

Journal of the House

Thursday, March 24, 2016

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

Devotional Exercises

Devotional exercises were conducted by Rep. Douglas Gage of Rutland City.

Message from the Senate No. 33

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 bill of the following title:

S. 52. An act relating to creating a Spousal Support and Maintenance Task Force.

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

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 24. Joint resolution authorizing the Green Mountain Girls State educational program to use the State House.

And has adopted the same in concurrence.

Committee Bill Introduced

H. 877

Rep. Ancel of Calais, for the committee on Ways & Means, introduced a bill, entitled

An act relating to transportation funding

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. 169

Senate bill, entitled

An act relating to the Rozo McLaughlin Farm-to-School Program;

To the committee on Agriculture & Forest Products.

S. 189

Senate bill, entitled

An act relating to foster parents' rights and protections;

To the committee on Human Services.

S. 250

Senate bill, entitled

An act relating to alcoholic beverages;

To the committee on General, Housing & Military Affairs.

Bill Amended; Third Reading Ordered**H. 206**

Rep. Cole of Burlington, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to regulating notaries public

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

Sec. 1. 26 V.S.A. chapter 101 is added to read:

CHAPTER 101. NOTARIES PUBLIC

Subchapter 1. General Provisions

§ 5201. SHORT TITLE

This chapter may be cited as the Uniform Law on Notarial Acts.

§ 5202. UNIFORMITY OF APPLICATION AND CONSTRUCTION

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§ 5203. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

This act modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b).

§ 5204. DEFINITIONS

As used in this chapter:

(1) “Acknowledgment” means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) “Electronic signature” means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(4) “In a representative capacity” means acting as:

(A) an authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(B) a public officer, personal representative, guardian, or other representative, in the capacity stated in a record;

(C) an agent or attorney-in-fact for a principal; or

(D) an authorized representative of another in any other capacity.

(5) “Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this State. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

(6) “Notarial officer” means a notary public or other individual authorized to perform a notarial act.

(7) “Notary public” means an individual commissioned to perform a notarial act by the Office.

(8) “Office” means the Office of the Secretary of State.

(9) “Official stamp” means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record.

(10) “Person” means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(11) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(12) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(13) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

(14) “Stamping device” means:

(A) a physical device capable of affixing to or embossing on a tangible record an official stamp; or

(B) an electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.

(15) “State” means a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(16) “Verification on oath or affirmation” means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

§ 5205. EXEMPTIONS

(a) Generally.

(1) The persons set forth in subdivision (2) of this subsection shall be exempt from the following requirements of this chapter:

(A) the examination set forth in § 5241(b);

(B) continuing education set forth in § 5243;

(C) the penalties set forth in § 5242;

(D) the certificate and official stamp described in § 5267, if acting within the scope of his or her official duties; and

(E) maintaining the journal described in § 5271, if acting within the scope of his or her official duties.

(2)(A) Notaries public employed by the Judiciary, including judges, Superior Court clerks, court operations managers, Probate registers, case managers, docket clerks, and after-hours relief from abuse contract employees.

(B) Notaries public employed as law enforcement officers certified under 20 V.S.A. chapter 151, who are noncertified constables, or who are employed by Vermont law enforcement agencies; the Departments of Public Safety, of Fish and Wildlife, of Motor Vehicles, of Liquor Control, or for Children and Families; the Office of the Defender General; the Attorney General; or a State's Attorney or Sheriff.

(b) Attorneys. Attorneys licensed and in good standing in this State are exempt from the following requirements of this chapter:

(1) the examination requirement set forth in § 5241(b); and

(2) the continuing education requirement set forth in § 5243.

(c) Fees. The following persons are exempt from the fee required under section 5225 of this chapter:

(1) a judge, clerk, or other court staff, as designated by the Court Administrator;

(2) State's Attorneys and their deputies;

(3) justices of the peace and town clerks and their assistants; and

(4) State Police officers, municipal police officers, fish and game wardens, sheriffs and deputy sheriffs, motor vehicle inspectors, employees of the Department of Corrections, and employees of the Department for Children and Families.

Subchapter 2. Administration

§ 5221. SECRETARY OF STATE'S OFFICE DUTIES

The Office shall:

(1) provide general information to applicants for commissioning as a notary public;

(2) administer fees as provided under section 5225 of this chapter;

(3) explain appeal procedures to notaries public and applicants and explain complaint procedures to the public;

(4) receive applications for commissioning, review applications, refer applications for commissioning to the Assistant Judges in the county of jurisdiction, and renew commissions;

(5) refer all disciplinary matters to the Assistant Judges in the county of jurisdiction; and

(6) impose administrative penalties, issue warnings or reprimands, or revoke, suspend, reinstate, or condition commissions, as ordered by the Assistant Judges.

§ 5222. ASSISTANT JUDGE'S DUTIES

The Assistant Judges in a county of jurisdiction shall:

(1) receive applications for commissioning from the Secretary of State's office and commission applicants;

(2) receive disciplinary matters referred by the Secretary of State's office; and

(3) impose administrative penalties, issue warnings or reprimands, or revoke, suspend, reinstate, or condition commissions after notice and an opportunity for a hearing.

§ 5223. ADVISOR APPOINTEES

(a) The Secretary of State shall appoint two notaries public to serve as advisors in matters relating to notarial acts. The advisors shall be appointed for staggered five-year terms and serve at the pleasure of the Secretary. One of the initial appointments shall be for less than a five-year term.

(b) Each appointee shall have at least three years of experience as a notary public during the period immediately preceding appointment and shall be actively commissioned in Vermont and remain in good standing during incumbency.

(c) The Office shall seek the advice of the advisor appointees in carrying out the provisions of this chapter. The appointees shall be entitled to compensation and reimbursement of expenses as set forth in 32 V.S.A. § 1010 for attendance at any meeting called by the Office for this purpose.

§ 5224. RULES

(a) The Office, with the advice of the advisor appointees and the Assistant Judges, may adopt rules to implement this chapter. The rules may:

(1) prescribe the manner of performing notarial acts regarding tangible and electronic records;

(2) include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;

(3) include provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures;

(4) prescribe the process of granting, renewing, conditioning, denying, suspending, or revoking or otherwise disciplining a notary public commission and assuring the trustworthiness of an individual holding a commission as notary public; and

(5) include provisions to prevent fraud or mistake in the performance of notarial acts.

(b) Rules adopted regarding the performance of notarial acts with respect to electronic records may not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. In adopting, amending, or repealing rules regarding notarial acts with respect to electronic records, the Office shall consider, as far as is consistent with this chapter:

(1) the most recent standards regarding electronic records promulgated by national bodies, such as the National Association of Secretaries of State;

(2) standards, practices, and customs of other jurisdictions that substantially enact this chapter; and

(3) the views of governmental officials and entities and other interested persons.

§ 5225. FEES

For the issuance of a commission as a notary public, the Secretary of State shall collect a fee of \$30.00, of which \$9.00 shall accrue to the State, \$9.00 shall accrue to the county, and \$12.00 shall accrue to the Secretary of State.

Subchapter 3. Commissions§ 5241. COMMISSION AS NOTARY PUBLIC; QUALIFICATIONS; NO IMMUNITY OR BENEFIT

(a) An individual qualified under subsection (b) of this section may apply to the Office for a commission as a notary public. The applicant shall comply with and provide the information required by rules adopted by the Office and pay the application fee set forth in section 5225 of this chapter.

(b) An applicant for a commission as a notary public shall:

(1) be at least 18 years of age;

(2) be a citizen or permanent legal resident of the United States;

(3) be a resident of or have a place of employment or practice in this State;

(4) not be disqualified to receive a commission under section 5242 of this chapter; and

(5) pass an examination approved by the Office based on the statutes, rules, and ethics relevant to notarial acts.

(c) Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the Office.

(d) Upon compliance with this section, the Office, with the approval of the Assistant Judges in the county of jurisdiction, shall issue a commission as a notary public to an applicant for a term of two years.

(e) A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this State on public officials or employees.

§ 5242. GROUND TO DENY, REFUSE TO RENEW, REVOKE, SUSPEND, OR CONDITION COMMISSION OF NOTARY PUBLIC

(a) The Office, with the approval of the Assistant Judges in the county of jurisdiction, may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

(1) failure to comply with this chapter;

(2) a fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the Office;

(3) a conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty, or deceit;

(4) a finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit;

(5) failure by the notary public to discharge any duty required of a notary public, whether by this chapter, rules of the Office, or any federal or State law;

(6) use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right, or privilege that the notary does not have;

(7) violation by the notary public of a rule of the Office regarding a notary public;

(8) denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state; or

(9) committing any of the conduct set forth in 3 V.S.A. § 129a(a).

(b) If the Office, with the approval of the Assistant Judges in the county of jurisdiction, denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with 3 V.S.A. chapter 25.

§ 5243. RENEWALS; CONTINUING EDUCATION

(a) Commissions shall be renewed every two years upon payment of the fee set forth in section 5225 of this chapter, provided the person applying for renewal completes continuing education approved by the Office, which shall not be required to exceed more than two hours, during the preceding two-year period.

(b) The Office, with the advice of the advisor appointees, shall establish by rule guidelines and criteria for continuing education credit.

(c) Biennially, the Office shall provide a renewal notice to each licensee. Upon receipt of a licensee's completed renewal, fee, and evidence of eligibility, the Office shall issue to him or her a new commission.

§ 5244. DATABASE OF NOTARIES PUBLIC

The Office shall maintain an electronic database of notaries public:

(1) through which a person may verify the authority of a notary public to perform notarial acts; and

(2) that indicates whether a notary public has notified the Office that the notary public will be performing notarial acts on electronic records.

§ 5245. PROHIBITIONS; OFFENSES

(a) A person shall not perform or attempt to perform a notarial act or hold himself or herself out as being able to do so in this State without first having been commissioned.

(b) A person shall not use in connection with the person's name any letters, words, or insignia indicating or implying that the person is a notary public unless commissioned in accordance with this chapter.

(c) A person shall not perform or attempt to perform a notarial act while his or her commission has been revoked or suspended.

(d) A person who violates a provision of this section shall be subject to a fine of not more than \$5,000.00 or imprisonment for not more than one year, or both. Prosecution may occur upon the complaint of the Attorney General or a State's Attorney and shall not act as a bar to civil or administrative proceedings involving the same conduct.

(e) A commission as a notary public shall not authorize an individual to:

(1) assist a person in drafting legal records, give legal advice, or otherwise practice law;

(2) act as an immigration consultant or an expert on immigration matters;

(3) represent a person in a judicial or administrative proceeding relating to immigration to the United States, U.S. citizenship, or related matters; or

(4) receive compensation for performing any of the activities listed in this subsection.

(f) A notary public, other than an attorney licensed to practice law in this State, shall not use the term "notario" or "notario publico."

(g)(1) A notary public, other than an attorney licensed to practice law in this State, shall not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law.

(2) If a notary public who is not an attorney licensed to practice law in this State in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, and the Internet, the notary public shall include the following statement, or an alternate statement authorized or required by Office, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this State. I am not allowed to draft legal records, give advice on legal

matters, including immigration, or charge a fee for those activities.” If the form of advertisement or representation is not broadcast media, print media, or the Internet and does not permit inclusion of the statement required by this subsection because of size, it shall be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(h) Except as otherwise allowed by law, a notary public shall not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

Subchapter 4. Notarial Acts

§ 5261. NOTARIAL ACTS IN THIS STATE; AUTHORITY TO PERFORM

(a) A notarial act may only be performed in this State by a notary public commissioned under this chapter.

(b) The signature and title of an individual performing a notarial act in this State are prima facie evidence that the signature is genuine and that the individual holds the designated title.

§ 5262. AUTHORIZED NOTARIAL ACTS

(a) A notarial officer may perform a notarial act authorized by this chapter or otherwise by law of this State.

(b) A notarial officer shall not perform a notarial act with respect to a record to which the officer or the officer’s spouse is a party, or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

§ 5263. REQUIREMENTS FOR CERTAIN NOTARIAL ACTS

(a) Acknowledgments. A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(b) Verifications. A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

(c) Signatures. A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the

identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

(d) Copies. A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

(e) Protests. A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in 9A V.S.A. § 3-505(b) (protest; certificate of dishonor).

§ 5264. PERSONAL APPEARANCE REQUIRED

If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

§ 5265. IDENTIFICATION OF INDIVIDUAL

(a) Personal knowledge. A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(b) Satisfactory evidence. A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual:

(1) by means of:

(A) a passport, driver's license, or government issued non-driver identification card, which is current or expired not more than three years before performance of the notarial act; or

(B) another form of government identification issued to an individual, which is current or expired not more than three years before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the officer; or

(2) by a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license, or government issued non-driver identification card, which is current or expired not more than three years before performance of the notarial act.

(c) Additional information. A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

§ 5266. SIGNATURE IF INDIVIDUAL UNABLE TO SIGN

If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.

§ 5267. CERTIFICATE OF NOTARIAL ACT

(a) A notarial act shall be evidenced by a certificate. The certificate shall:

(1) be executed contemporaneously with the performance of the notarial act;

(2) be signed and dated by the notarial officer and be signed in the same manner as on file with the Office;

(3) identify the jurisdiction in which the notarial act is performed;

(4) contain the title of office of the notarial officer; and

(5) indicate the date of expiration of the officer's commission.

(b)(1) If a notarial act regarding a tangible record is performed by a notary public, an official stamp shall be affixed to or embossed on the certificate.

(2) If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subdivisions (a)(2)–(4) of this section, an official stamp may be attached to or logically associated with the certificate.

(c) A certificate of a notarial act is sufficient if it meets the requirements of subsections (a) and (b) of this section and:

(1) is in a short form as set forth in section 5068 of this chapter;

(2) is in a form otherwise permitted by the law of this State;

(3) is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or

(4) sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 5262–5264 of this chapter or a law of this State other than this chapter.

(d) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in sections 5263–5265 of this chapter.

(e) A notarial officer shall not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

(f)(1) If a notarial act is performed regarding a tangible record, a certificate shall be part of, or securely attached to, the record.

(2) If a notarial act is performed regarding an electronic record, the certificate shall be affixed to, or logically associated with, the electronic record.

(3) If the Office has established standards by rule pursuant to section 5224 of this chapter for attaching, affixing, or logically associating the certificate, the process shall conform to those standards.

§ 5268. SHORT FORM CERTIFICATES

The following short form certificates of notarial acts shall be sufficient for the purposes indicated, if completed with the information required by subsections 5267(a) and (b) of this chapter:

(1) For an acknowledgment in an individual capacity:

State of _____ [County] of _____

This record was acknowledged before me on _____ by _____

Date _____ Name(s) of individual(s) _____

Signature of notarial officer

Stamp [_____]

Title of office _____ [My commission expires: _____]

(2) For an acknowledgment in a representative capacity:

State of _____ [County] of _____

This record was acknowledged before me on _____ by _____

Date _____ Name(s) of individual(s) _____

as _____ (type of authority, such as officer or trustee) of _____ (name of party on behalf of whom _____ record was _____ executed).

Signature of notarial officer

Stamp [_____]

Title of office _____ [My commission expires: _____]

(3) For a verification on oath or affirmation:

State of _____ [County] of _____

Signed and sworn to (or affirmed) before me on _____
by _____

Date _____

Name(s) of individual(s) making statement _____

Signature of notarial officer _____

Stamp [_____]

Title of office _____ [My commission expires: _____]

(4) For witnessing or attesting a signature:

State of _____ [County] of _____

Signed [or attested] before me on _____ by _____

Date _____ Name(s) of individual(s) _____

Signature of notarial officer _____

Stamp [_____]

Title of office _____ [My commission expires: _____]

(5) For certifying a copy of a record:

State of _____ [County] of _____

I certify that this is a true and correct copy of a record in the possession
of _____.

Dated _____

Signature of notarial officer _____

Stamp [_____]

Title of office _____ [My commission expires: _____]

§ 5269. OFFICIAL STAMP

The official stamp of a notary public shall:

(1) include the notary public's name, jurisdiction, and other information
required by the Office; and

(2) be capable of being copied together with the record to which it is
affixed or attached or with which it is logically associated.

§ 5270. STAMPING DEVICE

(a) A notary public is responsible for the security of the notary public's stamping device and shall not allow another individual to use the device to perform a notarial act.

(b) If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall notify promptly the Office on discovering that the device is lost or stolen.

§ 5271. JOURNAL

(a) A notary public shall maintain a journal in which the notary public chronicles all notarial acts that the notary public performs. The notary public shall retain the journal for 10 years after the performance of the last notarial act chronicled in the journal.

(b) A journal may be created on a tangible medium or in an electronic format. A notary public shall maintain only one journal at a time to chronicle all notarial acts, whether those notarial acts are performed regarding tangible or electronic records.

(1) If the journal is maintained on a tangible medium, it shall be a permanent, bound register with numbered pages.

(2) If the journal is maintained in an electronic format, it shall be in a permanent, tamper-evident electronic format complying with the rules of the Office.

(c) An entry in a journal shall be made contemporaneously with the performance of the notarial act and contain the following information:

(1) the date and time of the notarial act;

(2) a description of the record, if any, and type of notarial act;

(3) the full name and address of each individual for whom the notarial act is performed;

(4) if identity of the individual is based on personal knowledge, a statement to that effect;

(5) if identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the date of issuance and expiration of any identification credential; and

(6) the fee, if any, charged by the notary public.

(d) If a notary public's journal is lost or stolen, the notary public promptly shall notify the Office on discovering that the journal is lost or stolen.

(e) On resignation from, or the revocation or suspension of, a notary public's commission, the notary public shall retain the notary public's journal in accordance with subsection (a) of this section and inform the Office where the journal is located.

(f) Instead of retaining a journal as provided in subsection (e) of this section, a current or former notary public may transmit the journal to the Office or a repository approved by the Office.

(g) On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to the Office or a repository approved by the Office.

§ 5272. NOTIFICATION REGARDING PERFORMANCE OF NOTARIAL ACT ON ELECTRONIC RECORD; SELECTION OF TECHNOLOGY.

(a) A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person shall not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(b) Before a notary public performs the notary public's initial notarial act with respect to an electronic record, the notary public shall notify the Office that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use. If the Office has established standards by rule for approval of technology pursuant to section 5223 of this chapter, the technology shall conform to the standards. If the technology conforms to the standards, the Office shall approve the use of the technology.

§ 5273. AUTHORITY TO REFUSE TO PERFORM NOTARIAL ACT

(a) A notarial officer shall refuse to perform a notarial act if the officer is not satisfied that:

(1) the individual executing the record is competent or has the capacity to execute the record; or

(2) the individual's signature is knowingly and voluntarily made.

(b) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than this chapter.

§ 5274. VALIDITY OF NOTARIAL ACTS

(a) Except as otherwise provided in subsection 5273(b) of this chapter, the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter shall not invalidate a notarial act performed by the notarial officer.

(b) The validity of a notarial act under this chapter shall not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this State other than this chapter or law of the United States.

(c) This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

§ 5275. NOTARIAL ACT IN ANOTHER STATE

(a) A notarial act performed in another state has the same effect under the law of this State as if performed by a notarial officer of this State, if the act performed in that state is performed by:

(1) a notary public of that state;

(2) a judge, clerk, or deputy clerk of a court of that state; or

(3) any other individual authorized by the law of that state to perform the notarial act.

(b) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subdivision (a)(1) or (2) of this section conclusively establish the authority of the officer to perform the notarial act.

§ 5276. NOTARIAL ACT UNDER AUTHORITY OF FEDERALLY RECOGNIZED INDIAN TRIBE

(a) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this State, if the act performed in the jurisdiction of the tribe is performed by:

(1) a notary public of the tribe;

(2) a judge, clerk, or deputy clerk of a court of the tribe; or

(3) any other individual authorized by the law of the tribe to perform the notarial act.

(b) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subdivision (a)(1) or (2) of this section conclusively establish the authority of the officer to perform the notarial act.

§ 5277. NOTARIAL ACT UNDER FEDERAL AUTHORITY

(a) A notarial act performed under federal law has the same effect under the law of this State as if performed by a notarial officer of this State, if the act performed under federal law is performed by:

(1) a judge, clerk, or deputy clerk of a court;

(2) an individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;

(3) an individual designated a notarizing officer by the U.S. Department of State for performing notarial acts overseas; or

(4) any other individual authorized by federal law to perform the notarial act.

(b) The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of an officer described in subdivision (a)(1), (2), or (3) of this section shall conclusively establish the authority of the officer to perform the notarial act.

§ 5278. FOREIGN NOTARIAL ACT

(a) In this section, “foreign state” means a government other than the United States, a state, or a federally recognized Indian tribe.

(b) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this State as if performed by a notarial officer of this State.

(c) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used

as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

(d) The signature and official stamp of an individual holding an office described in subsection (c) of this section are prima facie evidence that the signature is genuine and the individual holds the designated title.

(e) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(f) A consular authentication issued by an individual designated by the U.S. Department of State as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

Sec. 2. REPEAL

The following are repealed:

(1) 24 V.S.A. chapter 5, subchapter 9 (notaries public);

(2) 32 V.S.A. § 1403(b) (county clerk; notaries public without charge or fee);

(3) 32 V.S.A. § 1436 (fee for certification of appointment as notary public); and

(4) 32 V.S.A. § 1759 (notaries public fees).

Sec. 3. APPLICABILITY; NOTARY PUBLIC COMMISSION IN EFFECT

(a)(1) This act shall apply to a notarial act performed on or after the effective date of this act.

(2) A notary public, in performing notarial acts on and after the effective date of this act, shall comply with the provisions of this act.

(b)(1) A commission as a notary public in effect on the effective date of this act shall continue until its date of expiration.

(2) A notary public who applies to renew a commission as a notary public on or after the effective date of this act shall comply with the provisions of this act.

Sec. 4. SAVINGS CLAUSE

This act shall not affect the validity or effect of a notarial act performed

prior to the effective date of this act.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

Rep. Young of Glover, for the committee on Ways and Means recommended that the bill ought to pass when amended, as recommended by the committee on Government Operations.

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

Pending the question, Shall the bill be amended, as recommended by the committee on Government Operations? **Rep. Hubert of Milton** moved to amend the recommendation of amendment offered by the committee on Government Operations as follows:

In Sec. 1 by striking out 26 V.S.A. § 5205 (exemptions) in its entirety and inserting in lieu thereof the following:

§ 5205. EXEMPTIONS

(a) Generally.

(1) The persons set forth in subdivision (2) of this subsection, when acting within the scope of their official duties, are exempt from all of the requirements of this chapter, except for the requirements:

(A) to apply for a commission as set forth in subdivisions 5241(a), (b)(1)-(3), (c), (d), and (e) of this chapter; and

(B) unless exempted under subsection (c) of this section, to pay the fee set forth in section 5225 of this chapter:

(2)(A) Persons employed by the Judiciary, including judges, Superior Court clerks, court operations managers, Probate registers, case managers, docket clerks, and after-hours relief from abuse contract employees.

(B) Persons employed as law enforcement officers certified under 20 V.S.A. chapter 151; who are noncertified constables; or who are employed by a Vermont law enforcement agency, the Departments of Public Safety, of Fish and Wildlife, of Motor Vehicles, of Liquor Control, or for Children and Families, the Office of the Defender General, the Office of the Attorney General, or a State's Attorney or Sheriff.

(3) As used in subdivision (1) of this subsection, "acting within the scope of official duties" means that a person is notarizing a document that:

(A) he or she believes is related to the execution of his or her duties and responsibilities of employment or is the type of document that other employees notarize in the course of employment;

(B) is useful or of assistance to any person or entity identified in subdivision (2) of this subsection;

(C) is required, requested, created, used, submitted, or relied upon by any person or entity identified in subdivision (2) of this subsection;

(D) is necessary in order to assist in the representation, care, or protection of a person or the State;

(E) is necessary in order to protect the public or property;

(F) is necessary to represent or assist crime victims in receiving restitution or other services;

(G) relates to a Vermont or federal court rule or statute governing any criminal, post conviction, mental health, family, juvenile, civil, probate, Judicial Bureau, Environmental Division, or Supreme Court matter; or

(H) relates to a matter subject to Title 4, 12, 13, 15, 18, 20, 23, or 33 of the Vermont Statutes Annotated.

(b) Attorneys. Attorneys licensed and in good standing in this State are exempt from:

(1) the examination requirement set forth in subsection 5241(b) of this chapter; and

(2) the continuing education requirement set forth in section 5243 of this chapter.

(c) Fees. The following persons are exempt from the fee set forth in section 5225 of this chapter:

(1) a judge, clerk, or other court staff, as designated by the Court Administrator;

(2) State's Attorneys and their deputies;

(3) justices of the peace and town clerks and their assistants; and

(4) State Police officers, municipal police officers, fish and game wardens, sheriffs and deputy sheriffs, motor vehicle inspectors, employees of the Department of Corrections, and employees of the Department for Children and Families.

Which was agreed to.

Thereupon, the recommendation of amendment offered by the committee on Government Operations, as amended, was agreed to and third reading was ordered.

Bill Amended; Third Reading Ordered

H. 859

Rep. Long of Newfane spoke for the committee on Education.

Rep. O'Brien of Richmond, for the committee on Appropriations, to which had been referred House bill, entitled

An act relating to special education

Reported in favor of its passage when amended as follows:

First: In Sec. 2, Study of Funding for Special Education, by striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read:

Sec. 2. STUDY OF FUNDING FOR SPECIAL EDUCATION

(a) Study. The Agency of Education shall contract for a study of special education funding and practice. The study shall evaluate the feasibility of implementing the census block model of funding, or a variation of this model as the contractor deems appropriate, for special education in Vermont, including the advantages, disadvantages, and policy considerations. The study shall develop a special education funding model recommendation for Vermont, which shall be designed to provide incentives for desirable practices and stimulate innovation in the delivery of services and shall take into account any factors the contractor determines relevant. The contractor shall conduct its evaluation and develop its recommendation in collaboration with the Agency of Education and interested superintendents, special educators, school business and administrative staff, and special education staff from the Vermont State Colleges and other stakeholders. The contractor shall present its findings and recommendations to the General Assembly and the Agency of Education by December 15, 2017.

(b) Funding. The Agency of Education shall allocate out of its fiscal year 2017 budget a sum of \$40,000.00 to provide for the purposes set forth in this section. Any application of funds for the purpose of administrative overhead shall be capped at five percent of the total sum allocated pursuant to this section.

Second: In Sec. 3, Appropriation for Consulting Services on the Delivery of Special Education Services, by striking out Sec. 3 and the reader assistance in their entirety and inserting in lieu thereof a new Sec. 3 to read:

* * * Appropriation for Consulting Services on the Delivery of Special
Education Services * * *

Sec. 3. APPROPRIATION FOR CONSULTING SERVICES ON THE
DELIVERY OF SPECIAL EDUCATION SERVICES

(a) Consulting services. The Agency of Education shall contract with a consulting firm meeting the criteria set forth in subsection (b) of this section for the provision of special education consulting services to up to 10 supervisory unions, supervisory districts, or unified union school districts. The Agency, in consultation with the consulting firm and interested districts and supervisory unions, shall select, as member districts and supervisory unions for the study, at least three existing supervisory unions or supervisory districts with an average daily membership of 1,500 students or more and at least three unified union school districts formed pursuant to 2015 Acts and Resolves No. 46. In no event shall the Agency include a district or supervisory union that does not provide an equivalent match equal to 50 percent of the value of the consulting firm's services to the district or supervisory union; the other 50 percent being funded by the appropriation provided in this section. This financial contribution by districts or supervisory unions may be in the form of transition grants or other appropriate grant funding and may, at the discretion of the district's or supervisory union's board of directors, be allocated across the district's or supervisory union's 2017 and 2018 fiscal years. The consulting firm shall present a final report with recommendations on the delivery of special education services to the General Assembly and the Agency of Education on or before October 1, 2017. The consulting firm shall provide to the Agency of Education any and all research and data compiled during the course of its work pursuant to this section.

(b) Selection of consulting firm. The Agency of Education shall contract with a consulting firm which:

(1) has experience working directly with Vermont school districts and with school districts across the country to raise achievement and manage cost in special education;

(2) uses national special education staffing benchmarking from at least 1,000 school districts covering at least 10 million students, and web-based schedule sharing technology that captures how individual staff members use their time, including duration, location, and group size;

(3) has conducted and published primary research on cost-effective strategies for raising achievement of struggling students, both with and without special needs; and

(4) is recognized as a national expert and published author on raising special education achievement in a cost-effective manner.

(c) Appropriation. Notwithstanding any provision to the contrary in 16 V.S.A. § 4025, the sum of \$200,000.00 is appropriated from the Education Fund for fiscal year 2017 to the Agency of Education. The Agency shall administer the funds in accordance with this section and any unused funds shall revert to the Education Fund.

Third: In Sec. 4, Creation of Agency of Education Staff Position, by deleting Sec. 4 and its reader assistance in their entirety

Fourth: In Sec. 5, Effective Dates, after “Secs. 2, 3,” by striking out “4” and by renumbering Sec. 5 to be Sec. 4

The bill, having appeared on the Calendar, was taken up, read the second time, report of the committee on Appropriations agreed to and third reading ordered.

Favorable Reports; Third Reading Ordered

H. 519

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

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

Reported in favor of its passage.

Rep. Young of Glover, for the committee on Ways and Means, reported that the bill ought to pass.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committees on Government Operations and Ways and Means agreed to and third reading ordered.

Bill Read Third Time and Passed

H. 620

House bill, entitled

An act relating to health insurance and Medicaid coverage for contraceptives

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

In Sec. 1, 8 V.S.A. § 4099c, by adding a subsection (h) to read as follows:

(h)(1) Upon request by a religious employer, as described in 26 U.S.C. § 6033(a)(3)(A)(i) and (iii) and as certified by the Commissioner of Financial Regulation, a health insurer shall make available a health insurance plan that does not provide coverage for contraceptive services.

(2) The Departments of Financial Regulation and of Vermont Health Access and the Green Mountain Care Board shall adopt rules as needed to effect the purposes of this subsection.

Pending the question, Shall the bill be amended as proposed? **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 amended as proposed? was decided in the negative. Yeas, 33. Nays, 107.

Those who voted in the affirmative are:

Bancroft of Westford	Gage of Rutland City	Parent of St. Albans Town
Beck of St. Johnsbury	Gamache of Swanton	Quimby of Concord
Beyor of Highgate	Graham of Williamstown	Savage of Swanton
Burditt of West Rutland	Hebert of Vernon	Shaw of Pittsford
Canfield of Fair Haven	Helm of Fair Haven	Shaw of Derby
Cupoli of Rutland City	Higley of Lowell	Strong of Albany
Dame of Essex	Hubert of Milton	Terenzini of Rutland Town
Donahue of Northfield *	Lawrence of Lyndon	Turner of Milton
Fagan of Rutland City	Marcotte of Coventry	Van Wyck of Ferrisburgh
Feltus of Lyndon	Martel of Waterford	Viens of Newport City
Fiske of Enosburgh	Morrissey of Bennington	Willhoit of St. Johnsbury

Those who voted in the negative are:

Ancel of Calais	Cole of Burlington	Frank of Underhill
Bartholomew of Hartland	Condon of Colchester	French of Randolph
Baser of Bristol	Connor of Fairfield	Gonzalez of Winooski
Berry of Manchester *	Conquest of Newbury	Grad of Moretown
Bissonnette of Winooski	Copeland-Hanzas of	Greshin of Warren
Botzow of Pownal	Bradford	Haas of Rochester
Branagan of Georgia	Corcoran of Bennington	Head of South Burlington
Brennan of Colchester	Dakin of Chester	Hooper of Montpelier
Briglin of Thetford	Dakin of Colchester	Huntley of Cavendish
Browning of Arlington	Davis of Washington	Jerman of Essex
Burke of Brattleboro	Deen of Westminster	Jewett of Ripton
Buxton of Tunbridge	Donovan of Burlington *	Johnson of South Hero
Carr of Brandon	Emmons of Springfield	Juskiewicz of Cambridge
Chesnut-Tangerman of	Evans of Essex	Keenan of St. Albans City
Middletown Springs	Fields of Bennington	Kitzmiller of Montpelier
Clarkson of Woodstock	Forguites of Springfield	Klein of East Montpelier

Komline of Dorset	Morris of Bennington *	Sibilia of Dover
Krebs of South Hero	Mrowicki of Putney	Smith of New Haven
Krowinski of Burlington	Murphy of Fairfax	Stevens of Waterbury
LaClair of Barre Town	Myers of Essex	Stuart of Brattleboro
Lalonde of South Burlington	Nuovo of Middlebury	Sullivan of Burlington
Lanpher of Vergennes	O'Brien of Richmond	Sweaney of Windsor
Lefebvre of Newark	Olsen of Londonderry	Till of Jericho
Lenes of Shelburne	O'Sullivan of Burlington	Toleno of Brattleboro
Lewis of Berlin	Partridge of Windham	Toll of Danville
Lippert of Hinesburg	Patt of Worcester	Townsend of South Burlington
Long of Newfane	Pearce of Richford	Troiano of Stannard
Lucke of Hartford	Pearson of Burlington	Walz of Barre City *
Macaig of Williston	Poirier of Barre City	Webb of Shelburne
Manwaring of Wilmington	Pugh of South Burlington	Wood of Waterbury
Martin of Wolcott	Rachelson of Burlington	Woodward of Johnson
Masland of Thetford	Ram of Burlington	Wright of Burlington
McCormack of Burlington	Russell of Rutland City	Yantachka of Charlotte
McCoy of Poultney	Ryerson of Randolph	Young of Glover
McCullough of Williston	Scheuermann of Stowe	Zagar of Barnard
McFaun of Barre Town	Sharpe of Bristol	
Miller of Shaftsbury	Sheldon of Middlebury	

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

Batchelor of Derby	Dickinson of St. Albans Town	Purvis of Colchester
Christie of Hartford	Eastman of Orwell	Tate of Mendon
Devereux of Mount Holly	Potter of Clarendon	Trieber of Rockingham

Rep. Berry of Manchester explained his vote as follows:

“Mr. Speaker:

I appreciate the spirit of the amendment and the attempted negotiation of the establishment clause and free exercise clause. However, the law of the State of Vermont does not circumvent or controvert a person’s religious sensibility or sense of conscience. I voted against the amendment for that reason and in order to help protect women’s rights and health care.”

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

This amendment supports a simple principle: the state should not be forcing churches to buy something for their employers that violates their conscience and religious tenets. This amendment is essential to me to support the many benefits of the underlying bill, and is in the finest tradition of Vermont tolerance for the beliefs of others.”

Rep. Donovan of Burlington explained her vote as follows:

“Mr. Speaker:

Some argue that schools, hospitals or any place of employment have a ‘conscience’ and ‘freedom of religion.’ According to my Catholic tradition, women have consciences and deserve to exercise them without coercion.”

Rep. Morris of Bennington explained her vote as follows:

“Mr. Speaker:

Our unintended pregnancy rates are unacceptably high. The bill as presented does not run afoul of the 1st amendment because it is neutral and broadly applicable. I voted against this amendment as it not only denies an individual’s right to control their health care choices, but it sets a dangerous precedent that will likely leave our state vulnerable to allowing discrimination in other aspects of our lives.”

Rep. Walz of Barre City explained his vote as follows:

“Mr. Speaker:

One person’s religious beliefs should not override another’s.”

Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 864

House bill, entitled

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

Was taken up, read the third time and passed.

Bill Amended, Read Third Time and Passed

H. 872

House bill, entitled

An act relating to Executive Branch fees

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

First: In Sec. 39 (liquor licensee education), in subsection (c), by striking out the following: “A licensee may comply with this requirement by ~~conducting its own training program on its premises,~~ using information ~~and materials furnished or~~ approved by the Department of Liquor Control”, and

inserting in lieu thereof: “A licensee may comply with this requirement by conducting its own training program on its premises, using information and materials furnished or approved by the Department of Liquor Control”

Second: In Sec. 42 (tobacco licensee education), in subdivision (b)(2), by striking out the following: “~~A licensee may comply with this subdivision by conducting its own training program on its premises using information and materials furnished by the department of liquor control~~”, and inserting in lieu thereof: “A licensee may comply with this subdivision by conducting its own training program on its premises using information and materials furnished by the ~~department of liquor control~~ Department of Liquor Control”

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

Consideration Interrupted by Recess

H. 873

House bill, entitled

An act relating to making miscellaneous tax changes

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

First: By adding three new sections to be Secs. 26a–26c to read as follows:

Sec. 26a. 33 V.S.A. § 1951 is amended to read:

§ 1951. DEFINITIONS

As used in this subchapter:

* * *

(15) “Ambulance agency” means an ambulance agency licensed pursuant to 18 V.S.A. chapter 17.

Sec. 26b. 33 V.S.A. § 1959 is added to read:

§ 1959. AMBULANCE AGENCY ASSESSMENT

(a) The annual assessment for each ambulance agency shall be 3.3 percent of the ambulance agency’s annual net patient revenues for services delivered to patients in Vermont during the most recent annual fiscal period. The Department shall determine the appropriate fiscal period as necessary to ensure compliance with federal law. Ambulance agencies shall remit the assessment amount to the Department annually by March 31, beginning with March 31, 2017.

(b) The Department shall provide written notification of the assessment amount to each ambulance agency. The assessment amount determined shall be considered final unless the agency requests reconsideration. Requests for reconsideration shall be subject to the provisions of section 1958 of this title.

(c) Each ambulance agency shall remit its assessment to the Department according to a schedule adopted by the Commissioner. The Commissioner may permit variations in the schedule of payment as deemed necessary.

(d) Any ambulance agency that fails to make a payment to the Department on or before the specified schedule, or under any schedule of delayed payments established by the Commissioner, shall be assessed not more than \$1,000.00. The Commissioner may waive the late-payment assessment provided in this subsection for good cause shown by the ambulance agency.

Sec. 26c. AMBULANCE PROVIDER TAX; INTENT

In establishing a provider tax on ambulance agencies, it is the intent of the General Assembly to increase Medicaid reimbursement rates to these providers while ensuring full compliance with 42 C.F.R. 433.68.

Second: In Sec. 33, effective dates, in subdivision (2), preceding “27 (fuel gross receipts tax)”, by inserting 26a–26c (ambulance provider tax).

Pending the question, Shall the bill be amended as recommended by Rep. Olsen of Londonderry? **Rep. Poirier of Barre City** demanded the yeas and nays, which demand was sustained by the Constitutional number.

Recess

Pending the call of the roll, at three o'clock and thirty-eight minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At four o'clock and sixteen minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Bill Amended; Consideration Interrupted by Recess

H. 873

Consideration resumed on House bill, entitled

An act relating to making miscellaneous tax changes;

Thereupon, **Rep. Poirier of Barre City** asked and was granted leave of the House to withdraw his request for a roll call.

Pending the question, Shall the bill be amended as proposed by Olsen of Londonderry? **Rep. Pearson of Burlington** 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 amended as proposed by Olsen of Londonderry? was decided in the affirmative. Yeas, 100. Nays, 41.

Those who voted in the affirmative are:

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

Those who voted in the negative are:

Bancroft of Westford	Beck of St. Johnsbury	Brennan of Colchester
Baser of Bristol	Beyor of Highgate	Browning of Arlington

Burditt of West Rutland *	Greshin of Warren	Murphy of Fairfax
Canfield of Fair Haven	Helm of Fair Haven	Myers of Essex
Dame of Essex	Higley of Lowell	Parent of St. Albans Town
Devereux of Mount Holly	Hubert of Milton *	Pearce of Richford
Dickinson of St. Albans Town	Juskiewicz of Cambridge	Quimby of Concord
Evans of Essex	Komline of Dorset	Savage of Swanton
Fields of Bennington	Lawrence of Lyndon	Shaw of Derby
Fiske of Enosburgh	Lefebvre of Newark	Smith of New Haven
Gage of Rutland City	Lewis of Berlin *	Terenzini of Rutland Town
Gamache of Swanton	Martel of Waterford	Turner of Milton *
Graham of Williamstown	McCoy of Poultney	Viens of Newport City
	Morrissey of Bennington *	Willhoit of St. Johnsbury

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

Batchelor of Derby	Marcotte of Coventry	Tate of Mendon
Christie of Hartford	Purvis of Colchester	Trieber of Rockingham
Eastman of Orwell	Scheuermann of Stowe	

Rep. Burditt of West Rutland explained his vote as follows:

“Mr. Speaker:

My local ambulance provider has no idea how this amendment will affect them. I’m sure I am not the only Representative with this situation. A complete vetting needs to be done so our services can fully assess their gains or losses.”

Rep. Hubert of Milton explained his vote as follows:

“Mr. Speaker:

This is just another tax with no way of knowing it will be spent on ambulance services. I vote no.”

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

“Mr. Speaker:

I vote yes now so I can, with integrity, vote yes to a later amendment to substantially raise Medicaid rates for ambulance services. I vote to move this proposal forward and give time for ambulance services across the state to decide if they would like to be implemented.”

Rep. Patti Lewis of Berlin explained her vote as follows:

“Mr. Speaker:

I cannot support an assessment on our already stressed municipal budgets, with no guarantee of any sort of reimbursement. 3% on net patient revenues

does not take into account the expenditures incurred in the operation of municipal ambulance services, which are already running in the red. This is a twilight zone of an ambulance ride over the abyss.”

Rep. Morrissey of Bennington explained her vote as follows:

“Mr. Speaker:

How can this body vote for an amendment when we have not been provided the positive or negative financial impact to our communities. Appropriations, Ways and Means, and Healthcare took up this important issue and not one had the resolve to include it in their bills that we debated this past week. That is why I voted no. Thank you.”

Rep. Pearson of Burlington explained his vote as follows:

“Mr. Speaker:

I’m glad we’ve found a way to increase reimbursements for ambulances. The people that serve Vermonters in emergencies have been in a financial crisis for too long.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

As the chief of an ambulance department I can tell you first hand that ambulance services in Vermont need additional revenue to sustain the essential services they provide to our constituents, However, voting to create a new tax on the services’ current revenue stream, with \$250,000 of administrative costs in hopes of giving a future Medicaid rate increase is not the right approach. This body controls Medicaid reimbursements and could reprioritize \$1 million dollars of existing revenue to help these essential services if the majority chooses to do so. Thank you.”

Pending third reading of the bill, **Rep. Olsen of Londonderry** moved to amend the bill as follows:

By adding a new section to be Sec. 25a to read as follows:

Sec. 25a. REDESIGNED EMPLOYER ASSESSMENT; REPORT

(a) The Secretary of Administration shall consider options for redesigning the employer assessment, including considering the following:

(1) which of the following classes of employees, if any, should trigger the employer assessment:

(A) employees who have health coverage that is offered by their employer;

(B) employees who have health coverage through a plan offered to their spouse or other family member;

(C) employees who are on Medicaid; and

(D) employees who are enrolled in a health benefit plan offered through the Vermont Health Benefit Exchange, either with or without financial assistance;

(2) the number of full-time equivalent employees in each of the classes described in subdivision (1) of this subsection, including:

(A) the total number of individuals; and

(B) the total number hours;

(3) the number of employees who work for employers that offer health coverage to their employees;

(4) the number of employees who work for employers that do not offer health coverage to their employees; and

(5) a uniform assessment amount that would be imposed on all Vermont employers, regardless of whether they offer health coverage to their employees; and

(6) using current rates, the revenue that would be raised by amending the existing employer assessment to:

(A) apply only to Vermont employees; and

(B) exempt from the definition of an uncovered employee under 21 V.S.A. § 2002 an employee who works for an employer that does not offer health coverage to some or all of its employees if the employee has other health coverage that is not Medicaid or a non-employer health plan offered through the Vermont Health Benefit Exchange.

(6) On or before January 15, 2017, the Secretary shall submit his or her findings, options for the redesign of the employer assessment, and recommendation regarding the future of the employer assessment to the House Committees on Health Care and on Ways and Means and the Senate Committees on Health and Welfare and on Finance.

Which was agreed to.

Pending third reading of the bill, **Rep. Till of Jericho** moved to amend the bill as follows:

First: In Sec. 26 (health care fund contribution), in subdivision (b)(1)(B), by striking out “\$210.00” and inserting in lieu thereof “\$200.00”, and in subdivision (b)(1)(C), by striking out “\$249.00” and inserting in lieu thereof “\$244.00”

Second: By inserting a Sec. 26a to read as follows:

Sec. 26a. 32 V.S.A. § 7702(15) is amended to read:

(15) “Other tobacco products” means any product manufactured from, derived from, or containing tobacco that is intended for human consumption by smoking, chewing, or in any other manner, including products sold as a tobacco substitute, as defined in 7 V.S.A. § 1001(8), and including any liquids, whether nicotine based or not, or delivery devices sold separately for use with a tobacco substitute; but shall not include cigarettes, little cigars, roll-your-own tobacco, snuff, or new smokeless tobacco as defined in this section.

Third: In Sec. 33 (effective dates), in subdivision (2), after “(definition of vendor and out-of-state vendor notification requirements).” by inserting “26a (e-cigarettes).”

Thereupon, **Rep. Hebert of Vernon** asked that the question be divided and Sec. 2 and 3 be taken up first and Sec. 1, second.

Thereupon, **Rep. Hebert of Vernon** raised a Point of Order in that Secs. 2 and 3 and Sec. 1 are not germane to the underlying bill, which Point of Order the Speaker ruled well taken.

Thereupon, **Rep. Till of Jericho** moved to suspend the Rules to permit consideration of a non-germane question.

Recess

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

At five o'clock and twenty-eight minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Bill Read the Third Time and Passed

H. 873

Consideration resumed on House bill, entitled

An act relating to making miscellaneous tax changes;

Rep. Till of Jericho asked and was granted leave of the House to withdraw his motion to permit consideration of a non-germane question.

Thereupon, **Rep. Till of Jericho** asked and was granted leave of the House to withdraw the remainder of his amendment.

Thereupon, the bill was read the third time and passed.

Bill Amended, Read Third Time and Passed

H. 875

House bill, entitled

An act relating to making appropriations for the support of government

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

that the bill be amended by adding a new section to be Sec. E.306.12 to read as follows:

Sec. E.306.12 APPROPRIATION; AMBULANCE PROVIDER
REIMBURSEMENT RATES

(a) The sum of \$2,300,000 in Global Commitment funds is appropriated to the Department of Vermont Health Access in fiscal year 2017 for the purpose of increasing reimbursement rates to ambulance agencies beginning on July 1, 2016 for services provided to Medicaid beneficiaries.

Pending the question, Shall the bill be amended as recommended by Olsen of Londonderry? **Rep. Pearson of Burlington** 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 amended as recommended by Olsen of Londonderry? was decided in the affirmative. Yeas, 109. Nays, 32.

Those who voted in the affirmative are:

Ancel of Calais	Carr of Brandon	Cupoli of Rutland City
Bartholomew of Hartland	Chesnut-Tangerman of	Dakin of Chester
Baser of Bristol	Middletown Springs	Dakin of Colchester
Beck of St. Johnsbury	Clarkson of Woodstock	Dame of Essex
Berry of Manchester	Cole of Burlington	Davis of Washington
Bissonnette of Winooski	Condon of Colchester	Deen of Westminster
Botzow of Pownal	Connor of Fairfield	Donovan of Burlington
Branagan of Georgia	Conquest of Newbury	Emmons of Springfield
Briglin of Thetford	Copeland-Hanzas of	Evans of Essex
Burke of Brattleboro	Bradford	Fagan of Rutland City
Buxton of Tunbridge	Corcoran of Bennington	Feltus of Lyndon

Fields of Bennington	Lucke of Hartford	Shaw of Pittsford
Forguites of Springfield	Macaig of Williston	Sheldon of Middlebury
Frank of Underhill	Manwaring of Wilmington	Sibilia of Dover
French of Randolph	Martin of Wolcott	Stevens of Waterbury
Gonzalez of Winooski	Masland of Thetford	Strong of Albany
Grad of Moretown	McCormack of Burlington	Stuart of Brattleboro
Haas of Rochester	McCullough of Williston	Sullivan of Burlington
Head of South Burlington	McFaun of Barre Town	Sweaney of Windsor
Hebert of Vernon	Miller of Shaftsbury	Till of Jericho
Hoopier of Montpelier	Morris of Bennington	Toleno of Brattleboro
Huntley of Cavendish	Mrowicki of Putney	Toll of Danville
Jerman of Essex	Murphy of Fairfax	Townsend of South Burlington
Jewett of Ripton	Nuovo of Middlebury	Trieber of Rockingham
Johnson of South Hero	O'Brien of Richmond	Troiano of Stannard
Juskiewicz of Cambridge	Olsen of Londonderry	Van Wyck of Ferrisburgh
Keenan of St. Albans City	O'Sullivan of Burlington	Walz of Barre City
Kitzmiller of Montpelier	Partridge of Windham	Webb of Shelburne
Klein of East Montpelier	Patt of Worcester	Willhoit of St. Johnsbury
Krebs of South Hero	Pearson of Burlington	Wood of Waterbury
Krowinski of Burlington	Poirier of Barre City	Woodward of Johnson
LaClair of Barre Town	Potter of Clarendon	Wright of Burlington
Lalonde of South Burlington	Pugh of South Burlington	Yantachka of Charlotte
Lanpher of Vergennes	Rachelson of Burlington	Young of Glover
Lefebvre of Newark	Ram of Burlington	Zagar of Barnard
Lenes of Shelburne	Russell of Rutland City	
Lippert of Hinesburg	Ryerson of Randolph	
Long of Newfane	Sharpe of Bristol	

Those who voted in the negative are:

Bancroft of Westford	Gamache of Swanton	Morrissey of Bennington
Beyor of Highgate	Graham of Williamstown	Myers of Essex
Brennan of Colchester	Greshin of Warren	Parent of St. Albans Town
Browning of Arlington	Helm of Fair Haven	Pearce of Richford
Burditt of West Rutland	Higley of Lowell	Quimby of Concord
Canfield of Fair Haven	Hubert of Milton	Savage of Swanton
Devereux of Mount Holly	Komline of Dorset	Shaw of Derby
Dickinson of St. Albans Town	Lawrence of Lyndon	Smith of New Haven
Fiske of Enosburgh	Lewis of Berlin	Terenzini of Rutland Town
Gage of Rutland City	Martel of Waterford	Turner of Milton
	McCoy of Poultney	Viens of Newport City

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

Batchelor of Derby	Eastman of Orwell	Scheuermann of Stowe
Christie of Hartford	Marcotte of Coventry	Tate of Mendon
Donahue of Northfield	Purvis of Colchester	

Pending third reading of the bill, **Reps. Sheldon of Middlebury, Nuovo of Middlebury, Connor of Fairfield, Jewett of Ripton, Branagan of Georgia, Dakin of Colchester and Murphy of Fairfax** moved to amend the bill as follows:

By adding a new section to be Sec. E.306.12 to read as follows:

Sec. E.306.12 HOME HEALTH AGENCY MEDICAID COMPENSATION;
REPORT

(a) The Department of Vermont Health Access shall design one or more mechanisms to provide additional reimbursement or compensation to home health agencies that serve a greater percentage of Medicaid patients than the median of home health agencies in this State. The Department shall use \$750,000 of the funds appropriated for payments to hospitals for Medicaid inpatient services to increase reimbursement or compensation to the home health agencies serving a greater percentage of Medicaid patients than the median using the mechanism or mechanisms designed for this purpose pursuant to this section.

(b) On or before December 1, 2016, the Department shall report its designs and any related recommendations to the House Committees on Appropriations, on Health Care, on Human Services, and on Ways and Means and the Senate Committees on Appropriations, on Health and Welfare, and on Finance.

Pending the question, Shall the bill be amended as proposed by Sheldon of Middlebury and others? **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 amended as proposed by Sheldon of Middlebury and others? was decided in the affirmative. Yeas, 123. Nays, 17.

Those who voted in the affirmative are:

Ancel of Calais	Buxton of Tunbridge	Davis of Washington
Bancroft of Westford	Canfield of Fair Haven	Deen of Westminster
Bartholomew of Hartland	Carr of Brandon	Devereux of Mount Holly
Baser of Bristol	Chesnut-Tangerman of	Donovan of Burlington
Beck of St. Johnsbury	Middletown Springs	Emmons of Springfield
Berry of Manchester	Clarkson of Woodstock	Evans of Essex
Beyor of Highgate	Cole of Burlington	Feltus of Lyndon
Bissonnette of Winooski	Condon of Colchester	Fields of Bennington
Botzow of Pownal	Connor of Fairfield	Fiske of Enosburgh
Branagan of Georgia	Conquest of Newbury	Forguites of Springfield
Brennan of Colchester	Corcoran of Bennington	Frank of Underhill
Briglin of Thetford	Cupoli of Rutland City	French of Randolph
Browning of Arlington	Dakin of Chester	Gage of Rutland City
Burke of Brattleboro	Dakin of Colchester	Gonzalez of Winooski

Grad of Moretown	Masland of Thetford	Sharpe of Bristol
Greshin of Warren	McCormack of Burlington	Shaw of Pittsford
Haas of Rochester	McCoy of Poultney	Shaw of Derby
Head of South Burlington	McCullough of Williston	Sheldon of Middlebury
Helm of Fair Haven	McFaun of Barre Town	Sibilia of Dover
Hooper of Montpelier	Miller of Shaftsbury	Smith of New Haven
Huntley of Cavendish	Morris of Bennington	Stevens of Waterbury
Jerman of Essex	Morrissey of Bennington	Stuart of Brattleboro
Jewett of Ripton	Mrowicki of Putney	Sullivan of Burlington
Johnson of South Hero	Murphy of Fairfax	Terenzini of Rutland Town
Juskiewicz of Cambridge	Myers of Essex	Till of Jericho
Keenan of St. Albans City	Nuovo of Middlebury	Toleno of Brattleboro
Kitzmiller of Montpelier	O'Brien of Richmond	Toll of Danville
Klein of East Montpelier	Olsen of Londonderry	Townsend of South Burlington
Krebs of South Hero	O'Sullivan of Burlington	Trieber of Rockingham
Krowinski of Burlington	Parent of St. Albans Town	Troiano of Stannard
LaClair of Barre Town	Partridge of Windham	Van Wyck of Ferrisburgh
Lalonde of South Burlington	Patt of Worcester	Viens of Newport City
Lanpher of Vergennes	Pearce of Richford	Walz of Barre City
Lawrence of Lyndon	Pearson of Burlington	Webb of Shelburne
Lefebvre of Newark	Poirier of Barre City	Willhoit of St. Johnsbury
Lenes of Shelburne	Potter of Clarendon	Wood of Waterbury
Lippert of Hinesburg	Pugh of South Burlington	Woodward of Johnson
Long of Newfane	Quimby of Concord	Yantachka of Charlotte
Lucke of Hartford	Rachelson of Burlington	Young of Glover
Macaig of Williston	Ram of Burlington	Zagar of Barnard
Manwaring of Wilmington	Russell of Rutland City	
Martin of Wolcott	Ryerson of Randolph	

Those who voted in the negative are:

Burditt of West Rutland	Graham of Williamstown	Martel of Waterford
Dame of Essex *	Hebert of Vernon	Savage of Swanton
Dickinson of St. Albans Town	Higley of Lowell	Strong of Albany
Fagan of Rutland City	Hubert of Milton	Sweaney of Windsor
Gamache of Swanton	Komline of Dorset	Turner of Milton
	Lewis of Berlin	Wright of Burlington

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

Batchelor of Derby
 Christie of Hartford
 Donahue of Northfield
 Eastman of Orwell
 Marcotte of Coventry
 Purvis of Colchester
 Scheuermann of Stowe
 Smith of Morristown
 Tate of Mendon

Rep. Dame of Essex explained his vote as follows:

“Mr. Speaker:

While this amendment uses money to reprioritize spending there is no offsetting reduction to hospital payments. This means that it will put new and further pressure on us during budget adjustments if hospital utilization stays the same. I support reprioritizing spending into prevention and away from acute care, but I fear that in January instead of reprioritizing spending, we will only increase it due to the new pressure created by this amendment.”

Pending third reading of the bill, **Rep. Rachelson of Burlington** moved to amend the bill as follows:

In Sec. E.300.1 (improving grants management for results-based programs), in subdivision (a)(8), after “grant;”, by striking out the word “and”, in subdivision (a)(9), before the period, by inserting a semicolon and subdivisions (a)(10)–(11) to read as follows:

(10) the length of time the entity has had the grant; and

(11) the indirect rate of the entity

Which was agreed to.

Pending third reading of the bill, **Rep. Dame of Essex** moved to amend the bill as follows:

By adding a new section to be Sec. E.307.1 to read as follows:

Sec. E.307.1 MEDICARE SUPPLEMENTAL PLANS FOR DUAL

ELIGIBLE MEDICAID BENEFICIARIES

(a) The Department of Vermont Health Access shall explore the use of State or Global Commitment funds to purchase Medicare supplemental insurance plans for individuals eligible for both Medicare and Medicaid, including the feasibility of federal financial participation, the estimated savings to the State with and without federal financial participation, and the benefits both of providing Medicare supplemental plans to the entire population of dual eligible individuals and of providing the plans to only a subset of the highest utilizers of all or a specific set of services.

(b) If the Department determines that savings can be achieved, then as part of its recommendations for fiscal year 2017 budget adjustment, the Department shall propose a plan for implementing the purchase of Medicare supplemental insurance plans for the dual eligibles in a manner that is the most cost-effective

for the State and that provides the greatest benefits for the dual eligible population.

Which was agreed to.

Pending third reading of the bill, **Rep. Dickinson of St. Albans Town** moved to amend the bill as follows:

By adding a new section to be numbered Sec. E.600.2 to read as follows:

Sec. E.600.2 FISCAL YEAR 2018 FUNDING INTENT

(a) Due to added ongoing receipts for mutual fund license fees, it is the intent of the Legislature to increase appropriations for the Vermont State Colleges and the University of Vermont in fiscal year 2018. As part of its fiscal year 2018 budget submission to the Legislature, the Administration shall include additional funding totaling \$5,000,000, which shall be allocated \$2,500,000 each in General Funds to the Vermont State Colleges and the University of Vermont.

Which was disagreed to.

Pending third reading of the bill, **Rep. Donovan of Burlington** moved to amend the bill as follows:

First: In Sec. E.323.1, 33 V.S.A. § 1134(8)(B) by striking “and” at the end of the subdivision.

Second: In Sec. E.323.1, 33 V.S.A. § 1134(9) before the period, by inserting “; and”

Third: In Sec. E.323.1, 33 V.S.A. § 1134 by adding a new subdivision (10) to read:

(10) a description of how the inclusion of \$125.00 of Supplemental Security Income for the purpose of calculating Reach Up eligibility and benefit levels pursuant to subdivision 1103(c)(9) of this title has affected participating families

Pending the question, Shall the bill amended as proposed by Donovan of Burlington? **Rep. Donovan of Burlington** 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 amended as proposed by Donovan of Burlington? was decided in the affirmative. Yeas, 134. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Grad of Moretown	Parent of St. Albans Town
Bancroft of Westford	Graham of Williamstown	Partridge of Windham
Bartholomew of Hartland	Greshin of Warren	Patt of Worcester
Baser of Bristol	Haas of Rochester	Pearce of Richford
Beck of St. Johnsbury	Head of South Burlington	Pearson of Burlington
Berry of Manchester	Hebert of Vernon	Poirier of Barre City
Beyor of Highgate	Helm of Fair Haven	Potter of Clarendon
Bissonnette of Winooski	Higley of Lowell	Pugh of South Burlington
Botzow of Pownal	Hooper of Montpelier	Quimby of Concord
Branagan of Georgia	Hubert of Milton	Rachelson of Burlington
Brennan of Colchester	Huntley of Cavendish	Ram of Burlington
Briglin of Thetford	Jerman of Essex	Russell of Rutland City
Browning of Arlington	Jewett of Ripton	Ryerson of Randolph
Burditt of West Rutland	Johnson of South Hero	Savage of Swanton
Burke of Brattleboro	Juskiewicz of Cambridge	Sharpe of Bristol
Buxton of Tunbridge	Keenan of St. Albans City	Shaw of Pittsford
Canfield of Fair Haven	Kitzmiller of Montpelier	Shaw of Derby
Carr of Brandon	Klein of East Montpelier	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Komline of Dorset	Sibilia of Dover
Clarkson of Woodstock	Krebs of South Hero	Smith of New Haven
Cole of Burlington	Krowinski of Burlington	Stevens of Waterbury
Condon of Colchester	LaClair of Barre Town	Strong of Albany
Connor of Fairfield	Lalonde of South Burlington	Stuart of Brattleboro
Corcoran of Bennington	Lanpher of Vergennes	Sullivan of Burlington
Cupoli of Rutland City	Lawrence of Lyndon	Sweaney of Windsor
Dakin of Chester	Lefebvre of Newark	Terenzini of Rutland Town
Dakin of Colchester	Lewis of Berlin	Till of Jericho
Dame of Essex	Lippert of Hinesburg	Toleno of Brattleboro
Davis of Washington	Long of Newfane	Toll of Danville
Deen of Westminster	Lucke of Hartford	Townsend of South Burlington
Devereux of Mount Holly	Manwaring of Wilmington	Trieber of Rockingham
Dickinson of St. Albans Town	Martin of Wolcott	Troiano of Stannard
Donovan of Burlington	Masland of Thetford	Turner of Milton
Emmons of Springfield	McCormack of Burlington	Van Wyck of Ferrisburgh
Evans of Essex	McCoy of Poultney	Viens of Newport City
Fagan of Rutland City	McCullough of Williston	Walz of Barre City
Feltus of Lyndon	McFaun of Barre Town	Webb of Shelburne
Fields of Bennington	Miller of Shaftsbury	Willhoit of St. Johnsbury
Fiske of Enosburgh	Morris of Bennington	Wood of Waterbury
Forguites of Springfield	Morrissey of Bennington	Woodward of Johnson
French of Randolph	Mrowicki of Putney	Wright of Burlington
Gage of Rutland City	Murphy of Fairfax	Yantachka of Charlotte
Gamache of Swanton	Myers of Essex	Young of Glover
Gonzalez of Winooski	Nuovo of Middlebury	Zagar of Barnard
	Olsen of Londonderry	
	O'Sullivan of Burlington	

Those who voted in the negative are:

none

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

Batchelor of Derby	Frank of Underhill	O'Brien of Richmond
Christie of Hartford	Lenes of Shelburne	Purvis of Colchester
Conquest of Newbury	Macaig of Williston	Scheuermann of Stowe
Donahue of Northfield	Marcotte of Coventry	Smith of Morristown
Eastman of Orwell	Martel of Waterford	Tate of Mendon

Pending third reading of the bill, **Rep. Gage of Rutland City** moved to amend the bill as follows:

First: In Sec. B.1101, fiscal year 2017 one-time General Fund appropriations, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) The sum of \$140,000 is appropriated to the Green Mountain Care Board to contract with an independent third party for analysis of the current functionality and long-term sustainability of the technology for Vermont Health Connect pursuant to Sec. E.127.1 of this act.

Second: By striking out Sec. C.100, Dr. Dynasaur expansion study; report, in its entirety

Third: By striking out Sec. E.127.1 in its entirety and inserting in lieu thereof the following:

Sec. E.127.1. VERMONT HEALTH BENEFIT EXCHANGE TECHNOLOGY; SUSTAINABILITY ANALYSIS; REPORT

(a) The Green Mountain Care Board, through a contract with an independent third party, shall provide a report to the General Assembly on or before December 1, 2016 with an analysis of the current functionality and long-term sustainability of the technology for Vermont's Health Benefit Exchange, including a review of the deficiencies in Vermont Health Connect functionality and the integration, connectivity, and business logic of each as they pertain to both the back end systems and the user interface of Vermont Health Connect. The analysis shall provide recommendations for improving the function, efficiency, reliability, operations, and customer experience of the technology going forward. The report shall include an evaluation of the investment value of existing components of the Exchange technology and the contractor's assessment of the feasibility and cost-effectiveness of leveraging existing components of the Vermont Health Benefit Exchange as part of the

technology for a larger, integrated eligibility system, including reviewing changes other states have made to the Exchange components of their technology infrastructure. The analysis and report shall provide a comparison of the investments required to ensure a sustainable State-based Exchange through further investment in Vermont Health Connect's current technology, including any opportunities to build on other states' Exchange technology, with the estimated investments that would be required to transition to a fully or partially federally facilitated Exchange.

(b) In preparing its request for proposal, the Green Mountain Care Board shall consult with health insurers offering qualified health plans on Vermont Health Connect.

(c) Based on the results of the analysis required by subsection (a) of this section, on or before January 15, 2016, the Green Mountain Care Board shall recommend to the General Assembly whether it would be more advantageous for Vermont residents to maintain the existing Vermont Health Connect, with any modifications identified in the analysis, or to transition to a fully federally facilitated Exchange or a federally facilitated State-based Exchange. If the Board recommends moving to a new Exchange model, 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, options for financing 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. The plan shall also include a description of the steps needed to dismantle unnecessary functions of Vermont Health Connect while minimizing financial exposure to the State.

Thereupon, **Rep. Gage of Rutland City** moved to substitute an amendment for his amendment as follows:

First: In Sec. B.1101, fiscal year 2017 one-time General Fund appropriations, by striking out subsection (d) in its entirety and inserting in lieu thereof the following:

(d) The sum of \$612,000 is appropriated to the Joint Fiscal Office to contract with an independent third party for analysis of the current functionality and long-term sustainability of the technology for Vermont Health Connect pursuant to Sec. E.127.1 of this act. Of these funds, \$472,000.00 shall come from funds appropriated by this act to the Department of Vermont Health Access for operation of Vermont Health Connect.

Second: By striking out Sec. C.100, Dr. Dynasaur expansion study; report, in its entirety

Pending the question, Shall the amendment be substituted? **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 amendment be substituted? was decided in the negative. Yeas, 46. Nays, 87.

Those who voted in the affirmative are:

Bancroft of Westford	Dickinson of St. Albans	McFaun of Barre Town
Baser of Bristol	Town	Morrissey of Bennington
Beck of St. Johnsbury	Fiske of Enosburgh	Myers of Essex
Beyor of Highgate	Gage of Rutland City	Parent of St. Albans Town
Branagan of Georgia	Gamache of Swanton	Quimby of Concord
Brennan of Colchester	Graham of Williamstown *	Savage of Swanton
Browning of Arlington *	Greshin of Warren	Shaw of Pittsford
Burditt of West Rutland	Hebert of Vernon	Sibilia of Dover
Canfield of Fair Haven	Higley of Lowell	Smith of New Haven
Carr of Brandon *	Hubert of Milton	Strong of Albany
Condon of Colchester	Juskiewicz of Cambridge	Terenzini of Rutland Town
Corcoran of Bennington	LaClair of Barre Town	Turner of Milton *
Cupoli of Rutland City	Lawrence of Lyndon	Van Wyck of Ferrisburgh
Dame of Essex	Lefebvre of Newark	Viens of Newport City
Devereux of Mount Holly	Lewis of Berlin	Willhoit of St. Johnsbury
	McCoy of Poultney	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Donovan of Burlington	Kitzmiller of Montpelier
Bartholomew of Hartland	Emmons of Springfield	Klein of East Montpelier
Berry of Manchester	Evans of Essex	Krebs of South Hero
Bissonnette of Winooski	Fagan of Rutland City	Krowinski of Burlington
Botzow of Pownal	Feltus of Lyndon	Lalonde of South Burlington
Briglin of Thetford	Fields of Bennington	Lanpher of Vergennes
Burke of Brattleboro	Forguites of Springfield	Lippert of Hinesburg
Buxton of Tunbridge	French of Randolph	Long of Newfane
Chesnut-Tangerman of	Gonzalez of Winooski	Lucke of Hartford
Middletown Springs	Grad of Moretown	Manwaring of Wilmington
Clarkson of Woodstock	Haas of Rochester	Martin of Wolcott
Cole of Burlington	Head of South Burlington	McCormack of Burlington
Connor of Fairfield	Helm of Fair Haven	McCullough of Williston
Copeland-Hanzas of	Hooper of Montpelier	Miller of Shaftsbury
Bradford	Huntley of Cavendish	Morris of Bennington
Dakin of Chester	Jerman of Essex	Mrowicki of Putney
Dakin of Colchester	Jewett of Ripton	Murphy of Fairfax
Davis of Washington	Johnson of South Hero *	Nuovo of Middlebury
Deen of Westminster	Keenan of St. Albans City	O'Brien of Richmond

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

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

Batchelor of Derby	Komline of Dorset	Purvis of Colchester
Christie of Hartford	Lenes of Shelburne	Scheuermann of Stowe
Conquest of Newbury	Macaig of Williston	Shaw of Derby
Donahue of Northfield	Marcotte of Coventry	Tate of Mendon
Eastman of Orwell	Martel of Waterford	
Frank of Underhill	Masland of Thetford	

Rep. Browning of Arlington explained her vote as follows:

“Mr. Speaker:

How long, how long do Vermonters have to wait? I vote yes on this amendment substitution in an effort to ensure that Vermonters have the fully functioning health insurance exchange that they should have had years ago; sooner rather than later.”

Rep. Carr of Brandon explained his vote as follows:

“Mr. Speaker:

I have constituents with cancelled checks that are getting big bills that claim to be unpaid.

The Health Connect needs to be fixed now and funds can later be found for Dr. Dinosaur, a program I admire and support.”

Rep. Graham of Williamstown explained his vote as follows:

“Mr. Speaker:

I voted yes for this amendment because I have had to call Health Connect about every two weeks when I get notice that I requested cancellation or non-payment, two bills in one month, neither right. And their response is always “I don’t know why. We show everything is OK.”

Rep. Johnson of So. Hero explained her vote as follows:

“Mr. Speaker:

I agree that we need to assess Vermont Health Connect to evaluate where to go from here. However, this fly-by-night amendment, because of the federal match money we would lose, would strip that budget of \$2m - \$5m, further destabilizing a struggling system. We can find more sensible funding.”

Rep. Toll of Danville explained her vote as follows:

“Mr. Speaker:

My no vote supports responsibly identifying funds that will be net neutral to complete this critical 3rd party analysis of VHC. I cannot support grabbing money and creating a hole in a department’s budget by using committed funds.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

Vermonters are suffering today! Your committees say they are committed to assessing VT Health Connect. An earlier amendment re-appropriated 750K. This amendment uses their language and identifies the money necessary to do it now. Why would we study a new program and continue spending money to repair VT Health Connect until we know if it is salvageable.

Vermonters cannot wait. They have waited long enough!

Thank you.”

Thereupon, the amendment offered by Rep. Gage of Rutland City was disagreed to.

Pending third reading of the bill, **Rep. Jewett of Ripton** moved to amend the bill as follows:

By inserting a Sec. E.204 to read as follows:

Sec. E.204 JUDICIARY AND VERMONT BAR ASSOCIATION
WORK GROUP; ANALYSIS OF CHILD PROTECTION
SYSTEM

(a) The Judiciary and the Vermont Bar Association shall convene a work group of stakeholders from Franklin and Grand Isle Counties, including judges, attorneys representing parents, attorneys representing children, State’s Attorneys, guardians ad litem, social workers from the Family Services Division of the Department for Children and Families, and the Defender

General or designee to undertake an analysis of how to improve the child protection system and how better to manage the child abuse and neglect caseload within the Judiciary. The work group's analysis shall include:

(1) examining whether the addition of special masters or other judicial adjuncts could increase the case-clearing rate of the existing pool of judges;

(2) examining whether the current deployment of judges to treatment court is increasing dockets and decreasing access to justice; and

(3) determining whether the addition of a Superior Court judge is the most critical need within the system.

(b) The Court Administrator shall report to the House and Senate Committees on Appropriations and on Judiciary on recommendations arising from the work group's analysis by April 22, 2016.

(c) The appropriation in Sec. B.204 of this act that funds one new Superior Court judge shall be contingent on the recommendation of the work group.

Which was agreed to on a Division vote. Yeas, 114. Nays, 2.

Pending third reading of the bill, **Rep. Poirier of Barre City** moved to amend the bill as follows:

In Sec. B.1103 (security plan and funding) by striking out subsection (a) in its entirety and inserting in lieu thereof:

(a) The Secretary of Administration and the Court Administrator shall implement site specific workplace security and risk reduction plans developed by the Commissioner of Buildings and General Services for State office buildings, and for courthouse security purposes, plans jointly developed by the Court Administrator's Office and the Commissioner of Buildings and General Services. These plans shall enhance security through improved workplace management practices, employee training, and building security improvements, including parking lots.

(b) For the purposes of implementing this section, the sum of \$1,000,000 from the General Fund is appropriated to the Agency of Administration for the Executive Branch activities and the sum of \$900,000 is appropriated to the Judiciary for Judicial Branch activities.

Thereupon, **Rep. Poirier of Barre City** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Reps. Pearson of Burlington, Davis of Washington, Donovan of Burlington and McFaun of Barre Town** moved to amend the bill as follows:

In Sec. E.102 (Secretary of Administration; workers compensation insurance report) by striking out subdivision (a)(1) in its entirety and inserting in lieu thereof:

(1) activities taken to change the Risk Management function within the Workers' Compensation Insurance Division of the Secretary of Administration's Office, how any change will improve the level and quality of service, and any potential savings;

Which was agreed to.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Johnson of South Hero** 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 pass? was decided in the affirmative. Yeas, 94. Nays, 40.

Those who voted in the affirmative are:

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

Townsend of South	Walz of Barre City	Yantachka of Charlotte
Burlington	Webb of Shelburne	Young of Glover
Trieber of Rockingham	Wood of Waterbury	Zagar of Barnard
Troiano of Stannard	Woodward of Johnson	

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	Quimby of Concord
Bayor of Highgate	Greshin of Warren	Savage of Swanton
Branagan of Georgia	Hebert of Vernon	Shaw of Pittsford
Burditt of West Rutland	Higley of Lowell	Smith of New Haven
Canfield of Fair Haven	Hubert of Milton	Strong of Albany
Cupoli of Rutland City	LaClair of Barre Town	Terenzini of Rutland Town
Dame of Essex	Lawrence of Lyndon	Turner of Milton *
Devereux of Mount Holly	Lefebvre of Newark	Van Wyck of Ferrisburgh
Dickinson of St. Albans Town	Lewis of Berlin	Viens of Newport City
Feltus of Lyndon	McCoy of Poultney	Willhoit of St. Johnsbury
Fiske of Enosburgh	McFaun of Barre Town	Wright of Burlington
	Myers of Essex	

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

Batchelor of Derby	Eastman of Orwell	Masland of Thetford
Browning of Arlington	Komline of Dorset	Purvis of Colchester
Christie of Hartford	Lucke of Hartford	Scheuermann of Stowe
Conquest of Newbury	Marcotte of Coventry	Shaw of Derby
Donahue of Northfield	Martel of Waterford	Tate of Mendon

Rep. Copeland-Hanzas from Bradford explained her vote as follows:

“Mr. Speaker:

Vermonters want to know that when their grandmother can no longer care for herself alone, supports will be there to help her live a safe and dignified life. Vermonters want to know that when a neighbor falls victim to addiction, a Department for Children and Families will be there to support the children. And Vermonters want to know that when a carcinogenic pollutant is found in their well, a swift and strong response will ensure they have safe drinking water. For those reasons and thousands more, I vote yes for this budget that slows the rate of growth to under 3%, invests in our prior commitments, and concentrates our resources on the important priorities ALL Vermonters value.”

Rep. Mrowicki of Putney explained his vote as follows:

“Mr. Speaker:

Budgets are value statements. What we value, who we value, is made real with where we put our money.

I stand in support of this budget and all the inclusive hard work of your Appropriations Committee. They addressed so many needs of so many Vermonters, all the while maintaining budget discipline and fiscal responsibility.”

Rep. Rachelson of Burlington explained her vote as follows:

“Mr. Speaker:

This bill is the result of the invited input from so many in addition to the Appropriations Committee's work, uses no one time funds and sets up a reserve for the 53 week of Medicaid costs. It includes many items to make state government more efficient and save tax payers money including changing procurement policies, audit findings policies and audit remediation do policies, which will increase efficiencies and financial savings to Vermonters.”

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 contrary to the comments of the Appropriations chair 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.”

Action on Bill Postponed

H. 863

House bill, entitled

An act relating to making miscellaneous amendments to Vermont's retirement laws

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

Adjournment

At eight o'clock and fifty-three minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.