

Journal of the House

Tuesday, April 10, 2018

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

Devotional Exercises

Devotional exercises were conducted by Rev. Carl Hilton VanOsdall, First Presbyterian Church, Barre, VT.

Pledge of Allegiance

Page Peyton Jenkins of Colchester led the House in the Pledge of Allegiance.

Bill Referred to Committee on Appropriations

S. 203

House bill, entitled

An act relating to systemic improvements of the mental health system

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

House Resolution Referred to Committee

H.R. 22

House resolution, entitled

House resolution encouraging schools in Vermont to offer the Eddie Eagle GunSafe program and the Department of Fish and Wildlife's hunter education courses

Offered by: Representatives Higley of Lowell and Buckholz of Hartford

Whereas, according to a 2016 joint Harvard University and Northeastern University study, there were an estimated 265 million privately owned firearms in the United States, and

Whereas, from a different perspective, according to the online statistical compilation Statista, approximately 42 percent of U.S. households have at least one firearm in their possession, and

Whereas, these statistics support the importance of youngsters receiving basic gun safety education at an early age, especially in Vermont with its long tradition of being a hunting culture and having a respect for the appropriate use of firearms, and

Whereas, the National Rifle Association's (NRA) Eddie Eagle GunSafe program is an educational program intended for children in prekindergarten through grade 4, and

the NRA offers grant funding to schools, law enforcement agencies, hospitals, day care centers, and libraries interested in bringing the Eddie Eagle program to their facilities, and

Whereas, the program's primary teaching tool is a recently updated animated video, and it also features parent and teacher curriculum guides and a website designed for young students, and

Whereas, although Eddie Eagle is an NRA production, it conveys no value judgment about firearms and is only intended to teach children what to do if they ever come across a gun, and

Whereas, since its initial release in 1988, an estimated 28 million children in all 50 states, Canada, and Puerto Rico have participated in the program, and

Whereas, for students who are interested in learning about hunting and participating in this Vermont tradition, the Department of Fish and Wildlife (Department) has a menu of hunter education courses that is available for presentation in schools, either during or after the school day, and is offered at no cost to either the school or the individual student, and

Whereas, during fiscal year 2017, over 400 volunteer instructors have offered the Department's hunter education courses at a number of schools, and

Whereas, these courses are of practical and educational value for the participating students, now therefore be it

Resolved by the House of Representatives:

That this legislative body encourages schools in Vermont to offer the Eddie Eagle GunSafe program and the Department of Fish and Wildlife's hunter education courses, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Secretary of Education, the Executive Director of the Vermont Principals' Association, and the Commissioner of Fish and Wildlife.

Which was read and referred to the committee on Education.

Message from the Senate No. 47

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered House proposals of amendment to Senate bill of the following title:

S. 221. An act relating to establishing extreme risk protection orders.

And has concurred therein.

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

H. 589. An act relating to the reasonable and prudent parent standard.

And has passed the same in concurrence.

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

H.C.R. 302. House concurrent resolution congratulating Bennington Fire Department's Eagle Hose Company No.4 President Joseph A. Wassick for his 60-year tenure as a company member.

H.C.R. 303. House concurrent resolution congratulating the 2018 Norwich University Cadets NCAA Division III championship women's ice hockey team.

H.C.R. 304. House concurrent resolution commemorating the 125th anniversary of the legislative incorporation of the Village of Essex Junction.

H.C.R. 305. House concurrent resolution designating Thursday, March 29, 2018 as Alzheimer's Awareness and Advocacy Day.

H.C.R. 306. House concurrent resolution congratulating the 2018 Rutland High School Raiders Division I championship boys' basketball team.

H.C.R. 307. House concurrent resolution congratulating the 2018 Sharon Academy Phoenix Division IV championship boys' basketball team.

H.C.R. 308. House concurrent resolution congratulating the 2018 St. Johnsbury Academy Hilltoppers Division I championship girls' basketball team.

H.C.R. 309. House concurrent resolution designating Tuesday, April 3, 2018 as National Service Day in Vermont.

H.C.R. 310. House concurrent resolution designating April 2018 as the Month of the Military Child in Vermont.

H.C.R. 311. House concurrent resolution commemorating the 150th anniversary of the founding of the Benevolent and Protective Order of Elks.

H.C.R. 312. House concurrent resolution congratulating Amy Rounds of Westminster on her selection as the 2018 Vermont State Mother of the Year.

H.C.R. 313. House concurrent resolution honoring Jeannine Griffin of Brandon as an educator and as a woman active in her faith community.

H.C.R. 314. House concurrent resolution congratulating the 2018 Essex High School Hornets Division I championship boys' ice hockey team.

H.C.R. 315. House concurrent resolution in memory of Antonio B. Pomerleau of Burlington.

Third Reading; Bill Passed

H. 925

House bill, entitled

An act relating to approval of amendments to the charter of the City of Barre

Was taken up, read the third time and passed.

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

S. 164

Rep. Pajala of Londonderry, for the committee on Human Services, to which had been referred Senate bill, entitled

An act relating to establishing the Unused Prescription Drug Repository Program

Reported in favor of its passage in concurrence with proposal of amendment as follows:

In Sec. 1, unused prescription drug repository program; feasibility analysis; report, in subsection (b), by striking out the words "House Committee on Health Care" and inserting in lieu thereof the words "House Committees on Health Care and on Human Services"

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, the report of the committee on Human Services agreed to and third reading ordered.

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

S. 182

Rep. Gannon of Wilmington, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to the investment authority of municipal trustees of public funds

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 1, 24 V.S.A. § 2432, in subsection (d), by striking the

subsection in its entirety and inserting in lieu thereof the following:

(d) The trustees may delegate management and investment of funds under their charge to the extent that is prudent under the terms of the trust or endowment, and in accordance with 14 V.S.A. § 3415 (delegation of management and investment functions) of the Uniform Prudent Management of Institutional Funds Act. Notwithstanding the limitations on investments set forth in subsection (b) of this section, an agent exercising a delegated management or investment function may invest the funds in a publicly traded security that is:

(1) registered with the Securities and Exchange Commission pursuant to 15 U.S.C. § 78l, and listed on a national securities exchange;

(2) issued by an investment company registered pursuant to 15 U.S.C. § 80a-8;

(3) a corporate bond registered as an offering with the Securities and Exchange Commission pursuant to 15 U.S.C. § 78l and issued by an entity whose stock is a publicly traded security;

(4) a municipal security; or

(5) a security issued, insured, or guaranteed by the United States.

Second: In Sec. 3, 18 V.S.A. § 5384, in subsection (b), in subdivision (3), by striking the subdivision in its entirety and inserting in lieu thereof the following:

(3) The treasurer, selectboard, or trustees of public funds may delegate management and investment of town cemetery funds to the extent that it is prudent under the terms of the trust or endowment, and in accordance with ~~the Uniform Prudent Management of Institutional Funds Act~~, 14 V.S.A. § 3415 (delegation of management and investment functions) ~~of the Uniform Prudent Management of Institutional Funds Act~~. ~~An~~ Notwithstanding the limitations on investments set forth in this subsection, an agent exercising a delegated management or investment function may invest cemetery funds only in the securities enumerated in this section in a publicly traded security that is:

(A) registered with the Securities and Exchange Commission pursuant to 15 U.S.C. § 78l, and listed on a national securities exchange;

(B) issued by an investment company registered pursuant to 15 U.S.C. § 80a-8;

(C) a corporate bond registered as an offering with the Securities and Exchange Commission pursuant to 15 U.S.C. § 78l and issued by an entity whose stock is a publicly traded security;

(D) a municipal security; or

(E) a security issued, insured, or guaranteed by the United States.

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

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

S. 282

Rep. Dunn of Essex, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to health care providers participating in Vermont's Medicaid program

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 1, Medicaid provider screening and enrollment, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) In the event that the Department of Vermont Health Access will be unable to meet the 60-day time frame required by subsection (a) of this section by July 1, 2019, the Commissioner of Vermont Health Access shall convene a meeting of interested stakeholders, including organizations representing health care providers and health care facilities, on or before February 1, 2019, to provide an update regarding the status of the Department's provider screening and enrollment efforts, including identifying the remaining barriers and any additional resources needed for the Department to be able to process applications within 60 days following receipt and providing an alternative date by which the Department expects to begin meeting the 60-day time frame requirement.

Second: In Sec. 2, Medicaid participating provider concerns; report, by striking out “; REPORT” in the section heading and by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) On or before December 15, 2018, the Commissioner of Vermont Health Access shall convene a meeting of interested stakeholders to provide a summary of the Department's responses to participating providers' concerns regarding the Medicaid program and its administration and of the Department's findings regarding the potential for making changes to the

Medicaid fraud and abuse statutes and for creating an exception to recoupment as described in subsection (a) of this section.

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

Message from the Senate No. 48

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

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

H. 562. An act relating to parentage proceedings.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 55. Joint resolution relating to weekend adjournment.

In the adoption 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. 16. Joint resolution authorizing the Green Mountain Girls State educational program to use the State House.

And has adopted the same in concurrence.

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

S. 237

Rep. Colburn of Burlington, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to providing representation to needy persons concerning immigration matters

Reported in favor of its passage in concurrence

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 read a third time? **Rep. Turner of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 97. Nays, 40.

Those who voted in the affirmative are:

Bartholomew of Hartland	Gonzalez of Winooski	Pugh of South Burlington
Baser of Bristol	Grad of Moretown	Rachelson of Burlington
Beck of St. Johnsbury	Haas of Rochester	Read of Fayston
Belaski of Windsor	Head of South Burlington	Scheu of Middlebury
Bissonnette of Winooski	Hill of Wolcott	Scheuermann of Stowe
Bock of Chester	Hooper of Montpelier	Sharpe of Bristol
Botzow of Pownal	Hooper of Randolph	Shaw of Pittsford
Briglin of Thetford	Houghton of Essex	Sheldon of Middlebury
Brumsted of Shelburne	Howard of Rutland City	Sibilia of Dover
Buckholz of Hartford	Jessup of Middlesex	Smith of New Haven
Burke of Brattleboro	Jickling of Randolph	Squirrell of Underhill
Carr of Brandon	Joseph of North Hero	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Juskiewicz of Cambridge	Stuart of Brattleboro
Christensen of Weathersfield	Kitzmiller of Montpelier	Sullivan of Dorset
Christie of Hartford	Krowinski of Burlington *	Sullivan of Burlington
Cina of Burlington	Lalonde of South Burlington	Taylor of Colchester
Colburn of Burlington	Lanpher of Vergennes	Till of Jericho
Conlon of Cornwall	Lefebvre of Newark	Toleno of Brattleboro
Conquest of Newbury	Lewis of Berlin	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	Macaig of Williston	Troiano of Stannard
Deen of Westminster	Masland of Thetford	Walz of Barre City
Devereux of Mount Holly	McCormack of Burlington	Webb of Shelburne
Donahue of Northfield *	McCoy of Poultney	Weed of Enosburgh
Dunn of Essex	McCullough of Williston	Willhoit of St. Johnsbury
Emmons of Springfield	Miller of Shaftsbury	Wood of Waterbury
Feltus of Lyndon	Morris of Bennington	Wright of Burlington
Forguites of Springfield	Mrowicki of Putney	Yacovone of Morristown
Gannon of Wilmington	Murphy of Fairfax	Yantachka of Charlotte
Gardner of Richmond	Myers of Essex	Young of Glover
Giambatista of Essex	Noyes of Wolcott	
	O'Sullivan of Burlington *	
	Potter of Clarendon	

Those who voted in the negative are:

Bancroft of Westford	Graham of Williamstown	Nolan of Morristown
Batchelor of Derby *	Harrison of Chittenden	Norris of Shoreham
Beyor of Highgate	Hebert of Vernon	Parent of St. Albans Town
Brennan of Colchester	Helm of Fair Haven	Pearce of Richford
Browning of Arlington	Higley of Lowell	Quimby of Concord
Burditt of West Rutland	Keenan of St. Albans City *	Rosenquist of Georgia

Canfield of Fair Haven	Kimbell of Woodstock *	Savage of Swanton
Cupoli of Rutland City	LaClair of Barre Town	Smith of Derby
Dickinson of St. Albans Town	Lawrence of Lyndon	Strong of Albany
Fagan of Rutland City	Marcotte of Coventry	Terenzini of Rutland Town
Frenier of Chelsea	Martel of Waterford	Turner of Milton
Gage of Rutland City	Mattos of Milton	Van Wyck of Ferrisburgh
Gamache of Swanton	McFaun of Barre Town	Viens of Newport City
	Morrissey of Bennington	

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

Ainsworth of Royalton	Donovan of Burlington	Ode of Burlington
Ancel of Calais	Fields of Bennington	Pajala of Londonderry
Condon of Colchester	Keefe of Manchester	Partridge of Windham
Connor of Fairfield	Lucke of Hartford	Poirier of Barre City

Rep. Batchelor of Derby explained her vote as follows:

“Madam Speaker:

I voted no on S.237. The problem is not if someone is legal or illegal. It is the State’s lack of money to support this bill at this time.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

Clarifying authority for the Defender General to advise existing clients on intersecting immigration matters is the right and appropriate thing to do. When immigration is the sole issue, this bill does not extend any new authority for representation. I will be offering an amendment for third reading to clarify the bill’s intended scope.”

Rep. Keenan of St. Albans City explained her vote as follows:

“Madam Speaker:

Having heard Appropriations’ testimony about the financial difficulties the Defender General has providing needed statutory services I am very hesitant to add additional work, nor do I expect state employees to work without pay or expense reimbursement.

Leaving children in unsafe homes as we do now due to inadequate resources does not justify adding new additional workload at this time.”

Rep. Kimbell of Woodstock explained his vote as follows:

“Madam Speaker:

I voted no on this bill because I believe expanding the scope of the work of the Defender General’s office into a complex legal area will require additional resources or money and legal expertise or a reduction of existing services. I

hope that by third reading I can be more comfortable with our ability to provide these legal resources in a competent and viable manner.”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

I believe everyone, those advising and those being advised, have fundamental rights and protections.

I voted yes to ensure our public defenders have the protections they need to do their work.

Thank you.”

Rep. O’Sullivan of Burlington explained her vote as follows:

“Madam Speaker:

My yes vote supports the people who work on our farms with no minimum wage, no health care, and no safety regulations – we accept their work because they keep our farmers in business. They have earned and deserve our support.”

Adjournment

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