

# 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

*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
Birong 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	Rachelson 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 Braintree
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	Squirrell 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	Krowinski 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 Burlington
Corcoran of Bennington	Macaig of Williston	Troiano of Stannard
Cordes of Lincoln	Masland of Thetford	Walz of Barre City
Demrow of Corinth	McCarthy of St. Albans City	Webb of Shelburne
Dolan of Waitsfield	McCormack of Burlington	White of Hartford
Donovan of Burlington	McCullough of Williston	Wood of Waterbury
Durfee of Shaftsbury	Morris of Springfield	Yacovone of Morristown *
Elder of Starksboro	Mrowicki of Putney *	Yantachka of Charlotte *
Emmons of Springfield	Murphy of Fairfax	Young of Greensboro
Fegard of Berkshire	Nicoll of Ludlow	
Gannon of Wilmington	Noyes of Wolcott	
	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	Marcotte of Coventry	Seymour of Sutton
Cupoli of Rutland City	Martel of Waterford	Shaw of Pittsford
Dickinson of St. Albans Town	Mattos of Milton	Smith of Derby
Donahue of Northfield *	McCoy of Poultney *	Smith of New Haven
Fagan of Rutland City	McFaun of Barre Town	Strong of Albany
Feltus of Lyndon	Morgan of Milton	Terenzini of Rutland Town
Gamache of Swanton	Morrissey of Bennington	Toof of St. Albans Town
Goslant of Northfield	Myers of Essex	Tully of Rockingham
Graham of Williamstown	Norris of Shoreham	
	Notte of Rutland City	

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

Helm of Fair Haven	Lefebvre of Newark
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**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 possibility 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 perpetual 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 bill 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 follow flies in the face of a citizen legislature, the very individuals elected to represent the citizenry of our state. I do not take lightly 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. Sibilía 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

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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.