

Journal of the House

Friday, June 5, 2020

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

Devotional Exercises

Devotional exercises were conducted by Rep. Carolyn Partridge of Windham.

Senate Bill Referred

S. 348

Senate bill, entitled

An act relating to temporary elections procedures in the year 2020

Was read and referred to the committee on Government Operations.

Joint Resolution Referred to Committee

J.R.S. 54

By the Committee on Institutions,

J.R.S. 54. Joint resolution relating to the annual State lands transactions.

Whereas, in 1964, in order to provide access, including public access, from Route 155 to the Okemo State Forest in the Town of Mount Holly, the State of Vermont acquired fee ownership of a 50-foot strip of land across three privately owned parcels, and

Whereas, two of the parcels' owners, in order to access their respective parcels, have secured an easement across the State-owned strip, and

Whereas, the third parcel's owner, Yale University, included in its deed to the State a contingency clause, which has never been acted upon, for an access easement across the State's parcel, and the Commissioner of Forests, Parks and Recreation now seeks to grant an easement to Yale University for access to the University's land, and

Whereas, the deeded description of the 50-foot strip of land that the owners of the Coleman, Barber, and Yale University parcels conveyed to the State of Vermont contains scrivener's errors and omits courses and distances, creating confusion as to the location of the rights-of-way conveyed to the owners of the Coleman and Barber parcels and of the right-of-way to be conveyed to Yale University, which the Department desires to correct through the exchange or conveyance of corrective deeds, and

Whereas, in September of 2018, Michael and Pamela Kingman filed a civil suit against the State of Vermont seeking a declaratory judgement to determine the boundary line between their land and the northern terminus of Branbury State Park in the Town of Salisbury, and

Whereas, the parties have executed a settlement agreement and release of the civil law suit, involving the exchange of quitclaim deeds, the establishment of a new boundary line, and the relinquishment of any claimed rights of Michael and Pamela Kingman to the south of the line and of the State to the north of the line, and

Whereas, 10 V.S.A. § 2606(b) provides that the Commissioner of Forests, Parks and Recreation may “sell, convey, exchange, or lease lands, or interests in land, or may amend deeds, leases, and easement interests,” with the approval of the General Assembly, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the Commissioner of Forests, Parks and Recreation is authorized to convey a right-of-way easement to Yale University across a fifty-foot strip of land in the Town of Mount Holly that is located beginning at a point on the edge of State Highway 155 and traverses the Coleman parcel to the boundary with the Yale University parcel and that Yale University shall use the right-of-way exclusively to access its land. The Department of Forests, Parks and Recreation shall reserve for itself and its successors, licensees, and assigns, the right to use this easement, in common with Yale University, for any type of forest management activity, including those that involve the use of vehicles and equipment, and for public recreational access to Okemo State Forest, including for snowmobiling and cross-country skiing. Forest management uses shall be a priority to which all other uses shall be subordinate, *and be it further*

Resolved: That the Commissioner of Forests, Parks and Recreation may exchange or convey corrective deeds to the owners or successors of the Coleman, Barber, and Yale University parcels abutting or adjacent to Okemo State Forest to correct scrivener’s errors in the description of the 50-foot strip of land and right-of-way, and be it further

Resolved: That the Commissioner of Forests, Parks and Recreation may exchange quitclaim deeds with Michael and Pamela Kingman for all rights, title, and interests in certain lands in the Town of Salisbury on the northern and southern sides of an agreed-upon boundary line, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioner of Forests, Parks and Recreation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the Committee on Corrections and Institutions.

Joint Resolution Adopted in Concurrence

J.R.S. 56

By Senator Ashe,

J.R.S. 56. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Thursday, June 4, 2020, or, Friday, June 5, 2020, it be to meet again no later than Tuesday, June 9, 2020.

Was taken up, read and adopted in concurrence.

Message from the Senate No. 48

A message was received from the Senate by Mr. Bloomer, its 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. 232. An act relating to implementing the expansion of juvenile jurisdiction.

S. 294. An act relating to expanding access to expungement and sealing of criminal history records.

S. 349. An act relating to emergency funding for local government.

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. 950. An act relating to allowing remote witnesses for advance directives for a limited time.

And has passed the same in concurrence.

**Rules Suspended; Second Reading;
Third Reading Ordered**

H. 961

On Motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to making first quarter fiscal year 2021 appropriations for the support of State government, federal Coronavirus Relief Fund (CRF) appropriations, pay act appropriations, and other fiscal requirements for the first part of the fiscal year

Appearing on the Calendar for Notice, was taken up for immediate consideration.

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

Thereupon, the bill was 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, 142. Nays, 5.

Those who voted in the affirmative are:

Ancel of Calais	Goslant of Northfield	Noyes of Wolcott
Anthony of Barre City	Grad of Moretown	O'Brien of Tunbridge
Austin of Colchester	Graham of Williamstown	Ode of Burlington
Bancroft of Westford	Gregoire of Fairfield	O'Sullivan of Burlington
Bartholomew of Hartland	Haas of Rochester	Page of Newport City
Batchelor of Derby	Hango of Berkshire	Pajala of Londonderry
Bates of Bennington	Harrison of Chittenden	Palasik of Milton
Beck of St. Johnsbury	Hashim of Dummerston	Partridge of Windham
Birong of Vergennes	Helm of Fair Haven	Patt of Worcester
Bock of Chester	Higley of Lowell	Potter of Clarendon
Brennan of Colchester	Hill of Wolcott	Pugh of South Burlington
Briglin of Thetford	Hooper of Montpelier	Quimby of Concord
Brownell of Pownal	Hooper of Burlington	Rachelson of Burlington
Brumsted of Shelburne	Houghton of Essex	Ralph of Hartland
Burditt of West Rutland	Howard of Rutland City	Redmond of Essex
Burke of Brattleboro	James of Manchester	Reed of Braintree
Campbell of St. Johnsbury	Jerome of Brandon	Rogers of Waterville
Canfield of Fair Haven	Jessup of Middlesex	Rosenquist of Georgia
Carroll of Bennington	Killacky of South Burlington	Savage of Swanton
Chase of Colchester	Kimbell of Woodstock	Scheu of Middlebury
Chesnut-Tangerman of	Kitzmiller of Montpelier	Scheuermann of Stowe
Middletown Springs	Kornheiser of Brattleboro	Seymour of Sutton
Christensen of Weathersfield	Krowinski of Burlington	Shaw of Pittsford
Christie of Hartford	LaClair of Barre Town	Sheldon of Middlebury
Cina of Burlington	LaLonde of South	Sibilia of Dover
Coffey of Guilford	Burlington	Smith of Derby
Colburn of Burlington	Lanpher of Vergennes	Smith of New Haven
Colston of Winooski	Lefebvre of Newark	Squirrell of Underhill
Conlon of Cornwall	Leffler of Enosburgh	Stevens of Waterbury
Conquest of Newbury	Lippert of Hinesburg	Strong of Albany
Copeland Hanzas of	Long of Newfane	Sullivan of Dorset

Bradford	Macaig of Williston	Sullivan of Burlington
Corcoran of Bennington	Marcotte of Coventry	Taylor of Colchester
Cordes of Lincoln	Martel of Waterford	Toleno of Brattleboro
Cupoli of Rutland City	Masland of Thetford	Toll of Danville
Demrow of Corinth	Mattos of Milton	Toof of St. Albans Town
Dickinson of St. Albans Town	McCarthy of St. Albans City	Townsend of South Burlington
Dolan of Waitsfield	McCormack of Burlington	Troiano of Stannard
Donovan of Burlington	McCoy of Poultney	Tully of Rockingham
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	Morris of Springfield	Wood of Waterbury
Fegard of Berkshire	Morrissey of Bennington	Yacovone of Morristown
Feltus of Lyndon	Mrowicki of Putney *	Yantachka of Charlotte
Gannon of Wilmington	Murphy of Fairfax	Young of Greensboro
Gardner of Richmond	Myers of Essex	
Giambatista of Essex	Nicoll of Ludlow	
Gonzalez of Winooski	Norris of Shoreham	
	Notte of Rutland City	

Those who voted in the negative are:

Browning of Arlington *	Gamache of Swanton	Terenzini of Rutland Town
Donahue of Northfield *	Szott of Barnard *	

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

Hooper of Randolph	Till of Jericho
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Rep. Browning of Arlington explained her vote as follows:

“Madam Speaker:

I vote no because despite the strength of this Phase 1 bill it includes language providing for increases in compensation for state employees of all kinds that are unacceptable to me at a time when so many Vermonters are struggling. I know that these allocations are likely to change in the future, but since I must vote on the legislation before me, I have to oppose such compensation increases that would make it more difficult to support Vermont workers, farms, and businesses.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:My very reluctant “no” vote is based upon my great fear that sustaining current levels of operations now will put Vermonters at much higher risk for deeper cuts in the remaining three quarters of the fiscal year“

Rep. Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

My yes vote recognizes the difficulty your Appropriations Committee so successfully navigated to present this budget for the people of Vermont. Budgets are difficult in any time and the Vermont values of Fiscal responsibility and caring for our neighbors in need, that are upheld in this budget are to be commended. This budget also brings some certainty to times with little certainty and blazes the trail for the next step in the budget process. Big thanks to your Appropriations Committee.”

Rep. Szott of Barnard explained his vote as follows:

“Madam Speaker:

I want to emphasize my appreciation for the hard work of the Appropriations Committee in these extraordinary times, but precisely because these are extraordinary times I believe we should be exploring all budgetary options to ensure we minimize the pain inflicted on our most vulnerable citizens. Austerity budgeting disproportionately hurts them. I realize we are early in the process, but emergency deficit spending should have been seriously discussed by the committee before moving forward.”

**Favorable Report; Second Reading;
Third Reading Ordered; Rules Suspended; Third Reading;
Bill Passed in Concurrence**

S. 347

Rep. Christie of Hartford, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to suspension of time frames for civil license suspension hearings for certain DUI offenses

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.

Thereupon, on motion of **Rep. McCoy of Poultney** the bill was placed in all remaining stages of passage.

Thereupon, the bill was read a third time and passed in concurrence.

Third Reading; Bill Passed

H. 716

House bill, entitled

An act relating to Abenaki hunting and fishing licenses

Was taken up, read the third time and passed.

Senate Proposal of Amendment Concurred in**H. 948**

The Senate proposed to the House to amend House bill, entitled

An act relating to temporary municipal proceedings provisions in response to the COVID-19 outbreak

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

**Sec. 1. MUNICIPAL QUASI-JUDICIAL PROCEEDINGS; TEMPORARY
SUSPENSION OF IN-PERSON HEARING AND INSPECTION
REQUIREMENTS**

(a) Notwithstanding any provision of law to the contrary, during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, a municipality is authorized to conduct any municipal quasi-judicial proceeding through electronic means, provided that the municipality complies with all other requirements for the conduct of the proceeding. The municipality shall not be required to designate a physical location for the proceeding.

(b)(1) Notwithstanding 32 V.S.A. § 4404(c), during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, a board of civil authority shall not be required to physically inspect any property that is the subject of an appeal. If the appellant requests in writing that the property be inspected for purposes of the appeal, a member or members of the Board shall conduct the inspection through electronic means. If the appellant does not facilitate the inspection through electronic means, then the appeal shall be deemed withdrawn.

(2) Notwithstanding 32 V.S.A. § 4467, during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, a hearing officer shall not be required to physically inspect any property that is the subject of an appeal. If the appellant requests in writing that the property be inspected for purposes of the appeal, the hearing officer shall conduct the inspection through electronic means. If the appellant does not facilitate the inspection through electronic means, then the appeal shall be deemed withdrawn.

(3) As used in this subsection, “electronic means” means the transmittal of video or photographic evidence by the appellant at the direction of the Board members or hearing officer conducting the inspection.

Which proposal of amendment was considered and concurred in.

**Committee Bill; Second Reading;
Bill Amended; Third Reading Ordered**

H. 960

Rep. Donahue of Northfield spoke for the committee on Health Care.

House bill, entitled

An act relating to miscellaneous health care provisions

Having appeared on the Calendar one day for Notice, was taken up, read the second time.

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

First: by striking out Sec. 5 in its entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. BRATTLEBORO RETREAT; CONDITIONS OF STATE FUNDING

(a) Findings. In recognition of the significant need within Vermont's health care system for inpatient psychiatric capacity, the General Assembly has made significant investments in capital funds and in rate adjustments to assist the Brattleboro Retreat in its financial sustainability. The General Assembly has a significant interest in the quality of care provided at the Brattleboro Retreat, which provides 100 percent of the State's inpatient psychiatric care for children and youth, and more than half of the adult inpatient care, of which approximately 50 percent is paid for with State funding.

(b) Conditions. As a condition of further State funding, the General Assembly requires that the following quality oversight measures be implemented by the Brattleboro Retreat under the oversight of the Department of Mental Health:

(1) allow the existing mental health patient representative under contract with the Department pursuant to 18 V.S.A. § 7253(1)(J) to have full access to inpatient units to ensure that the mental health patient representative is available to individuals who are not in the custody of the Commissioner;

(2) in addition to existing policies regarding the provision of certificates of need for emergency involuntary procedures, provide to the Department deidentified certificates of need for emergency involuntary procedures used on individuals who are not in the custody of the Commissioner; and

(3) ensure that the mental health patient representative be a regular presenter at the Brattleboro Retreat's employee orientation programming.

(c)(1) Patient Experience and Quality of Care. To support proactive, continuous quality and practice improvement and to ensure timely access to high quality patient care, the Department and the Brattleboro Retreat shall:

(A) to the extent feasible by the Department, meet jointly each month with the mental health patient representative contracted pursuant to 18 V.S.A. § 7253(1)(J) and the mental health care ombudsman established pursuant to 18 V.S.A. § 7259 to review patient experiences of care; and

(B) identify clinical teams within the Department and the Brattleboro Retreat to meet monthly for discussions on quality issues, including service delivery, clinical practices, practice improvement and training, case review, admission and discharge coordination, and other patient care and safety topics.

(2) On or before February 1, 2021, the Department shall report to the House Committee on Health Care and to the Senate Committee on Health and Welfare regarding patient experiences and quality of care at the Brattleboro Retreat.

Second: In Sec. 4 (f)(3) by striking “July” and inserting in lieu thereof “October”

Which was agreed to. Thereupon, third reading was ordered.

Rules Suspended; Bill Messaged to Senate Forthwith

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the following bill was ordered messaged to the Senate forthwith:

S. 347

Senate bill, entitled

An act relating to suspension of time frames for civil license suspension hearings for certain DUI offenses

Rules Suspended; Bill Messaged to the Senate and the Governor Forthwith

H. 948

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the following bill was ordered messaged to the Governor and Senate forthwith:

House bill, entitled

An act relating to temporary municipal proceedings provisions in response to the COVID-19 outbreak

Adjournment

At one o'clock and thirteen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, June 9, 2020, at nine o'clock in the forenoon, pursuant to the provisions of J.R.S. 56.