereof “\$10,646.82”, and by striking out all after subdivision (e)(3) and inserting in lieu thereof the following:

Total Reallocations and Transfers – Section 18

~~\$14,822,286.78~~ \$15,967,218.87

Third: In Sec. 2, in subdivision (b)(4), by striking out “psychiatric residential treatment facility,”

Fourth: In Sec. 7, by striking out subdivision (f)(4) and its undesignated paragraph, and inserting in lieu thereof the following:

(4) ~~Clean Water Act, implementation projects:~~ \$11,112,944.00

The Commissioner of Environmental Conservation may use up to \$1,600,000.00 of the amounts appropriated in subdivision (2) of this subsection to support capital-eligible clean water projects for Lake Carmi; provided, however, that the Commissioner shall provide prior notification of any project and its cost to the Chairs of the House Committees on Corrections and Institutions and on Natural Resources, Fish, and Wildlife and of the Senate Committees on Institutions and on Natural Resources and Energy.

Fifth: In Sec. 14, after subsection (d), by adding a subsection (e) to read as follows:

(e) The Commissioner of Buildings and General Services is authorized to sell the Rutland Multi-Modal Transit Center (parking garage) located at 102 West Street in Rutland pursuant to the requirements of 29 V.S.A. § 166. The proceeds from the sale shall be appropriated to future capital construction projects and expended within two years after the date of sale.

Sixth: By adding a new section, after Sec. 15, to be Sec. 15a, to read as follows:

Sec. 15a. 2017 Acts and Resolves No. 84, Sec. 20(b) is amended as follows:

~~(b) The Commissioner of Buildings and General Services is authorized to sell the Rutland Multi-Modal Transit Center (parking garage) located at 102 West Street in Rutland pursuant to the requirements of 29 V.S.A. § 166. The proceeds from the sale shall be appropriated to future capital construction projects. [Repealed.]~~

Seventh: By adding a new section, after Sec. 15, to be Sec. 15b, to read as

follows:

Sec. 15b. 2017 Acts and Resolves No. 84, Sec. 29 is amended to read:

Sec. 29. 2013 Acts and Resolves No. 1, Sec. 100(c), as amended by 2014 Acts and Resolves No. 179, Sec. E.113.1 and 2015 Acts and Resolves No. 58, Sec. E.113.1, is further amended to read:

(c) Sec. 97 (general obligation debt financing) shall take effect on ~~July 1,~~ 2018 July 1, 2019.

**Amendment to be offered by Rep. Brennan of Colchester to H. 923**

That the bill be amended in Sec. 7, amending 2017 Acts and Resolves No. 84, Sec. 11, in subsection (f), by adding a subdivision (5) to read as follows:

(5) For the amount appropriated in subdivision (2)(B) of this subsection, on or before January 15, 2019, the Commissioner of Environmental Conservation shall report back to the House Committees on Corrections and Institutions and on Transportation and of the Senate Committees on Institutions and on Transportation with a description and cost of each project that received funding.

**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?

**Public Hearings**

Thursday, April 5, 2018, Public Hearing on the Minimum Wage (S.40), room 11, 5:00-7:00 PM, held by the House committee on General, Housing, and Military Affairs.