

# Journal of the House

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Wednesday, February 22, 2017

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

## Devotional Exercises

Devotional exercises were conducted by Pastor George Sweet, The Baptist Fellowship, Randolph, VT.

## Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred as follows:

### H. 364

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to State collection of electronic data and metadata;

To the committee on Judiciary.

### H. 365

By Rep. Browning of Arlington,

House bill, entitled

An act relating to limiting Education Fund expenditures to expenses controlled by school district spending decisions;

To the committee on Education.

### H. 366

By Reps. Cina of Burlington, Burke of Brattleboro, Colburn of Burlington, Dunn of Essex, Gonzalez of Winooski, Haas of Rochester, O'Sullivan of Burlington, Rachelson of Burlington and Weed of Enosburgh,

House bill, entitled

An act relating to ending the suspension of State aid for school construction projects;

To the committee on Corrections and Institutions.

**H. 367**

By Rep. Wright of Burlington,

House bill, entitled

An act relating to requiring the removal of snow and ice from vehicles operated on public highways;

To the committee on Transportation.

**H. 368**

By Reps. Lewis of Berlin, Brumsted of Shelburne, Devereux of Mount Holly, Gannon of Wilmington, Gardner of Richmond, Hubert of Milton, Kitzmiller of Montpelier, LaClair of Barre Town and Townsend of South Burlington,

House bill, entitled

An act relating to creating a Cold Case Unit within the Vermont State Police;

To the committee on Government Operations.

**H. 369**

By Reps. Savage of Swanton, Dickinson of St. Albans Town, Gamache of Swanton, Hebert of Vernon, Hubert of Milton and Parent of St. Albans Town,

House bill, entitled

An act relating to requiring the use of vote tabulators in certain towns;

To the committee on Government Operations.

**H. 370**

By Reps. Burke of Brattleboro, Cina of Burlington, Fields of Bennington, Head of South Burlington, Morris of Bennington, O'Sullivan of Burlington, Stuart of Brattleboro and Weed of Enosburgh,

House bill, entitled

An act relating to segregation of inmates;

To the committee on Corrections and Institutions.

**H. 371**

By Reps. Scheuermann of Stowe, Olsen of Londonderry, Ainsworth of Royalton, Baser of Bristol, Beck of St. Johnsbury, Brennan of Colchester, Brumsted of Shelburne, Burditt of West Rutland, Christie of Hartford, Condon of Colchester, Conquest of Newbury, Corcoran of Bennington, Cupoli of

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Rutland City, Greshin of Warren, Jickling of Brookfield, Juskiewicz of Cambridge, Keefe of Manchester, Kimbell of Woodstock, Marcotte of Coventry, Morris of Bennington, Nolan of Morrystown, Noyes of Wolcott, Parent of St. Albans Town, Sibilias of Dover, Smith of Derby, Strong of Albany, Sullivan of Dorset, Trieber of Rockingham, Troiano of Stannard, Walz of Barre City, Willhoit of St. Johnsbury, Wright of Burlington and Young of Glover,

House bill, entitled

An act relating to alcoholic beverages;

To the committee on General, Housing and Military Affairs.

**H. 372**

By Reps. Sibilias of Dover, Forguites of Springfield and Olsen of Londonderry,

House bill, entitled

An act relating to allowing towns to eliminate the offices of grand juror and town agent;

To the committee on Government Operations.

**H. 373**

By Reps. Gannon of Wilmington and Sibilias of Dover,

House bill, entitled

An act relating to town banners over highway rights-of-way;

To the committee on Transportation.

**H. 374**

By Reps. Botzow of Pownal, Partridge of Windham, Lawrence of Lyndon, Marcotte of Coventry, Bartholomew of Hartland, Bock of Chester, Buckholz of Hartford, Graham of Williamstown, Higley of Lowell, Hill of Wolcott, Kimbell of Woodstock, Myers of Essex, Norris of Shoreham, O'Sullivan of Burlington and Smith of New Haven,

House bill, entitled

An act relating to reducing the cost of workers' compensation in high-risk occupations and industries;

To the committee on Commerce and Economic Development.

**H. 375**

By Reps. Burke of Brattleboro and O'Sullivan of Burlington,

House bill, entitled

An act relating to creating a family-friendly workplace tax credit;

To the committee on General, Housing and Military Affairs.

**H. 376**

By Reps. Botzow of Pownal, Marcotte of Coventry and O'Sullivan of Burlington,

House bill, entitled

An act relating to occupational safety and workers' compensation;

To the committee on Commerce and Economic Development.

**H. 377**

By Rep. Burditt of West Rutland,

House bill, entitled

An act relating to providing farm businesses with relief from the delinquent property tax penalty in certain circumstances;

To the committee on Agriculture & Forestry.

**H. 378**

By Rep. Cina of Burlington,

House bill, entitled

An act relating to the creation of the Artificial Intelligence Commission;

To the committee on Energy and Technology.

**H. 379**

By Reps. Gannon of Wilmington, Devereux of Mount Holly, Hubert of Milton and Lewis of Berlin,

House bill, entitled

An act relating to providing an extension for the repeal of the Search and Rescue Council;

To the committee on Government Operations.

**H. 380**

By Rep. Haas of Rochester,

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House bill, entitled

An act relating to Reach Up participants' college savings accounts;

To the committee on Human Services.

**H. 381**

By Reps. Rachelson of Burlington, Morris of Bennington, Mrowicki of Putney and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to the use of physical restraints on a juvenile in custody;

To the committee on Human Services.

**H. 382**

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to limiting the circumstances in which an asset is subject to judicial forfeiture;

To the committee on Judiciary.

**H. 383**

By Rep. Haas of Rochester,

House bill, entitled

An act relating to establishing a statewide arrest procedure for custodial parents of minor children;

To the committee on Human Services.

**H. 384**

By Reps. Burke of Brattleboro, Cina of Burlington, Fields of Bennington, Morris of Bennington, O'Sullivan of Burlington, Stuart of Brattleboro and Weed of Enosburgh,

House bill, entitled

An act relating to a study committee on justice-involved women who are custodial parents of minor children;

To the committee on Corrections and Institutions.

**H. 385**

By Rep. Keenan of St. Albans City,

House bill, entitled

An act relating to the jurisdiction of the Human Rights Commission;

To the committee on Government Operations.

**H. 386**

By Reps. Keenan of St. Albans City, Dakin of Colchester, Fagan of Rutland City, Hooper of Montpelier, Juskiewicz of Cambridge, Lanpher of Vergennes, Rosenquist of Georgia and Yacavone of Morristown,

House bill, entitled

An act relating to home health agency provider taxes;

To the committee on Health Care.

**H. 387**

By Reps. Pugh of South Burlington, Gannon of Wilmington, Baser of Bristol, Beck of St. Johnsbury, Christie of Hartford, Dakin of Colchester, Head of South Burlington, Keefe of Manchester, Noyes of Wolcott and Trieber of Rockingham,

House bill, entitled

An act relating to the Public Retirement Study Committee;

To the committee on Government Operations.

**H. 388**

By Reps. Keenan of St. Albans City and Fagan of Rutland City,

House bill, entitled

An act relating to nonpayment of rent;

To the committee on General, Housing and Military Affairs.

**H. 389**

By Reps. Stuart of Brattleboro, Burke of Brattleboro and Toleno of Brattleboro,

House bill, entitled

An act relating to notice for development review;

To the committee on Natural Resources, Fish & Wildlife.

**H. 390**

By Rep. Burditt of West Rutland,

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House bill, entitled

An act relating to consumer protections for susceptible persons;

To the committee on Commerce and Economic Development.

**H. 391**

By Reps. Marcotte of Coventry, Botzow of Pownal, Hill of Wolcott, Kimbell of Woodstock, McCoy of Poultney, Myers of Essex and O'Sullivan of Burlington,

House bill, entitled

An act relating to expanding dual enrollment opportunities for career and technical education;

To the committee on Education.

**H. 392**

By Reps. Sibia of Dover, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Forguites of Springfield, McCormack of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to telecommunications service providers and State policy and planning;

To the committee on Energy and Technology.

**H. 393**

By Reps. Pugh of South Burlington, Christie of Hartford and Mrowicki of Putney,

House bill, entitled

An act relating to obtaining a certificate of need prior to operating a pain management clinic;

To the committee on Human Services.

**H. 394**

By Reps. Burke of Brattleboro, Colburn of Burlington, Masland of Thetford, McCormack of Burlington, O'Sullivan of Burlington, Sheldon of Middlebury, Sullivan of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to a carbon tax and cap and trade study by the Joint Fiscal Office;

To the committee on Natural Resources, Fish & Wildlife.

**H. 395**

By Reps. Buckholz of Hartford, Burke of Brattleboro and Weed of Enosburgh,

House bill, entitled

An act relating to the investments of preexisting net metering customers;

To the committee on Energy and Technology.

**H. 396**

By Reps. Chesnut-Tangerman of Middletown Springs, Masland of Thetford, McCormack of Burlington and Weed of Enosburgh,

House bill, entitled

An act relating to the net metering program and environmental attributes;

To the committee on Energy and Technology.

**H. 397**

By Rep. Quimby of Concord,

House bill, entitled

An act relating to allowing a tied candidate to withdraw after a general election;

To the committee on Government Operations.

**H. 398**

By Reps. Burke of Brattleboro and O'Sullivan of Burlington,

House bill, entitled

An act relating to implementing the Climate Economy Business Accelerator Program;

To the committee on Commerce and Economic Development.

**H. 399**

By Reps. Savage of Swanton and Gamache of Swanton,

House bill, entitled

An act relating to creating the Vermont Native American Scholarship Program;

To the committee on Education.



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**S. 12**

Senate bill, entitled

An act relating to increasing the maximum prison sentence for first, second, and subsequent offenses of aggravated animal cruelty;

To the committee on Judiciary.

**S. 14**

Senate bill, entitled

An act relating to expanding the Vermont Practitioner Recovery Network;

To the committee on Health Care.

**S. 16**

Senate bill, entitled

An act relating to expanding patient access to the Medical Marijuana Registry;

To the committee on Human Services.

**S. 23**

Senate bill, entitled

An act relating to juvenile jurisdiction;

To the committee on Judiciary.

**Joint Resolution Adopted in Concurrence****J.R.S. 20**

By Senator Ashe,

**J.R.S. 20.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, February 24, 2017, it be to meet again no later than Tuesday, February 28, 2017.

Was taken up read and adopted in concurrence.

**Message from the Senate No. 23**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

**H. 53.** An act relating to permitting planting projects in flood hazard areas.

And has passed the same in concurrence.

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**H. 246**

**Rep. Grad of Moretown** moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to marriage by proxy, teleconference, or other technology

And that the bill be committed to the committee on Government Operations, which was agreed to.

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**H. 324**

**Rep. Brennan of Colchester** moved that the committee on Transportation be relieved of House bill, entitled

An act relating to automobile minimum liability coverage

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**H. 180**

**Rep. Brennan of Colchester** moved that the committee on Transportation be relieved of House bill, entitled

An act relating to warranty obligations for motorboat and personal watercraft dealers

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**H. 112**

**Rep. Brennan of Colchester** moved that the committee on Transportation

be relieved of House bill, entitled

An act relating to automobile advertising

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

**Rules Suspended, Special Report of the Committee on  
Government Operations Agreed To**

Pending entrance of the Special Committee Report on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and the Special Committee Report, entitled

Appeal of the Election of District Orange-1

Was taken up for immediate consideration.

**Rep. Townsend of South Burlington**, for the Committee on Government Operations, reported in favor of adoption of the Special Committee Report.

Special Report of the Committee on Government Operations on the request of Susan Hatch Davis for the House to judge the election and qualifications of its member in House District Orange-1

Representative Townsend of South Burlington, for the Committee on Government Operations, to which has been referred the request of Susan Hatch Davis for the House to judge the election and qualification of its member in House District Orange-1 submits the following report:

The Committee on Government Operations considered the request of Susan Hatch Davis for the House to judge the election and qualification of its member in House District Orange-1 and finds that Representative Robert Frenier of Chelsea was duly elected and is qualified to represent House District Orange-1 as a member of the House of Representatives.

Thereupon, **Rep. Townsend of South Burlington**, moved to accept the report, which was agreed to.

**Remarks Journalized**

On motion of **Rep. Hubert of Milton**, the following remarks by **Rep. Townsend of South Burlington** were ordered printed in the Journal:

“Madam Speaker:

This morning the recount panel for the contested election in Orange-1 found an issue with a ballot bag that triggered a provision in our rules and procedures to cancel the recount. The issue was that the tag seal number listed by the county clerk following the recount of November 28, 2016 did not match the tag seal number now on that same ballot bag. This resulted from the bag

having been opened on January 3, 2017 for retrieval of the Entrance Checklist. The bag was opened with permission from and following guidance provided by the Office of the Secretary of State. It was resealed with a different tag seal number. The House Government Operations Committee learned of this occurrence the morning before the scheduled recount. Had we known of it prior to the policies and procedures being developed, the policies and procedures to be followed would have included language to cover that occurrence. That was not the case, and since the tag seal numbers did not match, the recount could not go forward.”

#### **Remarks Journalized**

On motion of **Rep. Gonzalez of Winooski**, the following remarks by **Rep. Chesnut-Tangerman of Middletown Springs** were ordered printed in the Journal:

“Madam Speaker:

Having already extended congratulations of Rep. Frenier, I do not challenge the outcome of this process, though I must note the irony that an investigation of possible procedural errors was derailed by a procedural error. In the absence of that recount occurring, I take issue with the wording of this resolution which implies that such a recount was conducted. In actuality, the Committee has merely certified rather than verified the previous outcome. I am not proposing a change, merely stating disagreement with the existing wording.”

#### **Vermont Student Assistance Corporation (VSAC) Board Of Directors Appointed**

Pursuant to 16 V.S.A. § 2831(a), the Chair hereby appoints the following member to the Board of Directors of Vermont Student Assistant Corporation:

**Rep. Trieber of Rockingham**

#### **Third Reading; Bill Passed**

#### **H. 3**

House bill, entitled

An act relating to burial depth in cemeteries

Was taken up, read the third time and passed.

#### **Action on Bill Postponed**

#### **H. 50**

House bill, entitled

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An act relating to extending the current expiration date of the telecommunications siting law

Was taken up and pending the reading of the report of the committee on Energy and Technology, on motion of **Rep. Carr of Brandon**, action on the bill was postponed until February 23, 2017.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 201**

**Rep. Rosenquist of Georgia**, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to length of stay at designated shelters

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

Sec. 1. 33 V.S.A. § 5303 is amended to read:

§ 5303. PROCEDURE FOR RUNAWAY CHILDREN

(a) If an officer takes a child into custody pursuant to subdivision 5301(3) of this title, the officer shall deliver the child to:

(1) the child's custodial parent, foster parent, guardian, custodian, or noncustodial parent lawfully exercising parent-child contact; or

(2) a shelter designated by the Department pursuant to section 5304 of this title as qualified to assist children who have run away for the purpose of reuniting them with their parents, guardian, or legal custodian.

(b) Upon delivery of a child to a shelter, the shelter program director or his or her designee, shall notify the child's parents, guardian, or custodian that the child has been taken into custody and make reasonable efforts to mediate the differences between the parties.

(c) A child may remain at a designated shelter for a period not to exceed ~~seven~~ 21 days.

(d) Upon expiration of the ~~seven-day~~ 21-day period or sooner at the request of the child or the custodial parent:

(1) the child shall be released to his or her custodial parent, foster parent, guardian, custodian, or noncustodial parent lawfully exercising parentchild contact; or

(2) an officer shall seek an emergency care order pursuant to section 5302 of this title.

(e) Unless otherwise ordered by the ~~Court~~ court, the custody status of the

child shall remain the same during the period of time the child is at the shelter.

Sec. 2. 33 V.S.A. § 5304 is amended to read:

§ 5304. DESIGNATED SHELTERS FOR RUNAWAY CHILDREN

The Commissioner shall designate shelters throughout the State where a child may be housed for a period not to exceed 21 days if he or she is:

(1) taken into custody pursuant to subdivision 5301(3) of this title ~~may be housed for a period not to exceed seven days; or~~

(2) referred by other means described in the policies of the Department for Children and Families.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 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 Human Services agreed to and third reading ordered.

**Action on House Resolution Postponed**

**H.R. 11**

House Resolution, entitled

House resolution commending the friendly bilateral relations between Taiwan and both the United States and the State of Vermont and supporting Taiwan's full participation in the international community

Was taken up and pending the reading of the resolution, on motion of **Rep. Turner of Milton**, action on the resolution was postponed until February 23, 2017, the next legislative day.

**House Resolution Committed**

**H.R. 12**

House resolution, entitled

House resolution supporting refugee resettlement in the United States, including Vermont

Appearing on the Calendar for action, was taken up and pending the reading of the resolution, on motion of **Rep. Turner of Milton**, the resolution was committed to the committee on General, Housing and Military Affairs.

**Adjournment**

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