

# Journal of the Senate

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FRIDAY, MARCH 22, 2019

The Senate was called to order by the President.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Taihaku of East Calais.

## Bill Referred to Committee on Appropriations

### S. 160.

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to agricultural development.

## Bills Referred

House bills of the following titles were severally read the first time and referred:

### H. 13.

An act relating to miscellaneous amendments to alcoholic beverage and tobacco laws.

To the Committee on Economic Development, Housing and General Affairs.

### H. 104.

An act relating to professions and occupations regulated by the Office of Professional Regulation.

To the Committee on Government Operations.

### H. 133.

An act relating to miscellaneous energy subjects.

To the Committee on Finance.

### H. 204.

An act relating to miscellaneous provisions affecting navigators, Medicaid records, and the Department of Vermont Health Access.

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To the Committee on Health and Welfare.

**H. 235.**

An act relating to repealing the sunset of the authority to conduct on-farm slaughter.

To the Committee on Agriculture.

**H. 292.**

An act relating to town banners over highway rights-of-way.

To the Committee on Natural Resources and Energy.

**H. 330.**

An act relating to repealing the statute of limitations for civil actions based on childhood sexual abuse.

To the Committee on Judiciary.

**H. 358.**

An act relating to technical corrections.

To the Committee on Government Operations.

**H. 394.**

An act relating to the disposition of the remains of veterans.

To the Committee on Government Operations.

**H. 427.**

An act relating to a uniform process for foreign credential verification in the Office of Professional Regulation.

To the Committee on Government Operations.

**H. 521.**

An act relating to amending the special education laws.

To the Committee on Education.

**Committee Relieved of Further Consideration; Bill Committed**

**S. 139.**

On motion of Senator Sears, the Committee on Judiciary was relieved of further consideration of Senate bill entitled:

An act relating to creating the Vermont Private Attorneys General Act,

and the bill was committed to the Committee on Economic Development, Housing and General Affairs.

**Bill Amended; Bill Passed**

**S. 73.**

Senate bill entitled:

An act relating to licensure of ambulatory surgical centers.

Was taken up.

Thereupon, pending third reading of the bill, Senator Brock moved to amend the bill as follows:

First: In Sec. 1, 18 V.S.A. chapter 49, by striking out §§ 2156 and 2157 in their entirety and inserting in lieu thereof the following:

§ 2156. INSPECTIONS

The Department of Health shall make or cause to be made such inspections and investigations as it deems necessary. If the Department finds a violation as the result of an inspection or investigation, the Department shall post a report on the Department's website summarizing the violation and any corrective action required.

§ 2157. RECORDS

(a) Information received by the Department of Health through filed reports, inspections, or as otherwise authorized by law shall:

(1) not be disclosed publicly in a manner that identifies or may lead to the identification of one or more individuals or ambulatory surgical centers;

(2) be exempt from public inspection and copying under the Public Records Act; and

(3) be kept confidential except as it relates to a proceeding regarding licensure of an ambulatory surgical center.

(b) The provisions of subsection (a) of this section shall not apply to the summary reports of violations required to be posted on the Department's website pursuant to section 2156 of this chapter.

Second: By adding a new section to be numbered Sec. 1a to read as follows:

Sec. 1a. 18 V.S.A. § 1909 is amended to read:

§ 1909. INSPECTIONS

The licensing agency shall make or cause to be made such inspections and ~~investigation~~ investigations as it deems necessary. If the licensing agency finds a violation as the result of an inspection or investigation, the licensing agency shall post a report on the licensing agency's website summarizing the violation and any corrective action required.

Third: By adding a new section to be numbered Sec. 1b to read as follows:

Sec. 1b. 18 V.S.A. § 1910 is amended to read:

§ 1910. RECORDS

(a) Information received by the licensing agency through filed reports, inspection, or as otherwise authorized ~~under this by law,~~ shall:

(1) not be disclosed publicly in such a manner as to identify individuals or hospitals, except in a proceeding involving the question of licensure that identifies or may lead to the identification of one or more individuals or hospitals;

(2) be exempt from public inspection and copying under the Public Records Act; and

(3) be kept confidential except as it relates to a proceeding regarding licensure of a hospital.

(b) The provisions of subsection (a) of this section shall not apply to the summary reports of violations required to be posted on the licensing agency's website pursuant to section 1909 of this chapter.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

**Bill Amended; Bill Passed**

**S. 53.**

Senate bill entitled:

An act relating to increasing the proportion of health care spending allocated to primary care.

Was taken up.

Thereupon, pending third reading of the bill, Senator Sirotkin moved to amend the bill by adding a new section to be numbered Sec. 2a to read as follows:

Sec. 2a. LEGISLATIVE INTENT; NONAPPLICABILITY OF STUDY RESULTS TO HEALTH INSURANCE PLAN DESIGN

It is the intent of the General Assembly that the determinations of which health care providers and services constitute primary care for the purposes of this act should not be considered by any health insurer as a dispositive determination of which providers and services should constitute primary care for purposes of health insurance plan design, including cost-sharing requirements.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

**Bills Passed**

Senate bills of the following titles were severally read the third time and passed:

**S. 55.** An act relating to the regulation of toxic substances and hazardous materials.

**S. 112.** An act relating to earned good time.

**S. 134.** An act relating to background investigations for State employees with access to federal tax information.

**Bill Amended; Bill Passed**

**S. 141.**

Senate bill entitled:

An act relating to nutritional requirements for children's meals.

Was taken up.

Thereupon, pending third reading of the bill, Senators Starr, Collamore, Hardy, Pearson, Pollina and Parent moved to amend the bill by in Sec. 1, 18 V.S.A. § 4310, subdivision (a)(2), by striking out "nondairy milk alternative" and inserting in lieu thereof nut-based or plant-based beverage

Which was agreed to.

Thereupon, the bill was read the third time and passed.

**Bill Amended; Bill Passed**

**S. 169.**

Senate bill entitled:

An act relating to firearms procedures.

Was taken up.

Thereupon, pending third reading of the bill, Senator McNeil moved to amend the bill by in Sec. 2, 13 V.S.A. § 4019(a)(2), after “sibling-in-law” by inserting aunt, uncle, niece, nephew,

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Sears moved to amend the bill in Sec. 1, 13 V.S.A. § 4021, by striking out subdivision (c)(1) in its entirety and inserting in lieu thereof a new subdivision (c)(1) to read as follows:

(c)(1)(A) The prohibition on possession of large capacity ammunition feeding devices established by subsection (a) of this section shall not apply to a large capacity ammunition feeding device lawfully possessed on or before the effective date of this section or to the transfer by a Vermont resident of a lawfully possessed large capacity ammunition feeding device from one immediate family member to another immediate family member by a lawfully executed will.

(B) As used in this subsection (c), “immediate family member” has the same meaning as in subsection 4019(a) of this title.

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Which was agreed to.

Thereupon, the bill was read the third time and passed.

### **Senate Resolution Adopted**

#### **S.R. 4.**

Senate resolution entitled:

Senate resolution relating to adoption of a temporary Rule 44A

Having been placed on the Calendar for action, was taken up and adopted.

### **Senate Concurrent Resolutions**

The following joint concurrent resolutions, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted on the part of the Senate:

By Senators Benning and Kitchel,

By Reps. Feltus and Seymour,

**S.C.R. 7.**

Senate concurrent resolution congratulating Bag Balm on its 120th anniversary.

By Senators Kitchel and Benning,

By Rep. Toll,

**S.C.R. 8.**

Senate concurrent resolution congratulating Alice Johnson Blair on her 100th birthday.

**House Concurrent Resolutions**

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Rep. McCoy,

By Senators Collamore, Hooker and McNeil,

**H.C.R. 83.**

House concurrent resolution honoring Poultney civic leader and esteemed educator Francis Fressie.

By Reps. Elder and others,

By Senators Bray and Hardy,

**H.C.R. 84.**

House concurrent resolution honoring pharmacist, entrepreneur, and community leader Frank Buonincontro of Bristol.

By Rep. Smith,

By Senators Bray and Hardy,

**H.C.R. 85.**

House concurrent resolution honoring Weybridge's creative volunteer Michael A. Newkirk.

By Reps. Cina and others,

**H.C.R. 86.**

House concurrent resolution recognizing March 2019 as National Social Work Month in Vermont.

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By All Members of the House,

**H.C.R. 87.**

House concurrent resolution designating Friday, March 29, 2019 as Alzheimer's Awareness Day at the State House.

By Rep. Troiano,

**H.C.R. 88.**

House concurrent resolution in memory of Lyndon Justice of the Peace Edith Bell-Brown.

By Reps. Marcotte and others,

**H.C.R. 89.**

House concurrent resolution honoring Vermont Economic Development Authority Chief Executive Officer Rosalea Bradley for her dynamic and innovative leadership.

By Reps. Demrow and others,

By Senator MacDonald,

**H.C.R. 90.**

House concurrent resolution congratulating the 2019 Vermont Prudential Spirit of Community Awards Honorees and Distinguished Finalists.

By Reps. Morrissey and others,

By Senators Champion and Sears,

**H.C.R. 91.**

House concurrent resolution congratulating Richard E. Prentiss on 50 years of dedicated firefighting service in the Town of Bennington.

By Reps. Morrissey and others,

By Senators Champion and Sears,

**H.C.R. 92.**

House concurrent resolution congratulating William Kinney on 50 years of outstanding firefighting service in the Town of Bennington.

By Reps. Morrissey and others,

By Senators Champion and Sears,



**H.C.R. 93.**

House concurrent resolution congratulating the 2019 Mt. Anthony Union High School Patriots on winning their historic 31st consecutive State wrestling championship and 100th school victory.

By Reps. Morrissey and others,

By Senators Campion and Sears,

**H.C.R. 94.**

House concurrent resolution congratulating Charles Harvey on 50 years of exemplary firefighting service in the Town of Bennington.

By Reps. Morrissey and others,

By Senators Campion and Sears,

**H.C.R. 95.**

House concurrent resolution congratulating the 2019 Mt. Anthony Union High School Patriots Division I boys' Nordic skiing championship team.

By Reps. Demrow and Graham,

By Senator MacDonald,

**H.C.R. 96.**

House concurrent resolution in memory of former Representative Sylvia Rita Kennedy of Chelsea.

By Reps. Campbell and others,

**H.C.R. 97.**

House concurrent resolution in memory of Ken Tohinaka.

By Reps. Lippert and others,

**H.C.R. 98.**

House concurrent resolution congratulating Outright Vermont on its 30th anniversary.

**Message from the House No. 31**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

**H. 532.** An act relating to fiscal year 2019 budget adjustments.

In the passage of which the concurrence of the Senate is requested.

**Message from the House No. 32**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 83.** An act relating to female genital cutting.

**H. 132.** An act relating to adopting protections against housing discrimination for victims of domestic and sexual violence.

**H. 351.** An act relating to workers' compensation, unemployment insurance, and ski tramway amendments.

**H. 436.** An act relating to international wills.

**H. 523.** An act relating to miscellaneous changes to the State's retirement systems.

In the passage of which the concurrence of the Senate is requested.

The House has adopted House concurrent resolutions of the following titles:

**H.C.R. 83.** House concurrent resolution honoring Poultney civic leader and esteemed educator Francis Fressie.

**H.C.R. 84.** House concurrent resolution honoring pharmacist, entrepreneur, and community leader Frank Buonincontro of Bristol.

**H.C.R. 85.** House concurrent resolution honoring Weybridge's creative volunteer Michael A. Newkirk.

**H.C.R. 86.** House concurrent resolution recognizing March 2019 as National Social Work Month in Vermont.

**H.C.R. 87.** House concurrent resolution designating Friday, March 29, 2019 as Alzheimer's Awareness Day at the State House.

**H.C.R. 88.** House concurrent resolution in memory of Lyndon Justice of the Peace Edith Bell-Brown.

**H.C.R. 89.** House concurrent resolution honoring Vermont Economic Development Authority Chief Executive Officer Rosalea Bradley for her dynamic and innovative leadership.

**H.C.R. 90.** House concurrent resolution congratulating the 2019 Vermont Prudential Spirit of Community Awards Honorees and Distinguished Finalists.

**H.C.R. 91.** House concurrent resolution congratulating Richard E. Prentiss on 50 years of dedicated firefighting service in the Town of Bennington.

**H.C.R. 92.** House concurrent resolution congratulating William Kinney on 50 years of outstanding firefighting service in the Town of Bennington.

**H.C.R. 93.** House concurrent resolution congratulating the 2019 Mt. Anthony Union High School Patriots on winning their historic 31st consecutive State wrestling championship and 100th school victory.

**H.C.R. 94.** House concurrent resolution congratulating Charles Harvey on 50 years of exemplary firefighting service in the Town of Bennington.

**H.C.R. 95.** House concurrent resolution congratulating the 2019 Mt. Anthony Union High School Patriots Division I boys' Nordic skiing championship team.

**H.C.R. 96.** House concurrent resolution in memory of former Representative Sylvia Rita Kennedy of Chelsea.

**H.C.R. 97.** House concurrent resolution in memory of Ken Tohinaka.

**H.C.R. 98.** House concurrent resolution congratulating Outright Vermont on its 30th anniversary.

In the adoption of which the concurrence of the Senate is requested.

The House has considered concurrent resolutions originating in the Senate of the following titles:

**S.C.R. 7.** Senate concurrent resolution congratulating Bag Balm on its 120th anniversary.

**S.C.R. 8.** Senate concurrent resolution congratulating Alice Johnson Blair on her 100th birthday.

And has adopted the same in concurrence.

### **Adjournment**

On motion of Senator Ashe, the Senate adjourned, to reconvene on Tuesday, March 26, 2019, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 19.