

Journal of the House

Wednesday, March 23, 2016

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Kate Webb of Shelburne, Vt.

Committee Bill Introduced

H. 876

Rep. Brennan of Colchester, for the committee on Transportation, introduced a bill, entitled

An act relating to the transportation capital program and miscellaneous changes to transportation-related law

Which was read the first time and, under the rule, placed on the Calendar for notice tomorrow.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 174

Senate bill, entitled

An act relating to a model State policy for use of body cameras by law enforcement officers;

To the committee on Government Operations.

S. 257

Senate bill, entitled

An act relating to residential rental agreements;

To the committee on General, Housing & Military Affairs.

Joint Resolution Adopted

J.R.S. 48

By Senators Baruth and Benning,

J.R.S. 48. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 25, 2016, it be to meet again no later than Tuesday, March 29, 2016.

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

**Committee Relieved of Consideration
and Bill Committed to Other Committee****S. 256**

Rep. Pugh of South Burlington moved that the committee on Human Services be relieved of Senate bill, entitled

An act relating to extending the moratorium on home health agency certificates of need

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

Bill Amended, Read Third Time and Passed**H. 552**

House bill, entitled

An act relating to threatened and endangered species

Was taken up and pending third reading of the bill, **Rep. Deen of Westminster** moved to amend the bill as follows:

First: In Sec. 4, 10 V.S.A. § 5403, by striking out subsection (c) in its entirety and inserting in lieu thereof the following:

(c) The Secretary may, with advice of the Endangered Species Committee and after the consultation required under subsection 5408(e) of this section, adopt rules for the protection and, conservation, or recovery of endangered and threatened species. The rules may establish application requirements for an individual permit or general permits issued under this section, including requirements that differ from the requirements of subsection 5408(h) of this title.

Second: In Sec. 9, 10 V.S.A. § 5408, in subdivision (l)(4)(C), after “the Secretary has” and before “best management practices” by striking out “adopted” and inserting in lieu thereof “approved”

and in subdivision (l)(10), after “issuance of the general permit” and before the period by inserting “, unless existing best management practices approved under the general permit adequately protect the critical habitat or have been”

amended to do so prior to the critical habitat designation pursuant to section 5402a of this title”

Which was agreed to. Thereupon, the bill was read the third time and passed.

Bill Amended, Read Third Time and Passed

H. 562

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation and to the review of professional regulation

Was taken up and pending third reading of the bill, **Rep. Krebs of South Hero** moved to amend the bill as follows:

After Sec. 17, by inserting a reader assistance heading and Secs. 17a and 17b to read:

* * * Land Surveyors * * *

Sec. 17a. 27 V.S.A. § 1403 is amended to read:

§ 1403. COMPOSITION OF SURVEY PLATS

(a) Plats filed in accordance with this chapter shall be on sheets 11 inches by 17 inches or 18 inches by 24 inches in size or 24 inches by 36 inches if the town or city has appropriate storage facilities as determined by the town or city clerk.

(b) Plats filed in accordance with this chapter shall also conform with the following ~~further~~ requirements:

(1) Each survey plat shall contain an inset locus map clearly indicating the location of the land depicted and a legend of symbols used.

(2) All lettering and data shall be clearly legible.

(3) Plat scale ratios shall be sufficient to allow all pertinent survey data to be shown, and each plat shall contain a graphic scale graduated in units of measure used in the body of the plat.

(4) Each plat sheet shall have a minimum one-half inch margin, except the binder side, which shall have a minimum one and one-half inch margin.

(5) Each plat sheet shall contain a title area in the lower right-hand corner of the sheet stating the location of the land, scale expressed in engineering units, date of compilation, the name of the record owner as of that

date, the land surveyor's certification as outlined in 26 V.S.A. § 2596, and a certification that the plat conforms with requirements of this section. These certifications shall be accompanied by the responsible land surveyor's seal, name and number, and signature.

(6) Each survey plat shall contain a graphical indication of the reference meridian used on the survey plat and a statement describing the basis of bearings referenced on the survey plat.

(7) When the plat sheet is produced by a reproduction process, the process shall be identified and certified to by the producer in the margin of the plat sheet. Original plat sheets shall be so identified and certified to by the same process.

(8) The recordable plat materials shall be composed in one of the following processes:

(A) fixed-line photographic process on stable base polyester film; or

(B) pigment ink on stable base polyester film or linen tracing cloth.

(c) Survey plats prepared and dated before July 1, 1992, shall be exempt from the requirements of subdivisions ~~(b)(2)-(7)~~ (b)(1)-(6) and (8) of this section, but shall comply with requirements in State law in effect when the plats were prepared and dated.

(d) Survey plats prepared and dated before any statutory regulation of land plats shall comply with ~~subsections~~ subsection (a) and ~~subdivisions (b)(1) and (b)(8)~~ subdivision (b)(7) of this section.

(e) Any survey plat exempted by subsection (c) or (d) of this section and revised after July 1, 1992, shall meet all the requirements of ~~sections 1401-1406~~ of this ~~title~~ chapter.

Sec. 17b. 27 V.S.A. § 1404 is amended to read:

§ 1404. ~~EXCEPTIONS~~ EXEMPTIONS

(a) Survey plats prepared and filed by municipal and State government agencies shall be exempt from subdivision 1403(b)(5) of this ~~title~~ chapter. Each plat sheet filed under this exemption shall contain a title area in the lower right-hand corner of the sheet stating the location of the land, the scale expressed in engineering units, and the date of compilation. Highway plats or plans filed under this exemption shall also include right-of-way detail sheets and a title sheet.

(b) Survey plats prepared and filed in accordance with 24 V.S.A. § 4463 shall be exempt from subdivision 1403(b)(5) of this ~~title~~ chapter. Survey plats

or plans filed under this exemption shall contain a title area, the location of the land, and scale expressed in engineering units. In addition, they shall include inscriptions and data required by zoning and planning boards.

(c) Survey plats prepared and filed in accordance with chapter 15 of this title shall be exempt from subdivision ~~1403(b)(6)~~ 1403(b)(5) of this ~~title chapter~~. Each plat sheet filed under this exemption shall contain a title area stating the location of the land, the scale expressed in engineering or architectural units, and the date of compilation.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Bill Amended; Third Reading Ordered

H. 620

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

An act relating to health insurance and Medicaid coverage for contraceptives

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

Sec. 1. 8 V.S.A. § 4099c is amended to read:

§ 4099c. REPRODUCTIVE HEALTH EQUITY IN HEALTH INSURANCE COVERAGE

(a) As used in this section, “health insurance plan” means any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer, as defined by 18 V.S.A. § 9402. The term shall not include benefit plans providing coverage for specific disease or other limited benefit coverage.

(b) A health insurance plan shall provide coverage for outpatient contraceptive services including sterilizations, and shall provide coverage for the purchase of all prescription contraceptives and prescription contraceptive devices approved by the federal Food and Drug Administration, except that a health insurance plan that does not provide coverage of prescription drugs is not required to provide coverage of prescription contraceptives and prescription contraceptive devices. A health insurance plan providing coverage required under this section shall not establish any rate, term or condition that places a greater financial burden on an insured or beneficiary for

access to contraceptive services, prescription contraceptives and prescription contraceptive devices than for access to treatment, prescriptions or devices for any other health condition.

~~(b) As used in this section, “health insurance plan” means any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this state State by a health insurer, as defined by 18 V.S.A. § 9402. The term shall not include benefit plans providing coverage for specific disease or other limited benefit coverage.~~

(c) A health insurance plan shall provide coverage without any deductible, coinsurance, co-payment, or other cost-sharing requirement for at least one drug, device, or other product within each method of contraception for women identified by the U.S. Food and Drug Administration (FDA) and prescribed by an insured’s health care provider.

(1) The coverage provided pursuant to this subsection shall include patient education and counseling by the patient’s health care provider regarding the appropriate use of the contraceptive method prescribed.

(2)(A) If there is a therapeutic equivalent of a drug, device, or other product for an FDA-approved contraceptive method, a health insurance plan may provide coverage for more than one drug, device, or other product and may impose cost-sharing requirements as long as at least one drug, device, or other product for that method is available without cost-sharing.

(B) If an insured’s health care provider recommends a particular service or FDA-approved drug, device, or other product for the insured based on a determination of medical necessity, the health insurance plan shall defer to the provider’s determination and judgment and shall provide coverage without cost-sharing for the drug, device, or product prescribed by the provider for the insured.

(d) A health insurance plan shall provide coverage for voluntary sterilization procedures for men and women without any deductible, coinsurance, co-payment, or other cost-sharing requirement, except to the extent that such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to 26 U.S.C. § 223.

(e) A health insurance plan shall provide coverage without any deductible, coinsurance, co-payment, or other cost-sharing requirement for clinical services associated with providing the drugs, devices, products, and procedures covered under this section and related follow-up services, including

management of side effects, counseling for continued adherence, and device insertion and removal.

(f)(1) A health insurance plan shall provide coverage for a supply of contraceptives intended to last over a 12-month duration, which may be furnished or dispensed all at once or over the course of the 12 months at the discretion of the health care provider. The health insurance plan shall reimburse a health care provider or dispensing entity per unit for furnishing or dispensing a supply of contraceptives intended to last for 12 months.

(2) This subsection shall apply to Medicaid and any other public health care assistance program offered or administered by the State or by any subdivision or instrumentality of the State.

(g) Benefits provided to an insured under this section shall be the same for the insured's covered spouse and other covered dependents.

Sec. 2. VALUE-BASED PAYMENTS FOR LONG-ACTING REVERSIBLE CONTRACEPTIVES

The Department of Vermont Health Access shall establish and implement value-based payments to health care providers for the insertion and removal of long-acting reversible contraceptives. The payments shall reflect the high efficacy rate of long-acting reversible contraceptives in reducing unintended pregnancies and the correlating decrease in costs to the State as a result of fewer unintended pregnancies. The payments shall create parity between the fees for insertion and removal of long-acting reversible contraceptives and those for oral contraceptives.

Sec. 3. APPROPRIATION

The sum of \$1.00 is appropriated to the Department of Vermont Health Access from the General Fund in fiscal year for purposes of increasing reimbursement rates for long-acting reversible contraceptives pursuant to Sec. 2 of this act.

Sec. 4. EFFECTIVE DATES

(a) Sec. 3 (appropriation) and this section shall take effect on July 1, 2016.

(b) Sec. 1 shall take effect on October 1, 2016 and shall apply to Medicaid on that date and shall apply to health insurance plans on or after October 1, 2016 on such date as a health insurer issues, offers, or renews the health insurance plan, but in no event later than October 1, 2017.

(c) Sec. 2 (long-acting reversible contraceptives; payments) shall take effect on October 1, 2016.

Rep. Toll of Danville, for the committee on Appropriations recommended that the report of the committee in Health Care be amended as follows:

By striking Sec. 3, appropriation, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. APPROPRIATION

The sum of \$34,864.00 in Global Commitment funds is appropriated to the Department of Vermont Health Access in fiscal year 2017 for the purposes of increasing reimbursement rates for long-acting reversible contraceptives pursuant to Sec. 2 of this act.

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

Pending the question, Shall the bill be read a third time? **Rep. Lippert of Hinesburg** 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, 128. Nays, 15.

Those who voted in the affirmative are:

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|-------------------------|--------------------------|-----------------------------|
| Ancel of Calais | Copeland-Hanzas of | Hooper of Montpelier |
| Bancroft of Westford | Bradford | Hubert of Milton |
| Bartholomew of Hartland | Corcoran of Bennington | Huntley of Cavendish |
| Baser of Bristol | Dakin of Chester | Jerman of Essex |
| Beck of St. Johnsbury | Dakin of Colchester | Jewett of Ripton |
| Berry of Manchester | Davis of Washington | Johnson of South Hero |
| Bissonnette of Winooski | Deen of Westminster | Juskiewicz of Cambridge |
| Botzow of Pownal | Devereux of Mount Holly | Keenan of St. Albans City |
| Branagan of Georgia | Donovan of Burlington | Kitzmiller of Montpelier |
| Brennan of Colchester | Eastman of Orwell | Klein of East Montpelier |
| Briglin of Thetford | Emmons of Springfield | Komline of Dorset * |
| Browning of Arlington | Evans of Essex | Krebs of South Hero |
| Burditt of West Rutland | Fagan of Rutland City | Krowinski of Burlington |
| Burke of Brattleboro | Feltus of Lyndon | LaClair of Barre Town |
| Buxton of Tunbridge | Fields of Bennington | Lalonde of South Burlington |
| Canfield of Fair Haven | Fiske of Enosburgh | Lanpher of Vergennes |
| Carr of Brandon | Forguites of Springfield | Lawrence of Lyndon |
| Chesnut-Tangerman of | Frank of Underhill | Lefebvre of Newark |
| Middletown Springs | French of Randolph | Lenes of Shelburne |
| Clarkson of Woodstock | Gage of Rutland City | Lewis of Berlin |
| Cole of Burlington | Greshin of Warren | Lippert of Hinesburg |
| Condon of Colchester | Haas of Rochester | Long of Newfane |
| Connor of Fairfield | Head of South Burlington | Lucke of Hartford |
| Conquest of Newbury | Higley of Lowell | Macaig of Williston |

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| Manwaring of Wilmington | Pearce of Richford | Sullivan of Burlington |
| Marcotte of Coventry | Pearson of Burlington | Sweaney of Windsor |
| Martin of Wolcott | Poirier of Barre City | Till of Jericho * |
| Masland of Thetford | Potter of Clarendon | Toleno of Brattleboro |
| McCormack of Burlington | Pugh of South Burlington | Toll of Danville |
| McCoy of Poultney | Purvis of Colchester | Townsend of South Burlington |
| McCullough of Williston | Quimby of Concord | Trieber of Rockingham |
| McFaun of Barre Town | Rachelson of Burlington * | Troiano of Stannard |
| Miller of Shaftsbury | Ram of Burlington | Turner of Milton |
| Morris of Bennington | Russell of Rutland City | Viens of Newport City |
| Mrowicki of Putney | Ryerson of Randolph | Walz of Barre City |
| Murphy of Fairfax | Savage of Swanton | Webb of Shelburne |
| Myers of Essex | Scheuermann of Stowe | Wood of Waterbury |
| Nuovo of Middlebury | Sharpe of Bristol | Woodward of Johnson |
| O'Brien of Richmond | Shaw of Pittsford | Wright of Burlington |
| Olsen of Londonderry | Shaw of Derby * | Yantachka of Charlotte |
| O'Sullivan of Burlington | Sheldon of Middlebury | Young of Glover |
| Parent of St. Albans Town | Sibilia of Dover | Zagar of Barnard |
| Partridge of Windham | Smith of New Haven | |
| Patt of Worcester | Stuart of Brattleboro | |

Those who voted in the negative are:

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|---------------------------------|-------------------------|---------------------------|
| Beyor of Highgate | Gamache of Swanton * | Strong of Albany |
| Cupoli of Rutland City | Graham of Williamstown | Terenzini of Rutland Town |
| Dame of Essex | Hebert of Vernon | Van Wyck of Ferrisburgh |
| Dickinson of St. Albans Town | Helm of Fair Haven | Willhoit of St. Johnsbury |
| Donahue of Northfield | Martel of Waterford | |
| | Morrissey of Bennington | |

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

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| Batchelor of Derby | Gonzalez of Winooski | Stevens of Waterbury |
| Christie of Hartford | Grad of Moretown | Tate of Mendon |

Rep. Gamache of Swanton explained her vote as follows:

“Mr. Speaker:

This bill does not include religious exemption for institutions or religious believers.”

Rep. Komline of Dorset explained her vote as follows:

“Mr. Speaker:

In light of Colorado's results we know that increasing access to Long Acting Reversible Contraceptives will result in fewer unintended births and abortions. I want to thank the committee for their work on this bill."

Rep. Rachelson of Burlington explained her vote as follows:

"Mr. Speaker:

It's important that all Vermonters have access to reliable birth control. This bill will remove cost being a barrier to Vermonters and we'll have fewer unintended pregnancies in our state."

Rep. Shaw of Derby explained his vote as follows:

"Mr. Speaker:

Breaks my heart to see abortions. My daughter had one 30 years ago, and still not over it mentally."

Rep. Till of Jericho explained his vote as follows:

"Mr. Speaker:

I support this bill to increase the use of Long Acting Reversible Contraception. These are the most effective contraceptives known. They reduce unintended pregnancies and widespread use of LARCs has been demonstrated to reduce abortions.

Additionally, there are other medical benefits such as lifelong reduction of cancer of the uterus.

With 46% of pregnancies in Vermont being unintended, this is a very wise step."

Bill Read Second Time; Amended and Third Reading Ordered

H. 864

Rep. Lawrence of Lyndon spoke for the committee on Agriculture & Forest Products.

House bill entitled

An act relating to agricultural exemption from Vermont's sales and use tax

Rep. Young of Glover, for the committee on Ways and Means, recommended that the bill be amended as follows:

First: By striking out Sec. 1 in its entirety and inserting in lieu thereof:

Sec. 1. 32 V.S.A. § 9741(25) is amended to read:

(25) Sales of agricultural machinery and equipment for use and consumption ~~directly and exclusively, except for isolated or occasional uses,~~ predominately in the production for sale of tangible personal property on farms (including stock, dairy, poultry, fruit, and truck farms), orchards, nurseries, or in greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities for sale. ~~It shall be rebuttably presumed that uses are not isolated or occasional if they total more than four percent of the time the machinery or equipment is operated.~~ As used in this subdivision, the term “predominately” means 75 percent or more of the time the machinery or equipment is in use.

Second: By striking out Sec. 2 in its entirety and inserting in lieu thereof the following:

Sec. 2. [Deleted.]

Having appeared on the Calendar one day for notice, was taken up read the second time, the report of the committee on Ways and Means agreed to and third reading was ordered.

Bill Read Second Time; Third Reading Ordered

H. 872

Rep. Branagan of Georgia spoke for the committee on Ways & Means.

House bill entitled

An act relating to Executive Branch fees

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

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, 98. Nays, 46.

Those who voted in the affirmative are:

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|-------------------------|------------------------|------------------------|
| Ancel of Calais | Briglin of Thetford | Cole of Burlington |
| Bartholomew of Hartland | Burke of Brattleboro | Condon of Colchester |
| Baser of Bristol | Buxton of Tunbridge | Connor of Fairfield |
| Berry of Manchester | Canfield of Fair Haven | Conquest of Newbury |
| Bissonnette of Winooski | Carr of Brandon | Copeland-Hanzas of |
| Botzow of Pownal | Chesnut-Tangerman of | Bradford |
| Branagan of Georgia | Middletown Springs | Corcoran of Bennington |
| Brennan of Colchester | Clarkson of Woodstock | Dakin of Chester |

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| Dakin of Colchester | Krowinski of Burlington | Pugh of South Burlington |
| Davis of Washington | Lalonde of South Burlington | Rachelson of Burlington |
| Deen of Westminster | Lanpher of Vergennes | Ram of Burlington |
| Donovan of Burlington | Lefebvre of Newark | Russell of Rutland City |
| Eastman of Orwell | Lenes of Shelburne | Ryerson of Randolph |
| Emmons of Springfield | Lippert of Hinesburg | Sharpe of Bristol |
| Evans of Essex | Long of Newfane | Sheldon of Middlebury |
| Fagan of Rutland City | Lucke of Hartford | Sibilia of Dover |
| Fields of Bennington | Macaig of Williston | Stuart of Brattleboro |
| Forguites of Springfield | Manwaring of Wilmington | Sullivan of Burlington |
| Frank of Underhill | Martin of Wolcott | Sweaney of Windsor |
| French of Randolph | Masland of Thetford | Till of Jericho |
| Grad of Moretown | McCormack of Burlington | Toleno of Brattleboro |
| Greshin of Warren | McCullough of Williston | Toll of Danville |
| Haas of Rochester | Miller of Shaftsbury | Townsend of South Burlington |
| Head of South Burlington | Morris of Bennington | Trieber of Rockingham |
| Hooper of Montpelier | Mrowicki of Putney | Troiano of Stannard |
| Huntley of Cavendish | Murphy of Fairfax | Walz of Barre City |
| Jerman of Essex | Nuovo of Middlebury | Webb of Shelburne |
| Jewett of Ripton | O'Brien of Richmond | Wood of Waterbury |
| Johnson of South Hero | Olsen of Londonderry | Woodward of Johnson |
| Keenan of St. Albans City | O'Sullivan of Burlington | Yantachka of Charlotte |
| Kitzmiller of Montpelier | Partridge of Windham | Young of Glover |
| Klein of East Montpelier | Patt of Worcester | Zagar of Barnard |
| Komline of Dorset | Pearson of Burlington | |
| Krebs of South Hero | Potter of Clarendon | |

Those who voted in the negative are:

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|---------------------------------|---------------------------|---------------------------|
| Bancroft of Westford | Hebert of Vernon | Poirier of Barre City |
| Beck of St. Johnsbury | Helm of Fair Haven | Purvis of Colchester |
| Beyor of Highgate | Higley of Lowell | Quimby of Concord |
| Browning of Arlington | Hubert of Milton | Savage of Swanton |
| Burditt of West Rutland | Juskiewicz of Cambridge | Scheuermann of Stowe |
| Cupoli of Rutland City | LaClair of Barre Town | Shaw of Pittsford |
| Dame of Essex | Lawrence of Lyndon | Shaw of Derby |
| Devereux of Mount Holly | Lewis of Berlin | Smith of New Haven |
| Dickinson of St. Albans Town | Marcotte of Coventry | Strong of Albany |
| Donahue of Northfield | Martel of Waterford | Terenzini of Rutland Town |
| Feltus of Lyndon | McCoy of Poultney | Turner of Milton * |
| Fiske of Enosburgh | McFaun of Barre Town | Van Wyck of Ferrisburgh |
| Gage of Rutland City | Morrissey of Bennington | Viens of Newport City |
| Gamache of Swanton | Myers of Essex | Willhoit of St. Johnsbury |
| Graham of Williamstown | Parent of St. Albans Town | Wright of Burlington |
| | Pearce of Richford | |

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

| | | |
|----------------------|----------------------|----------------|
| Batchelor of Derby | Gonzalez of Winooski | Tate of Mendon |
| Christie of Hartford | Stevens of Waterbury | |

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

This bill disguises the 20.8 million dollars assessed against mutual funds as fees and then creates an exemption to comply with a recent court decision. Make no mistake, this is a \$20.8 million tax increase! Thank you.”

Message from the Senate No. 32

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 passed Senate bills of the following titles:

S. 169. An act relating to the Rozo McLaughlin Farm-to-School Program.

S. 189. An act relating to foster parents’ rights and protections.

S. 250. An act relating to alcoholic beverages.

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

Bill Read Second Time; Amended and Third Reading Ordered

H. 873

Rep. Ancel of Calais spoke for the committee on Ways & Means.

House bill entitled

An act relating to making miscellaneous tax changes

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

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

In Sec. 26, 21 V.S.A. § 2003, in subdivision (1)(A), by striking out the word “three” and inserting in lieu thereof the word “four”

Which was agreed to.

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

By striking Sec. 18 in its entirety and inserting in lieu thereof a new Sec. 18 to read as follows:

Sec. 18. 32 V.S.A. § 9202 is amended to read:

§ 9202. DEFINITIONS

The following words, terms, and phrases when used in this chapter shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning:

* * *

(3) "Hotel" means an establishment which holds itself out to the public by offering sleeping accommodations for a consideration, whether or not the major portion of its operating receipts is derived therefrom and whether or not the sleeping accommodations are offered to the public by the owner or proprietor or lessee, sublessee, mortgagee, licensee, or any other person or the agent of any of the foregoing. The term includes inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished-room houses, boarding houses, and private clubs, as well as any building or structure or part thereof to the extent to which any such building or structure or part thereof in fact is held out to the public by offering sleeping accommodations for a consideration. The term shall not include the following:

(A) a hospital, licensed under 18 V.S.A. chapter 43 or a nursing home, residential care home, assisted living residence, home for the terminally ill, therapeutic community residence as defined pursuant to 33 V.S.A. chapter 71, or independent living facility;

(B) any establishment operated by any state or ~~United States~~ U.S. agency or institution, except the Department of Forests, Parks and Recreation of the State of Vermont;

(C) an establishment operated by a nonprofit corporation or association organized and operated exclusively for religious, charitable, or educational purposes, one or more, which, in furtherance of any of the purposes for which it was organized, operates a hotel as defined herein; ~~and~~

(D) a continuing care retirement community certified under 8 V.S.A. chapter 151; and

(E) an establishment operated by at least one operator 65 years of age or older that is capable of providing three or less occupancies at any one time.

* * *

(15) "Restaurant" means:

(A) An establishment from which food or beverage of the type for immediate consumption is sold or for which a charge is made, including a cafe,

cafeteria, dining room, diner, lunch counter, snack bar, private or social club, bar, tavern, street vendor, or person engaged in the business of catering.

(B) An establishment 80 percent or more of whose total sales of food and beverage in the previous taxable year were, or in the first taxable year are reasonably projected to be, of alcoholic beverages, food, and beverage that are taxable under subdivision (10)(C) of this section, and food and beverage that are taxable under subdivision (10)(B) and are not exempt under subdivision (10)(D) of this section.

(C) "Restaurant" shall not include a snack bar on the premises of a retail grocery or "convenience" store.

~~(D) A vending machine is not a restaurant, but food or beverage that is sold from a vending machine shall be deemed to be sold by a "restaurant" if the vending machine is located on the premises of a restaurant.~~

Thereupon, **Rep. Berry of Manchester** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the bill be read a third time? **Rep. Savage of Swanton** 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, 86. Nays, 59.

Those who voted in the affirmative are:

| | | |
|-------------------------|---------------------------|-----------------------------|
| Ancel of Calais | Davis of Washington | Krowinski of Burlington |
| Bartholomew of Hartland | Deen of Westminster | Lalonde of South Burlington |
| Berry of Manchester | Donovan of Burlington | Lanpher of Vergennes |
| Bissonnette of Winooski | Emmons of Springfield | Lenes of Shelburne |
| Botzow of Pownal | Evans of Essex | Lippert of Hinesburg |
| Briglin of Thetford | Fields of Bennington | Long of Newfane |
| Burke of Brattleboro | Forguites of Springfield | Lucke of Hartford |
| Carr of Brandon | Frank of Underhill | Macaig of Williston |
| Chesnut-Tangerman of | French of Randolph | Manwaring of Wilmington |
| Middletown Springs | Grad of Moretown | Martin of Wolcott |
| Clarkson of Woodstock | Haas of Rochester | Masland of Thetford |
| Cole of Burlington | Head of South Burlington | McCormack of Burlington |
| Condon of Colchester | Hoopar of Montpelier | McCullough of Williston |
| Connor of Fairfield | Huntley of Cavendish | Miller of Shaftsbury |
| Conquest of Newbury | Jerman of Essex | Morris of Bennington |
| Copeland-Hanzas of | Jewett of Ripton | Mrowicki of Putney |
| Bradford * | Johnson of South Hero | Murphy of Fairfax |
| Corcoran of Bennington | Keenan of St. Albans City | Nuovo of Middlebury |
| Dakin of Chester | Kitzmiller of Montpelier | O'Brien of Richmond |
| Dakin of Colchester | Klein of East Montpelier | Olsen of Londonderry |

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| O'Sullivan of Burlington | Sharpe of Bristol | Townsend of South Burlington |
| Partridge of Windham | Sheldon of Middlebury | Trieber of Rockingham |
| Patt of Worcester | Stevens of Waterbury | Troiano of Stannard |
| Pearson of Burlington | Stuart of Brattleboro | Walz of Barre City |
| Potter of Clarendon | Sullivan of Burlington | Webb of Shelburne |
| Pugh of South Burlington | Sweaney of Windsor | Woodward of Johnson |
| Rachelson of Burlington | Till of Jericho | Yantachka of Charlotte |
| Ram of Burlington | Toleno of Brattleboro | Young of Glover |
| Russell of Rutland City | Toll of Danville | Zagar of Barnard |
| Ryerson of Randolph | | |

Those who voted in the negative are:

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

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

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|----------------------|----------------------|
| Batchelor of Derby | Gonzalez of Winooski |
| Christie of Hartford | Tate of Mendon |

Rep. Copeland Hanzas of Bradford explained her vote as follows:

“Mr. Speaker:

As much as we might wish that our country would join the rest of the world in finding a way to make health care a right of citizenship, we are stuck here in an employer based health care system. Changes made here on the employer assessment create a more level playing field between employers who are

participating in the system and those who benefit from the plans offered by other employers.”

Rep. Fiske of Enosburgh explained his vote as follows:

“Mr. Speaker:

Here we go once again, Mr. Speaker. I have people in my district who can’t pick up their prescriptions from Rite Aid; they try to figure out if they can buy wood for heat or put gas in their car. This weekend I’ll go home and listen once again how unaffordable it is to live in Vermont.”

Rep. Hebert of Vernon explained his vote as follows:

“Mr. Speaker:

This legislature has a spending problem, not a revenue problem. You cannot continue taxing your way out of it. Vermonters simply cannot afford what we’re doing. Thank you.”

Rep. Higley of Lowell explained his vote as follows:

“Mr. Speaker:

My constituents and businesses are telling me that they’d like to see some predictability and stability in Vermont’s regulations and taxation, not more of each.”

**Rules Suspended; Bill Read Second Time;
Consideration Interrupted by Recess**

H. 875

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to making appropriations for the support of government;

Appearing on the Calendar for notice, was taken up for immediate consideration.

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

Thereupon the bill was read the second time.

Recess

At five o'clock and fifty-seven minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At seven o'clock and seven minutes in the evening, the Speaker called the House to order.

Consideration Resumed; Third Reading Ordered

H. 875

Consideration resumed on House bill, entitled

An act relating to making appropriations for the support of government;

Pending the question, shall the bill be read the third time? **Rep. Dakin of Colchester** moved to amend the bill as follows:

By striking Sec. B.601 (Vermont Public Television) in its entirety

Which was disagreed to.

Pending the question, Shall the bill be read a third time? **Rep. Olsen of Londonderry** 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, 95. Nays, 48.

Those who voted in the affirmative are:

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| Ancel of Calais | Emmons of Springfield | Long of Newfane |
| Bartholomew of Hartland | Evans of Essex | Lucke of Hartford |
| Berry of Manchester | Fagan of Rutland City | Macaig of Williston |
| Bissonnette of Winooski | Fields of Bennington | Manwaring of Wilmington |
| Botzow of Pownal | Forguites of Springfield | Martin of Wolcott |
| Brennan of Colchester | Frank of Underhill | Masland of Thetford |
| Briglin of Thetford | French of Randolph | McCormack of Burlington |
| Burke of Brattleboro | Grad of Moretown | McCullough of Williston |
| Buxton of Tunbridge | Haas of Rochester | Miller of Shaftsbury * |
| Carr of Brandon | Head of South Burlington | Morris of Bennington |
| Chesnut-Tangerman of Middletown Springs | Helm of Fair Haven | Morrissey of Bennington |
| Clarkson of Woodstock | Hooper of Montpelier | Mrowicki of Putney |
| Cole of Burlington | Huntley of Cavendish | Murphy of Fairfax |
| Condon of Colchester | Jerman of Essex * | Nuovo of Middlebury |
| Connor of Fairfield * | Jewett of Ripton | O'Brien of Richmond |
| Conquest of Newbury | Johnson of South Hero | Olsen of Londonderry |
| Copeland-Hanzas of Bradford | Keenan of St. Albans City | O'Sullivan of Burlington |
| Corcoran of Bennington | Kitzmiller of Montpelier | Partridge of Windham |
| Dakin of Chester | Klein of East Montpelier | Patt of Worcester |
| Dakin of Colchester | Krebs of South Hero | Pearce of Richford |
| Davis of Washington | Krowinski of Burlington | Pearson of Burlington * |
| Deen of Westminster | Lalonde of South Burlington | Potter of Clarendon |
| Donovan of Burlington | Lanpher of Vergennes | Pugh of South Burlington |
| | Lenes of Shelburne | Rachelson of Burlington |
| | Lippert of Hinesburg | Ram of Burlington |

| | | |
|---------------------------|-----------------------|------------------------|
| Russell of Rutland City * | Sweaney of Windsor | Walz of Barre City |
| Ryerson of Randolph | Till of Jericho | Webb of Shelburne |
| Sharpe of Bristol | Toleno of Brattleboro | Wood of Waterbury |
| Sheldon of Middlebury | Toll of Danville * | Woodward of Johnson |
| Sibilia of Dover * | Townsend of South | Yantachka of Charlotte |
| Stevens of Waterbury | Burlington | Young of Glover |
| Stuart of Brattleboro | Trieber of Rockingham | Zagar of Barnard |
| Sullivan of Burlington | Troiano of Stannard | |

Those who voted in the negative are:

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

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

| | | |
|----------------------|----------------------|----------------|
| Batchelor of Derby | Gonzalez of Winooski | Shaw of Derby |
| Christie of Hartford | Marcotte of Coventry | Tate of Mendon |

Rep. Bancroft of Westford explained his vote as follows:

“Mr. Speaker:

This budget does not fulfill our responsibility, as elected legislators, to put the state on the path to fiscal health. On the contrary, it will continue the reckless and unsustainable cycle of spending beyond Vermont’s means.

Increasing new spending by \$58 million (for the General fund alone) and creating an ongoing budget gap of over \$30 million does not serve the people of Vermont. As a consequence, I cannot support the passing of this bill in good conscience.”

Rep. Connor of Fairfield explained his vote as follows:

“Mr. Speaker:

I rise to recognize and thank sincerely the two money committees, House Appropriations and Ways and Means, for their due diligence and process and transparency in developing and funding our state government. So very many of my constituents rely on a host of programming to live with dignity and purpose.

There are programs that, if I had a choice, I might be inclined to not support. However, my constituents, be them Progressives, Independents, Republicans or Democrats, have asked that I look forward to being inclusive for all Vermonters.”

Rep. Cupoli of Rutland City explained his vote as follows:

“Mr. Speaker:

Vermonters’ deserve to live in a fiscally sound state that boasts employment growth and economic vitality.

You don’t have to be an economist to understand that raising taxes and fees by 48 million dollars is not the way to achieve that goal. I cannot enable the continuation of this crisis and I vote no.”

Rep. Jerman of Essex explained his vote as follows:

‘Mr. Speaker:

I would like to thank the Appropriations committee for reversing and almost decade-long trend by taking an important step to invest in Vermont public higher education. The increase in support to the Vermont State Colleges is a strong signal that the body recognizes the importance of higher education to our future economy and workforce.

This budget begins to take pressure off tuition increases for students at Castleton, Johnson, Lyndon, Vermont Tech and Community College, the schools where Vermonters go to college, mostly supporting the regional economies outside of Chittenden County. This is an important, long overdue, and more than symbolic action.”

Rep. Miller of Shaftsbury explained her vote as follows:

“Mr. Speaker:

The 1st veteran was admitted to the Veteran’s Home in 1887. Today it is governed by the Vermont Veterans’ Home Board of Trustees.

The Home has 130 beds, 190 employees. They received 5 out of 5 stars for the excellence of their staff.

The veterans at the Home provide long term care, short term rehabilitation, Alzheimer's/dementia care, respite care, hospice/palliative care, residential/domicile care and out-patient rehabilitation services.

The Veterans at the Home served in one of the following wars: World War II, Korean, Vietnam, Gulf War.

The veterans and their families, the staff, administration, the community and region appreciate the Appropriations committee's support of the Home."

Rep. Pearson of Burlington explained his vote as follows:

"Mr. Speaker:

Austerity budgets do not get my support because they are regressive budgets. They hurt working families and exacerbate poverty. This budget on the other hand makes responsible investments, stimulates the economy, trims the fat, and strengthens the safety net. I vote for this bill with appreciation."

Rep. Russell of Rutland City explained his vote as follows:

"Mr. Speaker:

I thank the Appropriations committee for their thorough work and eye toward cautious fiscal policy.

My 'yes' vote includes support for Vermont Public Television which has been enjoyed for years by my constituents in Rutland."

Rep. Sibilis of Dover explained her vote as follows:

"Mr. Speaker:

I campaigned and arrived for my first biennium deeply concerned about the relationship between Vermont's revenues and Vermont's budget. I am still concerned. However, I believe there are not an abundance of easy or inconsequential choices to cut in front of us.

I voted to support this budget process, the inclusivity extended to the public and all members of the House, the commitment to examining each aspect of the budget to assess if it was serving Vermonters and how well, and the request for all committees to examine the programs within their jurisdiction and prioritize them. I voted for this budget because of the process and progress I believe the committee is making. Clearly there is still work to do. And clearly a budget needs to be paid for.

My vote on the tax bill this afternoon reflects lingering specific concerns I have with some of the specific tax increases. I am hopeful with amendments those concerns may be alleviated."

Rep. Strong of Albany explained her vote as follows:

“Mr. Speaker:

As we look to ways to curb the opiate epidemic in our state, and the ever increasing costs to our budget to deal with that burden, I believe it is imperative to strengthen programs that help families to stay together and become healthier and function well. The Parent Child Centers have been level funded for 20 years, and these centers provide much needed prevention services that can save us money in the long run. Thank you.”

Rep. Toll Danville explained her vote as follows:

“Mr. Speaker:

This state budget is the responsibility of every member of this chamber. Where was your voice and your thoughts when asked to participate and be heard? Silence is not acceptable.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

The majority promised to propose a budget that would start bending the curve on spending this year. The House Republican Caucus is committed to preserving a much brighter financial future for Vermont, and we introduced numerous bills in support of this goal. Disappointingly, you have ignored our cost-cutting measures and decided against making the difficult yet crucial choice to rein in spending.

By increasing general fund spending by 4% or \$58.8 million even though the revenue is projected to grow at a mere 2.2%, this budget will perpetuate the state’s budget problems. The projected budget gap will be in excess of \$30 million for next year. Therefore, I cannot endorse an appropriations bill that will dig even deeper in the pockets of Vermonters to sustain the overspending crisis of the state government.”

Rep. Viens of Newport City explained his vote as follows:

“Mr. Speaker:

Montpelier is trapped in a quicksand of prodigality. Over the last 5 years, General Fund spending alone has grown at an average of 4.5%. Instead of focusing on generating revenue through strong fiscal policies, this budget proposal intends to fund the growth of government and ideological pet projects by taxing Vermonters even further. I remain committed to making Vermont affordable and giving Vermonters a much deserved financial break. As a consequence, I cannot support this bill.”

Action on Bill Postponed**H. 853**

House bill, entitled

An act relating to setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes

Was taken up and pending second reading of the bill, on motion of **Rep. Sharpe of Bristol**, action on the bill was postponed until Tuesday, March 29, 2016.

Action on Bill Postponed**H. 859**

House bill, entitled

An act relating to special education

Was taken up and pending second reading of the bill, on motion of **Rep. Long of Newfane**, action on the bill was postponed until the next legislative day.

Action on Bill Postponed**H. 519**

House bill, entitled

An act relating to approval of the adoption and codification of the charter of the Town of Brandon

Was taken up and pending the reading second reading of the bill, on motion of **Rep. Lewis of Berlin**, action on the bill was postponed until the next legislative day.

Bill Referred to Committee on Appropriations**H. 876**

House bill, entitled

An act relating to the transportation capital program and miscellaneous changes to transportation-related law

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

Adjournment

At nine o'clock and four minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.