

Journal of the House

Tuesday, April 11, 2017

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

Devotional Exercises

Devotional exercises were conducted by Chard deNiord, Vermont Poet Laureate, Westminster, VT.

Pledge of Allegiance

Page Summer Chabot of Vergennes led the House in the Pledge of Allegiance.

Rep. Krowinski of Burlington in chair.

Communication from Rep. Tate of Mendon

To: William M. MaGill, Clerk of the House
The Vermont General Assembly
115 State St.
Montpelier, VT 05633

From: Rep. Job Tate
111 Birchwood Dr. #3
Mendon, VT 05701

Dear Colleagues

Effective at midnight on Friday, April 7, 2017, I am resigning my seat as representative for the Rutland-Windsor-1 district. The U.S. Navy, like many of you, has concluded that I would be best employed on the far side of the world.

I know that, for many, the planet's future has never felt darker. There is a gathering uncertainty, pitiless, cold and often filled with malice. But though the way may be unclear, the path dimly lit, I wouldn't cast my lot with any other tribe than my fellow Vermonter. I know we will always overcome whatever comes before us.

Serving in this body has been the greatest honor of my life. My deepest thanks to you all for your friendship, your charity, and great many laughs, and the shared fraternity of a deep and unrelenting love for Vermont and our way of life.

God's richest blessings on you all.

Very respectfully,

/s/ Job Tate

Message from the Senate No. 42

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 considered bills originating in the House of the following titles:

H. 35. An act relating to adopting the Uniform Voidable Transactions Act.

H. 152. An act relating to the Vermont Revised Uniform Fiduciary Access to Digital Assets Act.

H. 201. An act relating to length of stay at designated shelters.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

H. 171. An act relating to expungement.

H. 297. An act relating to miscellaneous court operations procedures.

And has passed the same in concurrence with proposals of amendment in the adoption 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. 30. Joint resolution relating to weekend adjournment.

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

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 524

By Reps. Christie of Hartford, Buckholz of Hartford and Lucke of Hartford,
House bill, entitled

An act relating to approval of amendments to the charter of the Town of Hartford;

To the committee on Government Operations.

H. 525

By the committee on General, Housing and Military Affairs,
An act relating to the Department of Liquor Control and the State Lottery;
Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 526

By the committee on Government Operations,
An act relating to regulating notaries public;
Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 527

By Rep. Jessup of Middlesex,
House bill, entitled

An act relating to approval of amendments to the charter of the Town of East Montpelier and to the merger of the Town and the East Montpelier Fire District No. 1;

To the committee on Government Operations.

Bill Referred to Committee on Appropriations**H. 197**

House bill, entitled

An act relating to mental health parity for workers' compensation

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Joint Resolution Referred to Committee**J.R.S. 17**

By Senators Pearson, Ayer, Benning, Clarkson, Sirotkin, and White,

J.R.S. 17. Joint resolution rescinding the General Assembly's request, contained in 2014 Acts and Resolves No. R-454, for Congress to convene a U.S. Constitutional Convention.

Whereas, during the 2013–2014 Biennium, the General Assembly adopted 2014 Acts and Resolves No. R-454, “Joint resolution relating to an application of the General Assembly for Congress to call a convention for proposing amendments to the U.S. Constitution,” and

Whereas, the specific purpose of this resolution was to help establish a

mandate, in accordance with the provisions of Article V of the U.S. Constitution, for Congress to call a convention to amend the U.S. Constitution for the exclusive purpose of reversing the U.S. Supreme Court decision in *Citizens United v Federal Election Commission*, 130 S.Ct. 876 (2010), and

Whereas, supporters of 2014 Acts and Resolves No. R-454 may not favor other amendments that have also been proposed for a constitutional convention's consideration, and

Whereas, the specific agenda for a prospective constitutional convention called in accordance with the provisions of Article V remains uncertain, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly rescinds its call, contained in 2014 Acts and Resolves No. R-454, for Congress to convene a U.S. Constitutional Convention, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the vice president of the United States; the president pro tempore and the secretary of the Senate of the United States; the Speaker and Clerk of the House of Representatives of the United States; the archivist of the United States; and the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the Committee on Government Operations.

House Resolution Placed on Calendar

H.R. 13

House resolution, entitled

House resolution amending the Rules and Orders of the House of Representatives related to discrimination, ethics, and sexual harassment

Offered by: Committee on Rules

Whereas, the Rules of the House of Representatives should be clarified in its provisions regarding discrimination, legislative ethics, and sexual harassment, particularly in regard to that chamber's overall policies on these issues, *now therefore be it*

Resolved by the House of Representatives:

That RULES AND ORDERS OF THE HOUSE OF REPRESENTATIVES 90 and 90a are amended to read as follows:

90. (a) ~~A member and officer of the House shall be responsible for ensuring that each legislative employee and colleague enjoys a workplace free~~

~~from discrimination by conducting himself or herself in a manner that promotes public confidence in the integrity of the House.~~

~~(b) Violation of this rule will result in appropriate disciplinary action enforced by the full House, if necessary.~~

~~(c) Retaliation against a person who complains, reports or cooperates in an investigation of sexual harassment is prohibited.~~

~~(d) The House Rules Committee shall develop and adopt a policy and procedures for reviewing allegations of discrimination involving the conduct of members or officers of the House.~~

~~(e) The Clerk of the House shall develop procedures for employees of the Clerk's office.~~

~~(f) The House Rules Committee shall, at the beginning of the biennium, or as soon as possible thereafter, establish a Sexual Harassment Prevention Panel with the authority to receive, investigate and resolve complaints of sexual harassment, retaliation and noncompliance made against members or officers of the House. The panel shall be comprised of five members of the House.~~

~~(g) The Speaker shall ensure that training is made available to all House members and employees and that they receive copies of the policy and procedures which implement this rule.~~

~~90a. (a) The House Rules Committee shall, at the beginning of the biennium or as soon as possible thereafter, establish an Ethics Panel with the following powers and duties:~~

~~(1) to advise individual members and provide training to all members on ethical conduct, including compliance with House Rule 75; and~~

~~(2) to receive and investigate complaints of alleged ethical violations made against members of the House, except for those complaints covered under House Rule 90, and to recommend to the House any disciplinary action against a member for an ethical violation, if the Panel deems it necessary.~~

~~(b) The Panel shall comprise be composed of five members of the House who shall serve until successors are appointed. The members shall elect a chair and adopt policies and procedures to conduct their business.~~

~~(c) Annually, on or before December 31, the Ethics Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for ethical advice.~~

It is the policy of the House to provide a professional work

environment. All members and officers of the House are responsible for ensuring that each legislative employee and colleague enjoys a workplace free from discrimination and sexual harassment and that members conduct themselves in a manner that promotes public confidence through ethical behavior in accordance with the Vermont Constitution and the House Rules.

(a) Discrimination

(1) The House of Representatives is opposed to and prohibits discrimination without qualification. This policy covers the conduct of Representatives and persons that either the Speaker's or the House Clerk's office employs.

(2) This policy protects Representatives, employees, and members of the public, including lobbyists, advocates, and members of the press, from discrimination attributable to a Representative or an employee of these offices.

(3) The Rules Committee shall, at the beginning of the biennium, appoint a Discrimination Prevention Panel composed of five members of the House who shall serve until successors are appointed.

(4) The Panel shall elect a chair, adopt procedures to conduct its business to implement this policy, and shall provide copies of the policy set forth in this rule and the adopted procedures to all members of the House and employees of the Speaker's and the House Clerk's offices.

(5) The Panel shall receive and investigate complaints of alleged discrimination made against members of the House or an employee of the Speaker's or House Clerk's office.

(6) The Panel shall advise individual members and provide training to all House members, employees, and interns on the scope of conduct constituting prohibited discrimination.

(7) The Panel, if it deems it necessary, may recommend to the House any disciplinary action against a member for a discrimination violation.

(8) These Rules prohibit retaliation against a person who complains, reports, or cooperates in an investigation of discrimination.

(9) Annually, on or before December 31, the Discrimination Prevention Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for advice on discrimination inquiries.

(b) Ethics

(1) The House of Representatives, without qualification, is opposed to and prohibits violations of the Vermont Constitution and House

Rules standards of ethical behavior. This policy covers the conduct of Representatives and persons that either the Speaker's or the House Clerk's office employs.

(2) The House Rules Committee shall, at the beginning of the biennium, appoint an Ethics Panel composed of five members of the House who shall serve until successors are appointed.

(3) The Panel shall elect its chair, adopt procedures to implement this policy, and conduct its business and provide copies of the policy set forth in this rule and the adopted procedures to all members of the House and employees of the Speaker's and the House Clerk's offices.

(4) The Panel shall advise individual members and provide training to all members on ethical conduct, including compliance with House Rule 75.

(5) The Panel shall receive and investigate complaints of alleged ethical violations made against members of the House.

(6) The Panel may recommend to the House any disciplinary action against a member for an ethical violation.

(7) These Rules prohibit retaliation against a person who complains, reports, or cooperates in an investigation of an ethics violation.

(8) Annually, on or before December 31, the Ethics Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for ethical advice.

(c) Sexual Harassment

(1) The House of Representatives is opposed to and prohibits sexual harassment without qualification. This policy covers the conduct of Representatives and persons that either the Speaker's or the House Clerk's office employs.

(2) This policy protects Representatives, employees, and members of the public, including lobbyists, advocates, and members of the press, from sexual harassment attributable to a Representative or an employee of these offices.

(3) The Rules Committee shall, at the beginning of the biennium, appoint a Sexual Harassment Prevention Panel composed of five members of the House who shall serve until successors are appointed.

(4) The Panel shall elect a chair, adopt procedures to conduct its business to implement this policy, and shall provide copies of the policy set forth in this rule and the adopted procedures to all members of the House and

employees of the Speaker's and the House Clerk's offices.

(5) The Panel shall receive and investigate complaints of alleged sexual harassment made against members of the House or an employee of the Speaker's or House Clerk's office.

(6) The Panel shall advise individual members and provide training to all House members, employees, and interns on the scope of conduct constituting prohibited sexual harassment.

(7) The Panel, if it deems it necessary, may recommend to the House any disciplinary action against a member for a sexual harassment violation.

(8) These Rules prohibit retaliation against a person who complains, reports, or cooperates in an investigation of sexual harassment.

(9) Annually, on or before December 31, the Sexual Harassment Prevention Panel shall report to the House the number of complaints filed, the disposition of those complaints, and the number of member requests for advice on sexual harassment inquiries.

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

House Resolution Placed on Calendar

HR 14

House resolution, entitled

House resolution disapproving Executive Order 07-17

Offered by: Committee on General, Housing, and Military Affairs

Whereas, on January 15, 2017, the Governor signed Executive Order 07-17 providing for the creation of "the Department of Liquor and Lottery by merging the Department of Liquor Control with the State Lottery Commission," and

Whereas, according to the Executive Order, effective April 17, 2017, the Department of Liquor and Lottery shall assume all duties, responsibilities, and authority of the Department of Liquor Control and the State Lottery Commission, and

Whereas, the Committee on General, Housing and Military Affairs has taken testimony and public comment concerning this Executive Order, and

Whereas, the House of Representatives agrees with the Governor that it "is desirable to reorganize the departments and divisions of government by better coordinating certain activities and to improve the coordination, effectiveness and value of services to the public," and

Whereas, the House of Representatives supports improved and more efficient delivery of services to the public, elimination of redundancy, improved accountability,

more efficient use of specialized expertise and facilities, more effective sharing of best practices, the realization of cost savings, and the enhancement of the Department of Liquor Control and the State Lottery Commission's ability to fulfill their respective missions in a cost-effective manner, and

Whereas, the House of Representatives also wishes to ensure that any merger achieves these goals without leading to unintended consequences, and

Whereas, the best mechanism to pursue a merger of the functions and responsibilities of the Department of Liquor Control and the State Lottery Commission is to use the legislative process, with the resulting opportunity for enhanced research, analysis, and public participation, and

Whereas, the House of Representatives is fully committed to working cooperatively with the Administration to produce a plan and legislation that will achieve our shared goals and that will increase the efficiency and effectiveness of the Department of Liquor Control and the State Lottery Commission, now therefore be it

Resolved by the House of Representatives:

That this legislative body, pursuant to 3 V.S.A. § 2002, disapproves of Executive Order 07-17, and be it further

Resolved: That the House of Representatives intends to bring forward legislation to create a working group to develop a plan and draft legislation necessary to merge the Department of Liquor Control with the State Lottery Commission that can be fully considered during the second year of this biennium, and be it further

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

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

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

S. 18

Rep. Sharpe of Bristol moved that the committee on Education be relieved of House bill, entitled

An act relating to freedom of expression for students

And that the bill be committed to the committee on Judiciary, which was agreed to.

Action on Bill Postponed

H. 356

House bill, entitled

An act relating to approval of amendments to the charter of the Town of

Berlin

Was taken up and pending the reading of the report of the committee on Government Operations, on motion of **Rep. Lewis of Berlin**, action on the bill was postponed until April 12, 2017.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 14

Rep. Cina of Burlington, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to expanding the Vermont Practitioner Recovery Network

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Podiatrists * * *

Sec. 1. 26 V.S.A. § 374 is amended to read:

§ 374. FEES; LICENSES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for licensure, \$650.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2) Biennial renewal, \$525.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

* * * Physicians * * *

Sec. 2. 26 V.S.A. § 1395(c) is amended to read:

(c) ~~Notwithstanding the provisions of subsection (a) of this section and any other provision of law, a physician who holds an unrestricted license in all~~

~~jurisdictions where the physician is currently licensed, and who certifies to the Vermont board of medical practice that he or she will limit his or her practice in Vermont to providing pro bono services at a free or reduced fee health care clinic in Vermont and who meets the criteria of the board, shall be licensed by the board within 60 days of the licensee's certification without further examination, interview, fee, or any other requirement for board licensure. The physician shall file with the board, on forms provided by the board and based on criteria developed by the board, information on medical qualifications, professional discipline, criminal record, malpractice claims, or any other such information as the board may require. A license granted under this subsection shall authorize the licensee to practice medicine on a voluntary basis in Vermont. [Repealed.]~~

Sec. 3. 26 V.S.A. § 1401a is amended to read:

§ 1401a. FEES

(a) The Department of Health shall collect the following fees:

(1) Application for licensure, \$650.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2) Biennial renewal, \$525.00; the Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(3) Initial limited temporary license; annual renewal \$75.00.

* * *

(c)(1) Notwithstanding any other provision of this chapter, a physician who holds an unrestricted license in all jurisdictions where the physician is currently licensed and who meets the criteria of the Board shall be licensed without fee if the physician certifies to the Board that he or she shall limit practice in Vermont solely to providing:

(A) pro bono services at a free or reduced fee health care clinic in Vermont; or

(B) volunteer services through the Vermont Medical Reserve Corps.

(2) A physician, under this subsection, shall file with the Board using forms provided on the Board's website, information on medical qualifications, professional discipline, criminal record, malpractice claims, or any other such information as the Board may require. A license granted under this subsection shall authorize the licensee to practice medicine either on a voluntary basis at a free or reduced fee clinic in Vermont or in connection with the Vermont Medical Reserve Corps, respectively.

* * * Anesthesiologist Assistants * * *

Sec. 4. 26 V.S.A. § 1662 is amended to read:

§ 1662. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1)(A)(i) Original application for certification, \$120.00;

(ii) Each additional application, \$55.00;

(B) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2)(A)(i) Biennial renewal, \$120.00;

(ii) Each additional renewal, \$55.00;

(B)(i) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(ii) In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the Board that he or she continues to meet the certification requirements of the NCCAA.

(3) Transfer of certification, \$20.00.

* * * Physician Assistants * * *

Sec. 5. 26 V.S.A. § 1740 is amended to read:

 § 1740. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Original application for licensure, \$225.00; the Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2) Biennial renewal, \$215.00; the Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

* * * Radiologist Assistants * * *

Sec. 6. 26 V.S.A. § 2862 is amended to read:

§ 2862. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1)(A)(i) Original application for certification
\$120.00;

(ii) Each additional application \$55.00;

(B) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(2)(A)(i) Biennial renewal \$120.00;

(ii) Each additional renewal \$55.00;

(B)(i) The Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont Practitioner Recovery Network, which, for the protection of the public, monitors recovering chemically dependent

licensees for the protection of the public and evaluates, coordinates services for, and promotes rehabilitation of licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety.

(ii) In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the Board that he or she continues to meet the certification requirements of the ARRT and is licensed as a radiologic technologist under chapter 51 of this title.

(3) Transfer of certification

\$20.00.

* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Health Care agreed to and third reading ordered.

Adjournment

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