Journal of the House

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-Tangeman 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.

MICHAE LD. 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
Anthony of Barre City
Austin of Colchester
Bartholomew of Hartland *
Bates of Bennington
Birong of Vergennes
Bock of Chester
Briglin of Thetford
Brownell of Pownal
Brumsted of Shelburne
Burke of Brattleboro
Campbell of St. Johnsbury
Carroll of Bennington
Chase of Colchester
Chesnut-Tangeman of
Middletown Springs *
Christensen of Weathersfield
Christie of Hartford
Cina of Burlington
Coffey of Guilford
Colburn of Burlington *
Colston of Winooski
Conlon of Cornwall
Conquest of Newbury
Copeland Hanzas of
Bradford
Emmons of Springfield
Gardner of Richmond
Giambatista of Essex
Haas of Rochester
Hashim of Dummerston
Hill of Wolcott
Hooper of Montpelier
Hooper of Randolph
Hooper of Burlington
Houghton of Essex
Howard of Rutland City
James of Manchester
Jerome of Brandon
Jessup of Middlesex
Killacky of South Burlington
Kitzmiller of Montpelier
Kornheiser of Brattleboro
Krowinski of Burlington *
LaLonde of South
Burlington
Lanpher of Vergennes
Lefebvre of Newark
Lippert of Hinesburg
Long of Newfane
Macaig of Williston
Masland of Thetford
O'Brien of Tunbridge
Ode of Burlington
O'Sullivan of Burlington
Parter of Clarendon
Patt of Worcester
Pugh of South Burlington
Rachelson of Burlington
Ralph of Hartland
Redmond of Essex
Reed of Brantree
Scheu of Middlebury
Sheldon of Middlebury
Squirrell of Underhill *
Stevens of Waterbury *
Sullivan of Dorset *
Sullivan of Burlington
Szott of Barnard
Taylor of Colchester
Till of Jericho
Toleno of Brattleboro
Toll of Danville
Townsend of South
Burlington
Trieb of Rockingham
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  |  Quinby 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  |  Martel of Waterford  |  Shaw of Pittsford
Town  |  Mattos of Milton  |  Sibilia of Dover
Donahue of Northfield *  |  McCoy of Poultney  |  Smith of Derby
Fagan of Rutland City  |  McFaun of Barre Town  |  Smith of New Haven
Fegard of Berkshire  |  Morgan of Milton  |  Strong of Albany
Feltus of Lyndon  |  Morrissey of Bennington  |  Terenzini of Rutland Town
Gamache of Swanton  |  Murphy of Fairfax  |  Toof of St. Albans Town
Gannon of Wilmington *  |  Myers of Essex  |  Wood of Waterbury *
Goslant of Northfield  |  Norris of Shoreham  |  Young of Greensboro
Graham of Williamstown *  |  Noyes of Wolcott  |  
Gregoire of Fairfield  |  Page of Newport City  |  

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

Gonzalez of Winooski  |  Grad of Moretown  |  

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


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


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.


Adjournment

At eleven o'clock and twenty-five minutes in the forenoon, on motion of Rep. McCoy of Poulney, 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
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.;

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.]