Journal of the House

Wednesday, September 9, 2020

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

Devotional Exercises
Devotional exercises were conducted by Rep. Theresa Wood of Waterbury.

Committee Bill Introduced

H. 969
By the committee on Appropriations,
An act relating to making appropriations for the support of government;
Was read and pursuant to House rule 48, bill placed on the Calendar for Notice.

Joint Resolution Adopted in Concurrence

J.R.S. 62

By Senator Ashe,

J.R.S. 62. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:
That when the two Houses adjourn on Thursday, September 10, 2020, or, Friday, September 11, 2020, it be to meet again no later than Tuesday, September 15, 2020.

Was taken up, read and adopted in concurrence.

Joint Resolution Adopted in Concurrence

J.R.S. 63

By Senator Nitka,

J.R.S. 63. Joint resolution scheduling the Joint Assembly to vote on the retention of six Superior Judges.

Whereas, the Joint Assembly to vote on the retention of six Superior Judges has been scheduled and postponed; and

Whereas, the Joint Assembly on Judicial Retention needs to occur during the 2020 adjourned session of the General Assembly; and

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Whereas, Vermont has been declared by the Governor to be in a State of Emergency as a result of a pandemic known as “COVID-19”; and

Whereas, it is critical to take steps to control outbreaks of COVID-19 to minimize the risk to the public, maintain the health and safety of Vermonters and limit the spread of infection in our community; and

Whereas, technology exists which would enable the General Assembly to conduct a Joint Assembly during this time of a declared emergency in a manner: consistent with public access to, and transparency of, its proceedings, as demanded by the Vermont Constitution; and, consistent with and in compliance with statutory and legislative rule requirements regarding Judicial Retention, now therefore be it

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Monday, September 14, 2020, at five o’clock in the afternoon to vote on the retention of six Superior Judges, and be it further

Resolved: That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and debate from a remote location; that voting by ballot shall be conducted, as practicable, consistent with Vermont’s “Early or Absentee Voters” statute at 17 V.S.A. §2531, et. seq.; that after the reports of the Committee on Judicial Retention, the Joint Assembly shall recess until Monday, September 21, 2020 at 5:00 pm (or as otherwise ordered by the Joint Assembly) so that ballots may be submitted; and, that upon reconvening the results of the vote shall be announced or the Joint Assembly shall proceed until the above is completed.

Was taken up, read and adopted in concurrence.

Message from the Senate No. 75

A message was received from the Senate by Mr. Bloomer, its 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. 352. An act relating to making certain amendments to the Front-Line Employees Hazard Pay Grant Program.

S. 353. An act relating to expanding the Front-Line Employees Hazard Pay Grant Program.

In the passage of which the concurrence of the House is requested.
Bill Amended; Read Third Time; Bill Passed
H. 968

House bill, entitled
An act relating to the Vermont Coronavirus Economic Stimulus Equity Program

Was taken up and pending third reading of the bill, Rep. Donahue of Northfield moved to amend the bill as follows:

In Sec. 1, Vermont Coronavirus Economic Stimulus Equity Program, in subdivision (a)(4), by striking “18” and inserting in lieu thereof “17”.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered
S. 187

Rep. Gonzalez of Winooski, for the committee on General, Housing, and Military Affairs, to which had been referred Senate bill, entitled
An act relating to transient occupancy for health care treatment and recovery
Reported in favor of its passage in concurrence with proposal of amendment as follows:

In Sec. 2 by striking “July 1, 2020” and inserting in lieu thereof “passage”.

The bill, having appeared on the Calendar one day for Notice, was taken up, read the second time, the report of the committee on General, Housing, and Military Affairs agreed to and third reading ordered.

Senate Proposal of Amendment Concurred in
H. 688

The Senate proposed to the House to amend House bill, entitled
An act relating to addressing climate change
The Senate proposes to the House to amend the bill as follows:

First: In Sec. 4, 10 V.S.A. § 591(a)(9), subdivision (F) by striking out the word “and”; in subdivision (G) by adding the word and after “science;”; and by adding a new subdivision (H) to read as follows: (H) one member to represent Vermont manufacturers.
Second: In Sec. 4, 10 V.S.A. § 591(f), in the last sentence, after the words “The Council”, by inserting the words shall meet at the call of the Chair or a majority of the members of the Council, and the Council

Third: In Sec. 4, 10 V.S.A. § 590, by striking out “(5)” and inserting in lieu thereof (4)

Fourth: In 10 V.S.A. § 593(k), by striking out the word “promulgate” and inserting in lieu thereof the word adopt

Fifth: In Sec. 4, 10 V.S.A. § 594(c)(2) (cause of action) by inserting, after the word “costs” the words and attorney’s fees

Sixth: By striking out Secs. 9, appropriation, and 10, positions, and their reader assistance heading in their entireties and by renumbering the remaining section to be numerically correct.

Which proposal of amendment was considered.

Pending the question, Shall the House concur in the Senate proposal of amendment? Rep. Cupoli of Rutland City 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 House concur in the Senate proposal of amendment? was decided in the affirmative. Yeas, 102. Nays, 45.

Those who voted in the affirmative are:

Ancel of Calais          Gardner of Richmond          Ode of Burlington *
Anthony of Barre City    Giambatista of Essex         O'Sullivan of Burlington
Austin of Colchester     Gonzalez of Winooski           Pajala of Londonderry
Bartholomew of Hartland  Grad of Moretown              Partridge of Windham
Biron of Vergennes       Haas of Rochester            Patt of Worcester
Bock of Chester          Hashim of Dummerston         Potter of Clarendon
Briglin of Thetford      Hill of Wolcott              Pugh of South Burlington
Brownell of Pownal       Hooper of Montpelier          Rchelson of Burlington
Browning of Arlington    Hooper of Randolph           Ralph Watson of Hartland
Brumsted of Shelburne    Hooper of Burlington          Redmond of Essex
Burke of Brattleboro     Houghton of Essex            Reed of Brantree
Campbell of St. Johnsbury Howard of Rutland City       Rogers of Waterville
Carroll of Bennington    James of Manchester           Scheu of Middlebury
Chase of Colchester      Jerome of Brandon            Sheldon of Middlebury
Chesnut-Tangerman of     Jessup of Middlesex           Sibilia of Dover *
Middletown Springs *     Killacky of South Burlington   Squirrel of Underhill
Christensen of Weathersfield Kimbell of Woodstock       Stevens of Waterbury
Christie of Hartford     Kitzmiller of Montpelier        Sullivan of Dorset
Cina of Burlington       Kornheiser of Brattleboro         Sullivan of Burlington *
Coffey of Guilford       Krowninski of Burlington *    Szott of Barnard
Colburn of Burlington    LaLonde of South              Taylor of Colchester
Colston of Winooski      Burlington                    Till of Jericho *
Conlon of Cornwall       Lanpher of Vergennes          Toleno of Brattleboro
Conquest of Newbury  Lippert of Hinesburg  Toll of Danville
Copeland Hanzas of Bradford  Long of Newfane  Townsend of South
Bradford  Macaig of Williston  Burlington
Corcoran of Bennington  Masland of Thetford  Troiano of Stannard
Cordes of Lincoln  McCarthy of St. Albans City  Walz of Barre City
Demrow of Corinth  McCormack of Burlington  Webb of Shelburne
Dolan of Waitsfield  McCullough of Williston  White of Hartford
Donovan of Burlington  Morris of Springfield  Wood of Waterbury
Durfee of Shaftsbury  Mrowicki of Putney  Yacovone of Morristown *
Elder of Starksboro  Murphy of Fairfax  Yantachka of Charlotte *
Emmons of Springfield  Nicoll of Ludlow  Young of Greensboro
Fegard of Berkshire  Noyes of Wolcott
Gannon of Wilmington  O'Brien of Tunbridge

Those who voted in the negative are:

Bancroft of Westford *  Gregoire of Fairfield *  Page of Newport City
Batchelor of Derby  Hango of Berkshire  Palasik of Milton
Bates of Bennington  Harrison of Chittenden  Quimby of Concord
Beck of St. Johnsbury  Higley of Lowell  Rosenquist of Georgia
Brennan of Colchester  LaClair of Barre Town  Savage of Swanton
Burditt of West Rutland  Leffler of Enosburgh *  Scheuermann of Stowe
Canfield of Fair Haven  Martocce of Coventry  Seymour of Sutton
Cupoli of Rutland City  Martel of Waterford  Shaw of Pittsford
Dickinson of St. Albans  Mattos of Milton  Smith of Derby
Town  McCoy of Poultney *  Smith of New Haven
Donahue of Northfield *  McFaun of Barre Town  Strong of Albany
Fagan of Rutland City  Morgan of Milton  Terenzini of Rutland Town
Feltus of Lyndon  Morrissey of Bennington  Toof of St. Albans Town
Gamache of Swanton  Myers of Essex  Tully of Rockingham
Goslant of Northfield  Norris of Shoreham
Graham of Williamstown  Notte of Rutland City

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

Helm of Fair Haven  Lefebvre of Newark

**Rep. Bancroft of Westford** explained his vote as follows:

“Madam Speaker:

H.688 is bad legislation. I understand we are in the midst of dramatic climate change, but I cannot support legislation which hands over legislative authority to a 23 member council, that is not directly accountable to voters. It is the responsibility of the legislature to create a legally enforceable system by which Vermont will reduce its greenhouse gas emissions. The setting of emission targets is not a trivial matter. Depending on the targets, the impact on Vermonters will likely be substantial, especially hurting low income individuals, and discourage economic growth. These considerations are the sole responsibility of the legislature. Besides abdicating legislative authority,
H.688 allows anyone to sue the State, if the emission targets set by this unelected council are not met. Adding insult to injury, the state will not only have to devote resources to defending the state, the state will also be responsible for the plaintiff’s legal fees, if they prevail.

We are in the middle of a health crisis. We do not know what the situation will be in four months. Come January, we should have a better understanding of our financial situation. It would be prudent to wait until this coming January to craft legislation, whereby elected officials are responsible for setting targets and how best to accomplish them.”

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

“Madam Speaker:

Vermont’s version of a Global Warming Solutions Act is neither radical nor idealistic. The perils of climate change are clearly recognized not just by environmental advocates, but also by the US military, by land use planners, by the financial sector and certainly by the insurance industry.

None of these entities are what you would call tree huggers. They are hard eyed analysts trying to calculate the odds in a rapidly changing world. They are calculating the very things that H.688 explicitly names - primarily a resilient infrastructure and an evolving economy - and they have determined that action is long overdue. We cannot wait any longer.”

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

“Madam Speaker:

We need this bill. We need to move forward with aggressive leadership: as individuals, and as a state. We need to move forward as rapidly as possible. But “possible” is not always an easy word. The pandemic that has struck us does require re-calibration of our very short-term priorities to ensure that we are, in fact, able to place full and focused attention on this priority as soon as we are able. Our COVID-distorted legislative process has impaired the possibly that this bill would have been more responsible in its over-delegation of our own fundamental responsibilities, and our economy needs to be the very immediate priority, before investing state resources into this bill. Delaying a matter of only a few months, to the start of our new session, would allow us the ability to do that essential financial re-evaluation and the potential for that re-calibration. I vote yes in my heart for this bill, but I vote no on moving it forward irresponsibly in the midst of our current pandemic and during an emergency extension of our legislative session.”

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

We should all work to live the most conscientious lives that considers our impact on those around us as well as on our world. We should make those decisions based on facts that often get overlooked. For example, as we move toward electric, we must be aware that 63% comes from fossil fuels. This action not affect the global climate. We can however make Vermont more resilient to these events- I’ve seen nothing that remotely corrects this reality. As an aside, while California experiences more forest fires lets be honest about causation- climate change is only one. The others are increased movement into rural areas and poor forest management due to government policy. We are definitely experiencing change- what this bill does or doesn’t do is my objection.

Finally, I have issues abdicating our responsibilities on this important issue to an unelected body.”

Rep. Hango of Berkshire explained her vote as follows:

“Madam Speaker:

Our isolated, rural communities stand today on the brink of economic disaster. To hand over yet more control over how we transport ourselves, heat our homes, and recreate is unacceptable. With this bill, the voice of rural Vermont will not be heard. There is a better effort in all of us to find a way forward that will address climate crisis mitigation efforts and is meaningful to all Vermonters. Thank you.”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

Madam Speaker, I vote yes because we are facing a climate change crisis that’s not going to stop because of the COVID pandemic, it’s critical we take action now. The Global Warming Solutions Act is about creating accountability for action and planning for a resilient economic future. Thank you.”

Rep. Leffler of Enosburgh explained her vote as follows:

“Madam Speaker:

The Global Warming Solutions Act presents zero solutions. It abdicates the authority of the legislature to a 23 person non-elected board.

It spends nearly a million dollars carelessly while we are working to put a budget forward that can close a deficit of hundreds of millions of dollars.
This bill is nothing more than a vehicle designed to rob Vermonters of their voice, their representation, hard earned money, and their right to a governance that is accountable.

We all have a compelling and vested interest in making our state, nation, and globe a cleaner, healthy, and perpetuitous place for ourselves and future generations. That does not equate to authorizing lazy governance and needlessly spending millions with nothing to show for it.

A vote yes on this trainwreck of a bill is a vote against Vermonters. Madam Speaker, I vote no.”

**Rep. McCoy of Poultney** explained her vote as follows:

"Madam Speaker:

While I agree Global Warming is real, I take issue with the means this bills uses to reduce our greenhouse gas emissions. Setting up a Vermont Climate Council that, in effect, writes policy and adopts a plan the state must follows flies in the face of a citizen legislature, the very individuals elected to represent the citizenry of our state. I do not take likely my responsibility of representing our citizenry and am opposed to giving away my authority to draft a plan, write policies and roll out a plan that will get us to our carbon emission goals; goals the legislature voted into law, not a council with no legislative authority. I vote no.”

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

"Madam Speaker:

With a complete abdication of leadership at the national level, we’ve lost 4 years in the fight against Global Warming, so States must stand up and act on Climate. As we deal right now with the triple pandemics of Covid, climate and racism, waiting is no longer an option.

We saw what waiting has done to us with Covid. While the rest of the world digs itself out of that hole, the lack of leadership in the US keeps us stuck in the mess.

I vote yes, for the economic benefits ahead, for the Environmental benefits ahead, and to take the long overdue steps of acting now and helping leave a cleaner planet for our children, grandchildren and generations to come.”

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

“Madam Speaker:

I am thankful that through this global coronavirus pandemic, our mighty little state of Vermont acted early, relied on science, and continues to rely on
science. As a result, Vermont enjoys a very low incidence of COVID-19 infections in our communities and Vermont's economy is making great strides to recover.

What this pandemic has taught us is that you act early. You rely on science. And we will, I hope, succeed with our climate change challenge just as Vermont is on the path to success with COVID-19.

I vote yes for the benefit of our people, for the benefit of our economy, and for the benefit of this great little state of Vermont.”

Rep. Sibilia of Dover explained her vote as follows:

“Madam Speaker:

Madame Speaker, I want to reassure Vermonters and my colleagues that with the passage of this bill and the creation of this council, lawmakers will retain their ability to pass laws.”

Rep. Sullivan of Burlington explained her vote as follows:

“Madam Speaker:

Madam speaker. I turn 68 years old today and while I’m seeing a lot of the effects of global warming I probably won’t live long enough to see the absolute worst of it if we don’t act but people I love Will.”

Rep. Till of Jericho explained his vote as follows:

“Madam Speaker:

I vote yes. We are facing an existential climate crisis, which is more obvious every day. We in Vermont, unlike our neighboring New England states, have not succeeded in reducing our per person CO2 emissions. We need to pass this Global Warming Solutions Act as a first step now.”

Rep. Yacovone of Morristown explained his vote as follows:

“Madam Speaker:

It has been said we all have the power to do nothing. Some yield that power with reckless abandon. Now is not the time to do nothing. We have an obligation to address this problem before it is unaddressable. Our house burns while many seek excuses.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Madam Speaker:

H.688, the Global Warming Solutions Act, creates a foundation for the necessary work Vermont has to do to reduce our greenhouse gas emissions that contribute to the climate change crisis. It will allow us to prepare Vermont to
be more resilient in the face of the effects of climate change which are already upon us. Proper planning can grow our economy and save Vermonters money over the long run. Inaction is pennywise and pound foolish. For my children and grandchildren and for future generations, I vote yes.”

Adjournment

At four o'clock and fifty-seven minutes in the afternoon, on motion of Rep. McCoy of Poultney, the House adjourned until tomorrow at two o'clock in the afternoon.