

Journal of the House

Thursday, March 28, 2019

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

Devotional Exercises

Devotional exercises were conducted by Jessica Bernstein, Caitlin Mello, Haley Newman, Interns at NASW VT.

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. 544

By Reps. Hooper of Burlington, Cina of Burlington, Colburn of Burlington, Colston of Winooski, Donovan of Burlington, Krowinski of Burlington, McCormack of Burlington, O'Sullivan of Burlington, Ode of Burlington, Rachelson of Burlington and Sullivan of Burlington,

House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington;

To the committee on Government Operations.

H. 545

By Reps. Killacky of South Burlington, LaLonde of South Burlington, Pugh of South Burlington and Townsend of South Burlington,

House bill, entitled

An act relating to approval of an amendment to the charter of the City of South Burlington;

To the committee on Government Operations.

H. 546

By Reps. Cordes of Lincoln, Anthony of Barre City, Bartholomew of Hartland, Birong of Vergennes, Bock of Chester, Briglin of Thetford, Campbell of St. Johnsbury, Carroll of Bennington, Chase of Colchester, Christensen of Weathersfield, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Colston of Winooski, Copeland-Hanzas of Bradford, Dolan of Waitsfield, Durfee of Shaftsbury, Elder of Starksboro,

Gannon of Wilmington, Hashim of Dummerston, Hooper of Montpelier, Hooper of Randolph, Hooper of Burlington, Houghton of Essex, James of Manchester, Jerome of Brandon, Jickling of Randolph, Killacky of South Burlington, Kitzmiller of Montpelier, Kornheiser of Brattleboro, LaLonde of South Burlington, Lanpher of Vergennes, Masland of Thetford, McCarthy of St. Albans City, McCullough of Williston, Mrowicki of Putney, Nicoll of Ludlow, Notte of Rutland City, O'Brien of Tunbridge, O'Sullivan of Burlington, Ode of Burlington, Partridge of Windham, Patt of Worcester, Rachelson of Burlington, Ralph of Hartland, Redmond of Essex, Rogers of Waterville, Scheu of Middlebury, Stevens of Waterbury, Sullivan of Dorset, Sullivan of Burlington, Till of Jericho, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Wood of Waterbury, Yacovone of Morristown and Yantachka of Charlotte,

House bill, entitled

An act relating to insurance coverage for medically necessary gender-affirming surgery regardless of patient age;

To the committee on Health Care.

**Committee Bill; Second Reading;
Consideration Interrupted**

H. 524

Rep. Houghton of Essex spoke for the committee on Health Care.

House bill entitled

An act relating to health insurance and the individual mandate

Rep. Till of Jericho for the committee on Ways and Means recommended that the bill ought to pass when amended as follows::

First: By striking out Sec. 1, 32 V.S.A. chapter 244, in its entirety and inserting in lieu thereof the following

Sec. 1. 32 V.S.A. chapter 244 is amended to read:

CHAPTER 244. REQUIREMENT TO MAINTAIN MINIMUM
ESSENTIAL COVERAGE

§ 10451. DEFINITIONS

As used in this chapter:

(1) "Applicable individual" means, with respect to any month, an individual other than the following:

(A) an individual ~~with a religious conscience exemption~~ who is:

(i) a member of a recognized religious sect or division thereof that is described in 26 U.S.C. § 1402(g)(1) and is an adherent of established tenets or teachings of that sect or division; or

(ii) a member of a religious sect or division thereof that is not described in 26 U.S.C. § 1402(g)(1), who relies solely on a religious method of healing, and for whom the acceptance of medical health services would be inconsistent with the individual's religious beliefs;

(B) an individual not lawfully present in the United States; or

(C) an individual for any month if for the month the individual is incarcerated, other than incarceration pending the disposition of charges.

~~(2) "Eligible employer-sponsored plan" shall have the same meaning as in 26 U.S.C. § 5000A, as amended, and as in effect on December 31, 2017, and any related regulations.~~

~~(3) "Minimum essential coverage" shall have has the same meaning as in 26 U.S.C. § 5000A, ~~as amended,~~ and any related regulations and federal guidance, as in effect on December 31, 2017, ~~and any related regulations.~~ The term also includes any other coverage or health insurance product deemed by the Department of Financial Regulation to constitute minimum essential coverage based on the criteria established in federal law and guidance in effect on December 31, 2017.~~

§ 10452. REQUIREMENT TO MAINTAIN MINIMUM ESSENTIAL COVERAGE

An applicable individual shall ensure that the individual and any dependent of the individual who is also an applicable individual is covered at all times under minimum essential coverage.

§ 10453. REPORTING AND DOCUMENTATION OF COVERAGE

(a) Each applicable individual who files or is required to file an individual income tax return as a resident of Vermont, either separately or jointly with a spouse, shall indicate on the return, in a manner prescribed by the Commissioner of Taxes, whether the individual had minimum essential coverage in effect for each of the 12 months of the taxable year for which the return is filed as required by section 10452 of this chapter, whether covered as an individual or as a named beneficiary of a policy covering multiple individuals.

(b) An applicable individual who indicates on a Vermont income tax return that the individual had minimum essential coverage shall provide to the Department of Taxes, upon the Department's request, a copy of the statement

of coverage furnished to the individual pursuant to 26 U.S.C. § 6055 by the provider of the individual's minimum essential coverage.

(c) In the event that the requirement for providers of minimum essential coverage to furnish a statement of coverage to individuals pursuant to 26 U.S.C. § 6055 is suspended or eliminated for any taxable year, the Department of Vermont Health Access and each employer, health insurance carrier, and other entity providing minimum essential coverage to residents of this State shall submit a return to the Department of Taxes including the same information as had been provided to the Internal Revenue Service pursuant to 26 U.S.C. § 6055 at such time and in such form as the Commissioner of Taxes shall require.

§ 10454. OUTREACH TO UNINSURED VERMONTERS

The Department of Vermont Health Access, in consultation with the Office of the Health Care Advocate and other interested stakeholders, shall use information obtained from the Department of Taxes regarding Vermont residents without minimum essential coverage to provide targeted outreach to assist those residents in identifying and enrolling in appropriate and affordable health insurance or other health coverage.

Second: By striking out Sec. 3, 32 V.S.A. § 3112, in its entirety and inserting in lieu thereof the following:

Sec. 3. [Deleted.]

Third: By striking out Sec. 11, premium assistance expansion; legislative intent, in its entirety and inserting in lieu thereof the following:

Sec. 11. [Deleted.]

Fourth: In Sec. 13, effective dates, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Sec. 2 (32 V.S.A. § 3102(e)) shall take effect on January 1, 2020.

Fifth: In Sec. 13, effective dates, in subsection (e), by striking out "11 (premium assistance; intent),"

Rep. Lanpher of Vergennes for the committee on Appropriations, recommended the bill ought to pass when amended by the committee on Ways and Means and when amended as follows:

In Sec. 9, Health Insurance Affordability; Report, as follows:

First: In subdivision (a)(1), by adding the word "and" following the semicolon at the end of subdivision (A), by striking out subdivision (B) in its entirety, and by redesignating subdivision (C) to be subdivision (B)

Second: In subsection (a), by adding the word “and” following the semicolon at the end of subdivision (2), by striking out subdivision (3) in its entirety, and by redesignating subdivision (4) to be subdivision (3)

Recess

At ten o'clock and fifty-five minutes in the forenoon, the Speaker declared a recess until twelve o'clock and thirty minutes in the afternoon.

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

Consideration Resumed; Bill Amended; Third Reading Ordered

H. 524

Consideration resumed on House bill, entitled

An act relating to health insurance and the individual mandate

Thereupon, the recommendations of the committees on Ways and Means and Appropriations agreed to.

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

In Sec. 13, effective dates, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) Secs. 6 (33 V.S.A. § 1811(a)–(c)) and 7 (8 V.S.A. § 4079a) shall take effect on January 1, 2021 and shall apply to all health benefit plans issued, offered, or renewed for coverage on and after that date, beginning with plans for the 2021 plan year.

Thereupon, **Rep. Harrison of Chittenden** asked and was granted leave of the House to withdraw the amendment.

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

In Sec. 13, effective dates, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) Secs. 6 (33 V.S.A. § 1811(a)–(c)) and 7 (8 V.S.A. § 4079a) shall take effect on passage and shall apply to all health benefit plans issued, offered, or renewed for coverage on and after that date, beginning with plans for the 2020 plan year; provided, however, that association health plans in effect for the 2019 plan year may be renewed for coverage of existing association members for the 2020 plan year.

Pending the question, Shall the bill be amended as offered by Rep. Harrison of Chittenden? **Rep. Harrison of Chittenden** 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 offered by Rep. Harrison of Chittenden? was decided in the negative. Yeas, 50. Nays, 87.

Those who voted in the affirmative are:

Bancroft of Westford	Hango of Berkshire	Norris of Shoreham
Batchelor of Derby	Harrison of Chittenden	Notte of Rutland City
Beck of St. Johnsbury	Helm of Fair Haven	Page of Newport City
Brennan of Colchester	Higley of Lowell	Pajala of Londonderry
Brownell of Pownal	Jickling of Randolph	Palasik of Milton
Burditt of West Rutland	LaClair of Barre Town	Quimby of Concord
Canfield of Fair Haven	Lefebvre of Newark	Rosenquist of Georgia
Corcoran of Bennington	Leffler of Enosburgh	Savage of Swanton
Cupoli of Rutland City	Marcotte of Coventry	Scheuermann of Stowe
Dickinson of St. Albans Town	Martel of Waterford	Seymour of Sutton
Fagan of Rutland City	Mattos of Milton	Shaw of Pittsford
Feltus of Lyndon	McCoy of Poultney	Sibilia of Dover
Gamache of Swanton	McFaun of Barre Town	Smith of Derby
Goslant of Northfield	Morgan of Milton	Smith of New Haven
Graham of Williamstown	Morrissey of Bennington	Strong of Albany
Gregoire of Fairfield	Murphy of Fairfax	Terenzini of Rutland Town
	Myers of Essex	Toof of St. Albans Town

Those who voted in the negative are:

Ancel of Calais	Gardner of Richmond	O'Sullivan of Burlington
Anthony of Barre City	Giambatista of Essex	Partridge of Windham
Austin of Colchester	Grad of Moretown	Patt of Worcester
Bartholomew of Hartland	Haas of Rochester	Potter of Clarendon
Bates of Bennington	Hashim of Dummerston	Pugh of South Burlington
Birong of Vergennes	Hill of Wolcott	Rachelson of Burlington
Bock of Chester	Hooper of Montpelier	Redmond of Essex
Briglin of Thetford	Hooper of Randolph	Rogers of Waterville
Browning of Arlington	Houghton of Essex	Scheu of Middlebury
Brumsted of Shelburne	James of Manchester	Sheldon of Middlebury
Burke of Brattleboro	Jerome of Brandon	Squirrell of Underhill
Campbell of St. Johnsbury	Jessup of Middlesex	Stevens of Waterbury
Carroll of Bennington	Killacky of South Burlington	Sullivan of Dorset
Chase of Colchester	Kimbell of Woodstock	Sullivan of Burlington
Chesnut-Tangerman of Middletown Springs	Kitzmiller of Montpelier	Szott of Barnard
Christensen of Weathersfield	Kornheiser of Brattleboro	Taylor of Colchester
Cina of Burlington	Krowinski of Burlington	Till of Jericho
Coffey of Guilford	LaLonde of South Burlington	Toleno of Brattleboro
Colburn of Burlington	Lanpher of Vergennes	Toll of Danville
Colston of Winooski	Long of Newfane	Townsend of South Burlington
Conlon of Cornwall	Macaig of Williston	Trieber of Rockingham

Conquest of Newbury	Masland of Thetford	Troiano of Stannard
Cordes of Lincoln	McCarthy of St. Albans City	Walz of Barre City
Demrow of Corinth	McCormack of Burlington	Webb of Shelburne
Dolan of Waitsfield	McCullough of Williston	White of Hartford
Donovan of Burlington	Mrowicki of Putney	Yacovone of Morristown *
Durfee of Shaftsbury	Nicoll of Ludlow	Yantachka of Charlotte
Elder of Starksboro	Noyes of Wolcott	Young of Greensboro
Emmons of Springfield	O'Brien of Tunbridge	
	Ode of Burlington	

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

Christie of Hartford	Forguites of Springfield	Lippert of Hinesburg
Copeland-Hanzas of Bradford	Gannon of Wilmington	Ralph of Hartland
Donahue of Northfield	Gonzalez of Winooski	Wood of Waterbury
Fegard of Berkshire	Hooper of Burlington	
	Howard of Rutland City	

Rep Yacovone of Morristown explained his vote as follows:

“Madam Speaker:

I visited Woodbury recently to attend a pie breakfast, and while wondering how many ‘points’ the pie I was eyeing might have I saw a sign on the wall of the school gym that said TEAM – Together Everyone Achieves More. I am reminded of that sign (and the pie) today. When we are divided, when we splinter off, we lose. Together we all achieve more.”

Thereupon, third reading was ordered.

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

S. 14

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

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

Reported in favor of its passage in concurrence

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

Committee Bill; Second Reading; Third Reading Ordered

H. 542

Rep. Toll of Danville spoke for the committee on Appropriations.

House bill entitled

An act relating to making appropriations for the support of government

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. Toll of Danville** 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, 139. Nays, 1.

Those who voted in the affirmative are:

Ancel of Calais	Gardner of Richmond	Noyes of Wolcott
Anthony of Barre City	Giambatista of Essex	O'Brien of Tunbridge
Austin of Colchester	Goslant of Northfield	Ode of Burlington
Bancroft of Westford	Grad of Moretown	O'Sullivan of Burlington
Bartholomew of Hartland	Graham of Williamstown	Page of Newport City
Batchelor of Derby	Haas of Rochester	Pajala of Londonderry
Bates of Bennington	Hango of Berkshire	Palasik of Milton
Beck of St. Johnsbury	Harrison of Chittenden	Partridge of Windham
Birong of Vergennes	Hashim of Dummerston	Patt of Worcester
Bock of Chester	Helm of Fair Haven	Potter of Clarendon
Brennan of Colchester	Higley of Lowell	Pugh of South Burlington
Briglin of Thetford	Hill of Wolcott	Quimby of Concord
Brownell of Pownal	Hooper of Montpelier	Rachelson of Burlington
Browning of Arlington	Hooper of Randolph	Redmond of Essex
Brumsted of Shelburne	Hooper of Burlington	Rogers of Waterville
Burditt of West Rutland	Houghton of Essex	Rosenquist of Georgia
Burke of Brattleboro	James of Manchester	Savage of Swanton
Campbell of St. Johnsbury	Jerome of Brandon	Scheu of Middlebury
Canfield of Fair Haven	Jessup of Middlesex	Scheuermann of Stowe
Carroll of Bennington	Jickling of Randolph	Seymour of Sutton
Chase of Colchester	Killacky of South Burlington	Shaw of Pittsford
Chesnut-Tangerman of Middletown Springs	Kimbell of Woodstock	Sheldon of Middlebury
Christensen of Weathersfield	Kitzmiller of Montpelier	Sibilia of Dover
Christie of Hartford	Kornheiser of Brattleboro	Smith of Derby
Cina of Burlington *	Krowinski of Burlington *	Squirrell of Underhill
Coffey of Guilford	LaClair of Barre Town	Stevens of Waterbury
Colston of Winooski	LaLonde of South Burlington	Strong of Albany
Conlon of Cornwall	Lanpher of Vergennes	Sullivan of Dorset
Conquest of Newbury	Lefebvre of Newark	Sullivan of Burlington
Copeland-Hanzas of Bradford	Leffler of Enosburgh	Szott of Barnard
Corcoran of Bennington	Long of Newfane	Taylor of Colchester
Cupoli of Rutland City	Macaig of Williston	Terenzini of Rutland Town
Demrow of Corinth	Marcotte of Coventry	Till of Jericho
Dickinson of St. Albans Town	Martel of Waterford	Toleno of Brattleboro
Dolan of Waitsfield	Masland of Thetford	Toll of Danville
	Mattos of Milton	Toof of St. Albans Town
	McCarthy of St. Albans City	Townsend of South Burlington

Donahue of Northfield	McCormack of Burlington	Trieber of Rockingham
Donovan of Burlington	McCoy of Poultney *	Troiano of Stannard
Durfee of Shaftsbury	McCullough of Williston	Walz of Barre City
Elder of Starksboro	McFaun of Barre Town	Webb of Shelburne
Emmons of Springfield	Morgan of Milton	White of Hartford
Fagan of Rutland City	Morrissey of Bennington	Wood of Waterbury
Fegard of Berkshire	Mrowicki of Putney	Yacovone of Morristown
Feltus of Lyndon	Murphy of Fairfax	Yantachka of Charlotte
Gamache of Swanton	Myers of Essex	Young of Greensboro
Gannon of Wilmington	Nicoll of Ludlow	
	Norris of Shoreham	

Those who voted in the negative are:

Colburn of Burlington

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

Cordes of Lincoln	Gregoire of Fairfield	Notte of Rutland City
Forguites of Springfield	Howard of Rutland City	Ralph of Hartland
Gonzalez of Winooski	Lippert of Hinesburg	Smith of New Haven

Rep. Cina of Burlington explained his vote as follows:

“Madam Speaker:

I vote yes because I appreciate the efforts of the Appropriations committee to create a balanced budget within our means. However, I must register my concern because we haven't made climate action enough of a priority. What will be the cost of our inaction today on the people and our planet tomorrow?”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

I vote yes for this budget. By supporting higher education, making mental health and parent child center investments, just to name a few, help us create a Vermont that works for all of us. This budget provides strategic investment in Vermont families and programs that boost the economy and build stronger, healthier communities. Thank you.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

I sincerely thank the House committee on Appropriations for their hard work and diligence in presenting a balanced budget. I am disappointed we could not meet the Governor's recommend of 8 million to ensure we are appropriately resourcing our clean water efforts, which was also recommended by the Clean Water Board. I will be disappointed if a bill is put forth in the coming weeks that recommends a new tax or fee to make up for this 8 million

funding gap. We all agree that clean water is a priority, however, without information on a path forward on clean water, I am anxious we do not have a complete picture on whether this expenditure will be restored and how it will be funded.”

Committee Bill; Second Reading; Third Reading Ordered

H. 541

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

House bill entitled

An act relating to changes that affect the revenue of the State

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

Message from the Senate No. 30

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 on its part passed Senate bills of the following titles:

S. 32. An act relating to the public financing of campaigns.

S. 58. An act relating to the State hemp program.

S. 117. An act relating to the therapeutic use of cannabis.

S. 146. An act relating to substance misuse prevention.

S. 164. An act relating to miscellaneous changes to education law.

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

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

H. 39. An act relating to the extension of the deadline of school district mergers required by the State Board of Education.

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

Adjournment

At five o'clock and thirty-six minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.