

Journal of the House

Thursday, February 23, 2023

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Rules Suspended; House Bills Introduced

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

H. 345

By Reps. Page of Newport City, Higley of Lowell, Labor of Morgan, Marcotte of Coventry, Smith of Derby, and Williams of Granby,

House bill, entitled

An act relating to lakes in crisis and requirements for designation

To the Committee on Environment and Energy.

H. 346

By Rep. McFaun of Barre Town,

House bill, entitled

An act relating to the use of sluice boxes for recreational mineral prospecting

To the Committee on Environment and Energy.

H. 347

By Reps. Sabilia of Dover, Cina of Burlington, Headrick of Burlington, Logan of Burlington, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, and Small of Winooski,

House bill, entitled

An act relating to ranked-choice voting for presidential primary elections

To the Committee on Government Operations and Military Affairs.

H. 348

By Reps. Hango of Berkshire, Demar of Enosburgh, Sims of Craftsbury, Stone of Burlington, Taylor of Milton, Toof of St. Albans Town, and Walker of Swanton,

House bill, entitled

An act relating to requiring licensed athletic trainers at secondary school athletic events and practices

To the Committee on Education.

H. 349

By Reps. Mulvaney-Stanak of Burlington, Anthony of Barre City, Campbell of St. Johnsbury, Carroll of Bennington, Casey of Montpelier, Cina of Burlington, Garofano of Essex, Headrick of Burlington, Hyman of South Burlington, Logan of Burlington, McCann of Montpelier, Nicoll of Ludlow, Priestley of Bradford, Small of Winooski, and Stone of Burlington,

House bill, entitled

An act relating to increasing access to reproductive health care

To the Committee on General and Housing.

H. 350

By Reps. Marcotte of Coventry, Jerome of Brandon, and Nicoll of Ludlow,

House bill, entitled

An act relating to the Uniform Directed Trust Act

To the Committee on Judiciary.

H. 351

By Reps. Beck of St. Johnsbury, Anthony of Barre City, Burditt of West Rutland, Cina of Burlington, Clifford of Rutland City, Farlice-Rubio of Barnet, Goslant of Northfield, Hooper of Randolph, Labor of Morgan, Mattos of Milton, Oliver of Sheldon, Peterson of Clarendon, Taylor of Colchester, Troiano of Stannard, and Walker of Swanton,

House bill, entitled

An act relating to permitting an action for defamation of a deceased person

To the Committee on Judiciary.

H. 352

By Reps. Toof of St. Albans Town and Taylor of Milton,
House bill, entitled
An act relating to home study programs
To the Committee on Education.

H. 353

By Reps. Toof of St. Albans Town and Stone of Burlington,
House bill, entitled
An act relating to racial equity in school districts
To the Committee on Education.

H. 354

By Reps. Taylor of Milton, Morgan of Milton, Bartley of Fairfax, Branagan of Georgia, Brennan of Colchester, Burditt of West Rutland, Clifford of Rutland City, Demar of Enosburgh, Galfetti of Barre Town, Gregoire of Fairfield, Higley of Lowell, Labor of Morgan, Maguire of Rutland City, Oliver of Sheldon, Peterson of Clarendon, Smith of Derby, Templeman of Brownington, and Williams of Granby,
House bill, entitled
An act relating to an income tax deduction for home study programs
To the Committee on Ways and Means.

H. 355

By Rep. Hooper of Burlington,
House bill, entitled
An act relating to requiring additional campaign finance reporting and disclosures
To the Committee on Government Operations and Military Affairs.

H. 356

By Reps. Bartley of Fairfax, Andrews of Westford, Arsenault of Williston, Beck of St. Johnsbury, Berbeco of Winooski, Branagan of Georgia, Burrows of West Windsor, Carroll of Bennington, Demar of Enosburgh, Dodge of Essex, Dolan of Essex Junction, Elder of Starksboro, Galfetti of Barre Town, Goldman of Rockingham, Graning of Jericho, Gregoire of Fairfield, Hango of Berkshire, Krasnow of South Burlington, Labor of Morgan, LaBounty of

Lyndon, LaMont of Morristown, McCann of Montpelier, Mulvaney-Stanak of Burlington, Ode of Burlington, Oliver of Sheldon, Parsons of Newbury, Roberts of Halifax, Sims of Craftsbury, Stebbins of Burlington, Stone of Burlington, Toof of St. Albans Town, and Williams of Granby,

House bill, entitled

An act relating to Medicaid and breast pumps

To the Committee on Health Care.

H. 357

By Reps. Noyes of Wolcott and Wood of Waterbury,

House bill, entitled

An act relating to Medicaid reimbursement rates for home- and community-based service providers

To the Committee on Human Services.

H. 358

By Reps. Masland of Thetford, Holcombe of Norwich, Anthony of Barre City, Beck of St. Johnsbury, Garofano of Essex, Hooper of Burlington, Priestley of Bradford, and Stebbins of Burlington,

House bill, entitled

An act relating to the provision of grants for community nurses working in collaboration with municipalities

To the Committee on Health Care.

H. 359

By Reps. Christie of Hartford, Burrows of West Windsor, Cina of Burlington, Cole of Hartford, Farlice-Rubio of Barnet, LaMont of Morristown, and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to amending the prohibitions against discrimination and harassment

To the Committee on General and Housing.

H. 360

By Reps. Christie of Hartford, Berbeco of Winooski, Burrows of West Windsor, Cina of Burlington, Cole of Hartford, Farlice-Rubio of Barnet, LaMont of Morristown, and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to protecting Vermonters

To the Committee on Appropriations.

H. 361

By Reps. Christie of Hartford, Berbeco of Winooski, Burrows of West Windsor, Cina of Burlington, Cole of Hartford, Farlice-Rubio of Barnet, LaMont of Morristown, and Mulvaney-Stanak of Burlington,

House bill, entitled

An act relating to prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim

To the Committee on General and Housing.

Ceremonial Reading

H.C.R. 24

House concurrent resolution honoring teenage Rockingham volunteer firefighter Alex Leonard for his heroism and decisive action

Offered by: Representatives Goldman of Rockingham and Bos-Lun of Westminster

Offered by: Senators Harrison and Hashim

Whereas, Alex Leonard is a humble scholar-athlete at Bellows Falls Union High School and a volunteer firefighter for the Town of Rockingham, and

Whereas, on the night of January 17, 2023, after having responded to an earlier emergency call, he returned home at approximately 11:00 p.m. to discover the smoke alarm blaring and a fire raging in a second-story room, and he immediately called in this emergency, and

Whereas, Alex Leonard, then 17 years of age, rushed to the source of the fire and attempted to extinguish it with a fire extinguisher, and, when this proved unsuccessful, he immediately closed the door to the room, a decision that prevented the fire from spreading, and

Whereas, he expertly assisted a responding police officer and a crew from the Golden Cross Ambulance in the evacuation of his father, who is confined to a wheelchair, and

Whereas, Alex Leonard's quick action, which Bellows Falls Fire Chief Shaun McGinnis praised, saved his family's home and prevented a far greater tragedy from occurring, and his family is extremely proud of this fourth-generation firefighter, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors teenage Rockingham volunteer firefighter Alex Leonard for his heroism and decisive action, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Alex Leonard, to Rockingham Fire Chief Kevin Kingsbury, and to Bellows Falls Fire Chief Shaun McGinnis.

Having been adopted in concurrence on Friday, February 10, 2023 in accord with Joint Rule 16b, was read.

Second Reading; Bill Amended; Third Reading Ordered**H. 76**

Rep. Chase of Chester, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to captive insurance

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

Sec. 1. 8 V.S.A. § 6045 is amended to read:

§ 6045. BRANCH CAPTIVE REPORTS

Prior to March ~~4~~ 15 of each year, or with the approval of the Commissioner within ~~60~~ 75 days after its fiscal year-end, a branch captive insurance company shall file with the Commissioner a copy of all reports and statements required to be filed under the laws of the jurisdiction in which the alien captive insurance company is formed, verified by oath of two of its executive officers. If the Commissioner is satisfied that the annual report filed by the alien captive insurance company in its domiciliary jurisdiction provides adequate information concerning the financial condition of the alien captive insurance company, the Commissioner may waive the requirement for completion of the captive annual statement for business written in the alien jurisdiction.

Sec. 2. 8 V.S.A. § 6014(h) is amended to read:

(h) Annually, ~~11~~ 13 percent of the premium tax revenues collected pursuant to this section shall be transferred to the Department of Financial Regulation for the regulation of captive insurance companies under this chapter.

Sec. 3. 8 V.S.A. § 6034a is amended to read:

§ 6034a. INCORPORATED PROTECTED CELLS

* * *

(c) The articles of incorporation or articles of organization of an incorporated protected cell shall refer to the sponsored captive insurance company for which it is a protected cell and shall state that the protected cell is incorporated or organized for the limited purposes authorized by the sponsored captive insurance company's license. A copy of the prior written approval of the Commissioner to add the incorporated protected cell, required by subdivision 6034(11)(8) of this title, shall be attached to and filed with the articles of incorporation or the articles of organization.

(d)(1) An incorporated protected cell formed after May 7, 2015 or established prior to the effective date of this act shall have its own distinct name or designation, which shall include the words "Incorporated Cell" or the abbreviation "IC;" or, in the alternative, such incorporated protected cell may instead choose to have its own distinct name or designation consistent with the naming conventions in subdivisions (2)(A)–(C) of this subdivision, as applicable. The provisions of Title 11A V.S.A., chapter 4 and Title 11B V.S.A., chapter 4 shall not apply to the naming of incorporated protected cells.

(2) An incorporated protected cell formed or established on or after the effective date of this act shall have its own distinct name or designation as follows:

(A) If the incorporated protected cell is formed or established as a corporation, mutual corporation, or nonprofit corporation, its name or designation shall include the words "Incorporated Cell" or the abbreviation "IC." The provisions of 11A V.S.A. chapter 4 and 11B V.S.A. chapter 4 shall not apply to the naming of such incorporated protected cell.

(B) If the incorporated protected cell is formed or established as a limited liability company, its name or designation shall include the word "Cell." In addition, 11 V.S.A. § 4005 shall apply to the naming of such incorporated protected cell.

(C) If the incorporated protected cell is formed or established as a reciprocal insurer, its name or designation shall include the word "Cell." In addition, subdivision 4834(1) of this title shall apply to the naming of such incorporated protected cell.

* * *

Sec. 4. 8 V.S.A. § 6048k(d) is amended to read:

(d) Unless otherwise approved in advance by the Commissioner, all original books, records, documents, accounts, vouchers, and agreements shall be preserved and kept available in this State for the purpose of examination and inspection and until such time as the Commissioner approves the destruction or other disposition of such books, records, documents, accounts,

vouchers, and agreements. If the Commissioner approves the keeping of the items listed in this subsection outside this State, the special purpose financial insurance company shall maintain in this State a complete and true copy of each such ~~original item~~. Books, records, documents, accounts, vouchers, and agreements may be photographed, reproduced on film, or stored and reproduced electronically.

Sec. 5. 8 V.S.A. § 6049h(c) is amended to read:

(c) Unless otherwise approved in advance by the Commissioner, all ~~original~~ books, records, documents, accounts, vouchers, and agreements shall be preserved and kept available in this State for the purpose of examination and inspection and until such time as the Commissioner approves the destruction or other disposition of such books, records, documents, accounts, vouchers, and agreements. If the Commissioner approves the keeping outside this State of the items listed in this subsection, the affiliated reinsurance company shall maintain in this State a complete and true copy of each such ~~original item~~. Books, records, documents, accounts, vouchers, and agreements may be photographed, reproduced on film, or stored and reproduced electronically.

Sec. 6. 8 V.S.A. § 6002(c) is amended to read:

(c)(1) Before receiving a license, a captive insurance company shall:

(A) File with the Commissioner a copy of its organizational documents and any other statements or documents required by the Commissioner.

(B) Submit to the Commissioner for approval a description of the coverages, deductibles, coverage limits, and rates, together with such additional information as the Commissioner may reasonably require. In the event of any subsequent material change in any item in such description, the captive insurance company shall submit to the Commissioner for approval an appropriate revision and shall not offer any additional kinds of insurance until a revision of such description is approved by the Commissioner. The captive insurance company shall inform the Commissioner of any material change in rates within 30 days ~~of~~ following the adoption of such change.

(2) Each applicant captive insurance company shall also file with the Commissioner evidence of the following:

(A) the amount and liquidity of its assets relative to the risks to be assumed;

(B) the adequacy of the expertise, experience, and character of the person or persons who will manage it;

- (C) the overall soundness of its plan of operation;
- (D) the adequacy of the loss prevention programs of its insureds; and
- (E) its beneficial ownership, sponsorship, or membership; and
- (F) such other factors deemed relevant by the Commissioner in ascertaining whether the proposed captive insurance company will be able to meet its policy obligations.

(3) Information submitted pursuant to this subsection, including any subsequent updates, amendments, or revisions of or to such information, shall be and remain confidential, and may not be made public by the Commissioner or an employee or agent of the Commissioner without the written consent of the company, except that:

* * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommended that the report of the Committee on Commerce and Economic Development be amended as follows:

By striking out Sec. 7, effective date, in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 2 (concerning the percentage of premium tax revenue transferred to the Department of Financial Regulation) shall take effect on July 1, 2023.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Commerce and Economic Development was amended as recommended by the Committee on Ways and Means. Report of the Committee on Commerce and Economic Development, as amended, agreed to and third reading ordered.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 176

Rep. Coffey of Guilford moved that the Committee on Transportation be relieved of House bill, entitled

An act relating to secondary enforcement of certain motor vehicle violations

And that the bill be committed to the Committee on Judiciary, which was agreed to.

Adjournment

At three o'clock and twenty-eight 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.