

Journal of the House

Wednesday, February 14, 2024

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

Devotional Exercises

Devotional exercises were conducted by Toussaint St. Negritude, poet and musician, Newark.

House Bills Introduced

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

H. 854

By Reps. Farlice-Rubio of Barnet, Cina of Burlington, and Goldman of Rockingham,

House bill, entitled

An act relating to establishing a statewide electronic medical records system

To the Committee on Health Care.

H. 855

By Reps. Farlice-Rubio of Barnet and Cina of Burlington,

House bill, entitled

An act relating to making modifications affecting many aspects of Vermont's health care system

To the Committee on Health Care.

H. 856

By Reps. Stevens of Waterbury, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Chapin of East Montpelier, Chesnut-Tangerman of Middletown Springs, Cole of Hartford, Dodge of Essex, Dolan of Waitsfield, Farlice-Rubio of Barnet, Graning of Jericho, Headrick of Burlington, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Krasnow of South Burlington, LaBounty of Lyndon, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Ode of Burlington, Patt of Worcester, Priestley of Bradford, Satcowitz of

Randolph, Torre of Moretown, Troiano of Stannard, Williams of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to medical leave for a serious injury

To the Committee on General and Housing.

H. 857

By Reps. Headrick of Burlington, Arrison of Weathersfield, Arsenault of Williston, Bluemle of Burlington, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Carpenter of Hyde Park, Casey of Montpelier, Chase of Chester, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Cole of Hartford, Cordes of Lincoln, Elder of Starksboro, Graning of Jericho, Gregoire of Fairfield, Hooper of Randolph, Lalley of Shelburne, Leavitt of Grand Isle, Logan of Burlington, McGill of Bridport, Minier of South Burlington, Morris of Springfield, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Patt of Worcester, Peterson of Clarendon, Pouech of Hinesburg, Roberts of Halifax, Satcowitz of Randolph, Sibia of Dover, Sims of Craftsbury, Small of Winooski, Smith of Derby, Stevens of Waterbury, Stone of Burlington, Templeman of Brownington, and Troiano of Stannard,

House bill, entitled

An act relating to prohibiting advertisements for State-run gambling operations

To the Committee on Government Operations and Military Affairs.

H. 858

By Rep. Krasnow of South Burlington,

House bill, entitled

An act relating to permitting Assistant Attorneys General to collectively bargain

To the Committee on General and Housing.

Bill Referred to Committee on Appropriations

H. 794

House bill, entitled

An act relating to services provided by the Vermont Veterans' Home

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Joint Resolution Adopted in Concurrence

J.R.S. 45

By Senator Baruth,

J.R.S. 45. Joint resolution relating to weekend adjournment on February 16, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 16, 2024, it be to meet again no later than Tuesday, February 20, 2024.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading

H.C.R. 148

House concurrent resolution recognizing February 14, 2024 as Recovery Day at the State House

Offered by: Representative Whitman of Bennington

Whereas, more than 12,000 Vermonters annually conclude their substance use disorder (SUD) treatment, and

Whereas, the State of Vermont has invested in a statewide network of 12 recovery centers, collectively organized as Recovery Partners of Vermont, as well as associated recovery houses, and

Whereas, the Vermont Association for Mental Health and Addiction Recovery (VAMHAR) and Recovery Partners of Vermont are dedicated to supporting all pathways to recovery from SUD in an effort to lead Vermonters to a healthier life, and

Whereas, to celebrate the success of those Vermonters who have successfully completed their SUD recovery and to educate the General Assembly on the activities that must continue in order to develop even more successful recovery initiatives, Vermonters in recovery are present at the General Assembly today, February 14, 2024, to observe Recovery Day, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes February 14, 2024 as Recovery Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Recovery Partners of Vermont and to VAMHAR.

Having been adopted in concurrence on Friday, February 9, 2024 in accord with Joint Rule 16b, was read.

Second Reading; Bill Amended; Third Reading Ordered

H. 247

Rep. Farlice-Rubio of Barnet, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to Vermont's adoption of the Occupational Therapy Licensure Compact

Reported in favor of its passage when amended by striking out Sec. 3, effective date, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

Rep. Andrews of Westford, for the Committee on Ways and Means, recommended that the bill be amended as recommended by the Committee on Health Care and when further amended by adding two new sections to be Secs. 3 and 4 to read as follows:

Sec. 3. 3 V.S.A. § 123(j)(1) is amended to read:

(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued credential, including a license, certification, registration, or specialty designation for the following professions:

* * *

(I) speech-language pathologists licensed under 26 V.S.A. chapter 87; and

(J) occupational therapists licensed under 26 V.S.A. chapter 71; and

(K) individuals registered on the roster of psychotherapists who are nonlicensed and noncertified.

Sec. 4. 3 V.S.A. § 125(b) is amended to read:

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

* * *

(4) Biennial renewal, \$275.00, except biennial renewal for:

* * *

(B) Occupational therapists and assistants, \$180.00, except that a licensee of a remote state under the Occupational Therapy Licensure Compact established in 26 V.S.A. chapter 71, subchapter 2 shall pay a biennial \$50.00 privilege to practice fee.

* * *

And by renumbering the existing Sec. 3, effective date, to be Sec. 5

Rep. Toleno of Brattleboro, for the Committee on Appropriations, reported in favor of its passage when amended as recommended by the Committee on Health Care and when further amended as recommended by the Committee on Ways and Means.

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, the report of the Committee on Ways and Means agreed to, and third reading ordered.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 563

House bill, entitled

An act relating to attempted auto theft

H. 649

House bill, entitled

An act relating to the Vermont Truth and Reconciliation Commission

Second Reading; Bill Amended; Third Reading Ordered

H. 801

Rep. Morgan of Milton, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to approval of the adoption of the charter of the Town of Waterbury

Reported in favor of its passage when amended as follows:

In Sec. 2, 24 App. V.S.A. chapter 159, in § 1 (local option tax), following the period at the end of the section, by inserting “A tax imposed under the authority of this section shall be collected and administered by the Department of Taxes pursuant to 24 V.S.A. § 138.”

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Government Operations and Military Affairs.

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

**Rules Suspended, Immediate Consideration; Committee Bill;
Second Reading; Amendment Offered and Withdrawn; Amendment
Offered; Bill Amended; Third Reading Ordered; Rules Suspended,
All Remaining Stages of Passage; Third Reading; Bill Passed;
Rules Suspended, Messaged to the Senate Forthwith**

H. 850

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

An act relating to transitioning education financing to the new system for pupil weighting

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

Rep. Beck of St. Johnsbury spoke for the Committee on Ways and Means.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended that the bill ought to pass when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

The purpose of this bill is to take the initial step in ensuring the opportunity to transform Vermont’s educational system. It is the intent of the General Assembly to address the delivery, governance, and financing of Vermont’s education system, with the goal of transforming the educational system to ensure a high-quality education for all Vermont students, sustainable use of public resources, and appropriate support and expertise from the Agency of Education.

Sec. 2. REPEAL

Notwithstanding 1 V.S.A. § 214, 2022 Acts and Resolves No. 127, Sec. 7 (calculation of tax rates and tax rate review) is repealed retroactively on June 1, 2022.

Sec. 3. TAX RATE TRANSITION; FISCAL YEARS 2025–2029

(a) For each school district, the Secretary of Education shall:

(1) calculate the long-term weighted average daily membership for fiscal year 2025 using the funding formula in effect for fiscal year 2024 while accounting for the differences in how pupil weights and average daily membership were identified and determined between fiscal years 2024 and 2025;

(2) calculate the district’s percentage share of total long-term weighted average daily membership by dividing the result from subdivision (1) of this subsection by the sum of results for all districts from subdivision (1) of this subsection;

(3) calculate the long-term weighted average daily membership for fiscal year 2025 using the funding formula created by 2022 Acts and Resolves No. 127; and

(4) calculate the district’s percentage share of total long-term weighted average daily membership for fiscal year 2025 by dividing the result from subdivision (3) of this subsection by the sum of results for all districts from subdivision (3) of this subsection.

(b) For each school district, the Secretary shall calculate the relative percent decrease or increase starting from the percentage determined under subdivision (a)(2) of this section and compared to the percentage determined under subdivision (a)(4) of this section.

(c) Notwithstanding 16 V.S.A. chapter 133, 32 V.S.A. chapter 135, or any other provision of law to the contrary, a school district shall receive a decrease to its homestead property tax rate in fiscal year 2025 equal to \$0.01 for every relative percent decrease calculated under subsection (b) of this section, rounded to the nearest whole cent. The tax rate decrease shall phase out in the following manner:

(1) A district shall receive a decrease to its homestead property tax rate in fiscal year 2026 equal to 80 percent of the rate decrease it received under subsection (b) of this section.

(2) A district shall receive a decrease to its homestead property tax rate in fiscal year 2027 equal to 60 percent of the rate decrease it received under subsection (b) of this section.

(3) A district shall receive a decrease to its homestead property tax rate in fiscal year 2028 equal to 40 percent of the rate decrease it received under subsection (b) of this section.

(4) A district shall receive a decrease to its homestead property tax rate in fiscal year 2029 equal to 20 percent of the rate decrease it received under subsection (b) of this section.

(d) Notwithstanding subsection (c) of this section, 16 V.S.A. chapter 133, 32 V.S.A. chapter 135, or any other provision of law to the contrary, if a tax rate decrease under this section would cause a district to have a homestead property tax rate of less than \$1.00, the rate shall instead be \$1.00.

(e) Notwithstanding 32 V.S.A. chapters 135 and 154, or any other provision of law to the contrary, a school district's income percentage shall be calculated according to the decrease under this section.

(f) A district with a relative percent increase, as determined by the calculations in subsections (a) and (b) of this section, shall not receive a decrease in homestead property tax rate under this section.

Sec. 4. SCHOOL DISTRICT BUDGETS; WARNINGS; APPROPRIATION

(a) School district budget vote. Notwithstanding any provision of law to the contrary, the legislative body of a school district may cancel the district's vote on an article or articles for its annual district vote. A district that cancels the vote on an article shall:

(1) amend the warning for its annual district vote to specify any votes on articles that are canceled;

(2) move the date of vote for any articles for which a vote was canceled to a date on or before April 15, 2024; and

(3) mail a ballot for the subsequent vote to all active registered voters who applied for early or absentee ballots for the district meeting.

(b) Appropriation. The sum of \$500,000.00 is appropriated from the General Fund to the Secretary of State in fiscal year 2024 for the purpose of offsetting election costs incurred by school districts pursuant to this section or the provisions of 2023 Acts and Resolves No. 1.

(c) Superseding authority. The temporary authority in subsection (a) of this section shall supersede any conflicting provisions of a municipal or educational charter.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

The bill was read the second time and pending the question, Shall the bill be amended as recommended by the Committee on Appropriations?, **Rep. Toof of St. Albans Town** moved to amend the report of the Committee on Appropriations as follows:

In Sec. 4, school district budgets; warnings; appropriation, in subdivision (a)(3), following “all active registered voters” by striking out the words “who applied for early or absentee ballots for the district meeting”

Thereupon, **Rep. Toof of St. Albans Town** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the bill be amended as recommended by the Committee on Appropriations?, **Rep. Sibilia of Dover** moved to amend the report of the Committee on Appropriations by adding a new section to be Sec. 4a to read as follows:

Sec. 4a. 16 V.S.A. § 4018 is amended to read:

§ 4018. AFTERSCHOOL AND SUMMER LEARNING PROGRAMS

(a) Education Fund grants in an amount equal to the receipts from the sales and use tax imposed by 32 V.S.A. chapter 233 on retail sales of cannabis or cannabis products in this State, net of any administrative costs per subdivision (b)(4) of this section, shall be used to fund grant programs for the expansion of summer and afterschool programs with an emphasis on increasing access in underserved areas of the State.

(b) The Secretary of Education shall administer the grant programs, as follows:

(1) ~~Grants shall be used to support a mixed delivery system for afterschool and summer programming. Eligible recipients can be public, private, or nonprofit organizations provide opportunities for communities to establish or expand afterschool and summer learning programming in community learning centers that align with 21st Century Community Learning Centers requirements, as authorized by the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. §§ 7171–7176. Eligible grant recipients shall be local education agencies, who may contract with third-party community organizations to provide afterschool or summer learning programming pursuant to this section.~~

(2) Grants may be used for technical assistance, program implementation, program expansion, program sustainability, and related costs.

(3) Grants may be used to directly target communities with low existing capacity to serve youth in afterschool and summer settings.

(4) The Agency may use up to ~~\$500,000~~ \$500,000.00 for administrative costs to allow for the support of the grant program and technical assistance to communities. This could include subcontracts to support the grant programs.

(c) An Advisory Committee is created to support the Secretary of Education in administering funds pursuant to this section. The Agency shall provide administrative and technical support to the Committee. The Committee is to be composed of:

- (1) the State's Chief Prevention Officer;
- (2) the Commissioner for Children and Families or designee;
- (3) the Commissioner of Health or designee;
- (4) the Commissioner of Mental Health or designee;
- (5) the Secretary of Natural Resources or designee;
- (6) the Secretary of Commerce and Community Development or designee;
- (7) the Vermont Afterschool Executive Director or designee; and
- (8) a representative from the Governor's Office.

(d) On or before each November 15, the Agency of Education shall submit to the General Assembly a plan to fund grants in furtherance of the purposes of subsection (a) of this section and report outcomes data on the grants made during the previous year. The Agency shall also report on the number of programs, slots, weeks, or hours; geographic distribution; and what is known about costs to families. The report should be inclusive of 21C programming authorized by the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. §§ 7171–7176. The amount of grant funds awarded shall be in alignment with the actual revenue collected from the sales and use tax imposed by 32 V.S.A. § 233 on cannabis or cannabis products in this State. Discrepancies between the amount of grant funds awarded and actual revenue shall be reconciled through the budget adjustment process. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan report to be made under this subsection.

Rep. Donahue of Northfield raised a Point of Order in that the amendment was not germane to the report of the Committee on Appropriations pursuant to *Mason's* Sec. 402, which the Speaker ruled well-taken, because the Committee report and the underlying bill would provide a transition for property tax rates in fiscal years 2025-2029 supporting school districts and allow changes in the

date of school district budget votes, whereas the amendment would provide the manner of spending certain Education Fund grants for afterschool and summer learning programs, and therefore would expand the subject-matter of the bill.

Thereupon, the question, Shall the bill be amended as recommended by the Committee on Appropriations?, was agreed to and third reading ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill placed in all remaining stages of passage. Thereafter, the bill was read the third time and passed.

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

Adjournment

At five o'clock and six minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.