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


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,

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


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

Those who voted in the negative are:

- Ancel of Calais
- Anthony of Barre City
- Austin of Colchester
- Bartholomew of Hartland
- Bates of Bennington
- Biron of Vergennes
- Bock of Chester
- Briglin of Thetford
- Browning of Arlington
- Brumsted of Shelburne
- Burke of Brattleboro
- Campbell of St. Johnsbury
- Carroll of Bennington
- Chase of Colchester
- Chesnut-Tangerman of Middletown Springs
- Christensen of Weathersfield
- Cina of Burlington
- Coffey of Guilford
- Colburn of Burlington
- Colston of Winooski
- Conlon of Cornwall
- Gardner of Richmond
- Giambatista of Essex
- Grad of Moretown
- Haas of Rochester
- Hashim of Dummerston
- Hill of Wolcott
- Hooper of Montpelier
- Hooper of Randolph
- Houghton of Essex
- James of Manchester
- Jerome of Brandon
- Jessup of Middlesex
- Killacky of South Burlington
- Kimbell of Woodstock
- Kitzmiller of Montpelier
- Kornheiser of Brattleboro
- Krowniski of Burlington
- LaLonde of South
- Burlington
- Lanpher of Vergennes
- Long of Newfane
- Macaig of Williston
- O'Sullivan of Burlington
- Partridge of Windham
- Patt of Worcester
- Potter of Clarendon
- Pugh of South Burlington
- Ratcheson of Burlington
- Redmon of Essex
- Rogers of Waterville
- Scheu of Middlebury
- Sheldon of Middlebury
- Squirrel of Underhill
- Stevens of Waterbury
- Sullivan of Dorset
- Sullivan of Burlington
- Szott of Barnard
- Taylor of Colchester
- Till of Jericho
- Toleno of Brattleboro
- Toll of Danville
- Townsend of South
- Burlington
- Burlington
- Vaugn of Killington
- Trieber of Rockingham
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
Bradford  Gonzalez of Winooski  Wood of Waterbury
Donahue of Northfield  Hooper of Burlington
Fegard of Berkshire  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 Yea and Nay, 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      Pulasik of Milton
Beck of St. Johnsbury  Harrison of Chittenden   Partridge of Windham
Biron 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          Quinby of Concord
Brownell of Pownal     Hooper of Montpelier      Raelson 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       Schu 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   Krowinski of Burlington * Squirrel of Underhill
Cina of Burlington *   LaClair of Barre Town    Stevens of Waterbury
Coffey of Guilford     LaLonde of South         Strong of Albany
Colton of Winooski     Burlington              Sullivan of Dorset
Conlon of Cornwall     Lanpher of Vergennes    Sullivan of Burlington
Conquest of Newbury    Lefebvre of Newark       Szott of Barnard
Copeland-Hanzas of Bradford    Leffler of Enosburgh Taylor of Colchester
                          Long of Newfane          Terenzini of Rutland Town
                          Macaig of Williston      Till of Jericho
                          Marcotte of Coventry     Toleno of Brattleboro
                          Martel of Waterford      Toll of Danville
                          Masland of Thetford      Toof of St. Albans Town
                          Mattos of Milton         Townsend of South
                          McCarthy of St. Albans City  Burlington
                          McNeil of South Burlington
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


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.