

# Journal of the House

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**Friday, April 10, 2015**

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

## **Devotional Exercises**

Devotional exercises were conducted by Rose Meriam, finalist, 2015 Poetry Out Loud Contest, Barre, Vt.

## **Message from the Senate No. 43**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

**H. 23.** An act relating to the Uniform Transfers to Minors Act.

And has passed the same in concurrence.

The Senate has considered House proposal of amendment to Senate bill of the following title:

**S. 13.** An act relating to the Vermont Sex Offender Registry.

And has concurred therein with a further amendment in the passage of which the concurrence of the House is requested.

The Governor has informed the Senate that on the ninth day of April, 2015, he approved and signed a bill originating in the Senate of the following title:

**S. 6.** An act relating to technical corrections to civil and criminal procedure statutes.

**Resolution Read Second Time; Amended and Third Reading Ordered;  
Rules Suspended; Resolution Read the Third Time and Adopted;  
Rules Suspended and the Resolution was Ordered  
Messaged to the Senate Forthwith**

**J.R.H. 8**

**Rep. Walz of Barre City**, for the committee on General, Housing & Military Affairs, to which had been referred Joint resolution, entitled

Joint resolution relating to military suicides

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

Whereas, according to a January 16, 2015, report in the publication *Military Times*, nearly two-thirds of the military personnel who committed suicide in 2013 had seen a doctor within three months before taking their own lives, but fewer than one-half had a mental health diagnosis, and fewer than one-third expressed any intention to hurt themselves, and

Whereas, according to an August 2014 dispatch from the U.S. Department of Veterans Affairs (VA), 8,000 veterans commit suicide annually, and this averages to 22 per day, and

Whereas, the General Assembly acknowledges and appreciates the VA's efforts to increase its resources for mental health counseling and support, including working to improve access to these services for veterans who meet the national criteria and who live more than 40 miles from a VA medical facility, and

Whereas, the VA has a toll-free military crisis line (1-800-273-8255) and website (veteranscrisisline.net) that are accessible 24 hours per day, seven days per week to service members and families for suicide prevention purposes, and

Whereas, despite the VA's and the U.S. Department of Defense's (DOD) suicide prevention efforts, including Congress's recent adoption of the Clay Hunt Suicide Prevention for American Veterans Act, the suicide rate for our men and women who have served in the U.S. Armed Forces remains far too high, and

Whereas, military families have expressed concerns about the consistent staffing of crisis lines, access to therapy options and effective medications, as well as delays in obtaining mental health counseling appointments, and

Whereas, the DOD's anti-stigma campaign, "Real Warriors, Real Battles, Real Strength," features real service members who have reached out for support or sought treatment for invisible wounds and are continuing to maintain successful military and civilian careers, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes the need for greater public awareness of the military and veteran suicide rate, and be it further

Resolved: That the General Assembly supports the continued efforts of the VA, DOD, the Vermont National Guard, Vermont Vet-to-Vet, and other public and private organizations to address mental health issues, and be it further

Resolved: That the General Assembly supports the Vermont Veterans Legal Assistance Project in its work helping veterans review and appeal unfavorable discharges, possibly due to behavioral problems related to post-traumatic stress disorder (PTSD), traumatic brain injury (TBI) or both, in order to qualify for, or gain access to, VA services, and be it further

Resolved: That the General Assembly supports that federal policies be established under the authority of the Clay Hunt Suicide Prevention for American Veterans Act as follows:

(1) establish, support, and enhance peer support outreach programs for veterans; and

(2) train mental health counselors around military acronyms and situations specific to military life to help the veteran feel more comfortable when being treated for a mental health issue, and be it further

Resolved: That the General Assembly requests that the Secretary of Veteran Affairs designate Vermont as one of the five pilot program locations identified in the Clay Hunt Suicide Prevention for American Veterans Act, and be it further

Resolved: That the General Assembly strongly encourages the Armed Forces and VA to establish, support and enhance peer support outreach programs for the families of veterans, and be it further

Resolved: That the General Assembly strongly encourages the U.S. Armed Forces to require a period of reintegration for returning veterans that maintains unit cohesion, and be it further

Resolved: That the General Assembly urges the Vermont National Guard to increase educational efforts related to mental health care services in order to reduce both the existing stigma among military personnel and veterans to seek mental health assistance and to lower future suicide rates, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to U.S. Secretary of Veterans Affairs Robert A. McDonald, U.S. Secretary of Defense Ash Carter, the Vermont Congressional Delegation, Commissioner of Mental Health Paul Dupre, Vermont Adjutant and Inspector General Major General Steven A. Cray, and to the Vermont Office of Veterans Affairs.

The resolution, having appeared on the Calendar one day for notice, was taken up, read the second time and report of the committee on General, Housing & Military Affairs was agreed to.

Pending the question, Shall the resolution be read a third time? **Rep. Fagan of Rutland City** 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 resolution be read a third time? was decided in the affirmative. Yeas, 138. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Lenes of Shelburne
Bancroft of Westford	Evans of Essex	Lewis of Berlin
Bartholomew of Hartland	Fagan of Rutland City	Lippert of Hinesburg
Baser of Bristol	Feltus of Lyndon	Long of Newfane
Batchelor of Derby	Fields of Bennington	Lucke of Hartford
Beck of St. Johnsbury	Fiske of Enosburgh	Macaig of Williston
Berry of Manchester	Forguites of Springfield	Manwaring of Wilmington
Beyor of Highgate	Frank of Underhill	Marcotte of Coventry
Bissonnette of Winooski	French of Randolph	Martel of Waterford
Botzow of Pownal	Gage of Rutland City	Martin of Wolcott
Branagan of Georgia	Gamache of Swanton	Masland of Thetford
Brennan of Colchester	Grad of Moretown	McCormack of Burlington
Briglin of Thetford	Graham of Williamstown	McCoy of Poultney
Browning of Arlington	Greshin of Warren	McCullough of Williston
Burditt of West Rutland	Haas of Rochester	McFaun of Barre Town
Burke of Brattleboro	Head of South Burlington	Miller of Shaftsbury
Canfield of Fair Haven	Hebert of Vernon	Morrissey of Bennington
Carr of Brandon	Helm of Fair Haven	Mrowicki of Putney
Chesnut-Tangerman of Middletown Springs	Higley of Lowell	Murphy of Fairfax
Christie of Hartford	Hooper of Montpelier	Myers of Essex
Clarkson of Woodstock	Hubert of Milton	Nuovo of Middlebury
Cole of Burlington	Huntley of Cavendish	O'Sullivan of Burlington
Connor of Fairfield	Jerman of Essex	Parent of St. Albans City
Conquest of Newbury	Jewett of Ripton	Partridge of Windham
Corcoran of Bennington	Johnson of South Hero	Patt of Worcester
Cupoli of Rutland City	Juskiewicz of Cambridge	Pearce of Richford
Dakin of Chester	Keenan of St. Albans City	Pearson of Burlington
Dakin of Colchester	Kitzmiller of Montpelier	Poirier of Barre City
Dame of Essex	Klein of East Montpelier	Potter of Clarendon
Deen of Westminster	Komline of Dorset	Pugh of South Burlington
Devereux of Mount Holly	Krebs of South Hero	Purvis of Colchester
Dickinson of St. Albans Town	Krowinski of Burlington	Quimby of Concord
Donahue of Northfield	LaClair of Barre Town	Rachelson of Burlington
Donovan of Burlington	Lalonde of South Burlington	Russell of Rutland City
Eastman of Orwell	Lanpher of Vergennes	Ryerson of Randolph
	Lawrence of Lyndon	Savage of Swanton
	Lefebvre of Newark	Scheuermann of Stowe

Sharpe of Bristol	Sweaney of Windsor	Van Wyck of Ferrisburgh
Shaw of Pittsford	Tate of Mendon	Viens of Newport City
Shaw of Derby	Till of Jericho	Walz of Barre City
Sheldon of Middlebury	Toleno of Brattleboro	Webb of Shelburne
Sibilia of Dover	Toll of Danville	Willhoit of St. Johnsbury
Smith of New Haven	Townsend of South	Woodward of Johnson
Stevens of Waterbury	Burlington	Wright of Burlington
Strong of Albany	Trieber of Rockingham	Yantachka of Charlotte
Stuart of Brattleboro	Troiano of Stannard *	Young of Glover
Sullivan of Burlington	Turner of Milton	Zagar of Barnard

Those who voted in the negative are:

none

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

Buxton of Tunbridge	Gonzalez of Winooski	Ram of Burlington
Condon of Colchester	Morris of Bennington	Smith of Morristown
Davis of Washington	O'Brien of Richmond	Terenzini of Rutland Town
Ellis of Waterbury	Olsen of Londonderry	

**Rep. Troiano of Stannard** explained his vote as follows:

“Mr. Speaker:

My heart is heavy with the member from Barre’s story. For 30 years I was treated for and fought without shame against combat related post-traumatic stress disorder. It is a long and difficult fight which goes on and on. I am fortunate to have overcome the trauma. I was lucky to have kept in mind that I fought too hard for my life to end my own life.”

On motion of **Rep. Turner of Milton**, the rules were suspended and the resolution placed on all remaining stages of passage. The resolution was read the third time and adopted and, on motion of **Rep. Turner of Milton** the rules were suspended and the resolution was ordered messaged to the Senate forthwith.

### Senate Proposal of Amendment Concurred in

#### H. 86

The Senate proposed to the House to amend House bill, entitled

An act relating to the Uniform Interstate Family Support Act

In Sec. 2, 15B V.S.A. § 1801(c), by striking out the word “extradition” and inserting in lieu thereof the word rendition

Which proposal of amendment was considered and concurred in.

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**Third Reading; Bill Passed in Concurrence  
With Proposal of Amendment**

**S. 115**

Senate bill, entitled

An act relating to expungement of convictions based on conduct that is no longer criminal

Was taken up, read the third time and passed in concurrence with proposal of amendment.

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

**S. 71**

**Rep. Cupoli of Rutland City**, for the committee on Education, to which had been referred Senate bill, entitled

An act relating to governance of the Vermont State Colleges

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 1, in 16 V.S.A. chapter 72, by striking out § 2185 (determination of residency for tuition purposes) in its entirety and inserting in lieu thereof the following:

§ 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) The Board of Trustees shall adopt policies related to residency for tuition purposes, consistent with State and federal requirements.

(b) Any member of the U.S. Armed Forces of the United States on active duty who is transferred to Vermont for duty other than for the purpose of education shall, upon transfer and for the period of active duty served in Vermont, be considered a resident for in-state tuition purposes at the start of the next semester or academic period.

Second: In Sec. 1, in 16 V.S.A. § 2171, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) There is created as a part of the educational system of the State of Vermont a public corporation to be known as "Vermont State Colleges," which Colleges" or any other name that the Board of Trustees, established under section 2172 of this chapter, selects at a meeting duly warned for that purpose, provided that the word "Vermont" shall appear in the selected name. The Corporation shall plan, supervise, administer, and operate facilities for

education at the postsecondary level supported in whole or in substantial part with State funds; however, while the Corporation shall maintain cooperative relations with the University of Vermont and State Agricultural College, nothing in this chapter shall give the ~~corporation~~ Corporation any responsibility for the planning, supervision, administration, or operation of the University.

Third: By adding a new section to be Sec. 2 to read:

#### Sec. 2. EFFECT OF AMENDMENT

In Sec. 1 of this act, 16 V.S.A. § 2171(a) is amended by authorizing the Board of Trustees established under 16 V.S.A. § 2172 to select a different name for the Corporation presently known as “Vermont State Colleges.” Notwithstanding any name that the Board of Trustees selects for the Corporation pursuant to 16 V.S.A. § 2171(a):

(1) All legal instruments executed in the name of the Vermont State Colleges or in any subsequent name selected under 16 V.S.A. § 2171(a) shall be legally binding on the Corporation.

(2) All statutory references to “Vermont State Colleges” shall mean the Corporation created under 16 V.S.A. § 2171(a).

and by renumbering the remaining sections to be numerically correct.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

### **Senate Proposal of Amendment to House Proposal of Amendment Concurred in**

#### **S. 98**

The Senate concurred in the House proposal of amendment to Senate bill, entitled

An act relating to captive insurance companies;

By striking the *First* proposal of amendment in its entirety.

Which proposal of amendment was considered and concurred in.

#### **Remarks Journalized**

On motion of **Rep. Morrissey of Bennington**, the following remarks by **Rep. Strong of Albany** were ordered printed in the Journal:

“Mr. Speaker:

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As a Gold Star Mother it is a privilege for me to introduce the Blue Star Mother, Valerie Pallota, who's son, PFC Josh Palotta, served in the Vermont Army National Guard from 2009-2014 and was deployed to Afghanistan in 2010. He succumbed to his ongoing battle with post traumatic stress and traumatic brain injuries, and ended his life six months ago on September 23, 2014 at the age of 25.

We are so sorry for your loss and we want to extend our condolences and pledge our support to help our Vermont Veterans have access to the resources they need to heal from the wounds they received in active duty for our country.

Thank you for your son's service to our country and his life is not forgotten by a grateful state and nation.

Valerie has spoken to our Congress on behalf of our Congressional Delegation in Washington DC to share her story of her son. Also, Valerie and her husband Greg, are sponsoring a weekend of events in memory of Josh to raise money for the Josh Palotta Fund which will help veterans who are struggling with PTSD.

Thank you for being here today and God bless you as you work to help other veterans who are suffering from the traumas of their service.”

#### **Remarks Journalized**

On motion of **Rep. Poirier of Barre City**, the following remarks by **Rep. Walz of Barre City** were ordered printed in the Journal:

“Mr. Speaker:

My son-in-law, Ted Merchant, was an officer in the Coast Guard. He suffered from depression and anxiety. For a long time, he resisted asking for help, since he believed the stigma would be detrimental to his military career. When he finally did reach out for help, the system failed him, and he took his own life.

We wish Ted were celebrating his 43<sup>rd</sup> birthday next month; instead he lies buried in the Berlin Corner Cemetery just a few miles from here. In his last letter to our daughter, he begged her not to let him become just a statistic. Let us honor his wish.

Mr. Speaker, our veterans deserve better. It is for the sake of Ted Merchant and Josh Pallotta and all the other veterans who suffered tragic and needless deaths that we urge this body to support the resolution.”

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**Remarks Journalized**

On motion of **Rep. Turner of Milton**, the following remarks by **Rep. Higley of Lowell** were ordered printed in the Journal:

“Mr. Speaker:

I would first like to thank the General Housing and Military Affairs committee for taking testimony and bringing an awareness to the issue of Military suicide.

This Resolution came about when Bryan Smith, a young soldier, approached me last fall after having a friend and fellow soldier, Josh Pallotta, take his life. He said he was on a new mission trying to prevent any other military related suicides. He at fist wanted to pass a law, that if the command or members of the family and even friends thought that you may be suicidal, you should be committed. Having served in Afghanistan and losing fellow soldiers you can understand his thoughts regarding such a drastic measure. However, he understood that a resolution would be helpful and was particularly concerned about councilors having a good understanding of military acronyms and lifestyles so he wouldn't be frustrated explaining what he was talking about.

There was a two and a half month period when I didn't hear from Bryan. After I testifying in committee he came forward and testified as well. I'm sorry to say, that this past week Bryan has been admitted to the VA Hospital in White River.

Many groups and individuals contributed to this Resolution. It not only brought awareness but also included some concrete suggestions as to how to help men and women in the military and veterans who suffer from PTSD, TBI, Depression and other issues, receive the much needed support and treatment they need and deserve.

Thanks again to the committee for taking up such an emotional but important issue!”

**Adjournment**

At eleven o'clock and eleven minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, April 14, 2015, at ten o'clock in the forenoon, pursuant to the provisions of JRS 23.

**Concurrent Resolutions Adopted**

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested

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floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

**H.C.R. 99**

House concurrent resolution congratulating Drew Duffy on winning the super-G title at the 2015 U.S. Alpine Championships;

**H.C.R. 100**

House concurrent resolution congratulating the 2015 Essex Union High School Division I championship boys' ice hockey team;

**H.C.R. 101**

House concurrent resolution honoring volunteer curator Jim Davidson and the Rutland Historical Society;

**H.C.R. 102**

House concurrent resolution congratulating the 2014 U-32 High School boys' track and field Division II championship team;

**H.C.R. 103**

House concurrent resolution congratulating Michael Law on his induction into the Vermont Principals' Association Hall of Fame;

**H.C.R. 104**

House concurrent resolution congratulating the 2014 Harwood Union High School Highlanders Division II championship girls' and boys' cross country teams;

**H.C.R. 105**

House concurrent resolution congratulating the 2015 Mill River Union High School Minutemen Division II championship girls' basketball team;

**H.C.R. 106**

House concurrent resolution honoring Bob Mark as an extraordinary music educator and outstanding classical violinist;

**H.C.R. 107**

House concurrent resolution congratulating the 2014 Mill River Union High School Minutemen Division II championship baseball team;

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**H.C.R. 108**

House concurrent resolution expressing appreciation for the economic and health benefits that the yoga industry provides to Vermonters;

**H.C.R. 109**

House concurrent resolution congratulating the Lund Family Center on its 125th anniversary;

**H.C.R. 110**

House concurrent resolution honoring John Kerrigan on his exemplary high school coaching and teaching career at Harwood Union High School;

**H.C.R. 111**

House concurrent resolution commending the final Farmers Night Civil War Sesquicentennial anniversary presentation and the outstanding work of the Vermont Civil War Sesquicentennial Commission;

**H.C.R. 112**

House concurrent resolution congratulating the winning teams in the 2015 Junior Iron Chef Vermont statewide youth culinary competition;

**S.C.R. 15**

Senate concurrent resolution congratulating the General Federation of Women's Clubs on its 125th anniversary;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2015, seventy-third Biennial session.]