Journal of the House

Thursday, March 11, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Cordes of Lincoln.

House Bill Introduced

H. 427

By Rep. Cina of Burlington,

House bill, entitled

An act relating to expanding the role of the Executive Director of Racial Equity

Which was read the first time and referred to the Committee on Government Operations.

Senate Bill Referred

S. 53

Senate bill, entitled

An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax

Was read and referred to the Committee on Ways and Means.

Senate Bill; Rules Suspended; Bill Not Referred for Immediate Consideration; Rules Suspended; All Remaining Stages of Passage; Bill Passed; Rules Suspended; Bill Messaged to Senate Forthwith

S. 110

Senate bill, entitled

An act relating to extending eligibility for Pandemic Emergency Unemployment Compensation

Was read the first time. On motion of Rep. McCoy of Poultney, the rules were suspended and the bill was not referred to committee in order to take it up for immediate consideration.

Thereupon, the bill was read a second time and third reading ordered.
On motion of Rep. McCoy of Poultney, the rules were suspended and the bill placed in all remaining stages of passage. Thereupon, the bill was read the third time and passed in concurrence.

On motion of Rep. McCoy of Poultney, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Bill Referred to Committee on Appropriations**

**H. 360**

House bill, entitled

An act relating to accelerated community broadband deployment

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

**Joint Resolution Placed on Calendar**

**J.R.S. 18**

By Senator Nitka,

**J.R.S. 18.** Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and three Magistrates.

*Whereas*, declarations have been submitted by the following two Superior Judges that they be retained for another six-year term, Judge Brian J. Grearson, and Judge Nancy J. Waples and three Magistrates that they be retained for another six year term, Magistrate Christine A. (Doremus) Hoyt, Magistrate Joseph M. Lorman and Magistrate Brian Valentine, and

*Whereas*, the procedures of the Joint Committee on Judicial Retention require at least one public hearing and the review of information provided by each candidate and the comments of members of the Vermont bar and the public, and

*Whereas*, the Committee was unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the candidates seeking to be retained in office by March 11, 2021, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 18, 2021, the date specified in subsection 10(b) of Title 2, and

*Whereas*, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, and

*Whereas*, Vermont has been declared by the Governor to be in a State of Emergency as a result of a pandemic known as “COVID-19”; and
Whereas, it is critical to take steps to control outbreaks of COVID-19 to minimize the risk to the public, maintain the health and safety of Vermonters and limit the spread of infection in our community; and

Whereas, technology exists which would enable the General Assembly to conduct a Joint Assembly during this time of a declared emergency in a manner: consistent with public access to, and transparency of, its proceedings, as demanded by the Vermont Constitution; and, consistent with and in compliance with statutory and legislative rule requirements regarding Judicial Retention, now therefore be it

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 25, 2021, at ten o’clock and thirty minutes in the forenoon to vote on the retention of two Superior Judges and three Magistrate, and be it further

Resolved: That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and debate from a remote location; that voting by ballot shall be conducted, as practicable, consistent with Vermont’s “Early or Absentee Voters” statute at 17 V.S.A. §2531, et seq.; that after the reports of the Committee on Judicial Retention, the Joint Assembly shall recess until Thursday, April 1, 2021 at 2:00 P.M. (or as otherwise ordered by the Joint Assembly) so that ballots may be submitted; and, that upon reconvening the results of the vote shall be announced or the Joint Assembly shall proceed until the above is completed.

Which was read and, at the Speaker’s discretion under Rule 52, placed on the Calendar for Action tomorrow.

Third Reading; Bill Passed

H. 128

House bill, entitled

An act relating to limiting criminal defenses based on victim identity

Was taken up, and read the third time.

Pending the question, Shall the bill pass? Rep. Cordes of Lincoln 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 pass? was decided in the affirmative. Yeas, 144. Nays, 1.

Those who voted in the affirmative are:

Achey of Middletown  Grad of Moretown  O'Brien of Tunbridge
Springs  Gregoire of Fairfield  Ode of Burlington
Ancel of Calais  Hango of Berkshire  Page of Newport City
Anthony of Barre City  Harrison of Chittenden  Pajala of Londonderry
Arrison of Weathersfield  Higley of Lowell  Palakis of Milton
Austin of Colchester  Hooper of Montpelier  Parsons of Newbury
Bartholomew of Hartland  Hooper of Randolph  Partridge of Windham
Batchelor of Derby  Hooper of Burlington  Patt of Worcester
Beck of St. Johnsbury  Houghton of Essex  Pearl of Danville
Birong of Vergennes  Howard of Rutland City  Peterson of Clarendon
Black of Essex  James of Manchester  Pugh of South Burlington
Bluemle of Burlington  Jerome of Brandon  Raelson of Burlington
Bock of Chester  Jessup of Middlesex  Redmond of Essex
Bongartz of Manchester  Killacky of South Burlington  Rogers of Waterville
Bos-Lun of Westminster  Kimbell of Woodstock  Rosenquist of Georgia
Brady of Williston  Kitzmiller of Montpelier  Satchowitz of Randolph
Brennan of Colchester  Kornheiser of Brattleboro  Savage of Swanton
Briglin of Thetford  LaClair of Barre Town  Scheu of Middlebury
Brown of Richmond  LaLonde of South  Scheuermann of Stowe
Brownell of Pownal  Burlington  Seymour of Sutton
Brumsted of Shelburne  Lanpher of Vergennes  Shaw of Pittsford
Burditt of West Rutland  Lefebvre of Newark  Sheldon of Middlebury
Burke of Brattleboro  Lefebvre of Orange  Sibilia of Dover
Burrows of West Windsor  Lefler of Enosburgh  Sims of Craftsbury
Campbell of St. Johnsbury  Lippert of Hinesburg  Small of Winooski
Canfield of Fair Haven  Long of Newfane  Smith of Derby
Chase of Colchester  Marcotte of Coventry  Smith of New Haven
Christie of Hartford  Martel of Waterford  Squirrel of Underhill
Cina of Burlington  Martin of Franklin  Stebbins of Burlington
Coffey of Guilford  Masland of Thetford  Stevens of Waterbury
Colburn of Burlington  Mattos of Milton  Strong of Albany
Colston of Winooski  McCarthy of St. Albans City  Sullivan of Dorset
Conlon of Cornwall  McCormack of Burlington  Surprenant of Barnard
Copeland Hanzas of Bradford  McCoy of Poultney  Taylor of Colchester
Corcoran of Bennington  McCullough of Williston  Terenzini of Rutland Town
Cordes of Lincoln  McFaun of Barre Town  Till of Jericho
Cupoli of Rutland City  Morgan, L. of Milton  Toof of St. Albans Town
Dolan of Essex  Morgan, M. of Milton  Townsend of South
Dolan of Waitsfield  Morris of Springfield  Burlington
Dolan of Ventry  Morrissey of Bennington  Troiano of Stannard
Donahue of Northfield  Mrowicki of Putney  Vyhovsky of Essex
Donnelly of Hyde Park  Mulvaney-Stanak of Burlington  Walz of Barre City
Durfee of Shafsbury  Murphy of Fairfax  Webb of Shelburne
Elder of Starksboro  Nicoll of Ludlow  White of Bethel
Emmons of Springfield  Nigro of Bennington  White of Hartford
Fagan of Rutland City  Norris of Sheldon  Whitman of Bennington
Feltus of Lyndon  Norris of Shoreham  Williams of Granby
Gannon of Wilmington  Notte of Rutland City  Wood of Waterbury
Goldman of Rockingham  Noyes of Wolcott  Yacovone of Morristown

Those who voted in the negative are:

Graham of Williamstown
Those members absent with leave of the House and not voting are:
Dickinson of St. Albans    Helm of Fair Haven    Yantachka of Charlotte
Town                      Toleno of Brattleboro

Third Reading; Bill Passed

H. 177

House bill, entitled
An act relating to approval of an amendment to the charter of the City of Montpelier
Was taken up, read the third time, and passed.

Bill Amended; Read Third Time; Bill Passed

H. 195

House bill, entitled
An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children, sexual assault, homicide, or kidnapping
Was taken up and, pending third reading of the bill, Rep. Rachelson of Burlington moved to amend the bill as follows:

In Sec.1, use of facial recognition technology by law enforcement in cases involving sexual exploitation of children, sexual assault, homicide, or kidnapping, in the title, by striking out “SEXUAL ASSAULT, HOMICIDE, OR KIDNAPPING”

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 289

House bill, entitled
An act relating to professions and occupations regulated by the Office of Professional Regulation
Was taken up, read the third time, and passed.

Committee Bill; Second Reading; Third Reading Ordered

H. 420

Rep. O'Brien of Tunbridge spoke for the Committee on Agriculture and Forestry.
House bill entitled
An act relating to miscellaneous agricultural subjects

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

Committee Bill; Second Reading; Third Reading Ordered

H. 421

Rep. Graham of Williamstown spoke for the Committee on Agriculture and Forestry.

House bill entitled
An act relating to animal cruelty investigation response and training

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

Second Reading; Bill Amended; Third Reading Ordered

H. 133

Rep. Notte of Rutland City, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to emergency relief from abuse orders and relinquishment of firearms

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

Sec. 1. 15 V.S.A. § 1104 is amended to read:

§ 1104. EMERGENCY RELIEF

(a) In accordance with the Vermont Rules of Civil Procedure, temporary orders under this chapter may be issued ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has abused the plaintiff or the plaintiff’s children, or both. The plaintiff shall submit an affidavit in support of the order. A minor 16 years of age or older, or a minor of any age who is in a dating relationship as defined in subdivision 1101(2) of this chapter, may seek relief on his or her own behalf. Relief under this section shall be limited as follows:

(1) Upon a finding that there is an immediate danger of further abuse, an order may be granted requiring the defendant:
(A) to refrain from abusing the plaintiff or his or her children, or both, or from cruelly treating as defined in 13 V.S.A. § 352 or 352a or killing any animal owned, possessed, leased, kept, or held as a pet by either party or by a minor child residing in the household;

(B) to refrain from interfering with the plaintiff’s personal liberty or the personal liberty of the plaintiff’s children, or both;

(C) to refrain from coming within a fixed distance of the plaintiff, the plaintiff’s children, the plaintiff’s residence, or the plaintiff’s place of employment; and

(D) to refrain from contacting the plaintiff or the plaintiff’s children, or both, in any way, whether directly, indirectly, or through a third party, with the purpose of making contact with the plaintiff, including in writing or by telephone, e-mail, or other electronic communication; or

(E) to immediately relinquish, until the expiration of the order, all firearms that are in the defendant’s possession, ownership, or control, and to refrain from acquiring or possessing any firearms while the order is in effect.

(2) Upon a finding that the plaintiff, or his or her the plaintiff’s children, or both, have been forced from the household and will be without shelter unless the defendant is ordered to vacate the premises, the court may order the defendant to vacate immediately the household and may order sole possession of the premises to the plaintiff.

(3) Upon a finding that there is immediate danger of physical or emotional harm to minor children, the court may award temporary custody of these minor children to the plaintiff or to other persons.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

Pending the question, Shall the bill be amended as recommended by the Committee on Judiciary? **Rep. Higley of Lowell** 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 Judiciary? was decided in the affirmative. Yeas, 101. Nays, 41.

Those who voted in the affirmative are:

Ancel of Calais       Emmons of Springfield       Pajala of Londonderry
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<thead>
<tr>
<th>Name of Town</th>
<th>First Name of Voter</th>
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<tr>
<td>Anthony of Barre City</td>
<td>Gannon</td>
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Those who voted in the negative are:

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

- Brennan of Colchester
- Dickinson of St. Albans Town
- Hooper of Randolph
- McCormack of Burlington
- Seymour of Sutton
- Sullivan of Dorset
- Yantachka of Charlotte

**Rep. Batchelor of Derby** explained her vote as follows:

“Madam Speaker:

I voted to oppose H.133 in its current form as I cannot, in good conscience, support any legislation which allows seizure of firearms without the highest level of due process.

Thank you.”

**Rep. LaLonde of South Burlington** explained his vote as follows:

“Madam Speaker:

Emergency relief from abuse orders have long been an inexpensive and uncomplicated judicial avenue for victims of abuse to seek immediate safety. When a victim is able to prove past abuse and the immediate danger of further abuse, a court can issue a Relief from Abuse Order. As part of that order, the court has the inherent authority to require the defendant to relinquish firearms. H.133 simply creates a statutory basis for this authority that clarifies the option to order firearm relinquishment. With this bill, victims will have a clearer understanding that an order removing firearms is available to improve their safety. And, crucially, providing courts explicit as opposed to inherent authority to do so makes this option unambiguous to judges.”

Thereupon, third reading was ordered.

**Action on Bills Postponed**

**H. 227**

House bill, entitled

An act relating to approval of amendments to the charter of the City of Winooski

Was taken up and pending the reading of the report of the Committee on Government Operations, on motion of **Rep. Colston of Winooski**, action on the bill was postponed until March 16, 2021.

**H. 366**

House bill, entitled
An act relating to 2021 technical corrections

Was taken up and pending the reading of the report of the Committee on Government Operations, on motion of Rep. Hooper of Burlington, action on the bill was postponed until March 16, 2021.

**H. 10**

House bill, entitled

An act relating to permitted candidate expenditures

Was taken up and pending the reading of the report of the Committee on Government Operations, on motion of Rep. Gannon of Wilmington, action on the bill was postponed until March 16, 2021.

**H. 337**

House bill, entitled

An act relating to the printing and distribution of State publications

Was taken up and pending the reading of the report of the Committee on Government Operations, on motion of Rep. Lefebvre of Orange, action on the bill was postponed until March 16, 2021.

**Adjournment**

At three o'clock and thirty-three minutes in the afternoon, on motion of Rep. McCoy of Poultney, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.