

# House Calendar

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Friday, February 08, 2019

31st DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Favorable**

**H. 146**

An act relating to an act relating to increasing the number of examiners on the Board of Bar Examiners from nine to 11 members

**Rep. Notte of Rutland City**, for the Committee on Judiciary, recommends the bill ought to pass.

**( Committee Vote: 11-0-0)**

**NOTICE CALENDAR**

**Favorable with Amendment**

**H. 57**

An act relating to preserving the right to abortion

**Rep. Pugh of South Burlington**, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT

The General Assembly intends this act to safeguard the right to abortion in Vermont by ensuring that right is not denied, restricted, or infringed by a governmental entity. Nothing about this act shall be construed to contravene 18 U.S.C. § 1531.

Sec. 2. 18 V.S.A. Chapter 223 is added to read:

CHAPTER 223: REPRODUCTIVE RIGHTS

Subchapter 1. Freedom of Choice Act

§ 9493. INDIVIDUAL REPRODUCTIVE RIGHTS

(a) Every individual has the fundamental right to choose or refuse contraception or sterilization.

(b) Every individual who becomes pregnant has the fundamental right to choose to carry a pregnancy to term, give birth to a child, or to have an abortion.

§ 9494. INTERFERENCE WITH REPRODUCTIVE CHOICE PROHIBITED

(a) A public entity as defined in section 9496 of this title shall not, in the regulation or provision of benefits, facilities, services, or information, deny or interfere with an individual's fundamental rights to choose or refuse contraception or sterilization or to choose to carry a pregnancy to term, to give birth to a child, or to obtain an abortion.

(b) No State or local law enforcement shall prosecute any individual for inducing, performing, or attempting to induce or perform the individual's own abortion.

Subchapter 2. Prohibitions Relating to Access to Abortion

§ 9496. DEFINITIONS

As used in this subchapter:

(1) "Health care provider" means a person, partnership, or corporation, including a health care facility, that is licensed, certified, or otherwise authorized by law to provide professional health care services in this State to an individual during that individual's medical care, treatment, or confinement.

(2) "Public entity" means:

(A) the Legislative, Executive, or Judicial Branch of State Government, or any agency, department, office, or other subdivision of State government, or any elective or appointive officer or employee within any of those branches; or

(B) any municipality, or any agency, department, office, or other subdivision of municipal government, or any elective or appointive officer or employee within municipal government.

§ 9497. ABORTION; RESTRICTING ACCESS PROHIBITED

A public entity shall not:

(1) deprive a consenting individual of the choice of terminating the individual's pregnancy;

(2) interfere with or restrict, in the regulation or provision of benefits, facilities, services, or information, the choice of a consenting individual to terminate the individual's pregnancy;

(3) prohibit a health care provider, acting within the scope of the health care provider's license, from terminating or assisting in the termination of a patient's pregnancy; or

(4) interfere with or restrict, in the regulation or provision of benefits, facilities, services, or information, the choice of a health care provider acting within the scope of the health care provider's license to terminate or assist in the termination of a patient's pregnancy.

§ 9498. ENFORCEMENT

(a) An individual injured as a result of a violation of this chapter shall have a private right of action in Superior Court against a public entity for injunctive relief arising from the violation.

(b) In addition to any injunctive relief awarded, the court may award costs and reasonable attorney's fees to an injured person who substantially prevails in an action brought under this section.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

**( Committee Vote: 8-3-0)**

**H. 63**

An act relating to the time frame for return of unclaimed beverage container deposits

**Rep. Forguite of Springfield**, for the Committee on Natural Resources; Fish; and Wildlife, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 1530 is amended to read:

~~§ 1530. ABANDONED BEVERAGE CONTAINER DEPOSITS; DEPOSIT TRANSACTION ACCOUNT; BEVERAGE REDEMPTION FUND~~

~~(a) As used in this section, "deposit initiator" means the first distributor or manufacturer to collect the deposit on a beverage container sold to any person within the State.~~

~~(b) A deposit initiator shall open a separate interest-bearing account to be known as the deposit transaction account in a Vermont branch of a financial institution. The deposit initiator shall keep the deposit transaction account separate from all other revenues and accounts.~~

~~(c) Beginning on October 1, 2019, each deposit initiator shall deposit in its deposit transaction account the refund value established by section 1522 of this title for all beverage containers sold by the deposit initiator. The deposit initiator shall deposit the refund value for each beverage container in the deposit transaction account not more than three business days after the date on~~

~~which the beverage container is sold. All interest, dividends, and returns earned on the deposit transaction account shall be paid directly to the account. The deposit initiator shall pay all refunds on returned beverage containers from the deposit transaction account.~~

(d) Beginning on January 1, 2020, and quarterly thereafter, every deposit initiator shall report to the Secretary of Natural Resources and the Commissioner of Taxes concerning transactions affecting the deposit initiator's deposit transaction account in the preceding quarter. The deposit initiator shall submit the report on a form provided by the Commissioner of Taxes. The report shall include:

~~(1) the balance of the deposit transaction account at the beginning of the preceding quarter;~~

~~(2) the number of beverage containers sold in the preceding quarter and the number of beverage containers returned in the preceding quarter;~~

~~(3) (2) the amount of beverage container deposits received by the deposit initiator and deposited into the deposit transaction account;~~

~~(4) (3) the amount of refund payments made from the deposit transaction account in the preceding quarter; and~~

~~(5) any income earned on the deposit transaction account in the preceding quarter;~~

~~(6) any other transactions, withdrawals, or service charges on the deposit transaction account from the preceding quarter; and~~

~~(7)~~(4) any additional information required by the Commissioner of Taxes.

(e)(c)(1) On or before January 1, 2020, and quarterly thereafter, each deposit initiator shall remit from its deposit transaction account to the Commissioner of Taxes any abandoned beverage container deposits from the preceding quarter. The amount of abandoned beverage container deposits for a quarter is the amount equal to the amount of deposits that should be in the deposit transaction account less the sum of:

~~(A) income earned on amounts on the deposit transaction account during that quarter; and~~

~~(B) the total amount of refund value paid out by the deposit initiator for beverage containers during that quarter the deposit initiator collected in the quarter less the amount of the total refund value paid out by the deposit initiator for beverage containers during the quarter.~~

(2) In any calendar quarter, the deposit initiator may submit to the Commissioner of Taxes a request for reimbursement of refunds paid under this chapter that exceed the ~~funds that are or should be in the deposit initiator's deposit transaction account~~ amount of deposits collected in the quarter. The Commissioner of Taxes shall pay a request for reimbursement under this subdivision from the funds remitted to the Commissioner under subdivision (1) of this subsection, provided that:

(A) ~~the Commissioner determines that the funds in the deposit initiator's deposit transaction account~~ deposits collected by the deposit initiator are insufficient to pay the refunds on returned beverage containers; and

(B) a reimbursement paid by the Commissioner to the deposit initiator shall not exceed the amount paid by the deposit initiator under subdivision (1) of this subsection ~~(e)~~(c) during the preceding 12 months less amounts paid to the initiator pursuant to this subdivision (2) during that same 12-month period.

~~(f)~~(d) The Secretary of Natural Resources may prohibit the sale of a beverage that is sold or distributed in the State by a deposit initiator who fails to comply with the requirements of this chapter. The Secretary may allow the sale of a beverage upon the deposit initiator's coming into compliance with the requirements of this chapter.

(e) Data reported to the Secretary of Natural Resources and the Commissioner of Taxes by a deposit initiator under this section shall be confidential business information exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), provided that the Commissioner of Taxes may use and disclose such information in summary or aggregated form that does not directly or indirectly identify individual deposit initiators.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

**( Committee Vote: 9-2-0)**

## H. 85

An act relating to increasing the personal needs allowance for certain nursing home residents

**Rep. Haas of Rochester**, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 1307 is amended to read:

§ 1307. AMOUNT OF STATE AID

(a) The amount of State aid to which an eligible person is entitled shall be determined with due regard to the income, resources, and maintenance available to him or her and, when an eligible person lives with his or her ineligible spouse or a needy essential person, or both, as defined by the Commissioner, with due regard to the needs of the ineligible spouse and with due regard to the needs, income, and resources of the needy essential person. ~~As far as~~ To the extent funds are available, aid shall provide a reasonable subsistence compatible with decency and health. The Commissioner for Children and Families may ~~by regulation fix~~, by rule, set maximum amounts of aid and take measures to ~~insure~~ ensure that the expenditures for the programs shall not exceed the funds provided for them.

(b) The Secretary of Human Services shall provide an annual adjustment to the amount of the monthly supplement for Medicaid beneficiaries who reside in a nursing home, as defined in section 7102 of this title, and receive Supplemental Security Income (SSI). The annual adjustment amount shall be calculated by increasing the total amount of a beneficiary's SSI and State supplement by the amount of the cost-of-living adjustment, if any, determined by the Social Security Administration to be applicable to the SSI program for the forthcoming calendar year.

Sec. 2. 33 V.S.A. § 1902b is added to read:

§ 1902b. MEDICAID PERSONAL NEEDS ALLOWANCE

The Secretary of Human Services shall provide an annual adjustment to the amount of the monthly personal needs allowance for all Medicaid beneficiaries who reside in a nursing home, as defined in section 7102 of this title. The annual adjustment amount shall be calculated by increasing the personal needs allowance by the amount of the cost-of-living adjustment, if any, determined by the Social Security Administration to be applicable to the Supplemental Security Income program for the forthcoming calendar year.

Sec. 3. PERSONAL NEEDS ALLOWANCE RESET

(a) The amount of the State supplement for Medicaid beneficiaries who reside in a nursing home and receive Supplemental Security Income shall increase by \$25.00 per person per month on January 1, 2020. Beginning on January 1, 2021 and annually thereafter, the amount of the State supplement shall be increased as set forth in 33 V.S.A. § 1307.

(b) The amount of the personal needs allowance for all Medicaid beneficiaries who reside in a nursing home shall increase by \$25.00 per person per month on January 1, 2020. Beginning on January 1, 2021 and annually



thereafter, the amount of the personal needs allowance shall be increased as set forth in 33 V.S.A. § 1902b.

Sec. 4. EFFECTIVE DATES

(a) Secs. 1 (33 V.S.A. § 1307) and 2 (33 V.S.A. § 1902b) shall take effect on October 1, 2020 and shall apply beginning on January 1, 2021.

(b) Sec. 3 (personal needs allowance reset) shall take effect on October 1, 2019 and shall apply beginning on January 1, 2020.

(c) This section shall take effect on passage.

**( Committee Vote: 11-0-0)**

**Consent Calendar**

**Concurrent Resolutions for Adoption Under Joint Rule 16a**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of February 7, 2019.

**H.C.R. 37**

House concurrent resolution designating Thursday, February 14, 2019 as Suicide Prevention Awareness Day at the State House

**H.C.R. 38**

House concurrent resolution commemorating the bicentennial of Norwich University

**H.C.R. 39**

House concurrent resolution congratulating the Milton High School Yellowjackets on achieving a fourth consecutive Division II girls' soccer championship

**H.C.R. 40**

House concurrent resolution in memory of former Berlin and Northfield Chief of Police William Michael Jennings

**H.C.R. 41**

House concurrent resolution in memory of Scott Skinner of Middlesex

**H.C.R. 42**

House concurrent resolution in memory of Cornelius Hogan of Plainfield

**H.C.R. 43**

House concurrent resolution congratulating the Vermont Center for Independent Living on its 40th anniversary

**H.C.R. 44**

House concurrent resolution in memory of community volunteer and restorative justice advocate Susan Kendall Wisheart of Waterville

**H.C.R. 45**

House concurrent resolution congratulating the 2018 class of Eagle Scouts in the State of Vermont

**H.C.R. 46**

House concurrent resolution honoring Mariette Bock for her extraordinary devotion to the Whiting Library in Chester

**Public Hearings**

**PUBLIC AND ADVOCATE HEARINGS & MEMBERS' COMMENTS**

**On the FY2020 Governor's Recommended State Budget**

Joint Community-Based Public Hearings will be held on Monday, February 25, 2019, 6:00 - 7:00 p.m. – The House and Senate Committees on Appropriations are seeking public input on the FY2020 recommended State budget and will hold joint public hearings at 6 locations across the State.

**Morrisville** – People's Academy High School, Auditorium, top of Copley Avenue

**Rutland City** – Rutland Public Schools, Longfellow School Building, Board Room

**St. Johnsbury** – St. Johnsbury House, Main Dining Room, 1207 Main Street

**St. Albans City** – St. Albans City School, Library, 29 Bellows Street

**Winooski** – Community College of Vermont, Room 108, 1 Abenaki Way

**Springfield** – Springfield Town Hall, 96 Main Street, 3<sup>rd</sup> Floor Conference Room (Selectmen's Hall) **5:30-6:30 p.m.**

### **House Committee on Appropriations (only)**

**Advocate Hearings** will be held on **Wednesday, February 20, 2019, 1:00 – 2:30 p.m.** in room 11 of the **State House in Montpelier (AHS Sections only)**. **Thursday, February 21, 2019 at 8:30 – 10:00 a.m. in room 11 (all NON-AHS Sections)**.

**Members' Comments** are scheduled for **Friday, February 22, 2019 at 8:30 – 9:30 a.m. in room 42 (House Appropriations Committee Room)**

Anyone interested in testifying should come to one of the options above. Time limits on testimony may apply depending on volume of participants. Other than Public Hearings on February 25, all others should sign up in advance with Theresa.

To view a copy of the proposed budget, [click here](#). For more information about the format of any of these events, or to submit written testimony, e-mail Theresa Utton-Jerman at [tutton@leg.state.vt.us](mailto:tutton@leg.state.vt.us) or call 802-828-5767.

### **Joint Assembly**

**Thursday, February 21, 2019 10:30 A.M. – House Chamber - Election of a Sergeant at Arms, of an Adjutant and Inspector General, and of three (3) trustees for the University of Vermont, and Vermont and State Agricultural College.**

Candidates for the positions of Sergeant at Arms, Adjutant and Inspector General, and legislative candidates for UVM trustees must notify the Secretary of State **in writing** of their candidacies not later than Thursday, February 14, 2019, by 4:00 P.M., pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.