

Journal of the House

Friday, April 14, 2017

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Janssen Willhoit of St. Johnsbury.

Joint Resolution Placed on Calendar

J.R.H. 7

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House

Offered by: Representatives Marcotte of Coventry and Lawrence of Lyndon

Whereas, the American Legion Department of Vermont sponsors the Green Mountain Boys State educational program, providing a group of boys entering the 12th grade a special opportunity to study the workings of State government in Montpelier, and

Whereas, as part of their visit to the State's capital city, the boys conduct a mock legislative session in the State House, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Boys State educational program on Thursday, June 22, 2017, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont in Montpelier.

Which was read and, in the Speaker's discretion, placed on the Calendar for action on the next legislative day under Rule 52.

Third Reading; Bill Passed

H. 520

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Stowe

Was taken up, read the third time and passed.

**Proposal of Amendment agreed to; Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 22

Senate bill, entitled

An act relating to increased penalties for possession, sale, and dispensation of fentanyl

Was taken up and pending third reading of the bill, **Rep. Colburn of Burlington and Rep. Conquest of Newbury** moved to propose to the Senate to amend the bill as follows:

After section 5, Effective Dates, that after passage the title of the bill be amended to read: "An act relating to alternative approaches to addressing low-level illicit drug use and the ephedrine and pseudoephedrine registry"

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Action on Bill Postponed

S. 23

House bill, entitled

An act relating to juvenile jurisdiction

Was taken up and pending the question shall the bill pass in concurrence with proposal of amendment? on motion of **Rep. Willhoit of St. Johnsbury**, action on the bill was postponed until April 18, 2017.

Third Reading; Bill Passed in Concurrence with Proposal of Amendment

S. 56

House bill, entitled

An act relating to life insurance policies and the Vermont Uniform Securities Act

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Recess

At nine o'clock and forty-nine minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At ten o'clock and twenty-two minutes in the forenoon, the Speaker called

the House to order.

Consideration Interrupted by Recess

H. 197

House bill, entitled

An act relating to mental health parity for workers' compensation

Was taken up and pending third reading of the bill, **Rep. Greshin of Warren** moved to amend the bill as follows:

Rep. Greshin of Warren moves that the bill be amended in Sec. 1, 21 V.S.A. § 601, subdivision (11)(I)(iii)(IV), after the first sentence, by inserting a second sentence to read ““Rescue or ambulance worker” does not include a member of a ski patrol while he or she is performing services for the ski patrol at a ski resort.”

Recess

At ten o'clock and thirty-five minutes, the Speaker declared a recess until ten o'clock and fifty minutes.

At ten o'clock and fifty-six minutes, the Speaker called the House to order.

Consideration Resumed; Consideration Interrupted

H. 197

Consideration resumed on House bill, entitled

An act relating to mental health parity for workers' compensation

Thereupon, the amendment offered by **Rep. Greshin of Warren** was disagreed to.

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

First: In Sec. 1a, emergency personnel post-traumatic stress disorder; study of experience and costs; report, by striking out subdivisions (a)(2) and (3) in their entirety and inserting in lieu thereof subdivisions (a)(2), (3), (4), and (5) to read:

(2) the cost of the workers' compensation benefits provided for those claims;

(3) any changes in administrative or premium costs associated with those claims;

(4) the annual increase in workers' compensation costs for Vermont municipalities and school districts for each fiscal year in comparison to the

average annual increase in workers' compensation costs for Vermont municipalities and school districts from FY 2012 through FY 2017; and

(5) the total cost to reimburse municipalities and school districts for the amount by which the increase in their respective workers' compensation costs during the prior fiscal year exceeded the historical average annual increase in workers' compensation costs.

Second: In Sec. 1a, emergency personnel post-traumatic stress disorder; study of experience and costs; report, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read:

(b)(1) On or before January 15 of each year from 2018 through 2020, the Commissioner shall report to the House Committees on Appropriations, on Commerce and Economic Development, and on Health Care, and the Senate Committees on Appropriations, on Finance, and on Health and Welfare regarding its findings and any recommendations for legislative changes.

(2) On or before January 15, 2020, the Commissioner shall submit to the House Committees on Appropriations, on Commerce and Economic Development, and on Health Care, and the Senate Committees on Appropriations, on Finance, and on Health and Welfare proposed legislation to create a permanent funding stream to mitigate the impacts on local property tax rates of increased workers' compensation costs for Vermont municipalities and school districts as a result of claims made pursuant to 21 V.S.A. § 601(11)(I) and (J).

Pending the question, Shall the bill be amended as offered by Rep. Browning of Arlington? **Rep. Browning of Arlington** demanded the yeas and nays which was sustained by the constitutional number.

Pending the call of the roll, **Rep. Ainsworth of Royalton** moved that the bill be recommitted to the committee on Health Care.

Recess

At eleven o'clock and fifteen minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven o'clock and fifty-nine minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed; Bill Read Third Time and Passed

H. 197

Consideration resumed on House bill, entitled

An act relating to mental health parity for workers' compensation

Thereupon, the motion to recommit the bill to the committee on Health Care was disagreed to.

Thereupon, the Clerk proceeded to call the roll and the question, Shall the bill be amended as offered by Rep. Browning of Arlington? was decided in the negative. Yeas, 45. Nays, 85.

Those who voted in the affirmative are:

Ainsworth of Royalton	Higley of Lowell	Parent of St. Albans Town
Bancroft of Westford	Juskiewicz of Cambridge	Pearce of Richford
Baser of Bristol	Keefe of Manchester	Quimby of Concord
Beck of St. Johnsbury	Kimbell of Woodstock	Rosenquist of Georgia
Beyor of Highgate	LaClair of Barre Town	Savage of Swanton
Brennan of Colchester	Lawrence of Lyndon	Shaw of Pittsford
Browning of Arlington *	Lefebvre of Newark	Sibilia of Dover
Canfield of Fair Haven	McCoy of Poultney	Smith of Derby
Cupoli of Rutland City	McFaun of Barre Town	Smith of New Haven
Devereux of Mount Holly	Morrissey of Bennington	Strong of Albany
Fagan of Rutland City	Murphy of Fairfax	Sullivan of Dorset
Frenier of Chelsea	Myers of Essex	Turner of Milton
Gamache of Swanton	Nolan of Morristown	Van Wyck of Ferrisburgh
Greshin of Warren	Norris of Shoreham	Willhoit of St. Johnsbury
Helm of Fair Haven	Olsen of Londonderry	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Fields of Bennington	Noyes of Wolcott
Bartholomew of Hartland	Forguites of Springfield	Ode of Burlington
Belaski of Windsor	Gage of Rutland City	O'Sullivan of Burlington
Bissonnette of Winooski	Gannon of Wilmington	Partridge of Windham
Bock of Chester	Gardner of Richmond	Poirier of Barre City
Botzow of Pownal	Giambatista of Essex	Potter of Clarendon
Briglin of Thetford	Gonzalez of Winooski	Rachelson of Burlington
Brumsted of Shelburne	Haas of Rochester	Scheu of Middlebury
Buckholz of Hartford	Head of South Burlington	Sharpe of Bristol
Carr of Brandon	Hill of Wolcott	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	Hooper of Montpelier	Squirrell of Underhill
Christensen of Weathersfield	Hooper of Brookfield	Stevens of Waterbury
Christie of Hartford	Howard of Rutland City	Stuart of Brattleboro
Cina of Burlington	Jessup of Middlesex	Sullivan of Burlington
Colburn of Burlington	Jickling of Brookfield	Taylor of Colchester
Condon of Colchester	Joseph of North Hero	Till of Jericho
Conlon of Cornwall	Keenan of St. Albans City	Toleno of Brattleboro
Connor of Fairfield	Kitzmiller of Montpelier	Townsend of South Burlington
Conquest of Newbury	Krowinski of Burlington	Trieber of Rockingham
Copeland-Hanzas of Bradford *	Lalonde of South Burlington	Troiano of Stannard
Corcoran of Bennington	Lanpher of Vergennes	Walz of Barre City
Dakin of Colchester	Long of Newfane	Webb of Shelburne
	Lucke of Hartford	Weed of Enosburgh
	Marcotte of Coventry	

Deen of Westminster	Masland of Thetford	Wood of Waterbury
Donahue of Northfield *	McCormack of Burlington	Yacovone of Morristown
Donovan of Burlington	McCullough of Williston	Yantachka of Charlotte
Dunn of Essex	Miller of Shaftsbury	Young of Glover
Emmons of Springfield	Morris of Bennington	
Feltus of Lyndon	Mrowicki of Putney	

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

Batchelor of Derby	Harrison of Chittenden	Martel of Waterford
Burditt of West Rutland	Hebert of Vernon	Pugh of South Burlington
Burke of Brattleboro	Houghton of Essex	Scheuermann of Stowe
Dickinson of St. Albans Town	Hubert of Milton	Terenzini of Rutland Town
Grad of Moretown	Lewis of Berlin	Toll of Danville
Graham of Williamstown	Lippert of Hinesburg	Viens of Newport City
	Macaig of Williston	

Rep. Browning of Arlington explained her vote as follows:

“Madam Speaker:

I vote yes to protect property taxpayers from the possible costs of yet another unfunded state mandate.”

Rep. Copeland-Hanzas of Bradford explained her vote as follows:

“Madam Speaker:

I voted No. To carve out and require the state to reimburse for a mental injury, as if those are somehow less valid, less debilitating, less tragic for the injured worker and her family is a violation of the goal that we have expressed as a body here: injury is injury.

Instead I should hope we would celebrate the savings to our families and their employers that timely treatment of an injury has meant; that she could return to work, support her family, continue to do the job she loves, that her employer didn’t have to incur added expense of OT or substitute pay, and our municipal agencies and schools remain strong for us because their experienced individuals can remain on the job.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

“This amendment says that a separate funding stream for mental health injuries is an acceptable funding mechanism. We learned a long time ago that separate but equal is only separate, never equal.”

Rules Suspended; Reconsideration Agreed To

Rep. Turner of Milton moved to suspend the rules to permit reconsideration

in the same legislative day, which was agreed to.

Rep. Copeland-Hanzas of Bradford, assuring the Chair that she voted with the prevailing side when the House disagreed to the amendment offered by **Rep. Greshin of Warren**, moved to reconsider its vote, which was agreed to.

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

In Sec. 1, 21 V.S.A. § 601, subdivision (11)(I)(iii)(IV), after the first sentence, by inserting a second sentence to read “Rescue or ambulance worker” does not include a member of a ski patrol while he or she is performing services for the ski patrol at a ski resort.”

Which was disagreed to.

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

First: In Sec. 1, 21 V.S.A. § 601, after subdivision (11)(iii), by inserting a subdivision (11)(iv) to read:

(iv) The date of loss for a claim made pursuant to this subdivision (11) shall be the date of the initial diagnosis of post-traumatic stress disorder or the last active date of employment as a police officer, rescue or ambulance worker, or firefighter, whichever occurs first.

Second: In Sec. 2, effective date, by striking out the section in its entirety and inserting a new Sec. 2 to read:

Sec. 2. EFFECTIVE DATE

(a) This act shall take effect on July 1, 2017.

(b) 21 V.S.A. § 601(11)(I) shall apply to claims for post-traumatic stress disorder that are first diagnosed on or after July 1, 2017.

Which was disagreed to.

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

In Sec. 2, effective date, by striking out the section in its entirety and inserting a new Sec. 2 to read:

Sec. 2. EFFECTIVE DATES

(a) In Sec. 1, 21 V.S.A. § 601, subdivision (11)(I) shall take effect on July 1, 2017 and subdivision (11)(J) shall take effect on July 1, 2018.

(b) This section shall take effect on July 1, 2017.

Which was disagreed to.

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

Message from the Senate No. 44

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 85. An act relating to captive insurance companies.

And has passed the same in concurrence.

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

H. 182. An act relating to certain businesses regulated by the Department of Financial Regulation.

H. 494. An act relating to the Transportation Program and miscellaneous changes to transportation-related law.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 18. Joint resolution in support of combating the rise in hate crimes and bigotry.

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

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 7. An act relating to deferred sentences and the sex offender registry.

And has concurred therein.

The Governor has informed the Senate that on the Thirteenth day of April, 2017, he approved and signed a bill originating in the Senate of the following title:

S. 13. An act relating to fees and costs allowed at a tax sale.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 13. Senate concurrent resolution congratulating Vermont Technical College on its 150th anniversary and designating April 13, 2017 as Vermont Tech Day.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 107. House concurrent resolution designating April 2017 as Financial Capability Month in Vermont.

H.C.R. 108. House concurrent resolution designating Thursday, April 6, 2017 as Alzheimer's Awareness Day at the State House.

H.C.R. 109. House concurrent resolution congratulating Alison Bechdel of Bolton on being named the third Vermont Cartoonist Laureate.

H.C.R. 110. House concurrent resolution congratulating the 2017 Essex High School State championship Vermont-NEA Scholars' Bowl team.

H.C.R. 111. House concurrent resolution congratulating the 2017 Junior Iron Chef championship teams.

H.C.R. 112. House concurrent resolution honoring Alexander L. Aldrich for his two decades of exemplary leadership in the furtherance of the arts in Vermont.

H.C.R. 113. House concurrent resolution congratulating Lise Gates of Enosburg Falls on being named a 2017 Mother of Achievement.

H.C.R. 114. House concurrent resolution honoring Vermont Air National Guard Chief Master Sergeant John W. Felix III for his distinguished military service.

H.C.R. 115. House concurrent resolution honoring Christine Brock of St. Albans for her professional and personal dedication to helping others improve their lives.

H.C.R. 116. House concurrent resolution congratulating the 2017 University of Vermont Catamounts America East championship men's basketball team.

H.C.R. 117. House concurrent resolution congratulating the 2017 Enosburg Falls High School Hornets Division II championship boys' basketball team.

H.C.R. 118. House concurrent resolution recognizing the 3–4–50 chronic disease resource as a valuable preventative health care guide.

H.C.R. 119. House concurrent resolution commemorating the 240th anniversary of the Battle of Bennington.

H.C.R. 120. House concurrent resolution congratulating the Ludlow Rotary Club on its 90th birthday.

H.C.R. 121. House concurrent resolution congratulating the 2017 Proctor High School Phantoms Division IV championship boys' basketball team.

H.C.R. 122. House concurrent resolution designating April 13, 2017 as Drug Overdose Awareness Day at the State House.

Adjournment

At one o'clock and nine minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, April 18, 2017, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 30.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 107

House concurrent resolution designating April 2017 as Financial Capability Month in Vermont;

H.C.R. 108

House concurrent resolution designating Thursday, April 6, 2017 as Alzheimer's Awareness Day at the State House;

H.C.R. 109

House concurrent resolution congratulating Alison Bechdel of Bolton on being named the third Vermont Cartoonist Laureate;

H.C.R. 110

House concurrent resolution congratulating the 2017 Essex High School State championship Vermont-NEA Scholars' Bowl team;

H.C.R. 111

House concurrent resolution congratulating the 2017 Junior Iron Chef championship teams;

H.C.R. 112

House concurrent resolution honoring Alexander L. Aldrich for his two decades of exemplary leadership in the furtherance of the arts in Vermont;

H.C.R. 113

House concurrent resolution congratulating Lise Gates of Enosburg Falls on being named a 2017 Mother of Achievement;

H.C.R. 114

House concurrent resolution honoring Vermont Air National Guard Chief Master Sergeant John W. Felix III for his distinguished military service;

H.C.R. 115

House concurrent resolution honoring Christine Brock of St. Albans for her professional and personal dedication to helping others improve their lives;

H.C.R. 116

House concurrent resolution congratulating the 2017 University of Vermont Catamounts America East championship men's basketball team;

H.C.R. 117

House concurrent resolution congratulating the 2017 Enosburg Falls High School Hornets Division II championship boys' basketball team;

H.C.R. 118

House concurrent resolution recognizing the 3–4–50 chronic disease resource as a valuable preventative health care guide;

H.C.R. 119

House concurrent resolution commemorating the 240th anniversary of the Battle of Bennington;

H.C.R. 120

House concurrent resolution congratulating the Ludlow Rotary Club on its 90th birthday;

H.C.R. 121

House concurrent resolution congratulating the 2017 Proctor High School Phantoms Division IV championship boys' basketball team;

H.C.R. 122

House concurrent resolution designating April 13, 2017 as Drug Overdose Awareness Day at the State House;

S.C.R. 13

Senate concurrent resolution congratulating Vermont Technical College on its 150th anniversary and designating April 13, 2017 as Vermont Tech Day;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts

and Resolves of the 2017, seventy-fourth Biennial session.]