Journal of the House

Thursday, March 29, 2018

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

Devotional Exercises

Devotional exercises were conducted by Rob Backlund for Alzheimer's Awareness and Advocacy Day, Burlington, VT.

Senate Bill Referred

S. 257

Senate bill, entitled
An act relating to miscellaneous changes to education law
Was read and referred to the committee on Education.

Senate Bill Referred

S. 94

Senate bill, entitled
An act relating to promoting remote work
Was read and referred to the committee on Commerce and Economic Development.

Message from the Senate No. 42

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. 94. An act relating to promoting remote work.
S. 257. An act relating to miscellaneous changes to education law.
In the passage of which the concurrence of the House is requested.
Committee Relieved of Consideration and Bill Committed to Other Committee

S. 179

Rep. Conquest of Newbury moved that the committee on Judiciary be relieved of House bill, entitled

An act relating to community justice centers

And that the bill be committed to the committee on Corrections and Institutions, which was agreed to.

Senate Proposal of Amendment Concurred in

S. 103

The Senate proposed to the House to amend House bill, entitled

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

The Senate concurs in the House proposal of amendment with the following proposal of amendment thereto:

First: By striking out “Intergovernmental” wherever it appears in the bill and inserting in lieu thereof Interagency

Second: In Sec. 1, 10 V.S.A. § 6633, in subsection (b), after the word “following” by striking out “nine” and inserting in lieu thereof eight

And by striking out subdivisions (b)(1) and (2) in their entirety and renumbering the remaining subdivisions in subsection (b) to be numerically correct

And by striking out the period after the renumbered (b)(7) and inserting in lieu thereof a new semicolon

And by adding a new subdivision (b)(8) to read:

(8) the Secretary of Transportation or designee.

Third: In Sec. 1, 10 V.S.A. § 6633, in subdivision (f)(2), after “July 1,” by striking out “2017” and inserting in lieu thereof 2018

Fourth: In Sec. 2 (Intergovernmental Committee on Chemical Management report), in the first sentence, after “February 15,” by striking out “2018” and inserting in lieu thereof 2019

Fifth: In Sec. 4 (ANR groundwater source testing rule), in the first sentence, by striking out “2017” where it appears and inserting in lieu thereof 2018

And in the second sentence, by striking out “2018” where it appears and
inserting in lieu thereof 2019

Sixth: In Sec. 9 (Effective Dates), by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b) Sec. 3 (groundwater source testing) shall take effect on July 1, 2019, except that 10 V.S.A. § 1982(e) shall take effect on passage.

(c) All other sections shall take effect on July 1, 2018.

Which proposal of amendment was considered.

Pending the question, Shall the House concur in the Senate proposal to the House proposal of amendment? Rep. Poirier of Barre City moved that the House concur in the Senate proposal of amendment with a further amendment thereto as follows:

By striking out Sec. 8 (rulemaking; additional chemicals of concern) in its entirety and inserting in lieu thereof the following:

Sec. 8. [Deleted.]

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment with further amendment thereto as moved by Rep. Poirier of Barre City? Rep. Poirier of Barre City 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 House concur in the Senate proposal of amendment to the House proposal of amendment with further amendment thereto as moved by Rep. Poirier of Barre City? was decided in the negative. Yeas, 53. Nays, 84.

Those who voted in the affirmative are:

Bancroft of Westford  Harrison of Chittenden  Pearce of Richford
Baser of Bristol  Hebert of Vernon  Poirier of Barre City
Batchelor of Derby  Helm of Fair Haven  Quimby of Concord
Beck of St. Johnsbury  Higley of Lowell  Read of Fayston
Brennan of Colchester  Juskiewicz of Cambridge  Rosenquist of Georgia
Burditt of West Rutland  Keefe of Manchester  Savage of Swanton
Canfield of Fair Haven  Kimbell of Woodstock  Scheuermann of Stowe
Cupoli of Rutland City  LaClair of Barre Town  Shaw of Pittsford
Devereux of Mount Holly  Lawrence of Lyndon  Smith of Derby
Dickinson of St. Albans  Lewis of Berlin  Smith of New Haven
Town  Marcotte of Coventry  Strong of Albany
Donahue of Northfield  Matthews of Milton  Sullivan of Dorset
Fagan of Rutland City  McCoy of Poultney  Terenzini of Rutland Town
Feltus of Lyndon  McFaun of Barre Town  Turner of Milton
Frenier of Chelsea  Myers of Essex  Van Wyck of Ferrisburgh
Gage of Rutland City  Nolan of Morristown  Viens of Newport City
Gamache of Swanton  Norris of Shoreham  Willhoit of St. Johnsbury
Graham of Williamstown  Parent of St. Albans Town  Wright of Burlington
Those who voted in the negative are:

Ancel of Calais  Gannon of Wilmington  Murphy of Fairfax
Bartholomew of Hartland  Gardner of Richmond  Noyes of Wolcott
Belaski of Windsor  Giambatista of Essex  Ode of Burlington
Bissonnette of Winooski  Grad of Moretown  O'Sullivan of Burlington
Bock of Chester  Haas of Rochester  Pajala of Londonderry
Botzow of Pownal  Head of South Burlington  Partridge of Windham
Briglin of Thetford  Hill of Wolcott  Potter of Clarendon
Browning of Arlington  Hooper of Montpelier  Pugh of South Burlington
Buckholz of Hartford  Hooper of Randolph  Rachelson of Burlington
Burke of Brattleboro  Houghton of Essex  Scheu of Middlebury
Carr of Brandon  Howard of Rutland City  Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs  Jessup of Middlesex  Sheldon of Middlebury
Christensen of Weathersfield  Joseph of North Hero  Squirrell of Underhill
Christie of Hartford  Keenan of St. Albans City  Stuart of Brattleboro
Colburn of Burlington  Krowinski of Burlington  Sullivan of Burlington
Conlon of Cornwall  Lalonde of South Burlington  Taylor of Colchester
Connor of Fairfield  Lanpher of Vergennes  Till of Jericho
Conquest of Newbury  Lippert of Hinesburg  Tolen of Brattleboro
Copeland-Hanzas of Middletown Springs  Long of Newfane  Townsend of South
Bradford  Lucke of Hartford  Burlington
Corcoran of Bennington  Macaig of Williston  Trieben of Rockingham
Dakin of Colchester  Masland of Thetford  Troiano of Stannard
Deen of Westminster  McCormack of Burlington  Walz of Barre City
Donovan of Burlington  McCullough of Williston  Webb of Shelburne
Dunn of Essex  Miller of Shaftsbury  Weed of Enosburgh
Emmons of Springfield  Morris of Bennington  Wood of Waterbury
Fields of Bennington  Morrissey of Bennington  Yacovone of Morristown
Forguites of Springfield  Mrowicki of Putney  Young of Glover

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

Ainsworth of Royalton  Condon of Colchester  Martel of Waterford
Beyor of Highgate  Gonzalez of Winooski  Stevens of Waterbury
Brumsted of Shelburne  Kitzmiller of Montpelier  Toll of Danville
Cina of Burlington  Lefebvre of Newark  Yantachka of Charlotte

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment? Rep. Turner of Milton 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 House concur in the Senate proposal of amendment to the House proposal of amendment? was decided in the affirmative. Yeas, 96. Nays, 42.

Those who voted in the affirmative are:

Ancel of Calais  Gannon of Wilmington  Murphy of Fairfax
Bartholomew of Hartland  Gardner of Richmond  Norris of Shoreham
Baser of Bristol  Giambatista of Essex  Noyes of Wolcott
Belaski of Windsor  Grad of Moretown  Ode of Burlington
Bissonnette of Winooski  Haas of Rochester  O'Sullivan of Burlington
Bock of Chester  Harrison of Chittenden  Pajala of Londonderry
Botzow of Pownal  Head of South Burlington  Partridge of Windham
Briglin of Thetford  Hill of Wolcott  Pearce of Richford
Browning of Arlington  Hooper of Montpelier  Potter of Clarendon
Buckholz of Hartford  Hooper of Randolph  Pugh of South Burlington
Burke of Brattleboro  Houghton of Essex  Rachelson of Burlington
Canfield of Fair Haven  Howard of Rutland City  Scheu of Middlebury
Carr of Brandon  Jessup of Middlesex  Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs  Jickling of Randolph  Sheldon of Middlebury
Christensen of Weathersfield  Keefe of Manchester  Squirrel of Underhill
Christie of Hartford  Keenan of St. Albans City  Stevens of Waterbury
Colburn of Burlington  Kimbell of Woodstock  Stuart of Brattleboro
Conlon of Cornwall  Krowinski of Burlington  Sullivan of Dorset
Connor of Fairfield  Lalonde of South Burlington  Sullivan of Burlington
Conquest of Newbury  Lanpher of Vergennes  Taylor of Colchester
Copeland-Hanzas of New York  Lawrence of Lyndon  Till of Jericho
Bradford  Lippert of Hinesburg  Toleno of Brattleboro
Corcoran of Bennington  Long of Newfane  Townsend of South
Dakin of Colchester  Lucke of Hartford  Burlington
Deen of Westminster  Macaig of Williston  Trieber of Rockingham
Devereux of Mount Holly  Masland of Thetford  Troiano of Stannard
Donovan of Burlington  McCormack of Burlington  Walz of Barre City
Dunn of Essex  McCullough of Williston  Webb of Shelburne
Emmons of Springfield  Miller of Shaftsbury  Weed of Enosburgh
Feltes of Lyndon  Morris of Bennington  Wood of Waterbury
Fields of Bennington  Morrissey of Bennington  Yacovone of Morristown
Forguates of Springfield  Mrowicki of Putney  Young of Glover

Those who voted in the negative are:

Bancroft of Westford  Helm of Fair Haven  Rosenquist of Georgia
Batchelor of Derby  Higley of Lowell  Savage of Swanton
Beck of St. Johnsbury  Juskiewicz of Cambridge  Schuermann of Stowe
Brennan of Colchester  LaClair of Barre Town  Shaw of Pittsfld
Burditt of West Rutland  Lewis of Berlin  Smith of Derby
Cupoli of Rutland City  Marcotte of Coventry  Smith of New Haven
Dickinson of St. Albans  Mattos of Milton  Strong of Albany
Town  McCoy of Poultney  Terenzini of Rutland Town
Donahue of Northfield  McFaul of Barre Town  Turner of Milton
Fagan of Rutland City  Myers of Essex  Van Wyck of Ferrisburgh
Frenier of Chelsea  Nolan of Morristown  Viens of Newport City
Gage of Rutland City  Parent of St. Albans Town  Willhoit of St. Johnsbury
Ganache of Swanton  Poirier of Barre City  Wright of Burlington
Graham of Williamstown  Quimby of Concord  
Hebert of Vernon  Read of Fayston

Those members absent with leave of the House and not voting are:
Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

I vote yes to better protect Vermonters - especially our children - from toxic chemicals.”

Rep. Morris of Bennington explained her vote as follows:

“Madam Speaker:

I vote in favor of this bill for two reasons:

1. It is our duty to ensure the harmful practices of the past do not continue to hurt Vermonters into the future.

2. Science is real.”

Rep. Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

I vote yes to support the committee’s work to protect Vermonters - especially children - from dangerous chemicals in the environment.

These kinds of protections will move Vermont into a future that ensures a strong, healthy Vermont.”

Message from the Senate No. 43

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 bills originating in the House of the following titles:

**H. 846.** An act relating to the application of general law to chartered municipalities.

**H. 829.** An act relating to appointing town grand jurors.

And has passed the same in concurrence.
Rep. Grad of Moretown, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to establishing extreme risk protection orders

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 1, 13 V.S.A. § 4053, in subdivision (c)(2)(A)(ii), by striking out “intended to place” and inserting in lieu thereof “placed”

Second: In Sec. 1, in 13 V.S.A. § 4053, in subdivision (e)(1), by striking out “at the time of the hearing”

Third: In Sec. 1, in 13 V.S.A. § 4053, in subdivision (e)(2), by striking out “60 days” and inserting in lieu thereof “six months”

Fourth: In Sec. 1, 13 V.S.A. § 4054, in subdivision (a)(1), at the end of the subdivision, by striking out “filed” and inserting in lieu thereof “submitted”

Fifth: In Sec. 1, 13 V.S.A. § 4054, in subdivision (b)(1), at the end of the subdivision, after the word “title” by inserting “, and the court shall deliver a copy to the holding station”

Sixth: In Sec. 1, 13 V.S.A. § 4054, in subdivision (b)(2)(A)(ii), by striking out “intended to place” and inserting in lieu thereof “placed”

Seventh: In Sec. 1, in 13 V.S.A. § 4055, in subdivisions (b)(1) and (b)(2), by, in each instance, striking out “60 days” and inserting in lieu thereof “six months”

Eighth: In Sec. 1, in 13 V.S.A. § 4056, in subsection (a), in the second sentence, after the word “service” by inserting “, and shall deliver a copy to the holding station”

Ninth: In Sec. 1, 13 V.S.A., after § 4060, by inserting a § 4061 to read as follows:

§ 4061. EFFECT ON OTHER LAWS

This chapter shall not be construed to prevent a court from prohibiting a person from possessing firearms under any other provision of law.

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

At three o'clock and thirty-nine minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At three o'clock and fifty-eight minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Proposal of Amendment Agreed to; Third Reading Ordered

S. 221

Consideration resumed on House bill, entitled An act relating to establishing extreme risk protection orders

Thereupon the proposal of amendment of the committee on Judiciary was agreed to.

Pending the question, Shall the bill be read a third time? Rep. Grad of Moretown 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, 136. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais
Bancroft of Westford
Bartholomew of Hartland
Baser of Bristol
Batchelor of Derby
Beck of St. Johnsbury
Belaski of Windsor
Bissonnette of Winooski
Bock of Chester
Botzow of Pownal
Brennan of Colchester
Briglin of Thetford
Browning of Arlington
Buckholz of Hartford
Burditt of West Rutland
Burke of Brattleboro
Canfield of Fair Haven
Carr of Brandon
Chesnut-Tangerman of Middletown Springs
Christensen of Weathersfield
Christie of Hartford
Colburn of Burlington
Conlon of Cornwall

Gardner of Richmond
Giambatista of Essex
Grad of Moretown
Graham of Williamstown
Haas of Rochester
Harrison of Chittenden
Head of South Burlington
Hebert of Vernon
Helm of Fair Haven
Higley of Lowell
Hill of Wolcott
Hooper of Montpelier
Hooper of Randolph
Howard of Rutland City
Jessup of Middlesex
Jickling of Randolph
Joseph of North Hero
Juskiewicz of Cambridge
Keefe of Manchester
Keenan of St. Albans City
Kline of Barre Town
Lalonde of South Burlington

O'Sullivan of Burlington
Pajala of Londonderry
Parent of St. Albans Town
Partridge of Windham
Pearce of Richford
Poirier of Barre City
Potter of Clarendon
Pugh of South Burlington
Quimby of Concord
Read of Fayston
Rosenquist of Georgia
Savage of Swanton
Scheuermann of Stowe
Sharpe of Bristol
Shaw of Pittsford
Sheldon of Middlebury
Sibilia of Dover
Smith of Derby
Smith of New Haven
Squirrel of Underhill
Stevens of Waterbury
Strong of Albany
Connor of Fairfield
Conquest of Newbury
Copeland-Hanzas of Bradfورد
Bradford
Corcoran of Bennington
Copeland of Rutland City
Cupoli of Rutland City
Dakin of Colchester
Deen of Westminster
Devereux of Mount Holly
Dickinson of St. Albans
Donahue of Northfield
Donovan of Burlington
Dunn of Essex
Emmons of Springfield
Forguites of Springfield
Frenier of Chelsea
Gage of Rutland City
Gamache of Swanton
Gannon of Wilmington

Those who voted in the negative are: none

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

Ainsworth of Royalton
Beyor of Highgate
Brumsted of Shelburne
Cina of Burlington
Condon of Colchester

Rep. McFaun of Barre Town explained his vote as follows:

“Madam Speaker:

I voted yes on S. 221 because it is a true public protection bill. I thank the committee for their good work.”

Rep. Willhoit of St. Johnsbury explained his vote as follows:

“Madam Speaker:

The incident thankfully thwarted in Fair Haven shook us all. I vote yes as S. 221 provides for extreme risk protection orders that can and will be properly accessed when someone poses a threat to themselves or others.”

Adjournment

At four o'clock and sixteen minutes in the afternoon, on motion of Rep. Turner of Milton, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.