

# Journal of the House

Tuesday, February 7, 2017

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, VT.

## Pledge of Allegiance

Page Joshua LaJeunesse, Northfield, VT led the House in the Pledge of Allegiance.

## Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Savage of Swanton**, the rules were suspended and the bills were read the first time by number and referred as follows:

### H. 195

By Rep. Botzow of Pownal,

House bill, entitled

An act relating to cooperative insurance companies, group life insurance, and medical examiner liability;

To the committee on Commerce and Economic Development.

### H. 196

By Reps. Trieber of Rockingham, Young of Glover, Copeland-Hanzas of Bradford, Bartholomew of Hartland, Beck of St. Johnsbury, Belaski of Windsor, Briglin of Thetford, Buckholz of Hartford, Burke of Brattleboro, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Connor of Fairfield, Deen of Westminster, Donovan of Burlington, Dunn of Essex, Fields of Bennington, Gonzalez of Winooski, Hebert of Vernon, Hill of Wolcott, Hooper of Brookfield, Howard of Rutland City, Krowinski of Burlington, Lippert of Hinesburg, Long of Newfane, Macaig of Williston, Masland of Thetford, McCormack of Burlington, McCullough of Williston, McFaun of Barre Town, Miller of Shaftsbury, Morris of Bennington, Mrowicki of Putney, O'Sullivan of Burlington, Partridge of Windham, Poirier of Barre City, Pugh of South Burlington, Rachelson of Burlington, Sharpe of Bristol, Squirrell of

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Underhill, Stevens of Waterbury, Stuart of Brattleboro, Sullivan of Burlington, Till of Jericho, Toleno of Brattleboro, Troiano of Stannard, Walz of Barre City, Webb of Shelburne, Weed of Enosburgh, Willhoit of St. Johnsbury, Wood of Waterbury and Yantachka of Charlotte,

House bill, entitled

An act relating to paid family leave;

To the committee on General, Housing and Military Affairs.

**H. 197**

By Reps. Copeland-Hanzas of Bradford, Chesnut-Tangerman of Middletown Springs, Hubert of Milton and Poirier of Barre City,

House bill, entitled

An act relating to mental health parity for workers' compensation;

To the committee on Commerce and Economic Development.

**H. 198**

By Rep. Shaw of Pittsford,

House bill, entitled

An act relating to the use of colored lights on fire department and emergency service vehicles;

To the committee on Transportation.

**H. 199**

By Reps. Head of South Burlington and Noyes of Wolcott,

House bill, entitled

An act relating to reinstating legislative members to the Commission on Alzheimer's Disease and Related Disorders;

To the committee on Human Services.

**H. 200**

By Reps. Strong of Albany and Grad of Moretown,

House bill, entitled

An act relating to expanding the qualifying crimes for expungement;

To the committee on Judiciary.

**H. 201**

By Rep. Pugh of South Burlington,  
House bill, entitled  
An act relating to length of stay at designated shelters;  
To the committee on Human Services.

**H. 202**

By Reps. Marcotte of Coventry and Botzow of Pownal,  
House bill, entitled  
An act relating to portable electronics insurance;  
To the committee on Commerce and Economic Development.

**H. 203**

By Reps. Wood of Waterbury and Stevens of Waterbury,  
House bill, entitled  
An act relating to the sale of State-owned land in the Village of Waterbury;  
To the committee on Corrections and Institutions.

**H. 204**

By Reps. Walz of Barre City, Brumsted of Shelburne and Pearce of  
Richford,  
House bill, entitled  
An act relating to standards for the care of domestic pets;  
To the committee on Agriculture & Forestry.

**H. 205**

By Reps. Canfield of Fair Haven, Baser of Bristol and Wright of  
Burlington,  
House bill, entitled  
An act relating to certain business tax provisions;  
To the committee on Ways and Means.

**H. 206**

By Reps. Masland of Thetford and Troiano of Stannard,  
House bill, entitled

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An act relating to adding post-traumatic stress disorder to the list of qualified medical conditions for therapeutic use of cannabis and waiving the three-month professional–patient relationship requirement for veterans with post-traumatic stress disorder;

To the committee on Human Services.

**H. 207**

By Reps. Masland of Thetford, Carr of Brandon and Troiano of Stannard,  
House bill, entitled

An act relating to therapeutic use of marijuana for relieving symptoms of post-traumatic stress disorder;

To the committee on Human Services.

**H. 208**

By Reps. Cina of Burlington, Bartholomew of Hartland, Buckholz of Hartford, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Colburn of Burlington, Conquest of Newbury, Gonzalez of Winooski, Jessup of Middlesex, Masland of Thetford, McCormack of Burlington, Poirier of Barre City, Squirrell of Underhill, Stevens of Waterbury, Sullivan of Burlington, Till of Jericho and Weed of Enosburgh,

House bill, entitled

An act relating to creating the Commission on the State Bank of Vermont;

To the committee on Commerce and Economic Development.

**H. 209**

By Reps. Dickinson of St. Albans Town, Bock of Chester, Burditt of West Rutland, Canfield of Fair Haven, Cupoli of Rutland City, Devereux of Mount Holly, Gage of Rutland City, Gamache of Swanton, Juskiewicz of Cambridge, Kitzmiller of Montpelier, Lawrence of Lyndon, Myers of Essex, Parent of St. Albans Town, Pearce of Richford, Potter of Clarendon, Savage of Swanton, Shaw of Pittsford, Sibia of Dover, Tate of Mendon and Terenzini of Rutland Town,

House bill, entitled

An act relating to land use and environmental permit processing;

To the committee on Natural Resources, Fish & Wildlife.

**H. 210**

By Reps. Lefebvre of Newark, Ainsworth of Royalton, Bancroft of

Westford, Beyor of Highgate, Hebert of Vernon, Lawrence of Lyndon, Sheldon of Middlebury, Strong of Albany and Troiano of Stannard,

House bill, entitled

An act relating to eligibility for an antlerless deer permit when land is posted as open to hunting or fishing by permission only;

To the committee on Natural Resources, Fish & Wildlife.

### **Joint Resolution Adopted**

#### **J.R.H. 4**

Joint resolution reaffirming the General Assembly's commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in *Brigham v. State*

Offered by: Representative Deen of Westminster

Whereas, the Common Benefits Clause of the Vermont Constitution, Chapter I, Article 7, provides "that government is, or ought to be, instituted for the common benefit, protection, and security of the people," and

Whereas, the Education Clause of the Vermont Constitution, Chapter II, § 68, states that a "competent number of schools ought to be maintained in each town," and

Whereas, in the mid1990s, three sets of plaintiffs filed suit in Lamoille Superior Court alleging that the State's existing Foundation public school funding formula denied students in the towns of Hardwick and Whiting an equal educational opportunity, and

Whereas, the trial court granted summary judgment to the State, holding in part that Section 68 does not provide "any rights...to Vermont citizens," and

Whereas, undaunted, the plaintiffs appealed to the Vermont Supreme Court, and

Whereas, in the Vermont Supreme Court's historic decision, *Brigham v. State*, 166 Vt. 246, on February 5, 1997, the Court explained that "from its earliest days, Vermont has recognized the obligation to provide for the education of its youth," and

Whereas, the Court analyzed the Education Clause's historic development, prior pertinent judicial opinions, and the 1828 inaugural address of Governor Samuel Crafts, who, in speaking before the General Assembly, stated, it is "our paramount duty to place the means for obtaining instruction and information, equally within the reach of all," and

Whereas, the Court concluded that "the current [Foundation] educational financing system in Vermont violates the right to equal educational opportunities under Chapter II, § 68 and Chapter I, Article 7 of the Vermont Constitution," and directed the General Assembly to devise a new education funding formula implementing the principle of equal educational opportunity for all of Vermont's children, now therefore be it

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Resolved by the Senate and House of Representatives:

That the General Assembly reaffirms its commitment to equal educational opportunity on the 20th anniversary of the Vermont Supreme Court's decision in *Brigham v. State*, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Philip B. Scott.

Which was read and adopted.

### **Joint Resolution Referred to Committee**

#### **J.R.H. 5**

Joint resolution urging the prompt rehabilitation of the Vilas Bridge

Offered by: Representatives Partridge of Windham, Trieber of Rockingham, Deen of Westminster, and Mrowicki of Putney

Whereas, the 635foot Vilas Bridge (the bridge) spans the Connecticut River, was built in 1930, and was financed with \$30,000.00 in grants from each of the connected towns of Rockingham, Vermont, and Walpole, New Hampshire, and Charles Vilas, for whom the bridge is named, provided significant financial support, and

Whereas, the bridge became a direct gateway into downtown Bellows Falls from neighboring New Hampshire, and

Whereas, despite the bridge's original funding formula, because it spans the Connecticut River, which in 1934, the U.S. Supreme Court ruled in the case *State of Vermont v State of New Hampshire*, 290 U.S. 579, lies within the State of New Hampshire up to the Vermont low-water mark, 93 percent of the bridge is located in New Hampshire, and a similar percentage of the repair costs should be the Granite State's responsibility, and

Whereas, in May 1994, the Federal Highway Administration and the New Hampshire State Historic Preservation Officer entered into a Memorandum of Understanding (MOU) on the Vilas Bridge, and

Whereas, the New Hampshire Department of Transportation signed the memorandum in concurrence, and New Hampshire's Advisory Council on Historic Preservation became a signatory in July 1994, and

Whereas, the MOU recognized the bridge's eligibility for placement on the National Register of Historic Places, provided that the bridge was "of sufficient quality, location and importance that only under exceptional circumstances...will the bridge be removed," and further guaranteed long-term maintenance in accordance with New Hampshire's 10-year Highway Program, and

Whereas, the Vermont General Assembly previously adopted 2006 Acts and Resolves J.R.H. 7, “Joint resolution urging the state of New Hampshire to expedite the restoration of the Vilas Bridge,” and

Whereas, in 2009, the New Hampshire Department of Transportation closed the span to all vehicular and pedestrian traffic due to its poor condition, and

Whereas, the approximately 4,600 cars that crossed the bridge daily must now use alternative routes, and

Whereas, the bridge has now been removed from the 10-year Highway Plan although the New Hampshire Transportation Advisory Committee supposedly still discusses the bridge’s future, and

Whereas, the town of Rockingham has requested the Vermont Attorney General to serve as an intermediary in the town’s request to New Hampshire state officials to assist in repairing the bridge, and

Whereas, the State of New Hampshire’s wanton neglect of the Vilas Bridge continues to cause significant economic and traffic problems in Bellows Falls, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly implores New Hampshire state officials and its Congressional Delegation to make every possible effort, on a timely basis, to seek state or federal funding for the rehabilitation of the Vilas Bridge, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to New Hampshire Governor Chris Sununu, the New Hampshire Executive Council, New Hampshire Commissioner of Transportation Victoria Sheehan, the chairs of the New Hampshire House and Senate transportation committees, the New Hampshire Congressional Delegation, Vermont Secretary of Transportation Joe Flynn, Vermont Attorney General T. J. Donovan, and the Vermont Congressional Delegation.

Which was read and, in the Speaker’s discretion, treated as a bill and referred to the committee on Transportation.

**Third Reading; Senate Bill Passed in Concurrence**

**S. 2**

Senate bill, entitled

An act relating to information sharing by the Commissioner of Financial Regulation

Was taken up, read the third time and passed in concurrence.

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**Second Reading; Bill Amended; Third Reading Ordered****H. 14**

**Rep. Lalonde of South Burlington**, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to automated external defibrillators

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

Sec. 1. 18 V.S.A. § 907 is amended to read:

§ 907. AUTOMATED EXTERNAL DEFIBRILLATORS

(a) As used in this section:

(1) “Automated external defibrillator (AED)” means a medical device approved by the ~~United States~~ U.S. Food and Drug Administration, that:

(A) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(B) is capable of determining whether defibrillation should be performed on an individual;

(C) upon determination that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual’s heart; and

(D) then, upon action by an operator, delivers an appropriate electrical impulse to the patient’s heart to perform defibrillation.

(b) [Deleted].

(c) Any person who owns or leases an AED, or to whom an AED is donated, shall:

(1) notify the department and the person’s regional ambulance service or first responder service of the existence, location, and type of device the person possesses; and

(2) maintain and test the device in accordance with the applicable standards of the manufacturer.

(d)(1) Any person, other than a person defined as a health care provider by subdivision 9432(9) of this title or as emergency medical personnel by 24 V.S.A. § 2651(6) acting in the normal course of his or her duties as a health care provider or as emergency medical personnel, who acts in good faith and who renders emergency care by the use of an AED, acquires an AED, owns a premises on which an AED is located, or provides a training course in the



operation of an AED shall not be liable for civil damages for that person's acts or omissions with respect to such use, ownership, or training in the operation of an AED unless those acts or omissions were grossly negligent or willful and wanton. As used in this subdivision (d)(1), "ownership" shall not include the maintenance and testing of the device in accordance with the applicable standards of the manufacturer as required by subdivision (c)(2) of this section.

(2) This subsection shall not relieve an AED manufacturer, designer, developer, distributor, installer, or ~~supplier~~ seller of any liability under any applicable statute or rule of law.

(e) This section shall not be construed to create a duty to act under 12 V.S.A. § 519 for any person.

## 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, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

### **Message from the Senate No. 16**

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. 13.** Joint resolution providing for a Joint Assembly 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. 14.** Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2017.

**J.R.S. 15.** Joint resolution relating to weekend adjournment.

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

### **Adjournment**

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