

# Journal of the House

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**Tuesday, January 26, 2016**

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

## **Devotional Exercises**

Devotional exercises were conducted by Rep. Robert Forguites of Springfield, Vt.

## **Pledge of Allegiance**

**Page Walter Berger of Arlington** led the House in the Pledge of Allegiance.

## **Moment of Silence**

The Speaker asked for a moment of silence for the passing of former House Clerk, Donald G. Milne.

## **Message from the Senate No. 8**

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 on its part adopted concurrent resolutions originating in the House of the following titles:

**H.C.R. 206.** House concurrent resolution congratulating the 2015 Rutland High School Raiders Division I championship football team.

**H.C.R. 207.** House concurrent resolution honoring Tracy Penfield and her pioneering therapeutic work at SafeArt .

**H.C.R. 208.** House concurrent resolution congratulating Sophie Caldwell of Peru on her first World Cup skiing victory.

**H.C.R. 209.** House concurrent resolution congratulating the Champlain Cable Corporation of Colchester on winning the 2014 Deane C. Davis Outstanding Business Award and on the corporation's 60th anniversary.

**H.C.R. 210.** House concurrent resolution commemorating the 50th anniversary of the historic 1965 reapportionment of the Vermont General Assembly.

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**Message from the Senate No. 9**

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 on its part adopted joint resolution of the following title:

**J.R.S. 37.** 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. 628**

By Reps. Rachelson of Burlington, Zagar of Barnard, Chesnut-Tangerman of Middletown Springs, Gonzalez of Winooski, Lalonde of South Burlington, Partridge of Windham and Ryerson of Randolph,

House bill, entitled

An act relating to Medicaid coverage for doula services;

To the committee on Health Care.

**H. 629**

By Reps. Devereux of Mount Holly and Martin of Wolcott,

House bill, entitled

An act relating to the administration and issuance of vital records;

To the committee on Government Operations.

**H. 630**

By Reps. Zagar of Barnard, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Clarkson of Woodstock, Connor of Fairfield, Masland of Thetford, Patt of Worcester, Pearson of Burlington, Sullivan of Burlington, Walz of Barre City and Yantachka of Charlotte,

House bill, entitled

An act relating to required reporting of air conditioner refrigerant in motor vehicles;

To the committee on Natural Resources & Energy.

**H. 631**

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to use of firearm suppressors at sport shooting ranges;

To the committee on Fish, Wildlife & Water Resources.

**H. 632**

By Reps. Brennan of Colchester, Bissonnette of Winooski, Branagan of Georgia, Browning of Arlington, Burke of Brattleboro, Fiske of Enosburgh, Gamache of Swanton, Hebert of Vernon, Helm of Fair Haven, Hubert of Milton, McCormack of Burlington, Murphy of Fairfax, Potter of Clarendon, Quimby of Concord, Russell of Rutland City, Shaw of Derby, Till of Jericho and Viens of Newport City,

House bill, entitled

An act relating to use of gun suppressors at sport shooting ranges;

To the committee on Fish, Wildlife & Water Resources.

**H. 633**

By Reps. Masland of Thetford, McCormack of Burlington and McCullough of Williston,

House bill, entitled

An act relating to the distributed renewable generation category of the Renewable Energy Standard;

To the committee on Natural Resources & Energy.

**H. 634**

By Reps. Masland of Thetford, Briglin of Thetford, McCullough of Williston, Mrowicki of Putney and Walz of Barre City,

House bill, entitled

An act relating to solar generation and renewable energy credits;

To the committee on Natural Resources & Energy.

**H. 635**

By Reps. Masland of Thetford, Clarkson of Woodstock, Cole of Burlington and Till of Jericho,

House bill, entitled

An act relating to local land use bylaws and affordable housing;

To the committee on General, Housing & Military Affairs.

**H. 636**

By Reps. Briglin of Thetford and Masland of Thetford,

House bill, entitled

An act relating to the payment of tuition by a unified union school district that designates one or more schools as the public high school of the district;

To the committee on Education.

**H. 637**

By Rep. Brennan of Colchester,

House bill, entitled

An act relating to the requirement to pass a civics test for high school graduation;

To the committee on Education.

**H. 638**

By Reps. Masland of Thetford, Briglin of Thetford, Dakin of Chester, Krebs of South Hero, McCullough of Williston, Mrowicki of Putney, Till of Jericho and Yantachka of Charlotte,

House bill, entitled

An act relating to assessment of points for convictions of violating the law against handheld use of portable electronic devices while driving;

To the committee on Judiciary.

**H. 639**

By Rep. Till of Jericho,

House bill, entitled

An act relating to pulse oximetry to screen newborns for congenital heart defects;

To the committee on Health Care.

**H. 640**

By Rep. Botzow of Pownal,

House bill, entitled

An act relating to expenses for the repair of town cemeteries;

To the committee on General, Housing & Military Affairs.

**H. 641**

By Reps. Gonzalez of Winooski and Morris of Bennington, Buxton of Tunbridge, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Clarkson of Woodstock, Dakin of Colchester, Dame of Essex, Evans of Essex, Fields of Bennington, Grad of Moretown, Krowinski of Burlington, Lenes of Shelburne, Nuovo of Middlebury, Patt of Worcester, Pearson of Burlington, Sibilina of Dover, Stevens of Waterbury, Stuart of Brattleboro and Zagar of Barnard;

House bill, entitled

An act relating to the definition of consent;

To the committee on Judiciary.

**H. 642**

By Reps. Botzow of Pownal and Marcotte of Coventry,

House bill, entitled

An act relating to a working group concerning the Division of Vocational Rehabilitation;

To the committee on Commerce & Economic Development.

**Joint Resolution Adopted**

**J.R.H. 18**

Joint resolution expressing gratitude for the outstanding service of social workers employed at the Department for Children and Families

Offered by: Representatives Ram of Burlington, Pugh of South Burlington, Chesnut-Tangerman of Middletown Springs, Cole of Burlington, Conquest of Newbury, Devereux of Mount Holly, Evans of Essex, Fagan of Rutland City, Feltus of Lyndon, Forguites of Springfield, French of Randolph, Grad of Moretown, Helm of Fair Haven, Hooper of Montpelier, Jerman of Essex, Johnson of South Hero, Keenan of St. Albans City, LaClair of Barre Town, Lanpher of Vergennes, Martin of Wolcott, Mrowicki of Putney, O'Brien of Richmond, Pearce of Richford, Pearson of Burlington, Sullivan of Burlington, Sweaney of Windsor, Townsend of South Burlington, Trieber of Rockingham, and Troiano of Stannard

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Whereas, social work is a profession designed to help families and individuals navigate the crises or major changes in their lives, and

Whereas, social workers are trained to anticipate emotional and potentially sensitive situations among their clients, and

Whereas, social workers develop professional, yet undeniably personal, relationships with their clients, and

Whereas, the Department for Children and Families (DCF) employs social workers who are assigned to cases throughout Vermont and they are confronted with an ever-expanding caseload, while simultaneously encountering an increasingly confrontational environment of verbal and physical hostility, and

Whereas, the recent challenging difficulties in the working environment of these outstanding and hard-working State employees reached a tragic nadir on Friday, August 7, 2015, when veteran DCF social worker, Lara Sobel, was killed in the parking lot outside the City Center office building in Barre, and

Whereas, the news of Lara Sobel's tragic death shocked the sensibilities of Vermonters, and

Whereas, the Agency of Human Services is deeply aware of the increasing complexity and security threats of DCF social workers' caseloads, and

Whereas, threats to the physical safety of DCF social workers, in combination with increasingly large caseloads, hinders their ability to protect Vermont's children, and

Whereas, DCF social workers are essential to the well-being of many Vermont families and they deserve respect and to be treated with human decency, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses gratitude for the outstanding service of social workers employed at the Department for Children and Families, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Department for Children and Families Commissioner Ken Schatz.

Was taken up and adopted on the part of the House.

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**Joint Resolution Referred to Committee****J.R.H. 19**

Joint resolution urging Congress to support statehood and all accompanying legal rights and privileges for the District of Columbia

Offered by: Representatives McCormack of Burlington, Brennan of Colchester, Burke of Brattleboro, Deen of Westminster, Donovan of Burlington, Krebs of South Hero, Lucke of Hartford, Mrowicki of Putney, Murphy of Fairfax, Patt of Worcester, Russell of Rutland City, Sullivan of Burlington, and Townsend of South Burlington

Whereas, the U.S. Constitution, as ratified following the Constitutional Convention of 1787, granted the right to vote for congressional representation to qualified voters in all the states, including those living in the sections of Maryland and Virginia that the “District of Columbia Organic Act of 1801” (the Act) designated as the nation’s capital, and

Whereas, the Act took this territory away from the states of Maryland and Virginia, disenfranchising District of Columbia’s (the District) citizens from exercising the fundamental right to vote for public officials, and for over a century these American citizens could not participate in any local or federal election, and

Whereas, in 1961, the 23rd Amendment to the U.S. Constitution gave the District’s electorate the right to vote in presidential elections, and

Whereas, in 1970, Congress enacted 2 U.S.C. § 25a, authorizing the District’s voters to elect a nonvoting delegate to Congress, and

Whereas, in 1973, Congress enacted the District of Columbia Self-Government and Governmental Reorganization Act, establishing local mayoralty and city council elections in the District, and

Whereas, despite these legal advancements in the District’s electoral and representational rights, the District’s Delegate to Congress is prohibited from voting on the House floor, and the District is not represented in the U.S. Senate, and

Whereas, a truly democratic nation should not deny its citizens residing in the nation’s capital city full representational rights in the U.S. Legislature, and

Whereas, the Organization of American States Inter-American Commission on Human Rights, of which the United States is a member and that is headquartered in the District, has declared that the residents of the

District have been denied an equal right under law to participate in their government, and

Whereas, Congress has, in some instances, barred the use of locally raised funds to implement municipally adopted laws and programs, an action it would not impose on a state, and

Whereas, the annual municipal budget that the locally elected District of Columbia City Council adopts is subject to congressional review and amendment, as if the District were a federal agency, and

Whereas, in recent years, Democrats and Republicans have introduced legislation to grant the District budget autonomy, most recently H.R. 552, the District of Columbia Budget Autonomy Act of 2015, and

Whereas, it has been over 50 years and 40 years respectively since the passage of the Civil Rights Act of 1964 and the District of Columbia Self-Government and Governmental Reorganization Act of 1973, but residents of the District still lack the same congressional representational and complete self-government rights enjoyed in all 50 states, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to support statehood and all accompanying legal rights and privileges for the District of Columbia, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Barack Obama, to the U.S. Senate Committee on Homeland Security and Governmental Affairs, to the U.S. House Committee on Oversight and Government Reform, to Speaker of the House Paul Ryan, and to the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on General, Housing & Military Affairs.

**Remarks Journalized**

On motion of **Rep. Russell of Rutland City**, the following remarks by **Rep. Forguites of Springfield** were ordered printed in the Journal:

“Mr. Speaker:

Rev. Martin Luther King, Jr. had a dream that he discussed in his famous speech at the Lincoln Memorial in Washington, D.C. in 1963.

For many years, I had a dream that you may feel was strange - I dreamed that some day I would be a Representative in the Vermont



Legislature. That dream was realized when I was sworn in as a member of this Chamber last January.

While I don't speak with the eloquence of Rev. King, I have some other dreams I would like to share with you.

I dream of the day when all children will be conceived in love and born into loving and caring family environments.

I dream of the day when all people will have comprehensive and affordable health care.

I dream of the day when people will not be judged based on the color of their skin, their nation of origin, their religion, their gender or their sexual orientation.

I dream of the day when we no longer need to discuss gun control because all guns will be under control.

I dream of the day when there will be no hunger because of lack of food, and children will not go to bed hungry or have to wait until they go into school in the morning to have breakfast.

I dream of the day when everyone will have decent housing and no one will have to sleep in the streets, in a car, or under a cardboard box.

I dream of the day when people are taking drugs, they are taking them for the purpose for which they were intended - to cure diseases and improve health.

I dream of the day when unemployment will be 0.00% and everyone will be paid a decent salary with a decent and safe working environment.

I dream of the day when all of the issues discussed in this building will be settled in a manner that is good for all of the people of the State of Vermont and not necessarily what is good for us individually or our political affiliation.

You may say "those are just dreams and dreams don't come true". All I can say *is* whoever would have thought that I would be standing here today speaking in front of you?

So - I invite you - come and dream with me. If we dream and work together, who knows what great and wonderful things we might accomplish."

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**Remarks Journalized**

On motion of **Rep. Cupoli of Rutland City**, the following remarks by **Rep. Juskiewicz of Cambridge** were ordered printed in the Journal:

“Mr. Speaker:

Wednesday, January 13 was a very stressful day to say the least for me, my family, along with members of the House.

I would like to thank all of you for your support. Especially to my partners in crime in the House Education Committee and particularly Larry Cupoli and Scott Beck who were at my side when things were going bad.

I would also like to recognize George Till. George assisted me at a time when I thought the lights were going out. He provided me with comfort and assurance that things would be ok.

Mr. Speaker this is a great institution - made up of caring people - I am proud to be a member and again thanks for the support given to me over the past two weeks.”

**Bill Read Second Time; Consideration Interrupted by Recess****H. 611**

**Rep. Johnson of South Hero** spoke for the committee on Appropriations.

House bill entitled

An act relating to fiscal year 2016 budget adjustments

Having appeared on the Calendar one day for notice, was taken up and read the second time.

**Recess**

At ten o'clock and forty-nine minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven o'clock and forty-nine minutes in the forenoon, the Speaker called the House to order.

**Consideration Resumed; Third Reading Ordered****H. 611**

Consideration resumed on House bill, entitled

An act relating to fiscal year 2016 budget adjustments;

Pending the question, Shall the bill be read the third time? **Rep. Gage of Rutland City** moved to amend the bill as follows:

By adding a new section to be Sec. 74 to read as follows:

Sec. 74. TRANSITION PLAN FOR FEDERALLY FACILITATED EXCHANGE; REPORT

The Secretary of Administration or designee shall determine whether it would be more advantageous for Vermont residents to transition to a fully federally facilitated Exchange or to a federally facilitated State-based Exchange. On or before July 1, 2016, the Secretary or designee shall deliver to the General Assembly an implementation plan for transitioning to the selected federal Exchange model for coverage beginning on January 1, 2018 and may take appropriate preliminary steps to begin the transition. The plan shall include a description of the federally facilitated Exchange model selected, estimates of the costs associated with the transition and with ongoing participation in the federally facilitated Exchange, a financing proposal for covering the transition and participation costs, and a detailed timeline of the steps necessary to ensure that the transition will take place without causing any disruption to Medicaid or private health insurance coverage. It shall also include recommended statutory changes and a description of the steps needed to dismantle unnecessary functions of Vermont Health Connect while minimizing financial exposure to the State.

and by renumbering Sec. 74, effective dates, to be Sec. 75

Thereupon, **Rep. Deen of Westminster** raised a Point of Order that the amendment was not germane to the bill, which Point of Order the Speaker ruled well taken.

Pending the question, Shall the bill be read the third time? **Rep. Bancroft of Westford** moved to amend the bill as follows:

By adding a new section to be Sec. 74 to read as follows:

Sec. 74. VERMONT HEALTH CONNECT SUSTAINABILITY ASSESSMENT; REPORT

The Agency of Administration shall contract with an independent third party to conduct an assessment of the long-term sustainability of Vermont Health Connect. Up to \$100,000.00 is appropriated from the Vermont Health Connect allocation in the General Fund to the Agency of Administration in fiscal year 2016 for purposes of the contract. The contractor shall provide a report to the General Assembly on or before January 15, 2017 with its evaluation of Vermont Health Connect's long-term sustainability and its

recommendations for improving the function, efficiency, reliability, operations, and customer experience of Vermont Health Connect going forward.

and by renumbering Sec. 74 to be Sec. 75

Which was disagreed to.

Pending the question, Shall the bill be read a third time? **Rep. Turner of Milton** 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 read a third time? was decided in the affirmative. Yeas, 90. Nays, 54.

Those who voted in the affirmative are:

Ancel of Calais	French of Randolph	Olsen of Londonderry
Bartholomew of Hartland	Gonzalez of Winooski	O'Sullivan of Burlington
Berry of Manchester	Grad of Moretown	Partridge of Windham
Bissonnette of Winooski	Haas of Rochester	Patt of Worcester
Botzow of Pownal	Head of South Burlington	Pearce of Richford
Briglin of Thetford	Helm of Fair Haven	Pearson of Burlington
Burke of Brattleboro	Hooper of Montpelier	Potter of Clarendon
Buxton of Tunbridge	Jerman of Essex	Pugh of South Burlington
Carr of Brandon	Johnson of South Hero *	Ram of Burlington
Chesnut-Tangerman of Middletown Springs	Keenan of St. Albans City	Russell of Rutland City
Christie of Hartford *	Kitzmillier of Montpelier	Ryerson of Randolph
Clarkson of Woodstock	Klein of East Montpelier	Sharpe of Bristol
Cole of Burlington	Krebs of South Hero	Sheldon of Middlebury
Condon of Colchester	Krowinski of Burlington	Sibilia of Dover
Conquest of Newbury	Lalonde of South Burlington	Stevens of Waterbury
Copeland-Hanzas of Bradford	Lanpher of Vergennes	Stuart of Brattleboro
Corcoran of Bennington	Lenes of Shelburne	Sullivan of Burlington
Dakin of Chester	Lippert of Hinesburg	Sweaney of Windsor
Dakin of Colchester	Long of Newfane	Till of Jericho
Davis of Washington	Lucke of Hartford	Toleno of Brattleboro
Deen of Westminster	Macaig of Williston	Toll of Danville
Donovan of Burlington	Manwaring of Wilmington *	Townsend of South Burlington
Emmons of Springfield	Martin of Wolcott	Troiano of Stannard
Evans of Essex	Masland of Thetford	Walz of Barre City
Fagan of Rutland City	McCormack of Burlington	Webb of Shelburne
Feltus of Lyndon	McCullough of Williston	Wood of Waterbury
Fields of Bennington	Miller of Shaftsbury	Woodward of Johnson
Forguites of Springfield	Morris of Bennington	Yantachka of Charlotte
Frank of Underhill	Mrowicki of Putney	Young of Glover
	Nuovo of Middlebury	Zagar of Barnard
	O'Brien of Richmond	

Those who voted in the negative are:

Bancroft of Westford	Gamache of Swanton	Myers of Essex
Baser of Bristol	Graham of Williamstown	Parent of St. Albans Town
Batchelor of Derby	Greshin of Warren	Purvis of Colchester *
Beck of St. Johnsbury	Hebert of Vernon	Quimby of Concord
Beyor of Highgate	Higley of Lowell	Savage of Swanton
Branagan of Georgia	Hubert of Milton	Scheuermann of Stowe
Brennan of Colchester	Huntley of Cavendish	Shaw of Pittsford
Browning of Arlington *	Juskiewicz of Cambridge	Shaw of Derby
Burditt of West Rutland	Komline of Dorset	Smith of New Haven
Canfield of Fair Haven	LaClair of Barre Town	Strong of Albany
Cupoli of Rutland City	Lawrence of Lyndon	Tate of Mendon
Dame of Essex	Lefebvre of Newark	Terenzini of Rutland Town
Devereux of Mount Holly	Lewis of Berlin	Turner of Milton *
Dickinson of St. Albans Town	Marcotte of Coventry	Van Wyck of Ferrisburgh
Donahue of Northfield *	Martel of Waterford	Viens of Newport City
Eastman of Orwell	McCoy of Poultney	Willhoit of St. Johnsbury
Fiske of Enosburgh	McFaun of Barre Town	Wright of Burlington
Gage of Rutland City	Morrissey of Bennington	
	Murphy of Fairfax	

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

Connor of Fairfield	Poirier of Barre City	Trieber of Rockingham
Jewett of Ripton	Rachelson of Burlington	

**Rep. Browning of Arlington** explained her vote as follows:

“Mr. Speaker:

I thank House Appropriations Committee for their hard work. But I must vote No. This Budget Adjustment simply demonstrates again that our budgets are not really balanced. We consistently promise more in benefits and programs than we can fund, and we give away more in tax expenditures than we can afford. And we are struggling during an economic EXPANSION. What will happen during the next recession when tax revenues drop?”

**Rep. Christie of Hartford** explained his vote as follows:

“Mr. Speaker:

During the Civil War, Vermonters and all the other states were asked to contribute to the war effort \$500,000 at that time and this body voted not to send \$500,000 but \$1,000,000. We are again at war, this time it is the war against drugs. I voted as Vermonters do – yes.”

**Rep. Donahue of Northfield** explained her vote as follows:

“Mr. Speaker:

This is not a vote against this somewhat reasonable effort to adjust accounts mid-year base on policies and budget lines set last year. It is a vote against those policies and that budget – which are what has resulted in now perpetuating still higher spending supported by these tax increases.”

**Rep. Johnson of South Hero** explained her vote as follows:

“Mr. Speaker:

This budget adjustment addresses critical changes in caseload by applying money we set aside for that purpose and funds we’ve responsibly scrubbed from elsewhere in the budget.

Because of these choices more Vermonters are insured, vulnerable children are better protected, we’ve invested in clean water and maintained our rainy day fund. All within a 2.5% growth rate.”

**Rep. Manwaring of Wilmington** explained her vote as follows:

“Mr. Speaker:

I am troubled by the continual mantra that spending is the problem, a frame of thinking that to me is just another way of implementing supply side economic theory, a theory that was supposed to lead to trickle down investments to benefit all of us. The growing divide between the wealthy and the rest of us is proof enough of the wrong-headedness of that theory and the harm it has done to Vermont’s economy, our families and our communities.”

**Rep. Purvis of Colchester** explained his vote as follows:

“Mr. Speaker:

I cannot support a budget that again spends at a higher percentage than our revenue allows. Working Vermont families and businesses cannot continue to spend more than they make and neither should we. As a body we’re resembling Einstein’s definition of insanity.”

**Rep. Turner of Milton** explained his vote as follows:

“Mr. Speaker:

This budget adjustment increases state general fund spending by \$12.3 million and relies on \$23 million in one-time resources. The FY16 general fund is growing at a rate of 5% and supporting revenue is growing at less than 3%. This is the definition of a structural deficit and is not sustainable. You cannot do this in your home or business and we should not do it with our state’s finances. Thank you.”

**Favorable Report; Third Reading Ordered****H. 505**

**Rep. Lewis of Berlin**, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the Village of North Bennington

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Adjournment**

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