

# 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  
Springs  
Ancel of Calais

Grad of Moretown  
Gregoire of Fairfield  
Hango of Berkshire

O'Brien of Tunbridge  
Ode of Burlington  
Page of Newport City

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Anthony of Barre City	Harrison of Chittenden	Pajala of Londonderry
Arrison of Weathersfield	Higley of Lowell	Palasik 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	Rachelson of Burlington
Bock of Chester	Jessup of Middlesex	Redmond of Essex
Bongartz of Manchester	Killackey of South Burlington	Rogers of Waterville
Bos-Lun of Westminster	Kimbell of Woodstock	Rosenquist of Georgia
Brady of Williston	Kitzmiller of Montpelier	Satcowitz 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	Leffler 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	Squirrell 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	McCoy of Poultney	Taylor of Colchester
Bradford	McCullough of Williston	Terenzini of Rutland Town
Corcoran of Bennington	McFaun of Barre Town	Till of Jericho
Cordes of Lincoln	Morgan, L. of Milton	Toof of St. Albans Town
Cupoli of Rutland City	Morgan, M. of Milton	Townsend of South
Dolan of Essex	Morris of Springfield	Burlington
Dolan of Waitsfield	Morrissey of Bennington	Troiano of Stannard
Donahue of Northfield	Mrowicki of Putney	Vyhovsky of Essex
Donnally of Hyde Park	Mulvaney-Stanak of	Walz of Barre City
Durfee of Shaftsbury	Burlington	Webb of Shelburne
Elder of Starksboro	Murphy of Fairfax	White of Bethel
Emmons of Springfield	Nicoll of Ludlow	White of Hartford
Fagan of Rutland City	Nigro of Bennington	Whitman of Bennington
Feltus of Lyndon	Norris of Sheldon	Williams of Granby
Gannon of Wilmington	Norris of Shoreham	Wood of Waterbury
Goldman of Rockingham	Notte of Rutland City	Yacovone of Morristown
Goslant of Northfield	Noyes of Wolcott	

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  
Town

Helm of Fair Haven  
Toleno of Brattleboro

Yantachka of Charlotte

**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.

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## 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

Anthony of Barre City	Gannon of Wilmington	Partridge of Windham
Arrison of Weathersfield	Goldman of Rockingham	Patt of Worcester
Austin of Colchester	Grad of Moretown	Pearl of Danville
Bartholomew of Hartland	Hooper of Montpelier	Pugh of South Burlington
Beck of St. Johnsbury	Hooper of Burlington	Rachelson of Burlington
Birong of Vergennes	Houghton of Essex	Redmond of Essex
Black of Essex	Howard of Rutland City	Rogers of Waterville
Bluemle of Burlington	James of Manchester	Satcowitz of Randolph
Bock of Chester	Jerome of Brandon	Scheu of Middlebury
Bongartz of Manchester	Jessup of Middlesex	Scheuermann of Stowe
Bos-Lun of Westminster	Killacky of South Burlington	Sheldon of Middlebury
Brady of Williston	Kimbell of Woodstock	Sibilia of Dover
Briglin of Thetford	Kitzmiller of Montpelier	Sims of Craftsbury
Brown of Richmond	Kornheiser of Brattleboro	Small of Winooski
Brumsted of Shelburne	LaLonde of South Burlington *	Squirrell of Underhill
Burke of Brattleboro	Lanpher of Vergennes	Stebbins of Burlington
Burrows of West Windsor	Lefebvre of Newark	Stevens of Waterbury
Campbell of St. Johnsbury	Lippert of Hinesburg	Surprenant of Barnard
Chase of Colchester	Long of Newfane	Taylor of Colchester
Christie of Hartford	Masland of Thetford	Till of Jericho
Cina of Burlington	McCarthy of St. Albans City	Toleno of Brattleboro
Coffey of Guilford	McCullough of Williston	Townsend of South Burlington
Colburn of Burlington	Morris of Springfield	Troiano of Stannard
Colston of Winooski	Mrowicki of Putney	Vyhovsky of Essex
Conlon of Cornwall	Mulvaney-Stanak of Burlington	Walz of Barre City
Copeland Hanzas of Bradford	Murphy of Fairfax	Webb of Shelburne
Corcoran of Bennington	Nicoll of Ludlow	White of Bethel
Cordes of Lincoln	Nigro of Bennington	White of Hartford
Dolan of Essex	Notte of Rutland City	Whitman of Bennington
Dolan of Waitsfield	Noyes of Wolcott	Williams of Granby
Donahue of Northfield	O'Brien of Tunbridge	Wood of Waterbury
Donnally of Hyde Park	Ode of Burlington	Yacovone of Morristown
Durfee of Shaftsbury		
Elder of Starksboro		

Those who voted in the negative are:

Achey of Middletown Springs	Helm of Fair Haven	Norris of Sheldon
Batchelor of Derby *	Higley of Lowell	Norris of Shoreham
Brownell of Pownal	LaClair of Barre Town	Page of Newport City
Burditt of West Rutland	Lefebvre of Orange	Palasik of Milton
Canfield of Fair Haven	Leffler of Enosburgh	Parsons of Newbury
Cupoli of Rutland City	Marcotte of Coventry	Peterson of Clarendon
Fagan of Rutland City	Martel of Waterford	Rosenquist of Georgia
Feltus of Lyndon	Martin of Franklin	Savage of Swanton
Goslant of Northfield	Mattos of Milton	Shaw of Pittsford
Graham of Williamstown	McCoy of Poultney	Smith of Derby
Gregoire of Fairfield	McFaun of Barre Town	Smith of New Haven
Hango of Berkshire	Morgan, L. of Milton	Strong of Albany
	Morgan, M. of Milton	Terenzini of Rutland Town



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Harrison of Chittenden

Morrissey of Bennington

Toof of St. Albans Town

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

Brennan of Colchester

Hooper of Randolph

Sullivan of Dorset

Dickinson of St. Albans  
Town

McCormack of Burlington  
Seymour of Sutton

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.