

Journal of the House

Tuesday, March 11, 2025

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

Devotional Exercises

Devotional exercises were conducted by Rep. Christopher Morrow of Weston.

Pledge of Allegiance

Page Molly Despathy of Danville led the House in the Pledge of Allegiance.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Jaye Pershing Johnson, 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 5th day of March, 2025, he signed a bill originating in the House of the following title:

H. 31 An act relating to claim edit standards and prior authorization requirements

Message from the Senate No. 24

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolutions of the following titles:

J.R.S. 16. Joint resolution providing for a Joint Assembly to vote on the retention of seven Superior Court Judges and one Magistrate.

J.R.S. 17. Joint resolution relating to weekend adjournment on March 14, 2025.

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

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee or placed on the Notice Calendar as follows:

H. 456

By Reps. Cina of Burlington, Christie of Hartford, and Cole of Hartford,
House bill, entitled

An act relating to establishing a State-funded and community-based continuum of care for justice-involved individuals

To the Committee on Human Services.

H. 457

By Rep. Dolgin of St. Johnsbury,
House bill, entitled

An act relating to justifiable homicide

To the Committee on Judiciary.

H. 458

By the Committee on Energy and Digital Infrastructure,
House bill, entitled

An act relating to the Agency of Digital Services

Pursuant to House Rule 48, placed on the Notice Calendar.

H. 459

By Reps. Waszazak of Barre City and Casey of Montpelier,
House bill, entitled

An act relating to the Parental and Family Leave Act

To the Committee on General and Housing.

H. 460

By Reps. Bartholomew of Hartland, Burke of Brattleboro, Chapin of East Montpelier, Dodge of Essex, Lalley of Shelburne, Masland of Thetford, Morris of Springfield, Pouech of Hinesburg, Satcowitz of Randolph, and Torre of Moretown,

House bill, entitled

An act relating to the development and construction of a bicycle path that runs adjacent U.S. Route 5

To the Committee on Transportation.

H. 461

By Rep. Krasnow of South Burlington,

House bill, entitled

An act relating to expanding employee access to unpaid leave

To the Committee on General and Housing.

Senate Bill Referred

S. 3

Senate bill, entitled

An act relating to the transfer of property to a trust

Was read the first time and referred to the Committee on Judiciary.

Bill Referred to Committee on Ways and Means

H. 137

House bill, entitled

An act relating to the regulation of insurance products and services

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Notice Calendar, carrying appropriations, under House Rule 35(a), were referred to the Committee on Appropriations:

H. 218

House bill, entitled

An act relating to fiscal year 2026 appropriations from the Opioid Abatement Special Fund

H. 219

House bill, entitled

An act relating to creating a family support pilot program for incarcerated parents and guardians

Ceremonial Reading**H.C.R. 35**

Offered by Representatives Bos-Lun of Westminster, Burt of Cabot, Charlton of Chester, Cooper of Pownal, Eastes of Guilford, Goldman of Rockingham, Masland of Thetford, Morrow of Weston, Mrowicki of Putney, and Sweeney of Shelburne

Offered by Senators Harrison and Hashim

House concurrent resolution commemorating the 250th anniversary of the March 13, 1775 Westminster Massacre

Whereas, for two centuries Vermonters have considered the Westminster Massacre, which occurred on March 13, 1775, to constitute the first bloodshed of the American Revolution, and

Whereas, in 1774, the Continental Congress adopted the Articles of Association, enacting a trade embargo against Great Britain, and New York was the only province that did not ratify the Articles, and

Whereas, the Cumberland County, NY towns, comprising all of current Vermont east of the Green Mountains from Tunbridge to the Massachusetts border, voted to uphold the Articles, and

Whereas, in 1775, local Whigs (supporters of American liberty) were experiencing excessive lawsuits, resulting in their Tory neighbors acquiring the Whigs' property through bankruptcy proceedings, and

Whereas, 40 Whigs met with Chief Judge Thomas Chandler at his home to request that the court be closed, but Judge Chandler said he had a murder case to try and after the trial he would discuss it with them, and subsequently, the Whigs learned that the court officials planned to arrive early and deny them entry, and

Whereas, on March 13, 1775, 100 Whigs, armed only with staves, occupied the courthouse before Sheriff William Paterson and his posse's arrival, and the sheriff read them the Riot Act but they defied him, and

Whereas, Judge Chandler promised the protesters they could remain in the courthouse overnight unmolested, but Sheriff Paterson returned with his posse and ordered his men to fire point-blank, which wounded several Whigs,

including William French of Brattleboro (who died overnight and whose gravesite has been maintained with State financial support) and Daniel Houghton of Dummerston (who died several days later), and the Sheriff's posse retook control of the courthouse, and

Whereas, on March 14, 1775, 400 armed local militia, including many from New Hampshire, filled the street and recaptured the courthouse, imprisoning all the New York officials and permanently terminating New York government in Cumberland County—but refraining from any further violence—nearly two years before Vermont independence was declared in Westminster on January 15, 1777, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly commemorates the 250th anniversary of the March 13, 1775 Westminster Massacre, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Westminster Historical Society.

Having been adopted in concurrence on Tuesday, February 25, 2025 in accord with Joint Rule 16b, was read.

Second Reading; Bill Amended; Third Reading Ordered

H. 96

Rep. Cordes of Bristol, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to increasing the monetary thresholds for certificates of need

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. 18 V.S.A. § 9434 is amended to read:

§ 9434. CERTIFICATE OF NEED; GENERAL RULES

(a) A health care facility other than a hospital shall not develop or have developed on its behalf a new health care project without issuance of a certificate of need by the Board. For purposes of this subsection, a “new health care project” ~~includes~~ means any of the following:

(1) The construction, development, purchase, renovation, or other establishment of a health care facility, or any capital expenditure by or on behalf of a health care facility, for which the capital cost exceeds ~~\$1,500,000.00~~ \$10,000,000.00.

(2) A change from one licensing period to the next in the number of licensed beds of a health care facility through addition or conversion, or through relocation from one physical facility or site to another.

(3) The offering of any home health service, or the transfer or conveyance of more than a 50 percent ownership interest in a health care facility other than a hospital or nursing home.

(4) The purchase, lease, or other comparable arrangement of a single piece of diagnostic and therapeutic equipment for which the cost, or in the case of a donation the value, is in excess of ~~\$1,000,000.00~~ \$5,000,000.00. For purposes of this subdivision, the purchase or lease of one or more articles of diagnostic or therapeutic equipment that are necessarily interdependent in the performance of their ordinary functions or that would constitute any health care facility included under subdivision 9432(8)(B) of this title, as determined by the Board, shall be considered together in calculating the amount of an expenditure. The Board's determination of functional interdependence of items of equipment under this subdivision shall have the effect of a final decision and is subject to appeal under section 9381 of this title.

(5) The offering of a health care service or technology having an annual operating expense that exceeds ~~\$500,000.00~~ \$3,000,000.00 for either of the next two budgeted fiscal years, if the service or technology was not offered or employed, either on a fixed or a mobile basis, by the health care facility within the previous three fiscal years.

(6) The construction, development, purchase, lease, or other establishment or expansion of an ambulatory surgical center for which the cost exceeds \$10,000,000.00.

(b) A hospital shall not develop or have developed on its behalf a new health care project without issuance of a certificate of need by the Board. For purposes of this subsection, a "new health care project" ~~includes~~ means any of the following:

(1) The construction, development, purchase, renovation, or other establishment of a health care facility, or any capital expenditure by or on behalf of a hospital, for which the capital cost exceeds ~~\$3,000,000.00~~ \$10,000,000.00.

(2) The purchase, lease, or other comparable arrangement of a single piece of diagnostic and therapeutic equipment for which the cost, or in the case of a donation the value, is in excess of ~~\$1,500,000.00~~ \$5,000,000.00. For purposes of this subdivision, the purchase or lease of one or more articles of diagnostic or therapeutic equipment that are necessarily interdependent in the performance of their ordinary functions or that would constitute any health

care facility included under subdivision 9432(8)(B) of this title, as determined by the Board, shall be considered together in calculating the amount of an expenditure. The Board's determination of functional interdependence of items of equipment under this subdivision shall have the effect of a final decision and is subject to appeal under section 9381 of this title.

(3) The offering of a health care service or technology having an annual operating expense that exceeds ~~\$1,000,000.00~~ \$3,000,000.00 for either of the next two budgeted fiscal years, if the service or technology was not offered or employed, either on a fixed or a mobile basis, by the hospital within the previous three fiscal years.

(4) A change from one licensing period to the next in the number of licensed beds of a health care facility through addition or conversion, or through relocation from one physical facility or site to another.

(5) The offering of any home health service.

(c) In the case of a project that requires a certificate of need under this section, expenditures for which are anticipated to be in excess of ~~\$30,000,000.00~~ \$50,000,000.00, the applicant first shall secure a conceptual development phase certificate of need, in accordance with the standards and procedures established in this subchapter, that permits the applicant to make expenditures for architectural services, engineering design services, or any other planning services, as defined by the Board, needed in connection with the project. Upon completion of the conceptual development phase of the project, and before offering or further developing the project, the applicant shall secure a final certificate of need in accordance with the standards and procedures established in this subchapter. Applicants shall not be subject to sanctions for failure to comply with the provisions of this subsection if such failure is solely the result of good faith reliance on verified project cost estimates issued by qualified persons, which cost estimates would have led a reasonable person to conclude the project was not anticipated to be in excess of ~~\$30,000,000.00~~ \$50,000,000.00 and therefore not subject to this subsection. The provisions of this subsection notwithstanding, expenditures may be made in preparation for obtaining a conceptual development phase certificate of need, which expenditures shall not exceed ~~\$1,500,000.00 for non-hospitals or \$3,000,000.00 for hospitals~~ \$10,000,000.00.

(d) If the Board determines that a person required to obtain a certificate of need under this subchapter has separated a single project into components in order to avoid cost thresholds or other requirements under this subchapter, the person shall be required to submit an application for a certificate of need for the entire project, and the Board may proceed under section 9445 of this title.

The Board's determination under this subsection shall have the effect of a final decision and is subject to appeal under section 9381 of this title.

(e) The Board may periodically adjust the monetary jurisdictional thresholds contained in this section. In doing so, the Board shall reflect the same categories of health care facilities, services, and programs recognized in this section. Any adjustment by the Board shall not exceed an amount calculated using the cumulative Consumer Price Index rate of inflation.

Sec. 2. 18 V.S.A. § 9435 is amended to read:

§ 9435. EXCLUSIONS

* * *

(f)(1) Excluded from this subchapter are routine replacements of:

(A) medical equipment that is fully depreciated; and

(B) nonmedical equipment and fixtures, including furnaces, boilers, refrigeration units, kitchen equipment, heating and cooling units, and similar items, regardless of their remaining useful life.

(2) These The replacements described in subdivision (1) of this subsection and purchased by a hospital shall be included in the hospital's budget and may be reviewed in the budget process set forth in subchapter 7 of this chapter.

* * *

(i) Excluded from this subchapter are emergency and nonemergency ground ambulance services, affiliated agencies, and equipment and supplies used by emergency medical personnel, as those terms are defined in 24 V.S.A. § 2651.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2025 and shall apply to all new health care projects initiated on or after that date. For applications for a certificate of need that are already in process on July 1, 2025 for which one or more persons have been granted interested party status, the jurisdictional thresholds and exclusions in place at the time the application was filed shall continue to apply until a final decision is made on the application. For applications for a certificate of need that are already in process on July 1, 2025 for which no person has been granted interested party status, the applicant may withdraw the application in accordance with Board rules.

Rep. Branagan of Georgia, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Health Care.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Health Care agreed to, and third reading ordered.

Adjournment

At ten o'clock and thirty-six minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.