

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.

Rep. Krowinski of Burlington in chair.

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

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
Birong of Vergennes	Haas of Rochester	Partridge of Windham
Bock of Chester	Hashim of Dummerston	Patt of Worcester
Briglin of Thetford	Hill of Wolcott	Potter of Clarendon
Brownell of Pownal	Hooper of Montpelier	Pugh of South Burlington
Brumsted of Shelburne *	Hooper of Randolph	Rachelson 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 Braintree
Chase of Colchester	James of Manchester	Rogers of Waterville
Chesnut-Tangerman of Middletown Springs *	Jerome of Brandon	Scheu of Middlebury
Christensen of Weathersfield	Jessup of Middlesex	Sheldon of Middlebury
Christie of Hartford	Johnson of South Hero	Squirrell of Underhill
Cina of Burlington	Killacky of South Burlington	Stevens of Waterbury
Coffey of Guilford	Kimbell of Woodstock	Sullivan of Burlington
Colburn of Burlington	Kitzmiller of Montpelier	Taylor of Colchester
Colston of Winooski	Kornheiser of Brattleboro	Till of Jericho
Conlon of Cornwall	Krowinski of Burlington *	Toleno of Brattleboro
Conquest of Newbury	LaLonde of South Burlington	Toll of Danville
Copeland Hanzas of Bradford	Lanpher of Vergennes	Townsend of South Burlington
Corcoran of Bennington	Lippert of Hinesburg	Trieber of Rockingham
Cordes of Lincoln	Long of Newfane	Troiano of Stannard
Demrow of Corinth	Macaig of Williston	Walz of Barre City
Dolan of Waitsfield	Masland of Thetford	Webb of Shelburne
Donovan of Burlington	McCarthy of St. Albans City	White of Hartford
Durfee of Shaftsbury	McCormack of Burlington	Wood of Waterbury
Elder of Starksboro	McCullough of Williston	Yacovone of Morristown
Emmons of Springfield	Morris of Springfield	Yantachka of Charlotte
	Mrowicki of Putney	Young of Greensboro

Fegard of Berkshire
Gannon of Wilmington

Nicoll of Ludlow
Notte of Rutland City

Those who voted in the negative are:

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

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 Braintree
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	Scheu of Middlebury
Christensen of Weathersfield	Krowinski of Burlington	Scheuermann of Stowe
Christie of Hartford	LaClair of Barre Town	Shaw of Pittsford
Cina of Burlington	LaLonde of South Burlington	Sheldon of Middlebury
Coffey of Guilford	Lanphill of Vergennes	Sibilia of Dover
Colburn of Burlington	Lefebvre of Newark	Squirrell of Underhill
Colston of Winooski	Leffler of Enosburgh	Stevens of Waterbury
Conlon of Cornwall	Lippert of Hinesburg	Sullivan of Dorset
Conquest of Newbury	Long of Newfane	Sullivan of Burlington
Copeland Hanzas of Bradford	Macaig of Williston	Szott of Barnard
Corcoran of Bennington	Marcotte of Coventry	Taylor of Colchester
Cordes of Lincoln	Masland of Thetford	Till of Jericho
Demrow of Corinth	Mattos of Milton	Toleno of Brattleboro
Dolan of Waitsfield	McCarthy of St. Albans City	Toll of Danville
Donovan of Burlington	McCormack of Burlington	Townsend of South Burlington
Durfee of Shaftsbury	McCoy of Poultney	Trieber of Rockingham
Elder of Starksboro	McCullough of Williston	Troiano of Stannard
Emmons of Springfield	McFaun of Barre Town	Walz of Barre City
Fagan of Rutland City	Morgan of Milton	Webb of Shelburne
Fegard of Berkshire	Morris of Springfield	White of Hartford
Gannon of Wilmington	Morrissey of Bennington	Wood of Waterbury
Gardner of Richmond	Mrowicki of Putney	Yacovone of Morristown
Giambatista of Essex	Murphy of Fairfax	Yantachka of Charlotte
Gonzalez of Winooski	Nicoll of Ludlow	Young of Greensboro
	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	Quimby 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.

~~(6)~~(F) The Director of the Division of Maternal and Child Health in the Vermont Department of Health, or designee.

~~(7)~~(G) An epidemiologist from the Department of Health with experience analyzing perinatal data, or designee.

~~(8)~~(H) The Chief Medical Examiner or designee.

~~(9)~~(I) A representative of the community mental health centers.

~~(10)~~(J) A member of the public.

~~(b)~~(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 Chair. Members of the Panel shall receive no compensation.

~~(e)~~(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 Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.