

Journal of the Senate

TUESDAY, JUNE 20, 2023

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Message from the House No. 75

A message was received from the House of Representatives by Mr. Nigel Hicks-Tibbles, its First Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on June 12, 2023, he approved and signed bills originating in the House of the following titles:

H. 31. An act relating to aquatic nuisance control.

H. 67. An act relating to household products containing hazardous substances.

H. 227. An act relating to the Vermont Uniform Power of Attorney Act.

H. 414. An act relating to establishing an unused drug repository for Vermont.

H. 479. An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

The Governor has informed the House that on June 12, 2023, he did not approve and allowed to become law without his signature a bill originating in the House of the following title:

H. 126. An act relating to community resilience and biodiversity protection.

Text of Communication from the Governor

The text of the communication to the House from His Excellency, the Governor, setting for his reasons for refusing to sign and *allowing to become law without his signature*, **House Bill No. 126**, is as follows:

“June 12, 2023

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
115 State Street
Montpelier, VT 05633

Dear Ms. Wrask:

Today I’m allowing H.126, *An act relating to community resilience and biodiversity protection*, to become law without my signature.

I appreciate the General Assembly worked with my Administration to address the concerns I raised last year in my veto message regarding H.606, *An act relating to community resilience and biodiversity protection*. This bill changed in ways that attempt to better align with ongoing conservation work in Vermont.

Unfortunately, in the effort to achieve flexibility, this bill incorporates findings which muddy the purpose and uses definitions so broad and vague as to be virtually meaningless. Which led me to consider a veto because it could be read to mean anything to anybody.

Instead, I’m letting this bill go into law because this bill puts the Agency of Natural Resources (ANR) in a stronger position to direct how state and federal conservation funding is targeted and prioritized in the future. ANR will oversee the efforts of the Vermont Housing Conservation Board (VHCB) as it works in partnership with ANR to develop inventories as well as strategy and implementation methods.

Importantly, ANR will be the clear lead in the effort to achieve our conservation goals with the understanding future growth is necessary and inevitable in Vermont.

This bill anticipates the need for housing and for the conservation plan to incorporate Smart Growth principles to ensure future conservation investment does not impede the buildout of areas the state has designated for growth. Balancing land protection and housing is core to the State’s future and this bill will allow ANR to work closely with VHCB to ensure this critical balance in the planning process.

Finally, ANR is positioned to interpret the bill's unusually unclear definitions, through rulemaking if necessary, to allow a mix of strategies to include permanent tools like land purchases and conservation easements, as well as other land protection mechanisms that help achieve the bill's goal of an ecologically functional and connected landscape such as the State's Current Use program and other innovative market-based conservation tools.

The bottom line is I'm allowing this bill to go into law because in this case, the Legislature has appropriately given this task to an Agency of the Executive Branch that will be accountable to Vermont's taxpayers.

Sincerely,

Philip B. Scott
Governor

PBS/kp”

The Governor has informed the House that on June 14, 2023, he approved and signed bills originating in the House of the following titles:

H. 127. An act relating to sports wagering.

H. 461. An act relating to making miscellaneous changes in education laws.

H. 470. An act relating to miscellaneous amendments to alcoholic beverage laws.

H. 480. An act relating to property valuation and reappraisals.

H. 493. An act relating to capital construction and State bonding.

The Governor has informed the House that on June 14, 2023, he did not approve and allowed to become law without his signature a bill originating in the House of the following title:

H. 165. An act relating to school food programs and universal school meals.

Text of Communication from the Governor

The text of the communication to the House from His Excellency, the Governor, setting for his reasons for refusing to sign and *allowing to become law without his signature*, **House Bill No. 165**, is as follows:

"June 14, 2023

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
115 State Street
Montpelier, VT 05633

Dear Ms. Wrask:

Vermonters have made their ongoing concerns about the affordability of our state abundantly clear. Despite these concerns and my efforts, legislative action this year has added a new, approximately \$100 million payroll tax; \$20 million in unnecessary DMV fee increases; hundreds of millions in additional cost pressures that will come as a result of the override of my veto of the clean heat standard bill; an unsustainable \$70 million increase in base budget spending over my recommendation; an eventual doubling of their own pay and benefits; and more.

With H.165, the Legislature has added \$20-30 million in property tax pressure to pay for school meals for all students, including those from affluent families. This will be paid for by all Vermonters, including those with low incomes. That's not progressive education funding policy, it's regressive policy that hurts the very families we are trying to help.

I know a veto would in all reality be overridden, and further distract us from the work we should be prioritizing for our kids, like reversing pandemic learning loss; addressing declining math and reading scores; addressing youth mental health challenges (which inhibit learning); and more.

Therefore, I'm allowing H.165, *An act relating to school food programs and universal school meals*, to become law without my signature. And I ask the Legislature to rethink this sincere but regressive policy in the future, so working Vermonters are not paying for the meals of families who could better afford it.

Sincerely,

Philip B. Scott
Governor

PBS/kp"

The Governor informed the House that on June 14, 2023, he did not approve and allow to become law without his signature a bill originating in the House of the following title:

H. 270. An act relating to miscellaneous amendments to the adult-use and medical cannabis programs.

Text of Communication from the Governor

The text of the communication to the House from His Excellency, the Governor, setting for his reasons for refusing to sign and *allowing to become law without his signature*, **House Bill No. 270**, is as follows:

“June 14, 2023

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
115 State Street
Montpelier, VT 05633

Dear Ms. Wrask:

Today I’m allowing H.270, *An act relating to miscellaneous amendments to the adult-use and medical cannabis programs*, to become law without my signature.

I’m concerned this bill repeals the sunset of the Cannabis Control Board (CCB), a change which appears minor, but in fact has substantive consequences for the principle of separation of powers.

I understand there is a need for an alternative structure for regulating controlled substances that remain federally illegal so that we do not compromise federal funding. However, when removing the sunset on the CCB, the statutory authority of the CCB needs to be clarified to ensure constitutionality and accountability to the governor.

Like the Department of Liquor and Lottery, the CCB exercises the police powers of the governor. It has investigators and enforcement agents. It has substantial rulemaking authority which affects the rights and obligations of licensees. The CCB is not a legislative body, nor is it quasi-judicial. The Legislature has no authority to delegate the Constitutional power of the governor to faithfully execute the laws to an entity that is now permanently independent of the executive branch and is, therefore, not accountable to the people of Vermont. Constitutionally, the CCB must be accountable to the governor as part of the Executive Branch.

My concerns have nothing to do with the capabilities of the current CCB. I believe my appointees have done a thorough job starting up and regulating the legal cannabis marketplace in Vermont. However, the current law establishes the CCB as an “independent commission” with its members vetted through a nominating board made up primarily of legislators who submit candidates to the governor. Once appointed, CCB members may only be removed for cause by the other two CCB members. The CCB has added staff, taken over the regulation of medical cannabis and the medical registry, and grown to be an

approximately 22-member department. As an independent entity, the CCB regulates a multi-million-dollar industry with no oversight. Again, while I have complete confidence in the current CCB, this lack of oversight creates the risk for future mismanagement, conflicts of interest and other harmful impacts.

Fortunately, current law does not “notwithstanding” applicable law which makes clear that the members of the CCB serve at the pleasure of the governor. For this reason, I’m letting this bill go into law without my signature because I’m confident the members of the CCB, and hopefully the Legislature, will work with me to pass legislation to make the modifications necessary to clarify the statutory authority of the CCB is constitutional.

Sincerely,

Philip B. Scott
Governor

PBS/kp”

Message from the House No. 76

A message was received from the House of Representatives by Mr. Nigel Hicks-Tibbles, its First Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on June 19, 2023, he approved and signed bills originating in the House of the following titles:

H. 175. An act relating to modernizing the Children and Family Council for Prevention Programs.

H. 291. An act relating to the creation of the Cybersecurity Advisory Council.

H. 471. An act relating to technical and administrative changes to Vermont’s tax laws.

H. 472. An act relating to miscellaneous agricultural subjects.

H. 476. An act relating to miscellaneous changes to law enforcement officer training laws.

H. 482. An act relating to Vermont Criminal Justice Council recommendations for law enforcement officer training.

H. 490. An act relating to approving the merger of the Village of Lyndonville with the Town of Lyndon.

Bill Recommitted

Appearing on the Calendar for action, Senator Baruth moved that House bill entitled:

H. 429. An act relating to miscellaneous changes to election laws.

be recommitted to the Committee on Government Operations,

Which was agreed to.

Joint Senate Resolution Adopted on the Part of the Senate**J.R.S. 28.**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Baruth,

J.R.S. 28. Joint resolution relating to compensation of Members of the General Assembly during the remainder of the 2023 Biennial Session.

Whereas, in order that the 2023 Biennial Session of the General Assembly may achieve an orderly adjournment, provide reasonable compensation to Members of the General Assembly for their services, and to preserve the funds of the State, *now therefore be it*

Resolved by the Senate and House of Representatives:

That notwithstanding the provisions of 32 V.S.A. §§ 1051(a)(1) and 1052(a)(1) providing for a weekly rate of compensation, commencing June 20, 2023, Members of the General Assembly shall be entitled to compensation for services equal to a daily rate of one-fourth of the annually adjusted weekly compensation set forth in sections 1051(a)(1) and 1052(a)(1) and reimbursement for expenses at the daily rate established in sections 1051(a)(3) and 1052(b) of Title 32 for each day on which their respective houses shall sit and the member attends for the remainder of the 2023 Biennial Session, except that no member shall receive compensation for more than four days in any week.

Rules Suspended; House Proposals of Amendment Concurred In**S. 80.**

Appearing on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and House proposals of amendment to Senate bill entitled:

An act relating to miscellaneous environmental conservation subjects.

Was taken up for immediate consideration.

The House proposes to the Senate to amend the bill as follows:

First: By adding Secs. 6a and 6b to read as follows:

Sec. 6a. USE OF VERMONT ENVIRONMENTAL PROTECTION
AGENCY (EPA) POLLUTION CONTROL REVOLVING FUND

Notwithstanding the authority of the Secretary of Natural Resources under 24 V.S.A. § 4753 to transfer up to \$275,000.00 from the Vermont EPA Pollution Control Revolving Fund to the Vermont Wastewater and Potable Water Revolving Fund, the Secretary of Natural Resources shall not transfer any funds from the EPA Pollution Control Revolving Fund to the Vermont Wastewater and Potable Water Revolving Fund after July 1, 2024 until:

(1) the Secretary of Natural Resources submits the comprehensive fee report required by the General Assembly for each Agency of Natural Resources fee in existence on July 1, 2023;

(2) the Secretary of Natural Resources submits the report required under Sec. 6b (report on EPA revolving funds) of this act; and

(3) an act of the General Assembly authorizes transfers from the Vermont EPA Pollution Control Revolving Fund to the Vermont Wastewater and Potable Water Revolving Fund to continue after July 1, 2024.

Sec. 6b. ANR REPORT ON REVOLVING LOAN FUNDS

On or before January 15, 2024, the Secretary of Natural Resources shall submit to the House Committee on Corrections and Institutions and the Senate Committee on Institutions a report summarizing the status of the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund and the Vermont Environmental Protection Agency (EPA) Drinking Water State Revolving Fund. The report shall include an accounting of the Funds, including the following information for each Fund as it existed at the end of fiscal year 2023:

(1) the balance of funds in the Fund;

(2) the amount of funds loaned or obligated from the Fund;

(3) the amount of funds repaid to the Fund in fiscal year 2023; and

(4) the amount of funds due for repayment to the Fund.

Second: By striking out Sec. 7, 2018 Acts and Resolves No. 185, Sec. 12, in its entirety and inserting in lieu thereof a new Sec. 7 and reader assistance heading to read as follows:

* * * Riparian Protection * * *

Sec. 7. ANR REPORT ON RIPARIAN PROTECTION PROGRAM

The Secretary of Natural Resources shall conduct a stakeholder process to develop recommendations on the implementation of a riparian protection program in the State. The stakeholder process shall address what elements of a riparian protection program should be implemented to protect water quality and aquatic habitat and what funding would be required to implement a riparian protection program. On or before December 15, 2023, the Secretary shall submit its recommendations on the implementation of a riparian protection program to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy.

Third: In Sec. 16, 29 V.S.A. § 405(d), in subsection (d), after “on the date that” and before “is signed” by inserting the word “it”

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Recess

On motion of Senator Baruth the Senate recessed until 1:00 p.m.

Called to Order

The Senate was called to order by the President.

Message from the House No. 77

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

Mr. President:

I am directed to inform the Senate that:

The House has considered the Governor’s veto on House bill of the following title:

H. 217. An act relating to child care, early education, workers' compensation, and unemployment insurance.

And has passed the same, the refusal of the Governor to approve notwithstanding.

The House has considered the Governor’s veto on House bill of the following title:

H. 305. An act relating to professions and occupations regulated by the Office of Professional Regulation.

And has passed the same, the refusal of the Governor to approve notwithstanding.

Rules Suspended; Bill Recommitted

S. 6.

Appearing on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and Senate bill entitled:

An act relating to law enforcement interrogation policies.

Was taken up for immediate consideration.

Thereupon, pending the question, Shall the bill pass notwithstanding the refusal of the Governor to approve it?, Senator Baruth moved, that the bill be recommitted to the Committee on Judiciary.

Which was agreed to.

Rules Suspended; Governor's Veto Overridden

Pending entry on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and the Governor's veto on House bill entitled:

H. 305. An act relating to professions and occupations regulated by the Office of Professional Regulation.

Was taken up for immediate consideration.

Thereupon, the pending question, Shall the bill pass, notwithstanding the refusal of the Governor to approve it?, was decided in the affirmative on a roll call required by the Vermont Constitution, Yeas 23, Nays 7. (the necessary *override* two-thirds vote *having* been attained).

Roll Call

Those Senators who voted in the affirmative were: Baruth, Bray, Campion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, White, Wrenner.

Those Senators who voted in the negative were: Brock, Collamore, Ingalls, Norris, Weeks, Westman, Williams.

Recess

On motion of Senator Baruth the Senate recessed until 3:30 p.m.

Called to Order

The Senate was called to order by the President.

Joint Senate Resolutions Adopted on the Part of the Senate

Joint Senate resolutions of the following titles were severally offered, read and adopted on the part of the Senate, and are as follows:

By Senator Baruth,

J.R.S. 29. Joint resolution relating to adjournment of the 2023 Biennial Session of the General Assembly.

Resolved by the Senate and House of Representatives:

That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses on June 20, 2023, June 21, 2023, or June 22, 2023 until, in the case of the Senate, the President Pro Tempore of the Senate calls the Senate to Order and until, in the case of the House of Representatives, the Speaker of the House of Representatives calls the House of Representatives to order; so that the two Houses may consider only the following orders of business:

1. Adjournment to a day certain; or,
2. Matters relating to impeachment proceedings of Franklin County State's Attorney John Lavoie or Franklin County Sheriff John Grismore, or both;

And, and if not so called then to reconvene on the third day of January 2024, at ten o'clock in the forenoon; *and be it further*

Resolved: As required by Section 6 of Chapter II of the Constitution, the Senate grants consent to the House of Representatives to be in Session or adjournment during the time that the Senate is in Session, and the House grants consent to the Senate to be in Session or adjournment during the time that the House is in Session.

By Senator Baruth,

J.R.S. 30. Joint resolution relating to compensation of House Managers of Articles of Impeachment.

Whereas, H.R. 11 established a Special Committee on Impeachment Inquiry, granting the Special Committee investigatory powers to establish whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Franklin County State's Attorney John Lavoie or Franklin County Sheriff John Grismore, or both, and

Whereas, as of this date, the Special Committee on Impeachment Inquiry has not yet concluded its investigation, and

Whereas, pursuant to J.R.S. 28, Members of the General Assembly are authorized to receive compensation and expenses during times in which their House is meeting for the remainder of the 2023 Biennial Session, and

Whereas, should the House of Representatives impeach either, or both, individual(s) aforementioned, House managers would then be appointed by the Speaker of the House to prepare, present, and prosecute the article(s) of Impeachment to the Vermont Senate, *now be it*

Resolved by the Senate and House of Representatives:

That the managers on the part of the House of Representatives appointed by the Speaker of the House shall, while House of Representatives is in recess, act on behalf of the House of Representatives and the people of the State of Vermont to do all things necessary to prepare, present, and to prosecute any resolution(s) and article(s) of impeachment adopted by the House of Representatives to the Senate, relating to John Lavoie, Franklin County State's Attorney, or John Grismore, Franklin County Sheriff, or both. The managers on the part of the House of Representatives may utilize the services and assistance of the Vermont State Police and the Legislative Counsel for the purposes of preparing, presenting and prosecution the impeachment resolution, *and be it further*

Resolved: That the House managers appointed by the Speaker be entitled to compensation for services at a daily rate of one-fourth of the annually adjusted weekly compensation set forth in 32 V.S.A. §§ 1052(a)(1) and reimbursement for expenses at the daily rate established in 32 V.S.A. §§ 1052(b), except that no manager shall receive compensation for more than four days in any week for any date in which the managers shall be preparing, presenting, and prosecuting the impeachment(s) when the House of Representatives is not seated in session.

Recess

On motion of Senator Baruth the Senate recessed until 4:00 p.m.

Called to Order

The Senate was called to order by the President.

Message from the House No. 78

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

Mr. President:

I am directed to inform the Senate that:

The House has considered Senate proposal of amendment to House bill:

H. 171. An act relating to adult protective services.

And has concurred therein with further amendments in the passage of which the concurrence of the Senate is requested.

The House has considered the Governor's veto on House bill of the following title:

H. 494. An act relating to making appropriations for the support of government.

And has passed the same, the refusal of the Governor to approve notwithstanding.

Message from the House No. 79

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

Mr. President:

I am directed to inform the Senate that:

The House has adopted joint resolution of the following title:

J.R.H. 6. Joint resolution authorizing limited remote joint committee voting through the first Friday of the 2024 Adjourned Session.

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

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 28. Joint resolution relating to compensation of Members of the General Assembly during the remainder of the 2023 Biennial Session.

And has adopted the same in concurrence.

Message from the House No. 80

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

Mr. President:

I am directed to inform the Senate that:

The House has considered the Governor's veto on House bill of the following title:

H. 386. An act relating to approval of amendments to the charter of the Town of Brattleboro.

And has passed the same, the refusal of the Governor to approve notwithstanding.

The House has considered the Governor's veto on House bill of the following title:

H. 509. An act relating to approval of amendments to the voter qualification provisions of the charter of the City of Burlington.

And has passed the same, the refusal of the Governor to approve notwithstanding.

Message from the House No. 81

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

Mr. President:

I am directed to inform the Senate that:

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

H. 158. An act relating to the beverage container redemption system.

And has concurred therein.

Rules Suspended; Bill Recommended

S. 39

Appearing on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and Senate bill entitled:

An act relating to compensation and benefits for members of the Vermont General Assembly.

Was taken up for immediate consideration.

Thereupon, pending the question, Shall the bill pass notwithstanding the refusal of the Governor to approve it?, Senator Baruth moved that the bill be recommitted to the Committee on Government Operations.

Which was agreed to.

Rules Suspended; Governor's Veto Overridden

Pending entry on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and the Governor's veto on House bill entitled:

H. 386. An act relating to approval of amendments to the charter of the Town of Brattleboro.

Was taken up for immediate consideration.

Thereupon, the question, Shall the bill pass, notwithstanding the refusal of the Governor to approve it?, was decided in the affirmative on a roll call required by the Vermont Constitution, Yeas 20, Nays 10. (the necessary *override* two-thirds vote *having* been attained).

Roll Call

Those Senators who voted in the affirmative were: Baruth, Bray, Campion, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, McCormack, Perchlik, Ram Hinsdale, Starr, Vyhovsky, Watson, White, Wrenner.

Those Senators who voted in the negative were: Brock, Chittenden, Collamore, Ingalls, Mazza, Norris, Sears, Weeks, Westman, Williams.

Joint Resolution Adopted in Concurrence

J.R.H. 6.

Joint resolution originating in the House of the following title was read and adopted in concurrence and is as follows:

Resolved by the Senate and House of Representatives:

That through Friday, January 5, 2024, each member of a joint committee is authorized to vote remotely in that committee:

(1) if the member has tested positive for COVID-19 and is within a required period of isolation as provided by Vermont Department of Health guidelines; and

(2) for not more than three days, for any other reason, *and be it further*

Resolved: Such a member shall notify the committee chair or co-chairs, as applicable, and the committee clerk that the member is exercising this remote voting authority, and shall count toward a committee quorum, *and be it further*

Resolved: The committee clerk shall record any vote cast by the member as a remote vote, and shall track the number of days the member exercises the member's non-COVID-19 remote voting authority.

Rules Suspended; Governor's Veto Overridden

Pending entry on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and the Governor's veto on House bill entitled:

H. 509. An act relating to approval of amendments to the voter qualification provisions of the charter of the City of Burlington.

Was taken up for immediate consideration.

Thereupon, the question, Shall the bill pass, notwithstanding the refusal of the Governor to approve it?, was decided in the affirmative on a roll call required by the Vermont Constitution, Yeas 21, Nays 9. (the necessary *override* two-thirds vote *having* been attained).

Roll Call

Those Senators who voted in the affirmative were: Baruth, Bray, Campion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, McCormack, Perchlik, Ram Hinsdale, Sears, Vyhovsky, Watson, White, Wrenner.

Those Senators who voted in the negative were: Brock, Collamore, Ingalls, Mazza, Norris, Starr, Weeks, Westman, Williams.

Rules Suspended; House Proposal of Amendment to Senate Proposal of Amendment Concurred In

H. 171.

Pending entry on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and House proposal of amendment to Senate proposal of amendment to House bill entitled:

An act relating to adult protective services.

Was taken up for immediate consideration.

The House concurs in the Senate proposal of amendment with further proposal of amendment thereto by striking out Sec. 5, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 5. EMERGENCY HOUSING TRANSITION; LEGISLATIVE INTENT;
PURPOSE

(a) Vermont's pandemic-era General Assistance Emergency Housing Program is ending on June 30, 2023, and approximately 1,200 households are transitioning out of the Program.

(b) It is the intent of the General Assembly:

(1) that vulnerable Vermonters should continue to be housed while sufficient time is allocated for developing alternative housing placements, including emergency housing beds, and furthering community collaboration;

(2) to establish legislative oversight for the transition efforts;

(3) that the exits from hotel and motel accommodations occur through an intentional transition process that provides dignity, oversight, collaborative efforts, and coordinated service delivery;

(4) that all households find or are offered alternative housing options; and

(5) that the Agency of Human Services negotiate rate reductions with the participating hotels and motels, with a goal of achieving rates that are at least 50 percent lower than those in effect in June 2023.

(c) The purposes of Secs. 5–10 of this act are:

(1) to direct the Joint Fiscal Committee to monitor the efforts of the Agency of Human Services in assisting households with transitioning out of the pandemic-era General Assistance Emergency Housing Program and into post-pandemic housing; and

(2) to allow the Agency financial flexibility and resources, if needed, to provide transition and supportive services for the vulnerable Vermonters described in 2022 Acts and Resolves No. 185, Sec. B.1100(a)(33)(A), which was added by 2023 Acts and Resolves No. 3, Sec. 45.

Sec. 6. EMERGENCY HOUSING TRANSITION; AGENCY OF HUMAN SERVICES; JOINT FISCAL COMMITTEE OVERSIGHT; REPORTS

(a) Not later than April 1, 2024, the Agency of Human Services, directly or through its community partners, shall assist in finding or offer to each household housed as of June 30, 2023 in a hotel or motel through the pandemic-era General Assistance Emergency Housing Program an alternative housing placement, unless a household secures its own housing placement. Except as provided in subdivision (2) of this subsection, the Agency shall continue to provide temporary hotel or motel housing to a household that was housed in a hotel or motel through the pandemic-era General Assistance Emergency Housing Program as of June 30, 2023 until such time as the Agency offers the household an alternative housing placement or the household secures its own housing placement, but in no event later than April 1, 2024.

(1) Beginning on July 1, 2023, in order to maintain eligibility for temporary, continued hotel or motel housing while awaiting a housing placement, households housed in a hotel or motel through this act shall:

(A) participate in the coordinated entry and case management processes, including cooperating with the Agency and services providers on screening and care planning for transitioning out of the pandemic-era General Assistance Emergency Housing Program and engaging in monthly eligibility reassessments;

(B) engage in their own search for alternative housing options and notify their case manager, reentry team, or Agency staff if they are successful in securing a housing placement; and

(C) contribute 30 percent of their gross household income toward the cost of their hotel or motel housing.

(2) Between July 1, 2023 and April 1, 2024, the Agency of Human Services shall no longer be required to pay for a household's hotel or motel housing if any one or more of the following occurs:

(A) the household is offered an alternative housing placement but does not accept the offer within 48 hours;

(B) the household secures its own housing placement;

(C) the household fails to comply with one or more of the responsibilities set forth in subdivision (1) of this subsection (a); or

(D) the household is asked to leave the hotel or motel housing due to misconduct.

(3) As used in this act, "alternative housing placements" may include shelter beds and pods; placements with family or friends; permanent housing solutions, including tiny homes, manufactured homes, and apartments; residential treatment beds for physical health, long-term care, substance use, or mental health; nursing homes beds; and recovery homes.

(4) The temporary, continued hotel or motel housing benefit offered pursuant to this subsection (a) while awaiting a housing placement shall not be considered an entitlement, is not available to new applicants, and is limited to households in the pandemic-era General Assistance Emergency Housing Program as of June 30, 2023.

(b) On or before the last day of each month from July 2023 through March 2024, the Agency of Human Services, or other relevant agency or department, shall report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the Joint Fiscal Committee on its progress in assisting households housed in hotels and motels with transitioning from the pandemic-era General Assistance Emergency Housing Program to alternative housing placements and on the creation of new, alternative housing solutions. Each update shall include:

(1) the number of households remaining in hotels and motels that have not yet been transitioned to an alternative housing placement by household size, by eligibility category, and by each Agency of Human Services district;

(2) the number of actual alternative housing placements made during the previous reporting period compared with the targeted number of placements for that period;

(3) of the households successfully transitioned to an alternative housing placement during the previous month, the number of households whose screening indicated a potential need for services from each department within the Agency;

(4) the number of beds available for emergency housing in each Agency of Human Services district in the State, with separate reporting on the number of beds available in nursing homes and residential care homes for individuals whose screening indicates they could meet the clinical criteria for those settings and the number of emergency beds available for individuals whose screening indicates they do not meet the clinical criteria, including low-barrier shelters, beds for youth, and beds for individuals who have experienced domestic violence;

(5) of the households that were housed in a hotel or motel for four months or longer and transitioned out during the previous month, the number that have had all or a portion of their security deposits returned to them since leaving the hotel or motel or are awaiting the return of these funds;

(6) of the households that were housed in a hotel or motel for less than four months and transitioned out during the previous month, the amount of security deposit funds refunded to the State by the hotels and motels during that month;

(7) the number of households that have been successfully transitioned to an alternative housing placement since the previous report, the types of housing settings in which they have been placed, and the supportive services they are receiving in conjunction with their housing;

(8) the outlook for transitioning additional households to alternative housing placements in the coming months, including an estimate of the number of households likely to be placed per month;

(9) a projected timeline for transitioning the remaining households to alternative housing placements;

(10) the average negotiated rate for rooms that the Agency paid to the hotels and motels providing the temporary, continued hotel or motel housing during the previous month;

(11) the status of responding to and implementing the letters of interest from community partners and municipalities for housing and supportive services;

(12) the status of contracts for housing and supportive services resulting from the Agency's requests for proposals (RFPs), including the Agency's May 24, 2023 RFP for emergency shelter staffing and services;

(13) the status of grants awarded through the Housing Opportunity Program and how those grants relate to the Agency's efforts to assist households with transitioning out of the pandemic-era General Assistance Emergency Housing Program;

(14) once the Adverse Weather Conditions Policy takes effect again in the fall of 2023, how the Agency plans to distinguish the households that become eligible for the General Assistance Emergency Housing Program under that Policy from the households that the Agency is assisting with transitioning out of the pandemic-era General Assistance Emergency Housing Program;

(15) the total amount of funds expended to date on housing placements and supportive services for households transitioning out of the pandemic-era General Assistance Emergency Housing Program; and

(16) beginning with the September 2023 reporting period, any State rules and local regulations and ordinances that are impeding the timely development of safe, decent, affordable housing in Vermont communities in order to:

(A) identify areas in which flexibility or discretion are available; and

(B) advise whether the temporary suspension of relevant State rules and local regulations and ordinances, or the adoption or amendment of State rules, would facilitate faster and less costly revitalization of existing housing and construction of new housing units.

(c) On or before the last day of each month from July 2023 through March 2024, the Vermont Housing and Conservation Board shall report to the House Committees on Human Services and on General and Housing; the Senate Committees on Health and Welfare and on Economic Development, Housing and General Affairs; and the Joint Fiscal Committee on:

(1) the status of the Board's initiatives to make additional housing units available and how those initiatives support the Agency of Human Services' efforts to assist households with transitioning out of the pandemic-era General Assistance Emergency Housing Program; and

(2) the status of the Board's efforts to expand emergency shelter capacity, including the number of new beds available since the previous report, the number of additional beds planned, and when the additional planned beds are likely to become available.

(d) The Agency may hire temporary employees or contract with community-based organizations, or both, as needed to support the Agency in assisting households housed in hotels and motels with transitioning from the pandemic-era General Assistance Emergency Housing Program to alternative housing placements; to support the creation of new, alternative housing solutions; and to collect and report on the information required by subsection (b) of this section.

(e) On April 1, 2024, the Agency shall report to the House Committees on Appropriations, on Human Services, and on Housing and General Affairs; the Senate Committees on Appropriations, on Health and Welfare, and on Economic Development, Housing and General Affairs; and the Joint Fiscal Committee the number households, if any, that were not successfully transitioned out of the pandemic-era General Assistance Emergency Housing Program into alternative housing placements and the reason why each such household was not successfully placed.

Sec. 7. CASH FUND FOR CAPITAL AND ESSENTIAL INVESTMENTS;
APPROPRIATION

(a) In fiscal year 2024, the balance of the Other Infrastructure, Essential Investments, and Reserves subaccount in the Cash Fund for Capital and Essential Investments established pursuant to 32 V.S.A. § 1001b, after all other transactions authorized from that subaccount by the fiscal year 2024 budget act have been satisfied, is appropriated to the Agency of Human Services to be used as needed to implement Secs. 5–10 of this act.

(b) The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at the Committee's July meeting the amount of the balance that was made available to the Agency of Human Services pursuant to subsection (a) of this section.

(c) The Agency of Human Services shall report on the amount of unobligated funds remaining, if any, from the appropriation in subsection (a) of this section as part of the Agency's fiscal year 2024 budget adjustment presentation.

Sec. 8. EMERGENCY HOUSING TRANSITION; FUNDING; FISCAL
YEAR 2024 BUDGET ADJUSTMENT

(a) The Agency of Human Services shall hold in reserve as much funding as possible from the Agency's fiscal year 2023 closeout process as carryforward for potential investment in assisting households with transitioning out of the pandemic-era General Assistance Emergency Housing Program. The reserved funds shall not be used unless the amounts appropriated pursuant to Sec. 7 of this act are not sufficient to fully implement

the phase-out of the pandemic-era General Assistance Emergency Housing Program as set forth in this act.

(b) The Agency of Administration is authorized to use available resources as necessary to assist in the implementation of the phase-out of the pandemic-era General Assistance Emergency Housing Program as set forth in Secs. 5–10 of this act.

(c) The Agency of Human Services shall include relevant language and amounts in its fiscal year 2024 budget adjustment recommendations, if needed, to complete the process of phasing out the pandemic-era General Assistance Emergency Housing Program.

Sec. 9. AFFORDABLE HOUSING DEVELOPMENT; FISCAL YEAR 2024 FUNDING

(a) Of the \$40,000,000.00 appropriated to the Vermont Housing and Conservation Board (VHCB) in the fiscal year 2024 budget act to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units:

(1) \$10,000,000.00 shall be used to provide support and enhance the capacity, availability, and utilization of manufactured homes in cooperatively owned, nonprofit, and privately owned manufactured home parks with vacant and available lots. VHCB shall consult with the Department of Housing and Community Development to ensure that new investments prioritize individuals and families exiting from hotels and motels in accordance with this act.

(2) VHCB shall grant \$4,000,000.00 to the Vermont State Housing Authority for the Manufactured Home Improvement and Repair Program to prevent vulnerable mobile home park residents from becoming homeless.

(3) Notwithstanding 32 V.S.A. § 5(b), VHCB shall grant \$5,000,000.00 to the Department of Housing and Community Development to support the Vermont Housing Improvement Program.

(b) For fiscal year 2024, the VHCB shall increase its “Homeless Unit” set aside for housing projects seeking VHCB funding from 15 percent to 30 percent, with priority given to households exiting hotels and motels in accordance with this act.

Sec. 10. 2023 Acts and Resolves No. 47, Sec. 47 is amended to read:

Sec. 47. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that:

(1) ~~Sees. Sec. 1 (24 V.S.A. § 4414) and 2 (24 V.S.A. § 4412)~~ shall take effect on December 1, 2024, ~~except for subdivision (1)(D) of Sec. 2, which shall take effect on July 1, 2023.~~

* * *

Sec. 11. EFFECTIVE DATES

(a) Secs. 1–4 shall take effect on July 1, 2023.

(b) The remaining sections shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to adult protective services and emergency housing transition.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment to the Senate proposal of amendment?, was decided in the affirmative on a roll call, Yeas 30, Nays 0.

Senator Lyons having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Baruth, Bray, Brock, Campion, Chittenden, Clarkson, Collamore, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Norris, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Weeks, Westman, White, Williams, Wrenner.

Those Senators who voted in the negative were: None.

Rules Suspended; Governor's Veto Overridden

H. 217.

Pending entry on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and House bill entitled:

An act relating to child care, early education, workers' compensation, and unemployment insurance.

Was taken up for immediate consideration.

Thereupon, the question, Shall the bill pass, notwithstanding the refusal of the Governor to approve it?, was decided in the affirmative on a roll call required by the Vermont Constitution, Yeas 23, Nays 7. (the necessary *override* two-thirds vote *having* been attained).

Roll Call

Those Senators who voted in the affirmative were: Baruth, Bray, Champion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, White, Wrenner.

Those Senators who voted in the negative were: Brock, Collamore, Ingalls, Norris, Weeks, Westman, Williams.

Rules Suspended; House Proposal of Amendment Concurred In**S. 103.**

Appearing on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and Senate bill entitled:

An act relating to amending the prohibitions against discrimination.

Was taken up for immediate consideration.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

(a) It shall be unlawful employment practice, except where a bona fide occupational qualification requires persons of a particular race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition:

(1) For any employer, employment agency, or labor organization to harass or discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability;

* * *

(3) For any employment agency to fail or refuse to classify properly or refer for employment or to otherwise harass or discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability;

(4) For any labor organization, to limit, segregate, or qualify its membership with respect to any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age ~~to discriminate against any individual or against a~~

~~qualified individual with a disability or to limit, segregate, or qualify its membership; or against a qualified individual with a disability.~~

* * *

(7) For any employer, employment agency, labor organization, or person seeking employees to discriminate between employees on the basis of sex, race, national origin, sexual orientation, or gender identity or against a qualified individual with a disability by paying wages to employees of one sex, race, national origin, sexual orientation, or gender identity or an employee who is a qualified individual with a disability at a rate less than the rate paid to employees of the other sex or a different race, national origin, sexual orientation, or gender identity or without the physical or mental condition of the qualified individual with a disability for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions. An employer who is paying wages in violation of this section shall not reduce the wage rate of any other employee in order to comply with this subsection.

(A) An employer may pay different wage rates under this subsection when the differential wages are made pursuant to:

* * *

(iv) A bona fide factor other than sex, race, national origin, sexual orientation, gender identity, or physical or mental condition. An employer asserting that differential wages are paid pursuant to this subdivision (7)(A)(iv) shall demonstrate that the factor does not perpetuate a ~~sex-based~~ differential in compensation; based on sex, race, national origin, sexual orientation, gender identity, or physical or mental condition; is job-related with respect to the position in question; and is based upon a legitimate business consideration.

* * *

(C) Nothing in this subdivision (a)(7) shall be construed to:

(i) create any new rights for an employer to inquire about a characteristic of an employee that is otherwise unknown to the employer upon which pay discrimination is prohibited pursuant to the provisions of this subdivision (a)(7); or

(ii) diminish an employee's right to privacy under any other law, or pursuant to an applicable contract or collective bargaining agreement.

~~(8) Retaliation prohibited.~~ An employer, employment agency, or labor organization shall not discharge or in any other manner discriminate against any employee because the employee:

* * *

(i) An agreement to settle a claim of a violation of subsection (a) of this section shall not prohibit, prevent, or otherwise restrict the employee from working for the employer or any parent company, subsidiary, division, or affiliate of the employer. Any provision of an agreement to settle a claim of a violation of subsection (a) of this section that violates this subsection shall be void and unenforceable with respect to the individual who made the claim.

(j) Except for claims alleging a violation of subdivision (a)(7) of this section or disparate impact discrimination an employee shall not be required to demonstrate the existence of another employee or individual to whom the employee's treatment can be compared to establish a violation of this section.

(k) Notwithstanding any State or federal judicial precedent to the contrary:

(1) harassment and discrimination need not be severe or pervasive to constitute a violation of this section; and

(2) behavior that a reasonable employee with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section.

Sec. 2. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

(13)(A) "Sexual harassment" is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal ~~or~~, physical, written, auditory, or visual conduct of a sexual nature when:

~~(A)(i)~~ submission to that conduct is made either explicitly or implicitly a term or condition of employment;

~~(B)(ii)~~ submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or

~~(C)(iii)~~ the conduct has the purpose or effect of substantially interfering with an individual's work ~~performance~~ or creating an intimidating, hostile, or offensive work environment.

(B) Sexual harassment need not be severe or pervasive in order to be unlawful pursuant to this subchapter.

* * *

(16) “Harass” means to engage in unwelcome conduct based on an employee’s race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition that interferes with the employee’s work or creates a work environment that is intimidating, hostile, or offensive. In determining whether conduct constitutes harassment:

(A) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

(B) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality rather than in isolation.

(C) Conduct may constitute harassment, regardless of whether:

(i) the complaining employee is the individual being harassed;

(ii) the complaining employee acquiesced or otherwise submitted to or participated in the conduct;

(iii) the conduct is also experienced by others outside the protected class involved in the conduct;

(iv) the complaining employee was able to continue carrying out the employee’s job duties and responsibilities despite the conduct;

(v) the conduct resulted in a physical or psychological injury; or

(vi) the conduct occurred outside the workplace.

Sec. 3. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

* * *

(12)(A) “Harass” means to engage in unwelcome conduct that detracts from, undermines, or interferes with a person’s:

(i) use of a place of public accommodation or any of the accommodations, advantages, facilities, or privileges of a place of public accommodation because of the person’s race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability; or

(ii) terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the

person's race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.

(B) Notwithstanding any judicial precedent to the contrary, harassing conduct need not be severe or pervasive to be unlawful pursuant to the provisions of this chapter. In determining whether conduct constitutes unlawful harassment:

(i) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

(ii) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality rather than in isolation.

(iii) Conduct may constitute unlawful harassment, regardless of whether:

(I) the complaining person is the person being harassed;

(II) the complaining person acquiesced or otherwise submitted to or participated in the conduct;

(III) the conduct is also experienced by others outside the protected class involved in the conduct;

(IV) despite the conduct, the complaining person was able to:

(aa) use the place of public accommodation or any of the accommodations, advantages, facilities, or privileges of the place of public accommodation; or

(bb) enjoy the benefit of applicable terms, conditions, privileges, or protections in the sale or rental of the dwelling or other real estate, or to obtain services or facilities in connection with the dwelling or other real estate;

(V) the conduct resulted in a physical or psychological injury;

or

(VI) the conduct occurred outside the place of public accommodation or the dwelling or other real estate.

(C) Behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this chapter.

(D) The provisions of this subdivision (12) shall not apply to any action brought under this chapter pursuant to the provisions of 16 V.S.A. § 570f.

Sec. 4. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

* * *

~~(d)(1) As used in this section, “harass” means to engage in unwelcome conduct that detracts from, undermines, or interferes with the person’s terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person’s race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.~~

~~(2) Notwithstanding any judicial precedent to the contrary, harassing conduct need not be severe or pervasive to be unlawful pursuant to the provisions of this section. In determining whether conduct constitutes unlawful harassment:~~

~~(A) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.~~

~~(B) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality, rather than in isolation.~~

~~(C) Conduct may constitute unlawful harassment, regardless of whether:~~

~~(i) the complaining person is the person being harassed;~~

~~(ii) the complaining person acquiesced or otherwise submitted to or participated in the conduct;~~

~~(iii) the conduct is also experienced by others outside the protected class involved in the conduct;~~

~~(iv) the complaining person was able to enjoy the benefit of applicable terms, conditions, privileges, or protections in the sale or rental of the dwelling or other real estate, or to obtain services or facilities in connection with the dwelling or other real estate, despite the conduct;~~

~~(v) the conduct resulted in a physical or psychological injury; or~~

~~(vi) the conduct occurred outside the dwelling or other real estate.~~

~~(3) behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section. [Repealed.]~~

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Rules Suspended; Governor's Veto Overridden

Pending entry on the Calendar for notice, on motion of Senator Baruth, the rules were suspended and House bill entitled:

H. 494. An act relating to making appropriations for the support of government.

Was taken up for immediate consideration.

Thereupon, the question, Shall the bill pass, notwithstanding the refusal of the Governor to approve it?, was decided in the affirmative on a roll call required by the Vermont Constitution, Yeas 25, Nays 5. (the necessary *override* two-thirds vote *having* been attained).

Roll Call

Those Senators who voted in the affirmative were: Baruth, Bray, Champion, Chittenden, Clarkson, Cummings, Gulick, Hardy, Harrison, Hashim, Ingalls, Kitchel, Lyons, MacDonald, Mazza, McCormack, Perchlik, Ram Hinsdale, Sears, Starr, Vyhovsky, Watson, Westman, White, Wrenner.

Those Senators who voted in the negative were: Brock, Collamore, Norris, Weeks, Williams.

Rules Suspended; Bills Delivered

On motion of Senator Baruth, the rules were suspended, and the following bills were severally ordered delivered to the Governor forthwith:

S.80, S.103.

Rules Suspended; Bills and Joint Resolution Messaged

On motion of Senator Baruth, the rules were suspended, and the following bills and joint resolution were severally ordered messaged to the House forthwith:

H.171, H.217, H.305, H.386, H.494, H.509, J.R.H.6.

Appointments Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator Hardy, the following Gubernatorial appointments were confirmed together as a group by the Senate, without reports given by the Committees to which they were referred and without debate:

Hood, Peter of Middlesex - Member of the State Infrastructure Bank Board - August 29, 2022 to February 28, 2027.

Gregoritsch, Mark of Essex - Member of the Occupational Safety and Health Review Board - March 1, 2023 to February 28, 2029.

Were collectively confirmed by the Senate.

Message from the House No. 82

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

Mr. President:

I am directed to inform the Senate that:

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

J.R.S. 29. Joint resolution relating to adjournment of the 2023 Biennial Session of the General Assembly.

J.R.S. 30. Joint resolution relating to compensation of House Managers of Articles of Impeachment.

And has adopted the same in concurrence.

Message from the House No. 83

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

Mr. President:

I am directed to inform the Senate that the House has on its part completed the business of the first half of the Biennial session and is ready to adjourn, pursuant to the provisions of J.R.S. 29.

Adjournment

On motion of Senator Baruth, the Senate adjourned, pursuant to J.R.S. 29.

Committee Appointed After Final Adjournment**Aquatic Nuisance Control Study Committee**

Pursuant to the provisions of H.31 § 1(b)(2) (2023 Session), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Aquatic Nuisance Control Study Committee this biennium:

Senator Bray

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the 28th of June, 2023 he approved and signed bills originating in the Senate of the following titles:

S. 80. An act relating to miscellaneous environmental conservation subjects.

S. 103. An act relating to amending the prohibitions against discrimination.

Message from the House No. 84

A message was received from the House of Representatives by Ms. BetsyAnn Wrask, its Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on June 29, 2023, he approved and signed a bill originating in the House of the following title:

H. 171. An act relating to adult protective services and emergency housing transition.

The Governor has informed the House that on June 29, 2023, he returned without signature and vetoed a bill originating in the House of the following title:

H. 158. An act relating to the beverage container redemption system.

Text of Communication from the Governor

“June 29, 2023

The Honorable BetsyAnn Wrask
Clerk of the Vermont House of Representatives
State House
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I’m returning H.158, *An act relating to the beverage container redemption system*, without my signature with my objections stated below.

I’m a long-time advocate of recycling and support a strong system to help Vermonters do so. But as I’ve consistently said, I believe expanding the labor intensive 1970s-era bottle deposit system would move us backwards, and we should instead focus on investing in and improving zero-sort (or blue bin) recycling.

I’m concerned this bill will result in higher costs for Vermonters due to deposit fees added to a wide range of beverage products; increased handling fees will be passed onto consumers to fund the redemption system; and increased recycling costs for towns, businesses and residents as high-value cans and bottles are removed.

It simply makes no sense to toss aside the progress we’ve made since the mandatory Universal Recycling Law of 2012, to expand a separate system that diverts the most valuable recyclables away from the blue bin system.

Finally, I’m concerned that even with the bill’s efforts to modernize the redemption system, redemption centers are likely to continue to struggle to find the space needed for more storage and the workforce needed to handle and sort the higher volume.

In light of these objections, I’m returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

Sincerely,

Philip B. Scott
Governor

PBS/kp”