

Journal of the House

Thursday, January 9, 2020

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Erik Dorfman, Student from Middlesex.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 613

By Rep. Sullivan of Dorset,

House bill, entitled

An act relating to warning labels on opioid prescription containers;

To the committee on Human Services.

H. 614

By Rep. McCullough of Williston,

House bill, entitled

An act relating to increasing legislative compensation for the Speaker, President Pro Tempore, and committee chairs;

To the committee on Government Operations.

H. 615

By Rep. Haas of Rochester,

House bill, entitled

An act relating to notices of meetings of a unified union school district's board;

To the committee on Education.

H. 616

By Rep. Till of Jericho,

House bill, entitled

An act relating to the professional regulation of land surveyors;
To the committee on Government Operations.

H. 617

By Rep. Hashim of Dummerston,
House bill, entitled

An act relating to a violation of a protective order by a youthful offender;
To the committee on Judiciary.

H. 618

By Rep. Sullivan of Dorset,
House bill, entitled

An act relating to grooming a minor for purposes of human trafficking;
To the committee on Judiciary.

H. 619

By Rep. Sullivan of Dorset,
House bill, entitled

An act relating to permitting candidate expenditures for child care costs;
To the committee on Government Operations.

H. 620

By Rep. Fagan of Rutland City,
House bill, entitled

An act relating to the powers and duties of the Board of Pharmacy;
To the committee on Human Services.

H. 621

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

House bill, entitled

An act relating to involuntary commitment of persons with substance use
disorder to an addiction treatment center;

To the committee on Human Services.

H. 622

By Reps. LaLonde of South Burlington, Brumsted of Shelburne, Chase of Colchester, Houghton of Essex, Scheu of Middlebury, Squirrell of Underhill, Till of Jericho and Townsend of South Burlington,

House bill, entitled

An act relating to suspending the religious exemption to immunization;

To the committee on Judiciary.

H. 623

By Rep. Sullivan of Dorset,

House bill, entitled

An act relating to training foster parents to identify signs of human trafficking;

To the committee on Human Services.

H. 624

By Reps. Sullivan of Burlington, Briglin of Thetford, Carroll of Bennington, Colston of Winooski, Durfee of Shaftsbury, Gardner of Richmond, Harrison of Chittenden, Hill of Wolcott, Howard of Rutland City, James of Manchester, LaLonde of South Burlington, Masland of Thetford, McCarthy of St. Albans City, McCormack of Burlington, McFaun of Barre Town, Nicoll of Ludlow, O'Brien of Tunbridge, Ode of Burlington, Patt of Worcester, Ralph of Hartland, Savage of Swanton, Sheldon of Middlebury, Smith of Derby, Till of Jericho, Townsend of South Burlington, Walz of Barre City, White of Hartford and Yacovone of Morristown,

House bill, entitled

An act relating to naming 133 State Street;

To the committee on Corrections and Institutions.

Request to Withdraw Bill and Placed on Calendar for Action**H. 605**

House bill, entitled

An act relating to high school driver education instruction

Rep. Elder of Starksboro asked leave of the House to withdraw the bill and, under the rule, the bill was ordered placed on the Calendar for Action on the next legislative day.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

S. 23

The Senate proposed to the House to amend House bill, entitled
An act relating to increasing the minimum wage

The Senate concurs in the House proposal of amendment with the following proposal of amendment thereto:

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 384(a) is amended to read:

(a)(1) ~~An employer shall not employ any employee at a rate of less than \$9.15. Beginning on January 1, 2016, an employer shall not employ any employee at a rate of less than \$9.60. Beginning on January 1, 2017, an employer shall not employ any employee at a rate of less than \$10.00. Beginning on January 1, 2018, an employer shall not employ any employee at a rate of less than \$10.50, and beginning \$10.78. Beginning on January 1, 2019 2020, an employer shall not employ any employee at a rate of less than \$11.50. Beginning on January 1, 2021, an employer shall not employ any employee at a rate of less than \$12.20, and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01.~~

(2) An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than one-half the minimum wage. As used in this subsection, “a service or tipped employee” means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service.

(3) If the minimum wage rate established by the U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the U.S. government.

Sec. 2. INCREASES FOR EMPLOYEES OF CERTAIN MEDICAID-
PARTICIPATING PROVIDERS AND INDEPENDENT DIRECT
SUPPORT PROVIDERS; REPORT

(a) On or before December 15, 2019, the Secretary of Human Services, in consultation with the Joint Fiscal Office and relevant service providers, shall submit a written report to the House Committees on Appropriations, on General, Housing, and Military Affairs, on Health Care, and on Human Services and the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, and on Health and Welfare regarding the projected costs for fiscal years 2020 and 2021 of increasing Medicaid reimbursement rates to:

(1) Medicaid participating providers, including designated agencies, specialized service agencies, home health agencies, nursing homes, residential care homes, assisted living residences, and adult day agencies, by an amount necessary to facilitate the payment of wages to their employees who are providing services pursuant to the State Medicaid Program that are equal to at least the minimum wage set forth in 21 V.S.A. § 384; and

(2) independent direct support providers who are providing home- and community-based services pursuant to the State Medicaid Program to facilitate the payment of wages to those independent direct support providers that are equal to at least the minimum wage set forth in 21 V.S.A. § 384.

(b)(1) On or before August 15, 2019, the Secretary of Human Services shall request any documentation of wages and related costs that the Secretary determines to be necessary to develop the projections required pursuant to subsection (a) of this section from:

(A) Medicaid participating providers with employees who are providing services pursuant to the State Medicaid Program and earn wages that are at or near the minimum wage set forth in 21 V.S.A. § 384; and

(B) any fiscal services agency providing payroll services in relation to independent direct support providers who are providing home- and community-based services pursuant to the State Medicaid Program.

(2) Service providers and fiscal services agencies shall, on or before October 15, 2019, provide to the Secretary the documentation requested pursuant to subdivision (1) of this subsection.

(3) Any service provider that fails to provide the information requested by the Secretary pursuant to this subsection shall forfeit the right in fiscal years 2020 and 2021 to any increase in Medicaid reimbursement rates that is proposed pursuant to subsection (a) of this section.

Sec. 3. TIPPED AND STUDENT MINIMUM WAGE STUDY
COMMITTEE; REPORT

(a) Creation. There is created the tipped and student minimum wage study committee to examine the effects of altering or eliminating the basic wage rate for tipped employees in Vermont and of eliminating the subminimum wage for secondary school students during the school year.

(b) Membership. The Committee shall be composed of the following members:

(1) one member of the House appointed by the Speaker of the House;

(2) one member of the Senate appointed by the Committee on Committees;

(3) the Commissioner of Labor or designee;

(4) the Commissioner for Children and Families or designee;

(5) one member representing employers in the food service or hospitality industry, appointed by the Speaker of the House; and

(6) one member representing tipped workers in the food service or hospitality industry, appointed by the Committee on Committees.

(c) Powers and duties. The Committee shall study the effects of altering or eliminating the basic wage rate for tipped employees and of eliminating the subminimum wage for secondary school students during the school year, including the following issues:

(1) the impact in states that have eliminated their tipped wage on:

(A) jobs, prices, and the state economy; and

(B) the welfare of tipped workers, women, and working families with children;

(2) the impact in states that have increased their tipped wage during the last 10 years on:

(A) jobs, prices, and the state economy; and

(B) the welfare of tipped workers, women, and working families with children;

(3) the impact in states that have decoupled their tipped wage from the standard minimum wage during the last 10 years on:

(A) jobs, prices, and the state economy; and

(B) the welfare of tipped workers, women, and working families with children;

(4) the projected impact in Vermont of altering or eliminating the basic wage rate for tipped employees on:

(A) jobs, prices, and the State economy; and

(B) the welfare of tipped workers, women, and working families with children; and

(5) the projected impact in Vermont of eliminating the subminimum wage for secondary school students on jobs, prices, the State economy, and the welfare of individuals under 22 years of age.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(e) Report. On or before December 15, 2019, the Committee shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs with its findings and recommendations, if any, for legislative action related to Vermont's basic wage for tipped employees and subminimum wage for secondary school students.

(f) Meetings.

(1) The Commissioner of Labor shall call the first meeting of the Committee to occur on or before September 15, 2019.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Committee shall cease to exist on January 30, 2020.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than six meetings. These payments shall be made from monies appropriated to the General Assembly.

(2) Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than

six meetings. These payments shall be made from monies appropriated to the General Assembly.

Sec. 4. MINIMUM WAGE FOR AGRICULTURAL WORKERS;
WORKING GROUP; REPORT

(a) Creation. There is created the Agricultural Minimum Wage Working Group to examine the wage and hour laws for agricultural workers.

(b) Membership. The Working Group shall be composed of the following members:

(1) one member of the House appointed by the Speaker of the House;

(2) one member of the Senate appointed by the Committee on Committees;

(3) the Secretary of Agriculture or designee; and

(4) the Commissioner of Labor or designee.

(c) Powers and duties. The Working Group shall study the wage and hour laws for agricultural workers, including the following issues:

(1) the overlapping legal requirements of the federal Fair Labor Standards Act and Vermont's wage and hour laws with respect to agricultural employees and employers;

(2) particular issues and challenges related to federal and State wage and hour laws that Vermont's agricultural employees and employers face; and

(3) how other states have addressed similar issues and challenges in their wage and hour laws.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Office of Legislative Council.

(e) Report. On or before December 15, 2019, the Working Group shall submit a written report to the House Committees on Agriculture and on General, Housing, and Military Affairs and the Senate Committees on Agriculture and on Economic Development, Housing and General Affairs with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The member from the House shall call the first meeting of the Working Group to occur on or before September 15, 2019.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Working Group shall cease to exist on January 30, 2020.

(g) Compensation and reimbursement. For attendance at meetings during adjournment of the General Assembly, a legislative member of the Working Group serving in his or her capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than four meetings. These payments shall be made from monies appropriated to the General Assembly.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

Pending consideration of the Senate proposal of amendment, **Rep. Stevens of Waterbury** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Stevens of Waterbury
Rep. Killacky of South Burlington
Rep. Hooper of Montpelier

Adjournment

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