

Journal of the House

Special Session

Wednesday, May 30, 2018

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

Devotional Exercises

In lieu of devotional exercises a moment of silence was observed.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 9

By Reps. Botzow of Pownal, Marcotte of Coventry and Myers of Essex,
House bill, entitled

An act relating to the fair repair of consumer electronic devices;

To the committee on Commerce and Economic Development.

H. 10

By Rep. O'Sullivan of Burlington,
House bill, entitled

An act relating to transportation network companies;

To the committee on Commerce and Economic Development.

H. 11

By Reps. Grad of Moretown, Pugh of South Burlington, Jessup of Middlesex, Lalonde of South Burlington, Morris of Bennington and Townsend of South Burlington,

House bill, entitled

An act relating to relief from abuse orders;

To the committee on Judiciary.

H. 12

By Reps. Willhoit of St. Johnsbury and Joseph of North Hero,

House bill, entitled

An act relating to statutory time frames for CHINS proceedings;

To the committee on Judiciary.

H. 13

By the committee on Appropriations,

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

Pursuant to House rule 48, bill placed on the Calendar for notice.

H. 14

By Reps. Sharpe of Bristol, Cupoli of Rutland City and Long of Newfane,

House bill, entitled

An act relating to the adoption of ethnic and social equity studies standards into existing statewide curriculum standards;

To the committee on Education.

Senate Bill Referred

S. 1

Senate bill, entitled

An act relating to co-payment limits for chiropractic care and physical therapy

Was read and referred to the committee on Health Care.

Senate Bill Referred

S. 2

Senate bill, entitled

An act relating to regulating finance leases for credit card terminals

Was read and referred to the committee on Commerce and Economic Development.

Senate Bill Referred

S. 3

Senate bill, entitled

An act relating to sexual exploitation of students

Was read and referred to the committee on Education.

Recess

At ten o'clock and fourteen minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

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

Action on Bill Postponed**H. 1**

House bill, entitled

An act relating to sexual exploitation of a person in law enforcement officer custody

Was taken up and pending the reading of the report of the committee on Judiciary, on motion of **Rep. Colburn of Burlington**, action on the bill was postponed until June 6, 2018.

**Favorable Report; Second Reading;
Third Reading Ordered****H. 7**

Rep. Stevens of Waterbury, for the committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to creating the Department of Liquor and Lottery and the Board of Liquor and Lottery

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

**Favorable Report; Second Reading;
Third Reading Ordered****H. 8**

Rep. LaClair of Barre Town, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to boards and commissions

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

**Rules Suspended; Favorable Report; Second Reading;
Third Reading Ordered**

S. 2

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

An act relating to regulating finance leases for credit card terminals

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

Rep. Marcotte of Coventry, for the committee on Commerce and Economic Development, to which had been referred the Senate bill reported in favor of its passage.

Thereupon, the bill was read the second time and third reading was ordered.

**Rules Suspended; Favorable Report; Second Reading;
Third Reading Ordered**

S. 3

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

An act relating to sexual exploitation of students

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

Rep. Webb of Shelburne, for the committee on Education, to which had been referred the Senate bill reported in favor of its passage.

Thereupon, the bill was read the second time and third reading was ordered.

**Rules Suspended; Favorable Report; Second Reading;
Third Reading Ordered**

H. 9

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

An act relating to the fair repair of consumer electronic devices

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

Rep. Myers of Essex, for the committee on Commerce and Economic Development, to which had been referred reported in favor of its passage.

Thereupon, the bill was read the second time and third reading was ordered.

**Rules Suspended; Favorable Report; Second Reading;
Third Reading Ordered**

H. 10

On Motion of **Rep. Savage of Swanton**, the rules were suspended and House bill, entitled

An act relating to transportation network companies

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

Rep. O'Sullivan of Burlington, for the committee on Commerce and Economic Development, to which had been referred reported in favor of its passage.

Thereupon, the bill was read the second time and third reading was ordered.

Recess

At two o'clock and four minutes in the afternoon, the Speaker declared a recess until two o'clock and twenty minutes in the afternoon.

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

**Rules Suspended; Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 1

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

An act relating to co-payment limits for chiropractic care and physical therapy

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

Rep. Houghton of Essex, for the committee on Health Care, to which had been referred the Senate bill reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 2, 8 V.S.A. § 4088a, in subdivision (a)(4), following “under the plan,” by striking out “, up to a maximum of 50 percent of the total reimbursement amount to the chiropractic physician for providing the services”

Second: In Sec. 3, 8 V.S.A. § 4088k, following “under the plan,” by striking out “, up to a maximum of 50 percent of the total reimbursement amount to the physical therapist for providing the services”

Third: In Sec. 5, health insurance coverage for non-opioid approaches to treating and managing pain; report, in subdivision (b)(3), following “total charge”,

by inserting “or reimbursement”

Thereupon, the bill was read the second time, the report of the committee on Health Care was agreed to and third reading was ordered.

Rules Suspended; Third Reading; Bill Passed

H. 7

On House bill, entitled

An act relating to creating the Department of Liquor and Lottery and the Board of Liquor and Lottery

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed.

Rules Suspended; Third Reading; Bill Passed

H. 8

On House bill, entitled

An act relating to boards and commissions

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed.

Rules Suspended; Third Reading; Bill Passed in Concurrence

S. 2

On Senate bill, entitled

An act relating to regulating finance leases for credit card terminals

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed in concurrence.

Rules Suspended; Third Reading; Bill Passed in Concurrence

S. 3

On Senate bill, entitled

An act relating to sexual exploitation of students

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed in concurrence.

Rules Suspended; Third Reading; Bill Passed**H. 9**

On House bill, entitled

An act relating to the fair repair of consumer electronic devices

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed.

Rules Suspended; Third Reading; Bill Passed**H. 10**

On House bill, entitled

An act relating to transportation network companies

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed.

**Rules Suspended; Third Reading; Bill Passed in Concurrence with
Proposal of Amendment****S. 1**

On Senate bill, entitled

An act relating to co-payment limits for chiropractic care and physical therapy

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed in concurrence with proposal of amendment.

Rules Not Suspended**H. 13**

Pending entry on the Calendar for notice, **Rep. Krowinski of Burlington** moved that the rules be suspended to take up House bill, entitled

An act relating to making appropriations for the support of government

Pending the question, Shall the House suspend the rules to take up the bill for immediate consideration? **Rep. Krowinski 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 House suspend the rules to take up the bill for immediate consideration? was decided in the negative. Yeas, 82. Nays, 52, A three-quarter vote of 101 needed to suspend the rules.

 Those who voted in the affirmative are:

Ancel of Calais	Gonzalez of Winooski	Ode of Burlington
Bartholomew of Hartland	Grad of Moretown	O'Sullivan of Burlington
Belaski of Windsor	Haas of Rochester	Pajala of Londonderry
Bissonnette of Winooski	Head of South Burlington	Partridge of Windham
Bock of Chester	Hill of Wolcott	Potter of Clarendon
Botzow of Pownal	Hooper of Montpelier	Pugh of South Burlington
Browning of Arlington	Hooper of Randolph	Rachelson of Burlington *
Brumsted of Shelburne	Houghton of Essex	Scheu of Middlebury
Buckholz of Hartford	Howard of Rutland City	Sharpe of Bristol *
Carr of Brandon	Jessup of Middlesex	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs *	Jickling of Randolph	Sibilia of Dover
Christensen of Weathersfield	Joseph of North Hero	Squirrell of Underhill
Christie of Hartford	Keenan of St. Albans City	Stevens of Waterbury *
Colburn of Burlington	Kitzmiller of Montpelier	Stuart of Brattleboro
Conlon of Cornwall	Krowinski of Burlington *	Taylor of Colchester
Connor of Fairfield	Lalonde of South Burlington	Toleno of Brattleboro
Conquest of Newbury	Lanpher of Vergennes	Toll of Danville *
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Townsend of South Burlington
Corcoran of Bennington	Long of Newfane	Trieber of Rockingham
Dakin of Colchester	Lucke of Hartford *	Troiano of Stannard
Deen of Westminster	Macaig of Williston	Webb of Shelburne
Donovan of Burlington	Masland of Thetford	Weed of Enosburgh
Dunn of Essex	McCormack of Burlington	Wood of Waterbury
Emmons of Springfield	McCullough of Williston	Yacovone of Morristown
Forguites of Springfield	Miller of Shaftsbury *	Yantachka of Charlotte
Gannon of Wilmington	Morris of Bennington	Young of Glover
Giambatista of Essex	Mrowicki of Putney	
	Murphy of Fairfax *	
	Noyes of Wolcott	

Those who voted in the negative are:

Ainsworth of Royalton	Gamache of Swanton	Nolan of Morristown
Bancroft of Westford	Harrison of Chittenden	Norris of Shoreham
Baser of Bristol	Hebert of Vernon	Parent of St. Albans Town
Batchelor of Derby	Helm of Fair Haven	Poirier of Barre City *
Beck of St. Johnsbury	Higley of Lowell	Quimby of Concord
Beyor of Highgate	Juskiewicz of Cambridge	Read of Fayston
Brennan of Colchester	Keefe of Manchester	Rosenquist of Georgia
Burditt of West Rutland	LaClair of Barre Town	Savage of Swanton
Canfield of Fair Haven	Lawrence of Lyndon	Scheuermann of Stowe
Cupoli of Rutland City	Lefebvre of Newark	Shaw of Pittsford
Devereux of Mount Holly	Lewis of Berlin	Smith of Derby
Dickinson of St. Albans Town	Marcotte of Coventry	Smith of New Haven
Donahue of Northfield *	Martel of Waterford	Terenzini of Rutland Town
Fagan of Rutland City	Mattos of Milton	Turner of Milton
Feltus of Lyndon	McCoy of Poultney	Van Wyck of Ferrisburgh
Frenier of Chelsea	McFaun of Barre Town	Willhoit of St. Johnsbury
	Morrissey of Bennington	Wright of Burlington *

 Gage of Rutland City

Myers of Essex

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

Briglin of Thetford

Gardner of Richmond

Sullivan of Dorset

Burke of Brattleboro

Graham of Williamstown

Sullivan of Burlington

Cina of Burlington

Kimbell of Woodstock

Till of Jericho

Condon of Colchester

Pearce of Richford

Viens of Newport City

Fields of Bennington

Strong of Albany

Walz of Barre City

Rep. Chesnut-Tangerman of Middletown Springs explained his vote as follows:

“Madam Speaker:

Moving forward with this legislation is important for so many reasons. It tells Vermonters clearly that we do not want to play chicken with the services and surety that the state government provides. It tells the financial markets that we take our responsibilities and our credit rating seriously. And it tells the governor that continues to be serious about advancing a responsible, tri-partisan budget rather than being held hostage to a campaign slogan.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

To take the time to vote on a budget that allows property taxes to go up by 5.5 cents for all but primary residences, knowing that we are in the middle of negotiations because of a veto of bills that raised taxes, is not only pointless, it risks extending our special session and creating more disarray in the potential paths forward, and accomplishes nothing that is needed today to protect government functions.”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

We need a Vermont that works for all of us, not just a select few. The Governor's veto of the budget puts Vermonters in an unnecessarily risky position and works against hard working families. That's why we need to take the lead and not allow a government shutdown, its important we create stability, keep our schools open and protect our bond rating. That's why I vote yes.”

Rep. Lucke of Hartford explained her vote as follows:

“Madam Speaker:

This bill includes many elements the legislature (both House & Senate) and the administration has supported multiple times in multiple versions. This is

our work. I vote yes to get to work today.”

Rep. Miller of Shaftsbury explained her vote as follows:

“Madam Speaker:

This budget fully supports the Veterans’ Home in Bennington where there are over 200 employees and over 150 veterans. A ‘No’ vote on this resolution puts the economy of Bennington in jeopardy, the care of our veterans in jeopardy, as well as the families who work at the Home.”

Rep. Murphy of Fairfax explained her vote as follows:

“Madam Speaker:

The original bill voted by the General Assembly had my support as being the responsible path toward maintaining a fiscally stable Vermont. In the current impasse, moving H. 13 as presented today with its clarifying amendment forward, allows the body to support that fiscally responsible action. While leaving the one item of dissention to be resolved. Vermonters would benefit from the reduced income tax brackets and the exemption of low income earners social security pensions, while the property tax portion supported by local notes is resolved.”

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

“Madam Speaker:

I voted no. This process used by the majority party is no way to run this legislature, Madam Speaker, watching this political football between the Democrats and the Governor. The threat of a shutdown of the state is ridiculous. Let’s do our work and keep the committee process free from threats and counter threats. I believe this legislature has become a smaller version of power politics just like we see from Washington.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

I voted yes to suspend the rules to take up voting for this budget. This is why we came back here at an additional cost today . It is important we do right by Vermonters by having a responsible budget in place in time for the new fiscal year. There has been tripartisan work putting together this very responsible budget. Vermonters rely on the state for vital services. We also have a duty to pass a balanced budget that is within our means and does not rely on one time money, which we had the chance to do today. Further, this one time money can provide debt reduction that will ultimately make Vermont more fiscally responsible. Not having a budget can negatively effect Vermont's bond rating, and ultimately be more expensive for Vermonters.

Coming back will also rack up more expense. This is Vermont, not Washington DC. Let's not let politics get in the way. We all want the same thing for Vermont."

Rep. Sharpe of Bristol explained his vote as follows:

"Madam Speaker:

This vote delays action on an important piece of legislation. Apparently keeping us here for extra days is good for some but not for me. I vote yes to move forward."

Rep. Stevens of Waterbury explained his vote as follows:

"Madam Speaker:

When I serve on a board of directors for a nonprofit organization, I know the most important thing I do is knowing that my actions are in line with the fiduciary responsibilities of that board, to keep that organization in good health. And so, applying that same thinking to a budget for the State of Vermont, I vote Yes. This budget represents an over 99% agreement among us all. Passing this today would go a long way to signaling that we want to keep our government going smartly, with preparation and rational goals. Delaying this vote casts doubt that we take it seriously."

Rep. Toll of Danville explained her vote as follows:

"Madam Speaker:

It is critical we join together to support suspending the rules in order to take up H.13 – the 2019 State Budget.

Everyday we fail to work together erodes the faith Vermonters have in our ability to work together to pass critical legislation.

Everyday we fail to work together jeopardizes the fiscal health of the State and sends negative signals to Wall Street.

Everyday we continue to delay action is a day wasted in doing what is right and what is principled for the State of Vermont."

Rep. Wright of Burlington explained his vote as follows:

"Madam Speaker:

I voted No. This suspension of rules does nothing to move us forward. What we need is to get into the appropriate committees and actually work on the Governor's proposal and come up with legislation that avoids further vetoes. The bill as proposed does not hold the line on taxes. It does not avoid a government shutdown. It merely causes further delays and inaction. Vermonters deserve real, meaningful compromise that gets us out of town

sooner, rather than later.”

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 7

House bill, entitled

An act relating to creating the Department of Liquor and Lottery and the Board of Liquor and Lottery

H. 8

House bill, entitled

An act relating to boards and commissions

H. 9

House bill, entitled

An act relating to the fair repair of consumer electronic devices

H. 10

House bill, entitled

An act relating to transportation network companies

S. 1

Senate bill, entitled

An act relating to co-payment limits for chiropractic care and physical therapy

S. 2

Senate bill, entitled

An act relating to regulating finance leases for credit card terminals

S. 3

Senate bill, entitled

An act relating to sexual exploitation of students

Adjournment

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