

Journal of the House

Tuesday, March 14, 2017

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

Devotional Exercises

Devotional exercises were conducted by Reverend Doctor Steven Berry, Former Representative from Manchester, Federated Church of Castleton.

Pledge of Allegiance

Page Cassandra Summarsell of Woodstock led the House in the Pledge of Allegiance.

Message from the Senate No. 28

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 on its part passed Senate bills of the following titles:

S. 9. An act relating to the preparation of poultry products.

S. 69. An act relating to an employer's compliance with an income withholding order from another state.

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

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 4. Joint resolution reaffirming the General Assembly's commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in Brigham v. State.

And has adopted the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 9. Senate concurrent resolution honoring former Representative Jennifer R. Nelson of Ryegate for her exemplary career in public service and agriculture.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 54. House concurrent resolution in memory of Marilyn Carlson Childs of Chelsea.

H.C.R. 55. House concurrent resolution honoring Wardsboro Town Moderator Robert Backus M.D. for his nearly four decades of exemplary practice of medicine in southern Vermont.

H.C.R. 56. House concurrent resolution remembering the late Grace Weber for her enthusiastic dedication to serving the Town of Weybridge.

H.C.R. 57. House concurrent resolution congratulating the winners of the 2017 Entrepreneurship Education student competition.

H.C.R. 58. House concurrent resolution honoring Michael Arnowitz for his musical contributions to the Vermont artistic scene.

H.C.R. 59. House concurrent resolution in memory of former St. Albans Fire Chief Gary Glendon Palmer of Georgia.

H.C.R. 60. House concurrent resolution in memory of John William Reagan of Wilmington and West Wardsboro.

H.C.R. 61. House concurrent resolution congratulating Madison Cota of Bellows Falls on being named Miss Vermont USA 2017.

H.C.R. 62. House concurrent resolution in memory of former Pownal Town Clerk Rachel Mason.

H.C.R. 63. House concurrent resolution congratulating Nancy Coleman of Woodford on being selected as the 2016 Vermont State School Nurse of the Year.

H.C.R. 64. House concurrent resolution honoring Tunbridge Fire Chief John W. Durkee for 20 years of exemplary leadership.

H.C.R. 65. House concurrent resolution honoring Judy Stratton for her 35 years of exemplary public service as the Shaftsbury Town Clerk.

House Bill Introduced

H. 500

Reps. Gage of Rutland City, Canfield of Fair Haven, Cupoli of Rutland City and Terenzini of Rutland Town introduced a bill, entitled

An act relating to suspicion-based substance use disorder testing and treatment for recipients of TANF;

Which was read the first time and referred to the committee on Human Services.

Senate Bill Referred**S. 9**

Senate bill, entitled

An act relating to the preparation of poultry products

Was read and referred to the committee on Agriculture & Forestry.

Senate Bill Referred**S. 69**

Senate bill, entitled

An act relating to an employer's compliance with an income withholding order from another state

Was read and referred to the committee on Judiciary.

Bill Referred to Committee on Ways and Means**S. 13**

House bill, entitled

An act relating to fees and costs allowed at a tax sale

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Second Reading; Bill Amended; Third Reading Ordered**H. 42**

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

An act relating to appointing municipal clerks and treasurers and to incompatible municipal offices

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

* * * Appointing Municipal Clerks and Treasurers * * *

Sec. 1. 17 V.S.A. § 2646 is amended to read:

§ 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

At the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

* * *

(2) A town clerk for a, unless the town has voted to authorize the selectboard to appoint the town clerk as provided in section 2651e of this chapter. The term of office for a town clerk shall be for one year, unless a town votes that a town the clerk shall be elected for a term of three years. When a town votes for a three-year term for the office of town clerk, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose.

(3) A town treasurer for a, unless the town has voted to authorize the selectboard to appoint the treasurer as provided in section 2651f of this chapter. The term of office of a town treasurer shall be for one year, unless a town votes that a town treasurer shall be elected for a term of three years. When a town votes for a three-year term for the office of town treasurer, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose.

* * *

Sec. 2. 17 V.S.A. § 2651e is added to read:

§ 2651e. MUNICIPAL CLERK; APPOINTMENT; REMOVAL

(a) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal clerk. A municipal clerk so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the municipal clerk shall remain in effect until rescinded by the majority vote of the legal voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a municipal clerk in office on the date a municipality votes to allow the legislative body to appoint a municipal clerk shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a municipal clerk under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the municipal clerk as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal clerk.

Sec. 3. 17 V.S.A. § 2651f is added to read:

§ 2651f. MUNICIPAL TREASURER; APPOINTMENT; REMOVAL

(a) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal treasurer. A treasurer so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the treasurer shall remain in effect until rescinded by the majority vote of the legal voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a treasurer in office on the date a municipality votes to allow the legislative body to appoint a treasurer shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a treasurer under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the treasurer as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal treasurer.

* * * Municipal Audit Penalties * * *

Sec. 4. 24 V.S.A. § 1686 is amended to read:

§ 1686. PENALTY

(a) At any time in their discretion, town auditors may, and if requested by the selectboard, shall, examine and adjust the accounts of any town officer authorized by law to receive or disburse money belonging to the town.

(b) If the town has voted to eliminate the office of auditor, the public accountant employed by the selectboard shall perform the duties of the town auditors under subsection (a) of this section upon request of the selectboard.

(c) Any town officer who willfully refuses or neglects to submit his or her books, accounts, vouchers, or tax bills to the auditors or the public accountant upon request, or to furnish all necessary information in relation thereto, shall:

(1) be personally liable for a civil penalty in the amount of \$100.00 per day until he or she submits or furnishes the requested materials or information;

(2) be ineligible to reelection for the year ensuing; and

(3) be subject to the penalties otherwise prescribed by law.

(d) As used in this section, the term “town officer” shall not include an officer subject to the provisions of 16 V.S.A. § 323.

* * * Effective Date * * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to appointing municipal clerks and treasurers and to municipal audit penalties”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Government Operations agreed to and third reading ordered.

Bill Committed**H. 197**

House bill, entitled

An act relating to mental health parity for workers’ compensation

Appearing on the Calendar for action, was taken up and pending the reading of the report of the committee on Health Care, on motion of **Rep. Lippert of Hinesburg**, the bill was committed to the committee on Commerce and Economic Development.

**Favorable Report; Second Reading;
Third Reading Ordered****H. 59**

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

An act relating to technical corrections

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Favorable Report; Second Reading;
Third Reading Ordered****H. 379**

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

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

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Second Reading; Third Reading Ordered

H. 494

Rep. Brennan of Colchester spoke for the committee on Transportation.

House bill entitled

An act relating to the Transportation Program and miscellaneous changes to transportation-related law

Rep. Helm of Fair Haven, for the committee on Appropriations, recommended the bill ought to pass

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Second Reading; Third Reading Ordered

S. 38

Rep. Brumsted of Shelburne, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to the Government Accountability Committee and the State Outcomes Report

Reported in favor of its passage in concurrence

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

Second Reading; Bill Amended; Third Reading Ordered

H. 218

Rep. Bartholomew of Hartland, for the committee on Agriculture & Forestry, to which had been referred House bill, entitled

An act relating to the adequate shelter of dogs and cats

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

Sec. 1. 13 V.S.A. § 351 is amended to read:

§ 351. DEFINITIONS

As used in this chapter:

(1) “Animal” means all living sentient creatures, not human beings.

* * *

(11) “Livestock” means cattle, bison, horses, sheep, goats, swine, cervidae, ratites, and camelids.

* * *

(13) “Livestock and poultry husbandry practices” means the raising, management, and using of animals to provide humans with food, fiber, or transportation in a manner consistent with:

(A) husbandry practices recommended for the species by agricultural colleges and the U.S. Department of Agriculture Extension Service;

(B) husbandry practices modified for the species to conform to the Vermont environment and terrain; and

(C) husbandry practices that minimize pain and suffering.

* * *

(15) “Living space” means any cage, crate, or other structure used to confine an animal that serves as its principal, primary housing and that provides protection from the elements. Living space does not include a structure, such as a doghouse, in which an animal is not confined, or a cage, crate, or other structure in which the animal is temporarily confined.

(16) “Adequate food” means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding food is in accordance with ~~accepted agricultural or veterinarian~~ veterinary practices or livestock and poultry husbandry practices.

(17) “Adequate water” means ~~fresh, potable water provided at suitable intervals for the species, and which, in no event, shall exceed 24 hours at any interval. The animal must have access to the water~~ potable water that is either accessible to the animal at all times or is provided at suitable intervals for the species and in sufficient quantity for the health of the animal. In no event shall the interval when water is not provided exceed 24 hours. Snow or ice is not an adequate water source unless provided in accordance with livestock and poultry husbandry practices.

(18) “Adequate shelter” means shelter which protects the animal from injury and environmental hazards.

(19) “Enclosure” means any structure, fence, device, or other barrier used to restrict an animal or animals to a limited amount of space.

(20) “Livestock guardian dog” means a purpose-bred dog that is:

(A) specifically trained to live with livestock without causing them harm while repelling predators;

(B) being used to live with and guard livestock; and

(C) acclimated to local weather conditions.

Sec. 2. 13 V.S.A. § 365 is amended to read:

§ 365. SHELTER OF ANIMALS

(a) Adequate shelter. All livestock and animals ~~which that~~ are to be predominantly maintained ~~out-of-doors must~~ in an outdoor area shall be provided with adequate shelter to prevent direct exposure to the elements.

(b) Shelter for livestock.

(1) Adequate natural shelter, or a three-sided, roofed building with exposure out of the prevailing wind and of sufficient size to adequately accommodate all livestock maintained ~~out-of-doors in an outdoor area~~ shall be provided. The building opening size and height ~~must shall~~, at a minimum, extend one foot above the withers of the largest animal housed and ~~must shall~~ be maintained at that level even with manure and litter build-up. Nothing in this section shall control dairy herd housing facilities, either loose housing, comfort stall, or stanchion ties, or other housing under control of the ~~department of agriculture, food and markets~~ Agency of Agriculture, Food and Markets. This section shall not apply to any accepted housing or grazing practices for any livestock industry.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, livestock may be temporarily confined in a space sufficient for them to stand and turn about freely, provided that they are exercised in accordance with livestock and poultry husbandry practices, and are provided sufficient food, water, shelter, and proper ventilation.

(c) Minimum size of living space; dogs and cats.

(1) A dog, ~~whether chained or penned,~~ shall be provided an adequate living space ~~no less than three feet by four feet for 25 pound and smaller dogs, four feet by four feet for 26-35 pound dogs, four feet by five feet for 36-50 pound dogs, five feet by five feet for 51-99 pound dogs, and six feet by five feet for 100 pound and larger dogs~~ that is large enough to allow the dog, in a normal manner, to turn about freely, stand, sit, and lie down. A dog shall be presumed to have adequate living space if provided with floor space in the greater amount of the following:

(A) If the dog is:

(i) less than 33 pounds (15 kilograms), floor space of at least eight square feet;

(ii) 33 or more pounds (15 or more kilograms) up to and including

66 pounds (30 kilograms), floor space of at least 12 square feet; and

(iii) more than 66 pounds (30 kilograms), floor space of at least 24 square feet.

(B) Floor space in square footage calculated according to the following formula: floor space in square feet = (length of dog in inches + 6) × (length of dog in inches + 6) ÷ 144. The length of the dog in inches shall be measured from the tip of the nose of the dog to the base of its tail.

(2) The specifications required by subdivision (c)(1) of this section shall apply to be required for each dog, regardless of whether the dog is housed individually or with other animals.

(3)(A) A cat over the age of two months shall be provided adequate living space that is large enough to allow the cat, in a normal manner, to turn about freely, stand, sit, and lie down. A cat shall be presumed to have adequate living space if provided with:

(i) floor space, including raised resting platforms, of at least eight square feet; and

(ii) a primary structure of at least 24 inches in height.

(B) The requirements of this subdivision (c)(3) shall apply to each cat regardless of whether the cat is housed individually or with other animals.

(4)(A) Each female dog with nursing puppies shall be provided the living space required under subdivision (1) of this subsection (c) plus sufficient additional floor space to allow for a whelping box and the litter, based on the size or the age of the puppies. When the puppies discontinue nursing, the living space requirements of subdivisions (1) and (2) of this subsection shall apply for all dogs housed in the same living space.

(B) Each female cat with nursing kittens shall be provided the living space required under subdivision (3) of this subsection (c) plus sufficient additional floor space to allow for a queening box and the litter, based on the size or the age of the kittens. When the kittens discontinue nursing, the living space requirements of subdivision (3) of this subsection shall apply for all cats housed in the same living space.

(5) Dogs or cats that are housed in the same primary living space or enclosure shall be compatible, as determined by observation, provided that:

(A) Females in heat (estrus) shall not be housed in the same primary living space or enclosure with males, except for breeding purposes.

(B) A dog or cat exhibiting a vicious or overly aggressive disposition shall be housed separately from other dogs or cats.

(6) All dogs or cats shall have access to adequate water and adequate food.

(d) Daily exercise; dogs or cats. A dog or cat confined in a living space shall be permitted outside the ~~eage, crate, or structure~~ living space for an opportunity of at least one hour of daily exercise, unless otherwise modified or restricted by a licensed veterinarian. Separate space for exercise is not required if an animal's living space is at least three times larger than the minimum requirements set forth in subdivision (c)(1) of this section.

(e) Shelter for dogs maintained outdoors in enclosures.

(1) A Except as provided in subdivision (2) of this subsection, a dog or dogs maintained out-of-doors must outdoors in an enclosure shall be provided with suitable housing that assures that the dog is protected from wind and draft, and from excessive sun, rain and other environmental hazards throughout the year one or more shelter structures. A shelter structure shall:

(A) Provide each dog housed in the structure sufficient space to, in a normal manner, turn about freely, stand, sit, and lie down.

(B) Be structurally sound and constructed of suitable, durable material.

(C) Have four sides, a roof, and a ground or floor surface that enables the dog to stay clean and dry.

(D) Have an entrance or portal large enough to allow each dog housed in the shelter unimpeded access to the structure, and the entrance or portal shall be constructed with a windbreak or rainbreak.

(E) Provide adequate protection from cold and heat, including protection from the direct rays of the sun and the direct effect of wind, rain, or snow. Shivering due to cold is evidence of inadequate shelter for any dog.

(2) A shelter structure is not required for a healthy livestock guardian dog that is maintained outdoors in an enclosure.

(3) If multiple dogs are maintained outdoors in an enclosure at one time:

(A) Each dog will be provided with an individual structure, or the structure or structures provided shall be cumulatively large enough to contain all of the dogs at one time.

(B) A shelter structure shall be accessible to each dog in the enclosure.

(4) The following categories of dogs shall not be maintained outdoors in an enclosure when the ambient temperature is below 50 degrees Fahrenheit:

(A) dogs that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

(B) dogs that cannot tolerate the prevalent temperatures of the area without stress or discomfort; and

(C) sick or infirm dogs or dogs that cannot regulate their own body temperature.

(5) Metal barrels, cars, refrigerators, freezers, and similar objects shall not be used as a shelter structure for a dog maintained in an outdoor enclosure.

(6) In addition to the shelter structure, one or more separate outdoor areas of shade shall be provided, large enough to contain all the animals and protect them from the direct rays of the sun.

(f) Tethering of dog.

(1) A Except as provided under subdivision (2) of this subsection, a dog chained to a shelter must predominantly maintained outdoors on a tether shall be on a tether chain that allows the dog to walk a distance in any one direction that is at least four times the length of the dog as measured from the tip of its nose to the base of its tail, and shall allow the dog access to the shelter.

(2)(A) A dog regularly used in training or participation in competitive or recreational sled dog activities and housed outdoors in close proximity with other dogs may, if necessary for the safety of the dog, be maintained on a tether that allows the dog to walk a distance in any one direction that is at least two times the length of the dog, as measured from the tip of its nose to the base of its tail. The tether shall be attached to the anchor at a central point, allowing the dog access to a 360 degree area.

(B) If a tethering method involves the use of a trolley and cable and allows the dog to move freely along the length of the cable, the tether shall be long enough to allow the dog to lie down within its shelter without discomfort.

(3) A tether used for any dog shall be attached to both the dog and the anchor using swivels or similar devices that prevent the tether from becoming entangled or twisted. The tether shall be attached to a wellfitted collar or harness on the dog. The tether shall be of a size and weight that will not cause discomfort to a tethered dog. A choke collar shall not be used as part of a tethering method.

(g) A cat, over the age of two months, shall be provided minimum living space of nine square feet, provided the primary structure shall be constructed and maintained so as to provide sufficient space to allow the cat to turn about freely, stand, sit, and lie down. Each primary enclosure housing cats must be at least 24 inches high. These specifications shall apply to each cat regardless

~~of whether the cat is housed individually or with other animals. [Repealed.]~~

~~(h) Notwithstanding the provisions of this section, animals may be temporarily confined in a space sufficient for them to stand and turn about freely, provided that they are exercised in accordance with accepted agricultural or veterinarian practices, and are provided sufficient food, water, shelter, and proper ventilation. [Repealed.]~~

(i) Violations. Failure to comply with this section shall be a violation of subdivision 352(3) or (4) of this title.

~~(j) Notwithstanding the provisions of this section, an animal may be sheltered, chained, confined, or maintained out-of-doors if doing so is directed by a licensed veterinarian or is in accordance with accepted agricultural or veterinarian practices. [Repealed.]~~

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.

Pending the question, Shall the bill be amended as recommended by the Committee on Agriculture and Forestry? **Rep. Partridge of Windham** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the Committee on Agriculture and Forestry? was decided in the affirmative. Yeas, 134. Nays, 4.

Those who voted in the affirmative are:

Ainsworth of Royalton	Greshin of Warren	Ode of Burlington
Ancel of Calais	Haas of Rochester	Olsen of Londonderry
Bancroft of Westford	Head of South Burlington	O'Sullivan of Burlington
Bartholomew of Hartland	Hebert of Vernon	Parent of St. Albans Town
Baser of Bristol	Helm of Fair Haven	Partridge of Windham
Beck of St. Johnsbury	Higley of Lowell	Pearce of Richford
Belaski of Windsor	Hill of Wolcott	Poirier of Barre City
Bissonnette of Winooski	Hooper of Montpelier	Potter of Clarendon
Bock of Chester	Hooper of Brookfield	Pugh of South Burlington
Botzow of Pownal	Houghton of Essex	Quimby of Concord
Brennan of Colchester	Howard of Rutland City	Rachelson of Burlington
Briglin of Thetford	Jessup of Middlesex	Rosenquist of Georgia
Brumsted of Shelburne	Jickling of Brookfield	Savage of Swanton
Buckholz of Hartford	Joseph of North Hero	Scheu of Middlebury
Burke of Brattleboro	Juskiewicz of Cambridge	Scheuermann of Stowe
Canfield of Fair Haven	Keefe of Manchester	Sharpe of Bristol
Carr of Brandon	Keenan of St. Albans City	Shaw of Pittsford
Chesnut-Tangerman of	Kimbell of Woodstock	Sheldon of Middlebury

Middletown Springs	Kitzmiller of Montpelier	Sibilia of Dover
Christie of Hartford	Krowinski of Burlington	Smith of New Haven
Colburn of Burlington	LaClair of Barre Town	Stevens of Waterbury
Conlon of Cornwall	Lalonde of South Burlington	Strong of Albany
Connor of Fairfield	Lanpher of Vergennes	Stuart of Brattleboro
Conquest of Newbury	Lawrence of Lyndon	Sullivan of Dorset
Corcoran of Bennington	Lefebvre of Newark	Sullivan of Burlington
Cupoli of Rutland City	Lewis of Berlin	Tate of Mendon
Dakin of Colchester	Lippert of Hinesburg	Taylor of Colchester
Deen of Westminster	Long of Newfane	Till of Jericho
Dickinson of St. Albans	Lucke of Hartford	Toleno of Brattleboro
Donahue of Northfield	Macaig of Williston	Toll of Danville
Donovan of Burlington	Martel of Waterford	Townsend of South Burlington
Dunn of Essex	Masland of Thetford	Trieber of Rockingham
Fagan of Rutland City	McCormack of Burlington	Troiano of Stannard
Feltus of Lyndon	McCoy of Poultney	Turner of Milton
Fields of Bennington	McCullough of Williston	Van Wyck of Ferrisburgh
Forguites of Springfield	McFaun of Barre Town	Viens of Newport City
Frenier of Chelsea	Miller of Shaftsbury	Walz of Barre City
Gage of Rutland City	Morris of Bennington	Webb of Shelburne
Gamache of Swanton	Morrissey of Bennington	Weed of Enosburgh
Gannon of Wilmington	Mrowicki of Putney	Willhoit of St. Johnsbury
Gardner of Richmond	Murphy of Fairfax	Wood of Waterbury
Giambatista of Essex	Myers of Essex	Wright of Burlington *
Gonzalez of Winooski	Nolan of Morristown	Yacavone of Morristown
Grad of Moretown	Norris of Shoreham	Yantachka of Charlotte
Graham of Williamstown	Noyes of Wolcott	Young of Glover

Those who voted in the negative are:

Beyor of Highgate	Hubert of Milton
Devereux of Mount Holly	Smith of Derby

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

Batchelor of Derby	Cina of Burlington	Marcotte of Coventry
Browning of Arlington	Condon of Colchester	Squirrell of Underhill
Burditt of West Rutland	Copeland-Hanzas of Bradford	Terenzini of Rutland Town
Christensen of Weathersfield	Emmons of Springfield	

Rep. Wright of Burlington explained his vote as follows:

“Madam Speaker:

Despite my concerns, I will support this bill and hope that the other body can find ways to make the language clearer.”

Thereupon, third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 265**

Rep. Noyes of Wolcott, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to the State Long-Term Care Ombudsman

Reported in favor of its passage when amended as follows:

First: In Sec. 1, in 33 V.S.A. § 7501, in subdivision (1), by striking out “care or” preceding “services”, by inserting “and supports” following “services”, and by striking out “Medicaid” preceding “demonstration”

Second: In Sec. 1, in 33 V.S.A. § 7501, in subdivision (6), by striking out “services” preceding “through the Choices for Care program” and by striking out “Medicaid” preceding “demonstration”

Third: In Sec. 1, in 33 V.S.A. § 7501(7)(B), by inserting “or advance directive” following “power of attorney” and preceding the comma

Fourth: In Sec. 1, in 33 V.S.A. § 7503(7), by striking out “by rule” preceding “procedures”

Fifth: In Sec. 1, in 33 V.S.A. § 7504(a)(2)(A), by striking out “services” and inserting in lieu thereof “long-term care”

Sixth: In Sec. 1, in 33 V.S.A. § 7504(a), by redesignating the second subdivision (3) to be subdivision (4)

Seventh: In Sec. 1, in 33 V.S.A. § 7504(b)(2), in the second sentence, by striking out “Toward that end, long-term” at the beginning of the sentence and inserting in lieu thereof “Long-term”

Eighth: In Sec. 1, in 33 V.S.A. § 7504(b)(3), by striking out “services” following “long-term care”

Ninth: In Sec. 1, in 33 V.S.A. § 7508(b), by striking out “services” following “long-term care” both times it appears and by striking out “Medicaid” preceding “demonstration” both times it appears

Tenth: In Sec. 1, in 33 V.S.A. § 7509(a)(2), by striking out “services” and inserting in lieu thereof “long-term care” and by striking out “Medicaid” preceding “demonstration”

Eleventh: In Sec. 1, in 33 V.S.A. § 7509(a)(4), by striking out “services” and inserting in lieu thereof “long-term care” and by striking out “Medicaid” preceding “demonstration”

Twelfth: In Sec. 1, in 33 V.S.A. § 7509(b)(2), by striking out “services” and inserting in lieu thereof “long-term care” and by striking out “Medicaid” preceding “demonstration”

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.

**Favorable Report; Second Reading;
Third Reading Ordered**

H. 219

Rep. Bartholomew of Hartland, for the committee on Agriculture & Forestry, to which had been referred House bill, entitled

An act relating to the Vermont spaying and neutering program

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Second Reading;Third Reading Ordered

S. 79

Rep. Conquest of Newbury, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to freedom from compulsory collection of personal information

Reported in favor of its passage in concurrence

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

Pending the question, Shall the bill be read a third time? **Rep. Lippert of Hinesburg** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 110. Nays, 24.

Those who voted in the affirmative are:

- | | | |
|-------------------------|--------------------------|---------------------------|
| Ainsworth of Royalton | Gonzalez of Winooski | Nolan of Morristown |
| Ancel of Calais | Grad of Moretown | Norris of Shoreham |
| Bancroft of Westford | Greshin of Warren | Noyes of Wolcott |
| Bartholomew of Hartland | Haas of Rochester | Ode of Burlington |
| Baser of Bristol | Head of South Burlington | Olsen of Londonderry |
| Beck of St. Johnsbury | Hill of Wolcott | O'Sullivan of Burlington |
| Belaski of Windsor | Hooper of Brookfield | Parent of St. Albans Town |

Bissonnette of Winooski	Houghton of Essex	Partridge of Windham
Bock of Chester	Howard of Rutland City	Potter of Clarendon
Botzow of Pownal	Jessup of Middlesex	Pugh of South Burlington
Briglin of Thetford	Jickling of Brookfield	Rachelson of Burlington
Brumsted of Shelburne	Joseph of North Hero	Scheu of Middlebury
Buckholz of Hartford	Juskiewicz of Cambridge	Scheuermann of Stowe
Burke of Brattleboro	Keefe of Manchester	Sharpe of Bristol
Carr of Brandon	Keenan of St. Albans City	Shaw of Pittsford
Chesnut-Tangerman of Middletown Springs	Kimbell of Woodstock	Sheldon of Middlebury
Christie of Hartford	Kitzmiller of Montpelier	Sibilia of Dover
Colburn of Burlington	Krowinski of Burlington	Smith of New Haven
Conlon of Cornwall	Lalonde of South Burlington	Stevens of Waterbury
Connor of Fairfield	Lanpher of Vergennes	Stuart of Brattleboro *
Conquest of Newbury	Lawrence of Lyndon	Sullivan of Dorset
Corcoran of Bennington	Lefebvre of Newark	Sullivan of Burlington
Cupoli of Rutland City	Lippert of Hinesburg	Taylor of Colchester
Dakin of Colchester	Long of Newfane	Toleno of Brattleboro
Deen of Westminster	Lucke of Hartford	Toll of Danville
Devereux of Mount Holly	Macaig of Williston	Townsend of South Burlington
Dickinson of St. Albans	Masland of Thetford	Trieber of Rockingham
Donahue of Northfield	McCormack of Burlington	Trojano of Stannard
Donovan of Burlington	McCoy of Poultney	Walz of Barre City
Dunn of Essex	McCullough of Williston	Webb of Shelburne
Fagan of Rutland City	McFaun of Barre Town	Weed of Enosburgh
Feltus of Lyndon	Miller of Shaftsbury	Willhoit of St. Johnsbury
Fields of Bennington	Morris of Bennington	Wood of Waterbury
Forguites of Springfield	Morrissey of Bennington	Wright of Burlington
Gannon of Wilmington	Mrowicki of Putney	Yacavone of Morristown
Giambatista of Essex	Murphy of Fairfax	Yantachka of Charlotte
	Myers of Essex	Young of Glover

Those who voted in the negative are:

Beyor of Highgate	Higley of Lowell	Savage of Swanton
Canfield of Fair Haven	Hubert of Milton	Smith of Derby
Frenier of Chelsea	LaClair of Barre Town	Strong of Albany
Gage of Rutland City	Lewis of Berlin	Tate of Mendon
Gamache of Swanton	Martel of Waterford	Terenzini of Rutland Town
Graham of Williamstown	Pearce of Richford	Turner of Milton
Hebert of Vernon	Quimby of Concord	Van Wyck of Ferrisburgh
Helm of Fair Haven	Rosenquist of Georgia	Viens of Newport City

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

Batchelor of Derby	Cina of Burlington	Hooper of Montpelier
Brennan of Colchester	Condon of Colchester	Marcotte of Coventry
Browning of Arlington	Copeland-Hanzas of Bradford	Poirier of Barre City
Burditt of West Rutland	Emmons of Springfield	Squirrell of Underhill
Christensen of Weathersfield	Gardner of Richmond	Till of Jericho

Rep. Hubert of Milton explained his vote as follows:

“Madam Speaker:

I vote no. I can not support this bill as I believe it is in direct conflict with my own oath of office.”

Rep. Stuart of Brattleboro explained her vote as follows:

“Madam Speaker:

I am proud to vote in support of S.79 in collaboration with my colleagues on all sides of the aisle here in the people’s house of the great state of Vermont. Madame Speaker, I hope this is just one of the measures my republican, democratic progressive and independent colleagues and I will take during this biennium to push back against the trump administration’s draconian measures which appeal to the darker sides of human nature and fan the fires of fear and hate in order to win votes and keep a morally flawed and dishonest president in power.”

Rep. Van Wyck of Ferrisburg explained his vote as follows:

“Madam Speaker:

I voted No. The short-term satisfaction of primarily minor restatements of some settled policies and procedures is outweighed by the long-term prospects of major negative unintended consequences. What could go wrong? I think of the face of Kathryn Steinle.”

Senate Proposal of Amendment Concurred in

J.R.H. 4

Joint resolution reaffirming the General Assembly’s commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court’s decision in *Brigham v. State*

Offered by: Representative Deen of Westminster

Whereas, the Common Benefits Clause of the Vermont Constitution, Chapter I, Article 7, provides “that government is, or ought to be, instituted for the common benefit, protection, and security of the people,” and

Whereas, the Education Clause of the Vermont Constitution, Chapter II, § 68, states that a “competent number of schools ought to be maintained in each town,” and

Whereas, in the mid1990s, three sets of plaintiffs filed suit in Lamoille Superior Court alleging that the State’s existing Foundation public school funding formula denied students in the towns of Hardwick and Whiting an equal educational opportunity, and

Whereas, the trial court granted summary judgment to the State, holding in part that Section 68 does not provide “any rights...to Vermont citizens,” and

Whereas, undaunted, the plaintiffs appealed to the Vermont Supreme Court, and

Whereas, in the Vermont Supreme Court’s historic decision, *Brigham v. State*, 166 Vt. 246, on February 5, 1997, the Court explained that “from its earliest days, Vermont has recognized the obligation to provide for the education of its youth,” and

Whereas, the Court analyzed the Education Clause’s historic development, prior pertinent judicial opinions, and the 1828 inaugural address of Governor Samuel Crafts, who, in speaking before the General Assembly, stated, it is “our paramount duty to place the means for obtaining instruction and information, equally within the reach of all,” and

Whereas, the Court concluded that “the current [Foundation] educational financing system in Vermont violates the right to equal educational opportunities under Chapter II, § 68 and Chapter I, Article 7 of the Vermont Constitution,” and directed the General Assembly to devise a new education funding formula implementing the principle of equal educational opportunity for all of Vermont’s children, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly reaffirms its commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court’s decision in *Brigham v. State*, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Philip B. Scott.

Was taken up and concurred in on the part of the House.

Message from the Senate No. 29

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 on its part passed Senate bill of the following title:

S. 31. An act relating to circulating nurses in hospital operating rooms.

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

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 23. Joint resolution relating to weekend adjournment.

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

Adjournment

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