

Journal of the House

Tuesday, February 23, 2016

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

Devotional Exercises

Devotional exercises were conducted by Kathy Eddy from Braintree, Chris Rivers from Waterbury and Martha Peck from Newport performing "Scarf of Birds" a musical composition based on a poem written and read by Becky McMeekin of Braintree, Vt.

Pledge of Allegiance

Page Emily Hathaway of Brandon led the House in the Pledge of Allegiance.

Message from the Senate No. 20

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. 524. An act relating to seeking a waiver to permit businesses to continue to purchase Exchange plans directly from insurers.

And has passed the same in concurrence.

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 35. Senate concurrent resolution congratulating Matt Hynes on being named the 2015-2016 Vermont boys' cross country Gatorade Player of the Year.

S.C.R. 36. Senate concurrent resolution honoring Central Vermont Chamber of Commerce President and CEO George Malek.

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

H.C.R. 242. House concurrent resolution recognizing the importance of the Black Lives Matter Movement in the U.S. and Vermont Black communities.

H.C.R. 243. House concurrent resolution congratulating the 2015 class of Green Mountain Council Eagle Boy Scouts.

H.C.R. 244. House concurrent resolution honoring J. Morgan's Steakhouse's bartender, Roderick Vincent O'Brien, for his consummate professional and unfailing courtesy.

H.C.R. 245. House concurrent resolution honoring former Juvenile Defender Robert Sheil for his exemplary public service.

H.C.R. 246. House concurrent resolution in memory of former Representative Barbara L. Wood of Bethel.

H.C.R. 247. House concurrent resolution congratulating the Rutland Regional Medical Center on its receipt of two excellence awards from Healthgrades.

House Resolution Adopted

H.R. 12

House resolution, entitled

House resolution supporting friendly bilateral relations between Taiwan and both the United States and the State of Vermont and Taiwan's full participation in world affairs and membership in international organizations

Offered by: Representatives Sharpe of Bristol, Ancel of Calais, Botzow of Pownal, Marcotte of Coventry, and Young of Glover

Whereas, the United States and the Republic of China (Taiwan) share a warm relationship, based on commonly held political and economic values, and

Whereas, on January 15, 2016, democratic Taiwan elected Tsai Ing-wen as the island's first woman president, and she will be inaugurated in a peaceful transition of power in May, and

Whereas, incumbent Taiwanese President Ma Ying-jeou has worked tirelessly to ensure the prosperity of Taiwan's 23.4 million people and improve relations between the United States and Taiwan, and

Whereas, according to the U.S. Bureau of the Census, as of November 2015, Taiwan ranked as the United States' 10th largest trading partner with year-to-date bilateral trade standing at \$61.5 billion, and as of the close of

2014, Vermont exported products worth \$93 million to Taiwan, making Taiwan the State's ninth largest export market, and

Whereas, Taiwan joined the U.S. Visa Waiver program in 2012, simplifying tourism and business travel between Taiwan and the United States, and, in 2014, one-half million Taiwanese visitors traveled to the United States, and

Whereas, Taiwan and Vermont, a sister state of Taiwan since 1999, share a strong bilateral relationship, including trade, educational and cultural exchanges, scientific and technological interests, and tourism, and

Whereas, Taiwan's proposed East China Sea and South China Sea Peace initiatives, offered in August 2012 and May 2015 respectively, reflect the American and Taiwanese shared desire to alleviate continuing international tensions in each of these nautical regions, and

Whereas, Taiwan has attended the International Civil Aviation Organization Assembly as a special guest since 2013, and it remains in the interest of the traveling public that Taiwan be granted full membership, as it is a key transportation hub in the Asia-Pacific region and has jurisdiction over the geographically large Taipei Flight Information Region, and

Whereas, the United Nations Framework Convention on Climate Change, adopted in Paris on December 12, 2015, is a major global environmental protection effort, and Taiwan desires to participate fully in this important undertaking, now therefore be it

Resolved by the House of Representatives:

That this legislative body supports friendly bilateral relations between Taiwan and both the United States and the State of Vermont and Taiwan's full participation in world affairs and membership in international organizations, and be it further

Resolved: That the Clerk of the House be directed to send copies of this resolution to President Barack Obama, Governor Peter Shumlin, the Vermont Congressional Delegation, President Ma Ying-jeou of Taiwan, and Scott Lai, Director-General of the Taipei Economic and Cultural Office in Boston.

Which was read and adopted.

**Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto; Rules Suspended;
and Bill Was Ordered Messaged to the Senate Forthwith**

H. 611

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

An act relating to fiscal year 2016 budget adjustments

First: By striking out Sec. 13 in its entirety and inserting in lieu thereof a new Sec. 13 to read as follows:

Sec. 13. 2015 Acts and Resolves No. 58, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment		
Operating expenses	4,541,736	69,303,699
Grants	<u>1,372,464,147</u>	<u>1,372,830,610</u>
Total	<u>1,377,005,883</u>	1,442,134,309
Source of funds		
General fund	<u>208,728,673</u>	217,281,414
Special funds	<u>26,550,179</u>	27,899,279
Tobacco fund	<u>28,747,141</u>	28,079,458
State health care resources fund	<u>270,712,781</u>	282,705,968
Federal funds	<u>842,227,109</u>	886,128,190
Interdepartmental transfers	<u>40,000</u>	<u>40,000</u>
Total	<u>1,377,005,883</u>	1,442,134,309

Second: By striking out Sec. 17 in its entirety and inserting in lieu thereof a new Sec. 17 to read as follows:

Sec. 17. 2015 Acts and Resolves No. 58, Sec. B.307 is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Grants	<u>659,633,970</u>	<u>721,820,039</u>
Total	<u>659,633,970</u>	721,820,039
Source of funds		
Global commitment fund	<u>659,633,970</u>	<u>721,820,039</u>
Total	<u>659,633,970</u>	721,820,039

Third: By striking out Sec. 22 in its entirety and inserting in lieu thereof a new Sec. 22 to read as follows:

Sec. 22. 2015 Acts and Resolves No. 58, Sec. B.312 is amended to read:

Sec. B.312 Health - public health		
Personal services	<u>37,391,426</u>	39,304,394
Operating expenses	8,229,404	8,229,404
Grants	<u>39,972,373</u>	<u>39,661,136</u>
Total	<u>85,593,203</u>	87,194,934
Source of funds		
General fund	8,544,109	6,595,459
Special funds	<u>16,854,895</u>	17,004,542

Tobacco fund	2,461,377	2,461,377
Federal funds	38,184,687	37,945,155
Global commitment fund	18,401,274	22,043,386
Interdepartmental transfers	1,121,861	1,120,015
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	85,593,203	87,194,934

Fourth: By striking out Sec. 36 in its entirety and inserting in lieu thereof a new Sec. 36 to read as follows:

Sec. 36. 2015 Acts and Resolves No. 58, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds

General fund	662,344,182	677,913,668
Special funds	95,588,135	97,129,681
Tobacco fund	32,619,752	31,952,069
State health care resources fund	270,712,781	282,705,968
Education fund	3,554,425	3,886,204
Federal funds	1,328,305,215	1,388,932,032
Global commitment fund	1,314,332,149	1,379,045,585
Internal service funds	1,816,195	1,816,195
Interdepartmental transfers	30,798,487	34,112,598
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	3,740,096,321	3,897,519,000

Fifth: In Sec. 53(a)(1), by striking out the following: “21550 Lands & Facilities Trust Fund”

Sixth: By adding a new section to be numbered Sec. 55a to read as follows:

Sec. 55a. FISCAL YEAR 2016 CONTINGENT GENERAL FUND APPROPRIATIONS

(a) In fiscal year 2016, to the extent that the Commissioner of Finance and Management determines that General Fund revenues exceed the 2016 official revenue forecast and other fund receipts assumed for all previously authorized fiscal year 2016 appropriations and transfers necessary to ensure the stabilization reserve is at its maximum authorized level under 32 V.S.A. § 308, \$10,300,000 is appropriated to the Agency of Administration for transfer to the Agency of Human Services for Global Commitment upon determination of the Commissioner of Finance and Management of the amount necessary to fund the 53rd week of Medicaid expenditures. Any funds remaining from this \$10,300,000 appropriation after this 53rd week payment shall be carried

forward and revert to the General Fund for reallocation by the Legislature in the fiscal year 2017 budget adjustment or the fiscal year 2018 budget process.

(b) The Commissioner of Finance and Management shall report to the Joint Fiscal Committee in July 2016 on the status of the funds appropriated in this section.

Seventh: By adding two (2) new sections to be numbered Secs. 60a and 60b to read as follows:

Sec. 60a. JUDICIAL BRANCH POSITION AUTHORIZATION

(a) The establishment of the following new permanent exempt position in the Judicial Branch of State government is authorized in fiscal year 2017 – one (1) Superior judge.

Sec. 60b. 4 V.S.A. § 71(a) is amended to read:

(a) There shall be ~~32 superior~~ 34 Superior judges, whose term of office shall, except in the case of an appointment to fill vacancy or unexpired term, begin on April 1 in the year of their appointment or retention, and continue for six years.

Eighth: In Sec. 67, in the first sentence, by striking out the following: “18 V.S.A. chapters 220 and 221” and inserting in lieu thereof the following: chapters 220 and 221 of this title and in the third sentence, by striking out the following: “18 V.S.A. chapter 221” and inserting in lieu thereof the following: chapter 221 of this title

Ninth: By striking out Sec. 71 in its entirety and inserting in lieu thereof a new Sec. 71 to read as follows:

Sec. 71. SUPPLEMENTAL RAIL SPENDING

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the Fiscal Year 2016 Transportation Program, the Secretary of Transportation, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer up to \$3,000,000 in Transportation Fund or Transportation Infrastructure Bond Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2 Roadway programs, to the Transportation – Rail appropriation, for the specific purpose of addressing the increased cost of Amtrak service, emergency projects, and projects needing immediate attention during fiscal year 2016.

(b)(1) If a contemplated transfer of an appropriation would not delay the planned work schedule of a project, the Secretary of Transportation may

execute the transfer and shall give prompt notice thereof to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Transportation Oversight Committee.

(2) If a contemplated transfer of an appropriation would, by itself, delay the planned work schedule of a project, the Secretary:

(A) when the General Assembly is in session, may execute the transfer, but shall give the House and Senate Committees on Transportation advance notice of at least 10 business days prior to executing the transfer; or

(B) when the General Assembly is not in session, shall obtain the prior approval of the Joint Transportation Oversight Committee before the Secretary may execute the transfer.

(3) Contemplated transfers of Transportation Infrastructure Bond Fund appropriations shall comply with the limitations on the uses of such funds as provided in 19 V.S.A. § 11f.

(c) This section shall be repealed on July 1, 2016.

Tenth: By striking out Sec. 72 in its entirety and inserting in lieu thereof a new Sec. 72 to read as follows:

Sec.72. DEPARTMENT FOR CHILDREN AND FAMILIES; GENERAL ASSISTANCE REPORT

(a) By March 15, 2016, the Commissioner for Children and Families shall provide the House and Senate Committees on Appropriations, the House Committees on Human Services and on General, Housing and Military Affairs, and the Senate Committee on Health and Welfare a report on the funds spent year-to-date, through January and funds authorized through February 28, 2016, in the General Assistance budget for emergency housing and homelessness assistance that details the budgeted funds, usage, and projections for the remainder of the fiscal year for each type of housing service or assistance provided. The report shall also include the status on the development of alternatives to using motels as a solution for emergency housing, including a summary of programs and projects funded through the Office of Economic Opportunity.

Eleventh: In Sec. 74, by striking out subsection (b) in its entirety and inserting in lieu thereof two new subsections (b) and (c) to read as follows:

(b) Sec. 60a shall take effect on July 1, 2016.

(c) This section and all remaining sections shall take effect on passage.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Johnson of South Hero** moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

First: By striking out the *First* proposal of amendment in its entirety and inserting in lieu thereof the following:

Sec. 13. 2015 Acts and Resolves No. 58, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Operating expenses	4,541,736	7,884,268
Grants	<u>1,372,464,147</u>	<u>1,434,250,041</u>
Total	<u>1,377,005,883</u>	1,442,134,309

Source of funds

General fund	208,728,673	217,281,414
Special funds	26,550,179	27,899,279
Tobacco fund	28,747,141	28,079,458
State health care resources fund	270,712,781	282,705,968
Federal funds	842,227,109	886,128,190
Interdepartmental transfers	<u>40,000</u>	<u>40,000</u>
Total	<u>1,377,005,883</u>	1,442,134,309

Second: By striking out the *Sixth* proposal of amendment in its entirety and inserting in lieu thereof the following:

Sec. 55a. FISCAL YEAR 2016 CONTINGENT GENERAL FUND APPROPRIATIONS

(a) In fiscal year 2016, to the extent that the Commissioner of Finance and Management determines that General Fund revenues exceed the 2016 official revenue forecast and other fund receipts assumed for all previously authorized fiscal year 2016 appropriations and transfers necessary to ensure the stabilization reserve is at its maximum authorized level under 32 V.S.A. § 308, \$10,300,000 is appropriated to the Agency of Administration for transfer to the Agency of Human Services for Global Commitment upon determination of the Commissioner of Finance and Management of the amount necessary to fund the 53rd week of Medicaid expenditures. Any funds remaining from this \$10,300,000 appropriation after this 53rd week payment shall be distributed in accordance with the provisions of 32 V.S.A. § 308c(a).

(b) The Commissioner of Finance and Management shall report to the Joint Fiscal Committee in July 2016 on the status of the funds appropriated in this section.

Which was agreed to.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Bill Amended; Third Reading Ordered

H. 761

Rep. Patt of Worcester, for the committee on Health Care, to which had been referred House bill, entitled

An act relating to cataloguing and aligning health care performance measures

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

Sec. 1. GREEN MOUNTAIN CARE BOARD; PERFORMANCE MEASURES

The Green Mountain Care Board, in consultation with the Agency of Human Services, shall survey and catalogue all existing performance measures required of primary care providers in Vermont, including the Centers for Medicare and Medicaid Services' quality measures. The Board shall develop a plan to align performance measures across programs that impact primary care. The plan's goal shall be to reduce the administrative burden of reporting requirements for providers while balancing the need to have sufficient measures to evaluate quality of and access to care adequately. The Board shall submit the plan to the Senate Committee on Health and Welfare and to the House Committee on Health Care on or before January 15, 2017.

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 Health Care agreed to and third reading ordered.

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

H. 787

Rep. Botzow of Pownal moved that the committee on Commerce & Economic Development be relieved of House bill, entitled

An act relating to the budget process of a communications union district

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

Adjournment

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