

Journal of the House

Tuesday, February 5, 2019

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

Devotional Exercises

Devotional exercises were conducted by Representative Brian Cina of Burlington.

Pledge of Allegiance

Page Madeline Pike of Richford led the House in the Pledge of Allegiance.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 151

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. 152

By Reps. Cina of Burlington, Donahue of Northfield and Houghton of Essex,

House bill, entitled

An act relating to income-sensitized health insurance premiums;

To the committee on Health Care.

H. 153

By Reps. Cina of Burlington, Christensen of Weathersfield, Cordes of Lincoln, Donahue of Northfield, Durfee of Shaftsbury, Houghton of Essex, Lippert of Hinesburg and Page of Newport City,

House bill, entitled

An act relating to banning preexisting condition exclusions;

To the committee on Health Care.

H. 154

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. 155

By Rep. Yantachka of Charlotte,

House bill, entitled

An act relating to the Standard Offer Program exemption for utilities;

To the committee on Energy and Technology.

H. 156

By Reps. Harrison of Chittenden, Christie of Hartford and Shaw of Pittsford,

House bill, entitled

An act relating to a municipal property tax exemption for volunteer firefighters;

To the committee on Ways and Means.

H. 157

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to adopting minimum security standards for connected devices;

To the committee on Energy and Technology.

H. 158

By Reps. Walz of Barre City, Anthony of Barre City, Birong of Vergennes, Sullivan of Burlington and Townsend of South Burlington,

House bill, entitled

An act relating to standards for the care of domestic pets;

To the committee on Agriculture and Forestry.

H. 159

By Reps. LaLonde of South Burlington, Mrowicki of Putney, Till of Jericho, Anthony of Barre City, Brumsted of Shelburne, Burke of Brattleboro, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Colston of Winooski, Cordes of Lincoln, Donovan of Burlington, Gardner of Richmond, Gonzalez of Winooski, Hashim of Dummerston, Hooper of Montpelier, Hooper of Burlington, Houghton of Essex, Howard of Rutland City, James of Manchester, Killacky of South Burlington, Kitzmiller of Montpelier, Kornheiser of Brattleboro, Lanpher of Vergennes, Lippert of Hinesburg, Macaig of Williston, McCormack of Burlington, McCullough of Williston, O'Sullivan of Burlington, Patt of Worcester, Pugh of South Burlington, Redmond of Essex, Scheu of Middlebury, Squirrel of Underhill, Stevens of Waterbury, Sullivan of Dorset, Sullivan of Burlington, Townsend of South Burlington, Walz of Barre City, White of Hartford and Yantachka of Charlotte,

House bill, entitled

An act relating to establishing a waiting period for firearms sales;

To the committee on Judiciary.

H. 160

By Rep. Sibilia of Dover,

House bill, entitled

An act relating to support for enhanced broadband deployment in Vermont;

To the committee on Energy and Technology.

H. 161

By Reps. Sullivan of Dorset, Browning of Arlington, O'Sullivan of Burlington, Bates of Bennington, Bock of Chester, Brumsted of Shelburne, Christensen of Weathersfield, Coffey of Guilford, Colburn of Burlington, Cupoli of Rutland City, Dickinson of St. Albans Town, Elder of Starksboro, Gannon of Wilmington, Hooper of Burlington, Jerome of Brandon, Leffler of Enosburgh, Martel of Waterford, McCoy of Poultney, Morrissey of Bennington, Noyes of Wolcott, Pugh of South Burlington and Rachelson of Burlington,

House bill, entitled

An act relating to training and notice requirements regarding human trafficking;

To the committee on Human Services.

H. 162

By Reps. Colburn of Burlington, Christie of Hartford, Cina of Burlington, Cordes of Lincoln, Hashim of Dummerston, Houghton of Essex, Killacky of South Burlington, LaLonde of South Burlington, Lippert of Hinesburg, McCarthy of St. Albans City, Pugh of South Burlington, Rachelson of Burlington and Townsend of South Burlington,

House bill, entitled

An act relating to removal of buprenorphine from the misdemeanor crime of possession of a narcotic;

To the committee on Judiciary.

H. 163

By Rep. Fagan of Rutland City,

House bill, entitled

An act relating to requiring State agencies and departments to have a consumer data policy;

To the committee on Government Operations.

H. 164

By Reps. Grad of Moretown and Dolan of Waitsfield,

House bill, entitled

An act relating to creating a public school holiday on the date of the biennial elections under the Vermont Constitution;

To the committee on Education.

H. 165

By Reps. Smith of Derby, LaLonde of South Burlington, Bancroft of Westford, Batchelor of Derby, Brennan of Colchester, Christensen of Weathersfield, Cordes of Lincoln, Feltus of Lyndon, Hashim of Dummerston, Houghton of Essex, Kimbell of Woodstock, Marcotte of Coventry, Morgan of Milton, Page of Newport City, Palasik of Milton, Rosenquist of Georgia, Savage of Swanton, Shaw of Pittsford, Troiano of Stannard and Walz of Barre City,

House bill, entitled

An act relating to increasing penalties for using a portable electronic device while operating a moving motor vehicle;

To the committee on Transportation.

H. 166

By Reps. Shaw of Pittsford, Brennan of Colchester, Browning of Arlington, Burditt of West Rutland, Canfield of Fair Haven, Fagan of Rutland City, Haas of Rochester, Harrison of Chittenden, Helm of Fair Haven, Jerome of Brandon, Potter of Clarendon, Savage of Swanton and Sullivan of Dorset,

House bill, entitled

An act relating to enforcement of overweight motor vehicle laws;

To the committee on Transportation.

H. 167

By Reps. Shaw of Pittsford, Cupoli of Rutland City, Fagan of Rutland City, Harrison of Chittenden and Mattos of Milton,

House bill, entitled

An act relating to the sale and use of fireworks;

To the committee on General, Housing, and Military Affairs.

H. 168

By Rep. Ancel of Calais,

House bill, entitled

An act relating to the property transfer tax;

To the committee on Ways and Means.

Message from the Senate No. 11

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 adopted joint resolutions of the following titles:

J.R.S. 10. Joint resolution providing for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

J.R.S. 11. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2019.

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. 3. Senate concurrent resolution in memory of Judge Francis Bernard McCaffrey Jr. of Weston.

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

H.C.R. 28. House concurrent resolution congratulating Drake Hull of Rutland on winning the Vermont Golf Association's 2018 Vermont Amateur Golf Championship.

H.C.R. 29. House concurrent resolution congratulating the 2018 Harwood Union High School Highlanders Division II championship girls' cross-country team.

H.C.R. 30. House concurrent resolution congratulating the 2018 Harwood Union High School Highlanders Division II championship boys' soccer team.

H.C.R. 31. House concurrent resolution congratulating the 2018 Bellows Falls Union High School Terriers Division I championship field hockey team.

H.C.R. 32. House concurrent resolution congratulating Eric Maxham on establishing a new Vermont boys' soccer goal-scoring record and his father, Scott Maxham, on the conclusion of his outstanding West Rutland coaching career.

H.C.R. 33. House concurrent resolution congratulating the Champlain Valley Union High School Redhawks on winning their third consecutive boys' volleyball State championship.

H.C.R. 34. House concurrent resolution recognizing February 1, 2019 as Wear Red for Women Day at the State House.

H.C.R. 35. House concurrent resolution designating Wednesday, February 6, 2019 as Farm-to-School Awareness Day at the State House.

H.C.R. 36. House concurrent resolution congratulating the 2018 Woodstock Union High School Wasps Division III championship football team.

Message from the Senate No. 12

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. 14. An act relating to extending the moratorium on home health agency certificates of need.

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. 12. Joint resolution relating to weekend adjournment.

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

Joint Resolution Adopted in Concurrence

J.R.S. 10

By Senator Ashe,

J.R.S. 10. Joint resolution providing for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 21, 2019, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

Was taken up, read and adopted in concurrence.

Joint Resolution Placed on Calendar

J.R.S. 11

House resolution, entitled

By Senator Ashe,

J.R.S. 11. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2019.

Whereas, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

Whereas, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

Whereas, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

Whereas, if an election for multiple vacancies is to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

Resolved by the Senate and House of Representatives:

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 21, 2019, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

House Ethics Panel Announced

Pursuant to House rule 90(b) the House Rules Committee appointed the following members to the House Ethics Panel:

Rep. Gannon of Wilmington

Rep. Cupoli of Rutland City

Rep. Haas of Rochester

Rep. Sibilias of Dover

Rep. Jessup of Middlesex

House Discrimination Prevention Panel Announced

Pursuant to House rule 90(a), the House Rules Committee appointed the following members to the House Discrimination Prevention Panel:

Rep. Gonzalez of Winooski

Rep. Pajala of Londonderry

Rep. Cordes of Lincoln

Rep. Mattos of Milton

Rep. Hill of Wolcott

**Joint Committee On
Judicial Retention Appointed**

Pursuant to 4 V.S.A. § 607, the Chair hereby appoints the following members to the Joint Committee on Judicial Retention:

Rep. Burditt of West Rutland

Rep. Colburn of Burlington

Rep. Rachelson of Burlington

Rep. Troiano of Stannard

**Legislative Committee
On Judicial Rules Appointed**

Pursuant to 12 V.S.A. § 3, the Chair hereby appoints the following members to the Legislative Committee on Judicial Rules:

Rep. Burditt of West Rutland

Rep. Haas of Rochester

Rep. LaLonde of South Burlington

Rep. Sullivan of Dorset

**Joint Legislative Justice Oversight
Committee Appointed**

Pursuant to 2 V.S.A. § 801, the Chair hereby appoints the following members to the Joint Legislative Oversight Committee:

Rep. Emmons of Springfield

Rep. Grad of Moretown

Rep. Haas of Rochester

Rep. Hooper of Montpelier

Rep. Shaw of Pittsford

**Vermont Child Poverty
Council Announced**

Pursuant to Act No. 68 of 2007, Sec. 1(b), the Chair hereby announces the following members of the Vermont Child Poverty Council:

Rep. Wood of Waterbury

Rep. Lanpher of Vergennes

Rep. Cupoli of Rutland City

Action on Bill Postponed

H. 39

House bill, entitled

An act relating to the extension of the deadline of school district mergers required by the State Board of Education

Was taken up and pending the reading of the report of the committee on Education, on motion of **Rep. Webb of Shelburne**, action on the bill was postponed until February 6, 2019.

Adjournment

At ten o'clock and twenty-two minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.