Journal of the House

Wednesday, February 5, 2020

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

Devotional Exercises

Devotional exercises were conducted by Meg Mott, Professor of Politics, Marlboro College, Marlboro, VT.


Bill Referred to Committee on Appropriations

H. 568

House bill, entitled
An act relating to human trafficking and prostitution

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

Joint Resolution Adopted in Concurrence

J.R.S. 37

By Senator Ashe,

J.R.S. 37. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 7, 2020, it be to meet again no later than Tuesday, February 11, 2020.

Was taken up, read and adopted in concurrence.

Message from Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 4th day of February, 2020, he signed a bill originating in the House of the following title:

H. 143 An act relating to appointing town agents

Governor's Message #2

238
Governor's Veto Sustained

H. 107

House bill, entitled

An act relating to paid family and medical leave

Appearing on the Calendar for Action, was taken up.

Speaker Johnson of South Hero presiding.

Pursuant to Chapter 2, Section 11, of the Vermont Constitution the Clerk proceeded to call the roll and the question, Shall the bill pass the failure of the Governor to approve notwithstanding? was decided in the negative. Yeas, 99. Nays, 51. A two thirds vote of 100 required.

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  Gonzalez of Winooski  Ode of Burlington *
Bartholomew of Hartland  Grad of Moretown  O'Sullivan of Burlington
Biron of Vergennes  Haas of Rochester  Partridge of Windham
Bock of Chester  Hashim of Dummerston  Patt of Worcester
Brigin of Thetford  Hill of Wolcott  Potter of Clarendon
Brownell of Pownal  Hooper of Montpelier  Pugh of South Burlington
Brumsted of Shelburne *  Hooper of Randolph  Rakelson of Burlington
Burke of Brattleboro  Hooper of Burlington  Ralph of Hartland
Campbell of St. Johnsbury  Houghton of Essex  Redmond of Essex
Carroll of Bennington  Howard of Rutland City  Reed of Brantree
Chase of Colchester  James of Manchester  Rogers of Waterville
Chesnut-Tangerman of  Jerome of Brandon  Scheu of Middlebury
Middletown Springs *  Jessup of Middlesex  Sheldon of Middlebury
Christensen of Weathersfield  Johnson of South Hero  Squirrel of Underhill
Christie of Hartford  Killacky of South Burlington  Stevens of Waterbury
Cina of Burlington  Kimbell of Woodstock  Sullivan of Burlington
Coffey of Guilford  Kitzmiller of Montpelier  Taylor of Colchester
Colburn of Burlington  Kornheiser of Brattleboro  Till of Jericho
Colston of Winooski  Krowinski of Burlington *  Toleno of Brattleboro
Conlon of Cornwall  LaLonde of South  Toll of Danville
Conquest of Newbury  Burlington  Townsend of South
Copeland Hanzas of  Lanpher of Vergennes  Burlington
Bradford  Lippert of Hinesburg  Trier of Rockingham
Corcoran of Bennington  Long of Newfane  Troiano of Stannard
Cordes of Lincoln  Macaig of Williston  Walz of Barre City
Demrow of Corinth  Masland of Thetford  Webb of Shelburne
Dolan of Waitsfield  McCarthy of St. Albans City  White of Hartford
Donovan of Burlington  McCormack of Burlington  Wood of Waterbury
Durfee of Shaftsbury  McCullough of Williston  Yacovone of Morristown
Elder of Starksboro  Morris of Springfield  Yantachka of Charlotte
Emmons of Springfield  Mrowicki of Putney  Young of Greensboro
Those who voted in the negative are:

- Bancroft of Westford
- Batchelor of Derby
- Bates of Bennington
- Beck of St. Johnsbury
- Brennan of Colchester
- Browning of Arlington
- Burditt of West Rutland
- Canfield of Fair Haven
- Cupoli of Rutland City
- Dickinson of St. Albans
- Donahue of Northfield
- Fagan of Rutland City
- Feltus of Lyndon
- Gamache of Swanton
- Goslant of Northfield
- Graham of Williamstown
- Gregoire of Fairfield
- Hango of Berkshire
- Helms of Fair Haven
- Higley of Lowell
- LaClair of Barre Town
- Leffler of Enosburgh
- Marcotte of Coventry
- Martel of Waterford
- Mattis of Milton
- McCoy of Poultney
- McFaun of Barre Town
- Morgan of Milton
- Morrissey of Bennington
- Murphy of Fairfax
- Myers of Essex
- Norris of Shoreham *
- Page of Newport City
- Pajala of Londonderry
- Palasik of Milton
- Quimby 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
- Sullivan of Dorset *
- Szott of Barnard
- Terenzini of Rutland Town
- Toof of St. Albans Town

Those members absent with leave of the House and not voting are: none

Rep. Brumsted of Shelburne explained her vote as follows:

“Madam Speaker:

Back in the early 70s when I was just 6 years old my Dad went to work one morning and never came home. I lived in Rhode Island, and my father worked as a contractor for the U.S. Department of the Navy. There was a terrible accident and he was killed, leaving my mom a widow with two young children. She was debilitated with grief and could not work until she recovered months later. We survived that year with help from our extended family and the state’s paid leave program, Temporary Disability Insurance (TDI). Without this help we would have lost our home and so much more. Enacted in 1942, Rhode Island’s TDI was the first of its kind in the United States.

Here in Vermont, I have heard many stories like mine where families fall on hard times through no fault of their own or parents need to stay home with a newborn longer than their allotted vacation time. These stories and many more are why I voted ‘yes’ today.

This bill is a true compromise with significant movement by all legislators. Good policy almost always requires that everyone involved works together to reach compromise. When that happens, all Vermonters win.
I believe a paid family and medical leave policy will make Vermont a better place to live, work, raise a family, and grow a business. This sort of assurance for many families, like mine all those years ago, provides a safety net for those difficult rainy days that all of us face from time to time.”

**Rep. Chesnut-Tangerman of Middletown Springs** explained his vote as follows:

“Madam Speaker:

The last time I spoke on this bill I was urging a ‘No’ vote in order to establish another opportunity to improve and strengthen the bill.

That effort did not succeed so it is now time to reassess and establish this bill as law – and to commit to improving and strengthening it next year.”

**Rep. Krowinski of Burlington** explained her vote as follows:

“Madam Speaker:

Today we continued our fight to ensure Vermonters have access to a robust paid family and medical leave program. I voted yes because our plan would improve health outcomes, boost Vermonter’s economic security, and help level the playing field for our small businesses across the state. While I’m incredibly disappointed that Vermonters won’t get access to this important program we’ll continue to fight for families.”

**Rep. Norris of Shoreham** explained his vote as follows:

“Madam Speaker:

I voted No in order to give the Governor time to implement his plan for an optional buy-in plan. I support the concept of paid family leave but I can’t vote to tax every wage earner in Vermont to start a program that no doubt will grow in expense. A tax is a tax and rarely goes away.”

**Rep. Ode of Burlington** explained her vote as follows:

“Madam Speaker:

Today Vermont failed to strengthen families as they care for their babies and for family members who are sick. The inextricable link between strong families and a strong economy has been ignored.”

**Rep. Smith of Derby** explained his vote as follows:

“Madam Speaker:

I realize that this bill only takes about 20 cents out of each hundred that I earn. That’s not much. A mere slight percentage of my paycheck. However, when you take all of these mere percentages over a certain time frame it grows
into a full (or bigger) percentage. In a way, I’m glad I’m old enough to be on Social Security because you can’t touch that.”

Rep. Sullivan of Dorset explained her vote as follows:

“Madam Speaker:

I am truly disappointed today. Let me be clear at the outset: I unequivocally and without reservation support Vermont’s adoption of a paid family leave plan.

Unfortunately, we are today being asked effectively to adopt the second of what will be two competing and irreconcilable plans.

I have serious issues with both plans. Issues that honestly needed to be worked out between the governor and this body before we launched these ventures.

Instead, at a time we are facing an astronomical and growing unfunded pension liability gap, when we are in desperate need to make substantial investment in our corrections and mental health systems, we are committing to spend another $3 to $6 million in General Fund dollars to set up this plan.

A plan that’s broken from the outset.

I find that to be the height of irresponsibility.

I will not support this bill. Come back when we get it right.”

Third Reading; Bill Passed

H. 619

House bill, entitled
An act relating to permitting candidate expenditures for child care costs
Was taken up and read the third time.

Pending the question, Shall the bill pass? Rep. Krowinski of Burlington 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 pass? was decided in the affirmative. Yeas, 124. Nays, 21.

Those who voted in the affirmative are:
Ancel of Calais  Grad of Moretown  Notte of Rutland City
Anthony of Barre City  Gregoire of Fairfield  Noyes of Wolcott
Austin of Colchester  Haas of Rochester  O'Brien of Tunbridge
Bancroft of Westford  Harrison of Chittenden  Ode of Burlington
Bartholomew of Hartland  Hashim of Dummerston  O'Sullivan of Burlington
Batchelor of Derby  Hill of Wolcott  Pajala of Londonderry
Bates of Bennington  Hooper of Montpelier  Palasik of Milton
Beck of St. Johnsbury            Hooper of Randolph           Partridge of Windham
Birong of Vergennes              Hooper of Burlington          Patt of Worcester
Briglin of Thetford              Houghton of Essex             Potter of Clarendon
Brownell of Pownal               Howard of Rutland City        Pugh of South Burlington
Browning of Arlington            James of Manchester           Rachelson of Burlington
Brumsted of Shelburne            Jerome of Brandon              Ralph of Hartland
Burke of Brattleboro             Jessup of Middlesex           Redmond of Essex
Campbell of St. Johnsbury        Killacky of South Burlington  Reed of Brantree
Carroll of Bennington            Kimbell of Woodstock           Rogers of Waterville
Chase of Colchester              Kitzmiller of Montpelier       Savage of Swanton
Chesnut-Tangerman of Middletown Springs Kornheiser of Brattleboro Schu of Middlebury
Christensen of Weathersfield     Krowinski of Burlington        Scheuermann of Stowe
Christie of Hartford             LaLonde of South              Sheldon of Middlebury
Cina of Burlington               Burlington                        Sibilia of Dover
Coffey of Guilford               Lanpher of Vergennes          Squirrel of Underhill
Colburn of Burlington            Lefebvre of Newark             Stevens of Waterbury
Colston of Winooski              Leffler of Enosburgh           Sullivan of Dorset
Conlon of Cornwall               Lippert of Hinesburg           Sullivan of Burlington
Conquest of Newbury              Long of Newfane                 Szott of Barnard
Copeland Hanzas of Bradford      Macaig of Williston            Taylor of Colchester
Cordes of Lincoln                Matsland of Thetford            Toleno of Brattleboro
Demrow of Cornith                McCarthy of St. Albans City   Townsend of South
Dolan of Waitsfield              McCormack of Burlington        Burlington
Donovan of Burlington            McCoy of Poultney                Trieber of Rockingham
Durfee of Shafsbury              McCullough of Williston        Troiano of Stannard
Elder of Starksboro              McFaun of Barre Town           Walz of Barre City
Emmons of Springfield            Morgan of Milton                 Webb of Shelburne
Fagan of Rutland City            Morris of Springfield           White of Hartford
Fegard of Berkshire              Morrissey of Bennington         Wood of Waterbury
Gannon of Wilmington             Mrowicki of Putney              Yacovone of Morristown
Gardner of Richmond              Murphy of Fairfax                Yantachka of Charlotte
Giambatista of Essex             Nicoll of Ludlow               Young of Greensboro
Gonzalez of Winooski             Norris of Shoreham             

Those who voted in the negative are:

Bock of Chester                  Goslant of Northfield           Page of Newport City
Brennan of Colchester            Graham of Williamstown          Qimby of Concord
Burditt of West Rutland          Hango of Berkshire              Rosenquist of Georgia
Cupoli of Rutland City           Helm of Fair Haven               Smith of Derby
Donahue of Northfield *           Higley of Lowell                Strong of Albany
Feltus of Lyndon                 Martel of Waterford            Terenzini of Rutland Town
Gamache of Swanton               Myers of Essex                    Toof of St. Albans Town

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

Canfield of Fair Haven           Town                                    Smith of New Haven
Dickinson of St. Albans          Seymour of Sutton
Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

Because of the title of this bill, I feel I need to make clear that I do believe that expenses for child care are legitimate campaign expenses. The amendment, however, opens up a can of worms.”

Second Reading; Bill Amended; Third Reading Ordered

H. 572

Rep. Gregoire of Fairfield, for the committee on Human Services, to which had been referred House bill entitled,

An act relating to the Maternal Mortality Review Panel

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 1552 is amended to read:

§ 1552. MATERNAL MORTALITY REVIEW PANEL ESTABLISHED

(a) There is established the Maternal Mortality Review Panel to conduct comprehensive, multidisciplinary reviews of maternal deaths in Vermont for the purposes of identifying factors associated with the deaths and making recommendations for system changes to improve health care services for women in this State.

(b)(1) The members of the Panel shall be appointed by the Commissioner of Health as follows:

1.(A) Two members from the Vermont section of the American College of Obstetricians and Gynecologists, one of whom shall be a generalist obstetrician and one of whom shall be a maternal fetal medicine specialist.

2.(B) One member from the Vermont chapter of the American Academy of Pediatrics, specializing in neonatology.

3.(C) One member from the Vermont chapter of the American College of Nurse-Midwives.

4.(D) One member who is a midwife licensed pursuant to 26 V.S.A. chapter 85.

5.(E) One member from the Vermont section of the Association of Women’s Health, Obstetric and Neonatal Nurses.
(F) The Director of the Division of Maternal and Child Health in the Vermont Department of Health, or designee.

(G) An epidemiologist from the Department of Health with experience analyzing perinatal data, or designee.

(H) The Chief Medical Examiner or designee.

(I) A representative of the community mental health centers.

(J) A member of the public.

(2) The Commissioner may appoint any of the following members to one-year terms:

(A) a licensed clinical provider specializing in substance use disorder;

(B) an expert in pharmaceutical management of mental health; and

(C) a social worker.

(3) The Panel may consult experts as needed on a case by case basis. An expert consulted pursuant to this subdivision shall be subject to the same restrictions and protections as Panel members with regard to privacy, security, and the disclosure of information.

(c) The term of each member listed in subdivision (b)(1) of this section shall be three years and the terms shall be staggered. The Commissioner shall appoint the initial Chair of the Panel, who shall call the first meeting of the Panel and serve as Chair for six months, after which time the Panel shall elect its own Chair. Members of the Panel shall receive no compensation.

(d) The Commissioner may delegate to the Northern New England Perinatal Quality Improvement Network (NNEPQIN) the functions of collecting, analyzing, and disseminating maternal mortality information; organizing and convening meetings of the Panel; and such other substantive and administrative tasks as may be incident to these activities. The activities of the NNEPQIN and its employees or agents shall be subject to the same confidentiality provisions as apply to members of the Panel.

(e) The Department may enter into reciprocal agreements with other states that have maternal mortality review panels provided access under such agreements is consistent with privacy, security, and disclosure protections in this chapter.

(f) The Panel’s review process shall not commence until any criminal prosecution arising out of the maternal mortality is concluded by the Attorney
General and a State’s Attorney provides written notice to the Panel that no criminal charges shall be filed.

(g) Annually, on or before January 15, the Panel shall submit a report with its findings and recommendations to the House Committee on Human Services and to the Senate Committee on Health and Welfare.

(h) Members of the Panel shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than three meetings annually. These payments shall be made from monies appropriated to the Department of Health.

Sec. 2. 18 V.S.A. § 1555 is amended to read:

§ 1555. INFORMATION RELATED TO MATERNAL MORTALITY

(a)(1) Health care providers; health care facilities; clinics; laboratories; medical records departments; and State offices, agencies, and departments shall report all maternal mortality deaths to the Chair of the Maternal Mortality Review Panel and to the Commissioner of Health or designee.

(2) The Commissioner and the Chair may acquire the information described in subdivision (1) of this subsection from health care facilities, maternal mortality review programs, and other sources in other states to ensure that the Panel’s records of Vermont maternal mortality cases are accurate and complete.

(b)(1) The Commissioner shall have access to individually identifiable information relating to the occurrence of maternal deaths only on a case-by-case basis where public health is at risk. As used in this section, “individually identifiable information” includes vital records; hospital discharge data; prenatal, fetal, pediatric, or infant medical records; hospital or clinic records; laboratory reports; records of fetal deaths or induced terminations of pregnancies; and autopsy reports.

(2) The Commissioner or designee may retain identifiable information regarding facilities where maternal deaths occur and geographic information on each case solely for the purposes of trending and analysis over time. In accordance with the rules adopted pursuant to subdivision 1556(4) of this title, all individually identifiable information on individuals and identifiable information on facilities shall be removed prior to any case review by the Panel.

(3) The Chair shall not acquire or retain any individually identifiable information.
(c) If a root cause analysis of a maternal mortality event has been completed, the findings of such analysis shall be included in the records supplied to the review Panel.

(d) If the Chair determines that it is necessary, the Panel may acquire any public safety or police records related to a maternal death.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

Rep. Fagan of Rutland City, for the committee on Appropriations, recommended the bill ought to pass when amended by the committee on Human Services.

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

Adjournment

At two o'clock and fifty minutes in the afternoon, on motion of Rep. McCoy of Poulney, the House adjourned until tomorrow at one o'clock in the afternoon.