

# Journal of the House

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Friday, January 24, 2020

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

## Devotional Exercises

Devotional exercises were conducted by Rep. Robin Chestnut-Tangerman of Middletown Springs.

## Memorial Service

The Speaker placed before the House the following name of the member of past sessions of the Vermont General Assembly who had passed away recently:

Frederick N. Cook of Shrewsbury Member of the House Session of 1959

Thereupon, the members of the House rose for a moment of silence in memory of the deceased member. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved family.

## Joint Resolution Referred to Committee

### J.R.H. 8

Joint resolution supporting legal rights for the waters of the State

Offered by: Representatives Townsend of South Burlington, McCullough of Williston, and Sullivan of Burlington

Whereas, Vermont's surface waters are vital, public assets that provide the citizens of the State with clean water, recreation, and economic benefits, and

Whereas, improving and maintaining the quality of Vermont's waters are necessary to maintain the environmental and economic benefits that these waters provide, and

Whereas, despite State and federal law requiring Vermont to maintain and prevent degradation of State waters, Lake Champlain and multiple other lakes, rivers, and streams in all regions of the State are impaired, at risk of impairment, or subject to water quality stressors, and

Whereas, the State has committed to implement and fund a long-term Clean Water Initiative to improve, maintain, and protect the water quality of Vermont's waters, but funding water quality programs alone has, to date, been insufficient to protect the State's waters, and

Whereas, Vermont must acknowledge the fundamental need to protect the waters of the State by granting legal protectable rights to the State's waters

that each citizen of the State can enforce to ensure the continued vitality of the State's waters, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly should enact legislation establishing a legal right for the waters of Vermont to exist, flourish, naturally evolve, and provide integral environmental and natural resource functions, and be it further

Resolved: That the General Assembly should enact legislation establishing legal rights for waters of Vermont, including the legal right not to be degraded by pollution, and be it further

Resolved: That the General Assembly should enact legislation to grant to the people of Vermont, collectively and individually, the right to enforce the rights of State waters against any person that impairs those rights, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Secretary of Natural Resources, the Vermont Congressional Delegation, and the Lake Champlain Committee.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Natural Resources, Fish, and Wildlife pursuant to rule 52.

### **Report of Committee of Conference Adopted**

#### **S. 23**

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill, entitled

An act relating to increasing the minimum wage

Respectfully reported that it has met and considered the same and recommended the following:

Sec. 1. 21 V.S.A. § 384(a) is amended to read:

(a)(1) An employer shall not employ any employee at a rate of less than \$9.15. ~~Beginning on January 1, 2016, an employer shall not employ any employee at a rate of less than \$9.60. Beginning on January 1, 2017, an employer shall not employ any employee at a rate of less than \$10.00. Beginning on January 1, 2018, an employer shall not employ any employee at a rate of less than \$10.50, and beginning~~ \$10.96. Beginning on January 1,

2019 January 1, 2021, an employer shall not employ any employee at a rate of less than \$11.75. Beginning on January 1, 2022, an employer shall not employ any employee at a rate of less than \$12.55, and on each subsequent January 1, the minimum wage rate shall be increased by five percent or the percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, whichever is smaller, but in no event shall the minimum wage be decreased. The minimum wage shall be rounded off to the nearest \$0.01.

(2) An employer in the hotel, motel, tourist place, and restaurant industry shall not employ a service or tipped employee at a basic wage rate less than one-half the minimum wage. As used in this subsection, “a service or tipped employee” means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$120.00 per month in tips for direct and personal customer service.

(3) If the minimum wage rate established by the U.S. government is greater than the rate established for Vermont for any year, the minimum wage rate for that year shall be the rate established by the U.S. government.

## Sec. 2. TIPPED AND STUDENT MINIMUM WAGE STUDY; REPORT

On or before January 15, 2021, the Office of Legislative Council and the Joint Fiscal Office shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the potential effects of altering or eliminating the basic wage rate for tipped employees in Vermont and of eliminating the subminimum wage for secondary school students during the school year. In particular, the report shall:

(1) for states that have eliminated their tipped minimum wage, examine available research and information regarding the impact on:

(A) jobs, prices, and the state economy; and

(B) the welfare of tipped workers, women, and working families with children;

(2) for states that have increased their tipped wage during the last 10 years, examine available research and information regarding the impact on:

(A) jobs, prices, and the state economy; and

(B) the welfare of tipped workers, women, and working families with children;

(3) for states that have decoupled their tipped wage from the standard minimum wage during the last 10 years, examine available research and information regarding the impact on:

(A) jobs, prices, and the state economy; and

(B) the welfare of tipped workers, women, and working families with children;

(4) examine any available research and information regarding the projected impact in Vermont of altering or eliminating the basic wage rate for tipped employees on:

(A) jobs, prices, and the State economy; and

(B) the welfare of tipped workers, women, and working families with children;

(5) for states that have eliminated a subminimum wage for secondary school students, examine available research and information regarding the impact on:

(A) jobs, prices, and the state economy; and

(B) the welfare of individuals under 22 years of age; and

(6) for Vermont, examine available research and information regarding the projected impact in Vermont of eliminating the subminimum wage for secondary school students on:

(A) jobs, prices, and the State economy; and

(B) the welfare of individuals under 22 years of age.

### Sec. 3. WAGE AND HOUR LAWS FOR AGRICULTURAL WORKERS; REPORT

On or before January 15, 2021, the Office of Legislative Council shall submit a written report to the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs regarding the wage and hour laws for agricultural workers. In particular, the report shall:

(1) examine the overlapping legal requirements of Vermont's wage and hour laws, the federal Fair Labor Standards Act, and other federal employment laws with respect to agricultural employees and employers; and

(2) summarize how other states' wage and hour laws address agricultural employees and employers.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

*MICHAEL D. SIROTKIN  
ALISON CLARKSON  
REBECCA BALINT*

*Committee on the part of the Senate*

*THOMAS S STEVENS  
JOHN KILLACKY  
MARY S. HOOPER*

*Committee on the part of the House*

Which was considered on the part of the House.

Pending the question, Shall the report of the Committee of Conference be adopted? **Rep. Krowinski of Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the report of the Committee of Conference be adopted? was decided in the affirmative. Yeas, 93. Nays, 54.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	O'Brien of Tunbridge
Anthony of Barre City	Gardner of Richmond	Ode of Burlington
Austin of Colchester	Giambatista of Essex	O'Sullivan of Burlington
Bartholomew of Hartland *	Haas of Rochester	Partridge of Windham
Bates of Bennington	Hashim of Dummerston	Patt of Worcester
Birong of Vergennes	Hill of Wolcott	Potter of Clarendon
Bock of Chester	Hooper of Montpelier	Pugh of South Burlington
Briglin of Thetford	Hooper of Randolph	Rachelson of Burlington
Brownell of Pownal	Hooper of Burlington	Ralph of Hartland
Brumsted of Shelburne	Houghton of Essex	Redmond of Essex
Burke of Brattleboro	Howard of Rutland City	Reed of Braintree
Campbell of St. Johnsbury	James of Manchester	Scheu of Middlebury
Carroll of Bennington	Jerome of Brandon	Sheldon of Middlebury
Chase of Colchester	Jessup of Middlesex	Squirrell of Underhill
Chesnut-Tangerman of Middletown Springs *	Killackey of South Burlington	Stevens of Waterbury *
Christensen of Weathersfield	Kitzmiller of Montpelier	Sullivan of Dorset *
Christie of Hartford	Kornheiser of Brattleboro	Sullivan of Burlington
Cina of Burlington	Krowinski of Burlington *	Szott of Barnard
Coffey of Guilford	LaLonde of South Burlington	Taylor of Colchester
Colburn of Burlington *	Lanpher of Vergennes	Till of Jericho
Colston of Winooski	Lefebvre of Newark	Toleno of Brattleboro
Conlon of Cornwall	Lippert of Hinesburg	Toll of Danville
Conquest of Newbury	Long of Newfane	Townsend of South Burlington
Copeland Hanzas of Bradford	Macaig of Williston	Trieber of Rockingham
	Masland of Thetford	Troiano of Stannard

Corcoran of Bennington	McCarthy of St. Albans City	Walz of Barre City
Cordes of Lincoln	McCormack of Burlington	Webb of Shelburne
Demrow of Corinth	McCullough of Williston	White of Hartford
Dolan of Waitsfield	Morris of Springfield	Yacovone of Morristown *
Donovan of Burlington	Mrowicki of Putney *	Yantachka of Charlotte *
Durfee of Shaftsbury	Nicoll of Ludlow	
Elder of Starksboro	Notte of Rutland City	

Those who voted in the negative are:

Bancroft of Westford	Hango of Berkshire	Pajala of Londonderry
Batchelor of Derby	Harrison of Chittenden	Palasik of Milton
Beck of St. Johnsbury	Helm of Fair Haven	Quimby of Concord
Brennan of Colchester	Higley of Lowell	Rogers of Waterville
Browning of Arlington	Kimbell of Woodstock	Rosenquist of Georgia
Burditt of West Rutland	LaClair of Barre Town	Savage of Swanton
Canfield of Fair Haven	Leffler of Enosburgh	Scheuermann of Stowe
Cupoli of Rutland City	Marcotte of Coventry	Seymour of Sutton
Dickinson of St. Albans Town	Martel of Waterford	Shaw of Pittsford
Donahue of Northfield *	Mattos of Milton	Sibilia of Dover
Fagan of Rutland City	McCoy of Poultney	Smith of Derby
Fegard of Berkshire	McFaun of Barre Town	Smith of New Haven
Feltus of Lyndon	Morgan of Milton	Strong of Albany
Gamache of Swanton	Morrissey of Bennington	Terenzini of Rutland Town
Gannon of Wilmington *	Murphy of Fairfax	Toof of St. Albans Town
Goslant of Northfield	Myers of Essex	Wood of Waterbury *
Graham of Williamstown *	Norris of Shoreham	Young of Greensboro
Gregoire of Fairfield	Noyes of Wolcott	
	Page of Newport City	

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

Gonzalez of Winooski	Grad of Moretown
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**Rep. Beck of St. Johnsbury** explained his vote as follows:

“Madam Speaker:

Raising the minimum wage will do little to nothing for low-wage workers; addressing the benefit cliff, high cost of living, education, and increasing the earned income tax credit will.”

**Rep. Chesnut-Tangerman of Middletown Springs** explained his vote as follows:

“Madam Speaker:

This bill represents a compromise agreement that fully satisfies no one. Some would say that means the bill has found the sweet spot. I recognize the reality that this will is still far from a livable wage, but it does move us forward.”

**Rep. Colburn of Burlington** explained her vote as follows:

“Madam Speaker:

This bill is a compromise for those of us who wanted as fast a path as possible to a \$15 an hour minimum wage and a meaningful livable wage for Vermonters. It’s a compromise that puts money in the pockets of vulnerable Vermonters and allows us to revisit the issue quickly and keep fighting for more. I support it and thank the committee for their work.”

**Rep. Donahue of Northfield** explained her vote as follows:

“Madam Speaker:

A single parent with two children making \$10 per hour receives almost \$65,000 a year in net family resources – which equals \$31 per hour.

A single parent with two children who goes off the benefits cliff loses \$10,000 per year – as an average – but often that is radically less because employer health care contributions vary so broadly.

This bill does not achieve any progress towards greater income equity, and we won’t achieve that goal until we consider earnings in combination with net resources. It also fails to provide any commitment to address the increase in state resources that will be needed if we intend to maintain Medicaid benefits in our state. For these reasons, I can’t support this bill. I hope in the future we will look more comprehensively at the interrelationship between wages and health care, as I urged in the bill I introduced earlier this session.”

**Rep. Gannon of Wilmington** explained his vote as follows:

“Madam Speaker:

I voted no because this bill assumes there is a single economy in Vermont. That is patently false. There is a rational way to raise the minimum wage. All we need to do is look across the waters of Lake Champlain and look at what New York did when it raised the minimum wage.”

**Rep. Graham of Williamstown** explained his vote as follows:

“Madam Speaker:

I know better than you how to run my business than you do don’t need your help.”

**Rep. Gregoire of Fairfield** explained his vote as follows:

“Madam Speaker:

There are many ways in which we can help the poorest Vermonters. Unfortunately, this bill makes us feel good but risks putting minimal real

money back into their pockets due to numerous issues including loss of benefits that may be greater than their increased wages. That's counterintuitive."

**Rep. Krowinski of Burlington** explained her vote as follows:

"Madam Speaker:

I vote yes for raising the minimum wage. By boosting wages families can meet the basics; their spending will help local businesses and help communities thrive."

**Rep. Mrowicki of Putney** explained his vote as follows:

"Madam Speaker:

I vote yes, knowing how many minimum wage workers work hard, work long, and still can't make ends meet. And, knowing the majority of minimum wage workers are women makes this vote even easier. It's time to address, even to this small degree, the inequity of this, and the overall growing income disparity in this country. So, I VOTE YES!"

**Rep. Ralph of Hartland** explained his vote as follows:

"Madam Speaker:

I voted against the minimum wage bill last year because I would like it to be stronger and for us to work towards getting to \$15/hour by 2024. The current bill doesn't quite do this but it is a step in the right direction and I hope we can work to improve this in the future, which is why I am voting in support of the bill today."

**Rep. Stevens of Waterbury** explained his vote as follows:

"Madam Speaker:

It's easy to get distracted by the many reasons for raising the wage, but our statute in the case of minimum makes it clear in a declaration of policy, and it is where we started our work: 'It is the declared policy of the State of Vermont that workers employed in any occupation should receive wages sufficient to provide adequate maintenance and to protect their health, and to be fairly commensurate with the value of the services rendered.' S.23 moves this policy along, and yes, falls short."

**Rep. Sullivan of Dorset** explained her vote as follows:

"Madam Speaker:

I supported this conference report. Low and middle-income workers' reduced bargaining power is a major reason why their wages have not kept



pace with the overall growth of the economy. Minimum wage has become one of the better hopes for propping up wages for low-income workers.”

**Rep. Wood of Waterbury** explained her vote as follows:

“Madam Speaker:

I would have loved to support higher wages for Vermonters. But not at the expense of older Vermonters and people with disabilities and those nonprofit providers who are reliant on Medicaid supports for their daily lives and to keep them living in their own homes and out of more expensive care. Promises are not enough.”

**Rep. Yacovone of Morristown** explained his vote as follows:

“Madam Speaker:

I will continue to do everything I can to assure caregivers paid by Medicaid and those they serve will not be adversely impacted by a minimum wage increase.”

**Rep. Yantachka of Charlotte** explained his vote as follows:

“Madam Speaker:

I vote YES on this bill. This bill will help minimum wage earners in two ways: it will increase their earnings and, in turn, will increase the earned income tax credit that they will be eligible for.”

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**H. 742**

**Rep. Toll of Danville** moved that the committee on Appropriations be relieved of House bill, entitled

An act relating to grants for emergency medical personnel training

And that the bill be committed to the committee on Health Care, which was agreed to.

**Message from the Senate No. 6**

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

**S. 186.** An act relating to bonded officials.

**S. 240.** An act relating to recruiting new remote workers and new relocating workers.

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

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

**H. 143.** An act relating to appointing town agents.

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

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

**S.C.R. 17.** Senate concurrent resolution congratulating the 2019 Burr and Burton Academy Bulldogs Division I football championship team.

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

**H.C.R. 201.** House concurrent resolution congratulating Robert Sausville on his 100th birthday.

**H.C.R. 204.** House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks boys' volleyball program on winning a fourth consecutive State championship.

**H.C.R. 205.** House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks State championship girls' volleyball team.

**H.C.R. 206.** House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks Division I boys' cross-country championship team.

**H.C.R. 207.** House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks Division I championship girls' cross-country team.

**H.C.R. 208.** House concurrent resolution congratulating the Champlain Valley Union High School Redhawks Division I boys' soccer program on winning a second consecutive Division I championship.

**H.C.R. 209.** House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks girls' soccer program on winning a third consecutive Division I championship.

**H.C.R. 210.** House concurrent resolution congratulating the Champlain Valley Union High School Redhawks on winning a second consecutive Division I boys' golf championship.

**H.C.R. 211.** House concurrent resolution in memory of former Representative Doris Mills (Lingelbach) Brettell.

**H.C.R. 212.** House concurrent resolution congratulating St. Johnsbury Academy Hilltoppers Takahiro Matsumoto and Owen Pakseubzin on winning the 2019 boys' tennis doubles State championship.

**H.C.R. 213.** House concurrent resolution honoring former Dorset Town Moderator Nathaniel Terry Tyler.

**H.C.R. 214.** House concurrent resolution in memory of Dorset civic leader John P. Stannard.

**H.C.R. 215.** House concurrent resolution in memory of former Representative Philip Edwin Bartlett of Dover.

**H.C.R. 216.** House concurrent resolution in memory of David Huntington Nichols of Manchester.

**H.C.R. 217.** House concurrent resolution in memory of former Senator Hull Platt Maynard Jr. of Shrewsbury.

**H.C.R. 218.** House concurrent resolution in memory of longtime Ludlow Selectboard Chair Howard Barton Jr..

**H.C.R. 219.** House concurrent resolution designating Wednesday, January 29, 2020 as Mental Health Advocacy Day at the State House.

**H.C.R. 220.** House concurrent resolution congratulating the 2019 Fair Haven Union High School Slaters Division II championship baseball team.

**H.C.R. 221.** House concurrent resolution congratulating the 2019 Proctor High School Lady Phantoms Division IV girls' soccer championship team.

**H.C.R. 222.** House concurrent resolution congratulating Morgan and Jennifer Churchill on Wonder Why Farm's designation as the 2019 Dairy Farm of the Year.

**H.C.R. 223.** House concurrent resolution congratulating Braiden Pearson as the Wardsboro grower of the largest Gilfeather Turnip for five consecutive years.

**H.C.R. 224.** House concurrent resolution congratulating Nancy Baker on her receipt of a 2019 Vermont Outstanding Teacher Award.

**H.C.R. 225.** House concurrent resolution recognizing Nurse Anesthetists.

**H.C.R. 226.** House concurrent resolution in memory of East Montpelier firefighting veteran William Howard George Jr..

### **Adjournment**

At eleven o'clock and twenty-five minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 28, 2020, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 34.

### **Concurrent Resolutions Adopted**

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

#### **H.C.R. 201**

House concurrent resolution congratulating Robert Sausville on his 100th birthday;

#### **H.C.R. 204**

House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks boys' volleyball program on winning a fourth consecutive State championship;

#### **H.C.R. 205**

House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks State championship girls' volleyball team;

#### **H.C.R. 206**

House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks Division I boys' cross-country championship team;

#### **H.C.R. 207**

House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks Division I championship girls' cross-country team;

#### **H.C.R. 208**

House concurrent resolution congratulating the Champlain Valley Union High School Redhawks Division I boys' soccer program on winning a second consecutive Division I championship;

**H.C.R. 209**

House concurrent resolution congratulating the 2019 Champlain Valley Union High School Redhawks girls' soccer program on winning a third consecutive Division I championship;

**H.C.R. 210**

House concurrent resolution congratulating the Champlain Valley Union High School Redhawks on winning a second consecutive Division I boys' golf championship;

**H.C.R. 211**

House concurrent resolution in memory of former Representative Doris Mills (Lingelbach) Brettell;

**H.C.R. 212**

House concurrent resolution congratulating St. Johnsbury Academy Hilltoppers Takahiro Matsumoto and Owen Pakseubzin on winning the 2019 boys' tennis doubles State championship;

**H.C.R. 213**

House concurrent resolution honoring former Dorset Town Moderator Nathaniel Terry Tyler;

**H.C.R. 214**

House concurrent resolution in memory of Dorset civic leader John P. Stannard;

**H.C.R. 215**

House concurrent resolution in memory of former Representative Philip Edwin Bartlett of Dover;

**H.C.R. 216**

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**H.C.R. 217**

House concurrent resolution in memory of former Senator Hull Platt Maynard Jr. of Shrewsbury;

**H.C.R. 218**

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**H.C.R. 219**

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**H.C.R. 220**

House concurrent resolution congratulating the 2019 Fair Haven Union High School Slaters Division II championship baseball team;

**H.C.R. 221**

House concurrent resolution congratulating the 2019 Proctor High School Lady Phantoms Division IV girls' soccer championship team;

**H.C.R. 222**

House concurrent resolution congratulating Morgan and Jennifer Churchill on Wonder Why Farm's designation as the 2019 Dairy Farm of the Year;

**H.C.R. 223**

House concurrent resolution congratulating Braiden Pearson as the Wardsboro grower of the largest Gilfeather Turnip for five consecutive years;

**H.C.R. 224**

House concurrent resolution congratulating Nancy Baker on her receipt of a 2019 Vermont Outstanding Teacher Award;

**H.C.R. 225**

House concurrent resolution recognizing Nurse Anesthetists;

**H.C.R. 226**

House concurrent resolution in memory of East Montpelier firefighting veteran William Howard George Jr.;

**S.C.R. 17**

Senate concurrent resolution congratulating the 2019 Burr and Burton Academy Bulldogs Division I football championship team.

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2020, seventy-fifth Biennial session.]