

Journal of the Senate

FRIDAY, MARCH 30, 2018

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Bruce Wilkinson of Bristol.

Message from the House No. 38

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 923. An act relating to capital construction and State bonding budget adjustment.

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

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

S. 128. An act relating to executive sessions under the Open Meeting Law.

And has passed the same in concurrence.

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

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.

And has adopted the same in concurrence.

Message from the House No. 39

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered Senate proposal of amendment to House proposal of amendment to Senate bill of the following title:

S. 103. An act relating to the regulation of toxic substances and hazardous materials.

And has concurred therein.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 291. House concurrent resolution congratulating the Vermont State Housing Authority on its 50th anniversary.

H.C.R. 292. House concurrent resolution congratulating the 2018 Rutland High School Division I championship cheerleading team.

H.C.R. 293. House concurrent resolution congratulating Milton High School senior Nick Johnson on his varsity athletic achievements.

H.C.R. 294. House concurrent resolution congratulating Southwestern Medical Center on its centennial anniversary.

H.C.R. 295. House concurrent resolution congratulating the Vermont teams participating in the 2017–2018 FIRST robotics competitions.

H.C.R. 296. House concurrent resolution congratulating the 2017 Northfield High School Marauders Division III championship girls' cross-country team.

H.C.R. 297. House concurrent resolution congratulating William O'Neil on his 2018 induction into the National Federation of State High School Associations' Hall of Fame.

H.C.R. 298. House concurrent resolution honoring the TRIO academic programs in Vermont and designating March 29, 2018 as TRIO Day at the State House.

H.C.R. 299. House concurrent resolution congratulating the Brattleboro Floral Arts and Garden Club on its 50th anniversary.

H.C.R. 300. House concurrent resolution congratulating Melba Masse on her induction into the Vermont Sports Hall of Fame.

H.C.R. 301. House concurrent resolution congratulating the 2018 Fair Haven Union High School Slaters Division II championship boys' basketball team.

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

Pages Honored

In appreciation of their many services to the members of the General Assembly, the President recognized the following-named pages who are completing their services today and presented them with letters of appreciation.

Mack Briglin of Thetford Center
Brody Brown of Washington
Lily Charkey-Buren of Brattleboro
Olivia Crawford of Jericho
Hannah Darby of West Berlin
Seamus Howrigan of Colchester
Adelle MacDowell of Johnson
Liza Morse of Danville
Otto Nisimblat of Killington
Olive Oski of Burlington
Ethan Sonneborn of Bristol

Bill Referred

House bill of the following title was read the first time and referred:

H. 921. An act relating to nursing home oversight.

Was taken up and pursuant to Temporary Rule 44A was referred to the Committee on Health and Welfare.

Bill Referred

House bill of the following title was read the first time and referred:

H. 923.

An act relating to capital construction and State bonding budget adjustment.
To the Committee on Institutions.

Bills Passed in Concurrence with Proposal of Amendment

House bills of the following titles were severally read the third time and passed in concurrence with proposal of amendment:

H. 422. An act relating to removal of firearms from a person arrested or cited for domestic assault.

H. 563. An act relating to repealing the crimes of vagrancy.

H. 771. An act relating to the Vermont National Guard.

Bills Passed in Concurrence

House bills of the following titles were severally read the third time and passed in concurrence:

H. 616. An act relating to thermal efficiency monies and biomass-led district heat.

H. 620. An act relating to State-owned airports and economic development.

Third Readings Ordered**H. 271.**

Senator Ingram, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to administration of the Supplemental Nutrition Assistance Program.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

H. 686.

Senator Ayer, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to establishing the Child Fatality Review Team.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock and fifteen minutes in the afternoon.

Called to Order

The Senate was called to order by the President.

House Proposal of Amendment Concurred In**S. 55.**

House proposal of amendment to Senate bill entitled:

An act relating to the disposition of unlawful and abandoned firearms.

Was taken up.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

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

§ 2301. APPLICABILITY OF CHAPTER

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

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

§ 2302. UNLAWFUL FIREARMS; AGENCY

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

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

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

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

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

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

§ 2305. DISPOSITION OF UNLAWFUL FIREARMS

(a) Any ~~unlawful~~ firearm which the commissioner of public safety determines to be unsafe or the possession of which is unlawful per se shall either be destroyed, or if the ~~commissioner of public safety~~ Commissioner of Public Safety deems ~~such to be~~ it appropriate, retained by the ~~department of public safety~~ Department of Public Safety for purposes of forensic science reference. In no event shall the ~~commissioner of public safety~~ Commissioner

of Public Safety dispose of such an unlawful a firearm in any other manner or to any other person.

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

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

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

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

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

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

(B) section 2306 of this title.

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

(d) No State agency or department or State official shall be subject to any civil, criminal, administrative, or regulatory liability for any act taken or omission made in reliance on the provisions of this chapter.

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

§ 2306. RIGHTS OF INNOCENT OWNER

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

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

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

* * *

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

* * *

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

§ 4019. FIREARMS TRANSFERS; BACKGROUND CHECKS

(a) As used in this section:

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

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

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

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

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

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

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

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

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

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

(B) the licensed dealer agrees to facilitate the transfer.

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

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

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

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

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

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

(e) This section shall not apply to:

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

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

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

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

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

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

§ 4020. SALE OF FIREARMS TO PERSONS UNDER 21 YEARS OF AGE
PROHIBITED

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

(b) This section shall not apply to:

(1) a law enforcement officer;

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

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

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

(c) As used in this section:

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

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

(3) "Commissioner" means the Commissioner of Fish and Wildlife.

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

§ 4021. LARGE CAPACITY AMMUNITION FEEDING DEVICES

(a) A person shall not manufacture, possess, transfer, offer for sale, purchase, or 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.

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

(c)(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 before October 1, 2018.

(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;

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

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

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

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

(F) transported by a resident of another state into this State for the exclusive purpose of use in an established shooting competition if the device is lawfully possessed under the laws of another state

(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).

(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;

(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; or

(C) a large capacity ammunition feeding device that is manufactured or sold solely for use with a firearm that is determined to be a curio or relic by the Bureau of Alcohol, Tobacco, Firearms and Explosives. As used in this subdivision, "curio or relic" means a firearm that is of special interest to collectors by reason of some quality other than its association with firearms intended for sporting use or as offensive or defensive weapons.

Sec. 9. 13 V.S.A. § 4022 is added to read:

§ 4022. BUMP-FIRE STOCKS; POSSESSION PROHIBITED

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

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

(c) The Department of Public Safety shall develop, promote, and execute a collection process that permits persons to voluntarily and anonymously relinquish bump-fire stocks prior to the effective date of this section.

Sec. 10. REPORT; BACKGROUND CHECKS ON PRIVATE FIREARM SALES

On or before December 15, 2018, the Department of Public Safety, the Executive Director of the Department of Sheriffs and State's Attorneys, and the Vermont Association of Chiefs of Police shall report to the House and Senate Committees on Judiciary regarding establishing an alternative to 13 V.S.A. § 4019 for conducting background checks on private firearms sales. The option shall permit a purchaser to obtain a background check from a law enforcement agency rather than a federally licensed firearms dealer when purchasing the firearm from a private person instead of the dealer. The report shall analyze the cost and efficiency of obtaining the background check from the law enforcement agency rather than the dealer, and shall include a recommendation as to whether such an option should be created by the General Assembly.

Sec. 11. REPEAL

13 V.S.A. § 4021(d)(1)(F) shall be repealed on July 1, 2019.

 Sec. 12. EFFECTIVE DATES

(a) This section and Secs. 1-8, and Secs. 10-11 shall take effect upon passage.

(b) Sec. 9 (bump stocks) shall take effect on October 1, 2018.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Rodgers moved that the Senate concur in the House proposal of amendment with an amendment as follows:

By striking Secs. 7 and 8 in their entirety, and by renumbering the remaining sections to be numerically correct.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment with further proposal of amendment as recommended by Senator Rodgers?, Senator Sears moved to substitute the proposal of amendment of Senator Rodgers with the following amendment thereto:

First: In Sec. 6, 13 V.S.A. § 4019, in subdivision (a)(2), after the following: “parent,” by inserting the following: in-law,

Second: In Sec. 7, 13 V.S.A. § 4020, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) This section shall not apply to:

(1) a law enforcement officer;

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

(3) a person who provides the seller with a certificate of satisfactory completion of a Vermont hunter safety course;

(4) a person who provides the seller with a certificate of satisfactory completion of a hunter safety course in another state or a province of Canada;
or;

(5) a person who provides the seller with documentation of satisfactory completion of a firearms course authorized by the National Rifle Association, National 4-H Shooting Sports, or Boy Scouts of America Shooting Sports.

Third: By striking out Sec. 8 in its entirety.

Fourth: In Sec. 9, 13 V.S.A. § 4022(c), after the word “collection” by inserting the words and destruction

Fifth: By striking out Sec. 11 in its entirety.

Sixth: By striking out Sec. 12 (Effective Dates) in its entirety and inserting in lieu thereof a new section to be Sec. 10 to read as follows:

Sec. 10. EFFECTIVE DATES

(a) This section and Secs. 1–7 and 9 shall take effect on passage.

(b) Sec. 8 (bump stocks) shall take effect on October 1, 2018.

And by renumbering all the sections of the bill to be numerically correct.

Which was agreed to Yeas 30, Nays 0.

Senator Brock having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Thereupon, the pending question, Shall the Senate concur in the House proposal of amendment with the proposal of amendment as moved by Senator Rodgers, as substituted?, was disagreed to on a roll call, Yeas 12, Nays 18.

Senator Sears having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Benning, Branagan, *Brock, Collamore, Flory, Kitchel, MacDonald, Mazza, Nitka, Sears, Soucy, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Balint, Baruth, Bray, Brooks, Campion, Clarkson, Cummings, Ingram, Lyons, McCormack, Pearson, Pollina, Rodgers, Sirotkin, Starr, White.

*Senator Brock explained his vote as follows:

My “Yes” vote today was for the purpose of addressing numerous errors and endorsing the removal from this bill of unwarranted restrictions on the size of firearms magazines. I do not support many of the remaining provisions of the underlying bill as evidenced by my earlier “No” vote. I remain concerned that today in concurring with the underlying bill we have infringed on the rights of thousands of law-abiding Vermonters, while failing to prevent to deter future acts of violence. Our efforts would have been much better directed at identifying threats, enhancing security of our schools, improving our mental health system and enforcing laws already on the books.

Thereupon, the pending question, Shall the Senate concur in the House proposal of amendment?, was agreed to on a roll call, Yeas 17, Nays 13.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Bray, Brooks, Campion, Clarkson, Cummings, Ingram, Lyons, MacDonald, McCormack, Pearson, Pollina, Sirotkin, White.

Those Senators who voted in the negative were: Benning, Branagan, Brock, Collamore, Flory, Kitchel, Mazza, Nitka, Rodgers, *Sears, Soucy, Starr, Westman.

*Senator Sears explained his vote as follows:

Mr. President,

It is unfortunate that I am forced to vote no on a bill that I reported and sponsored. When I have looked at a firearms restrictions I have been guided by one principle; will the proposed legislation keep firearms out of the hands of individuals who should not possess them. However when law enforcement officers, our attorney general and our states attorneys tell us that something is unenforceable we should listen. Yes most Vermonters are law abiding and will follow the law so I ask who is this legislation designed to impact law abiding citizen's or the criminal element and deranged individual's who by will not abide by this law. For that reason I cannot support the sections that deal with magazines. In addition this section may very well be unconstitutional under the Vermont constitution.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Reps. Head and others,

By Senator Cummings,

H.C.R. 291.

House concurrent resolution congratulating the Vermont State Housing Authority on its 50th anniversary.

By Reps. Fagan and others,

By Senators Collamore, Flory and Soucy,

H.C.R. 292.

House concurrent resolution congratulating the 2018 Rutland High School Division I championship cheerleading team.

By Reps. Turner and others,

H.C.R. 293.

House concurrent resolution congratulating Milton High School senior Nick Johnson on his varsity athletic achievements.

By Reps. Morrissey and others,

By Senators Campion and Sears,

H.C.R. 294.

House concurrent resolution congratulating Southwestern Medical Center on its centennial anniversary.

By Reps. Jickling and Hooper,

H.C.R. 295.

House concurrent resolution congratulating the Vermont teams participating in the 2017–2018 FIRST robotics competitions.

By Reps. Donahue and Lewis,

By Senators Brooks, Cummings and Pollina,

H.C.R. 296.

House concurrent resolution congratulating the 2017 Northfield High School Marauders Division III championship girls' cross-country team.

By Reps. Myers and others,

H.C.R. 297.

House concurrent resolution congratulating William O'Neil on his 2018 induction into the National Federation of State High School Associations' Hall of Fame.

By Reps. Giambatista and others,

H.C.R. 298.

House concurrent resolution honoring the TRIO academic programs in Vermont and designating March 29, 2018 as TRIO Day at the State House.

By Reps. Stuart and others,

By Senators Balint and White,

H.C.R. 299.

House concurrent resolution congratulating the Brattleboro Floral Arts and Garden Club on its 50th anniversary.

By Reps. Myers and others,

H.C.R. 300.

House concurrent resolution congratulating Melba Masse on her induction into the Vermont Sports Hall of Fame.

By Reps. Canfield and others,

By Senators Collamore, Flory and Soucy,

H.C.R. 301.

House concurrent resolution congratulating the 2018 Fair Haven Union High School Slaters Division II championship boys' basketball team.

Adjournment

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, April 3, 2018, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 53.