

Journal of the House

Thursday, January 7, 2021

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. Christie of Hartford.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 1

By Rep. Donahue of Northfield,
House bill, entitled
An act relating to mental health insurance benefits;
To the Committee on Health Care.

H. 2

By Rep. Donahue of Northfield,
House bill, entitled
An act relating to an integrated mental health budget;
To the Committee on Health Care.

H. 3

By Rep. McCullough of Williston,
House bill, entitled
An act relating to the land application of sludge and septage;
To the Committee on Natural Resources, Fish, and Wildlife.

H. 4

By Rep. Till of Jericho,
House bill, entitled

An act relating to the use of the pesticide chlorpyrifos;
To the Committee on Natural Resources, Fish, and Wildlife.

H. 5

By Rep. Till of Jericho,
House bill, entitled
An act relating to hearing protection while hunting;
To the Committee on Natural Resources, Fish, and Wildlife.

H. 6

By Rep. Masland of Thetford,
House bill, entitled
An act relating to group net metering rates and projects;
To the Committee on Energy and Technology.

H. 7

By Rep. Donahue of Northfield,
House bill, entitled
An act relating to the Forensic Mental Health Working Group;
To the Committee on Judiciary.

H. 8

By Rep. McCullough of Williston,
House bill, entitled
An act relating to establishing a maximum speed limit of not more than 55
miles per hour on limited access facilities;
To the Committee on Transportation.

H. 9

By Reps. Harrison of Chittenden and Graham of Williamstown,
House bill, entitled
An act relating to the definition of agricultural land for the purposes of use
value appraisals;
To the Committee on Ways and Means.

H. 10

By Rep. Copeland Hanzas of Bradford,
House bill, entitled
An act relating to permitted candidate expenditures;
To the Committee on Government Operations.

H. 11

By Reps. Anthony of Barre City and Walz of Barre City,
House bill, entitled
An act relating to the removal of the pilings of Bridge 308;
To the Committee on Transportation.

H. 12

By Rep. Harrison of Chittenden,
House bill, entitled
An act relating to the implementation of an electronic roll-call system in the
Vermont House of Representatives;
To the Committee on Corrections and Institutions.

H. 13

By Rep. McCullough of Williston,
House bill, entitled
An act relating to shared parental rights and responsibilities and equal
parent-child contact;
To the Committee on Judiciary.

H. 14

By Rep. Harrison of Chittenden,
House bill, entitled
An act relating to the effectiveness of the beverage container redemption
system;
To the Committee on Natural Resources, Fish, and Wildlife.

H. 15

By Rep. McCullough of Williston,

House bill, entitled

An act relating to the use of pesticide chlorpyrifos and the herbicides glyphosate and atrazine;

To the Committee on Natural Resources, Fish, and Wildlife.

H. 16

By Rep. Shaw of Pittsford,

House bill, entitled

An act relating to the sale and use of fireworks;

To the Committee on Judiciary.

H. 17

By Rep. Till of Jericho,

House bill, entitled

An act relating to physician expert witnesses in medical malpractice actions;

To the Committee on Judiciary.

H. 18

By Reps. Burditt of West Rutland and Grad of Moretown,

House bill, entitled

An act relating to sexual exploitation of children;

To the Committee on Judiciary.

H. 19

By Rep. Grad of Moretown,

House bill, entitled

An act relating to competency to stand trial;

To the Committee on Judiciary.

H. 20

By Rep. Grad of Moretown,

House bill, entitled

An act relating to pretrial risk assessments and pretrial services;

To the Committee on Judiciary.

H. 21

By Rep. Till of Jericho,

House bill, entitled

An act relating to prohibiting licensed midwives from performing home births after cesarean delivery;

To the Committee on Health Care.

H. 22

By Rep. Till of Jericho,

House bill, entitled

An act relating to requiring that at least one member of the Green Mountain Care Board be a health care professional;

To the Committee on Health Care.

H. 23

By Rep. Till of Jericho,

House bill, entitled

An act relating to administering stem cell products not approved by the U.S. Food and Drug Administration;

To the Committee on Health Care.

H. 24

By Rep. McCullough of Williston,

House bill, entitled

An act relating to coverage for complementary and alternative health care services;

To the Committee on Health Care.

H. 25

By Rep. Harrison of Chittenden,

House bill, entitled

An act relating to evaluating the sale of Long-Term Care Partnership policies;

To the Committee on Human Services.

H. 26

By Reps. Dolan of Waitsfield, Squirrel of Underhill, Lefebvre of Newark, McCullough of Williston, Ode of Burlington and Sheldon of Middlebury,

House bill, entitled

An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products;

To the Committee on Health Care.

H. 27

By Rep. McCullough of Williston,

House bill, entitled

An act relating to health and safety warnings on consumer products containing perfluoroalkyl and polyfluoroalkyl substances;

To the Committee on Health Care.

H. 28

By Rep. McCullough of Williston,

House bill, entitled

An act relating to the basic needs budget and livable wage;

To the Committee on General, Housing, and Military Affairs.

H. 29

By Reps. Marcotte of Coventry and Campbell of St. Johnsbury,

House bill, entitled

An act relating to notifying prospective employees of ineligibility for unemployment insurance benefits;

To the Committee on General, Housing, and Military Affairs.

H. 30

By Reps. Yacovone of Morristown, Noyes of Wolcott and Wood of Waterbury,

House bill, entitled

An act relating to the study and design of a long-term care trust fund;

To the Committee on Human Services.

H. 31

By Reps. Ancel of Calais, Donahue of Northfield, Goslant of Northfield, Jessup of Middlesex, Patt of Worcester and Yacovone of Morristown,

House bill, entitled

An act relating to extending merger benefits to school districts that were involuntarily merged under the State Board of Education's Act 46 merger order;

To the Committee on Education.

H. 32

By Reps. Elder of Starksboro and Rogers of Waterville,

House bill, entitled

An act relating to universal school breakfast and lunch for all public school students;

To the Committee on Education.

H. 33

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to auto rental contracts;

To the Committee on Commerce and Economic Development.

H. 34

By Reps. Kimbell of Woodstock and Fagan of Rutland City,

House bill, entitled

An act relating to the use of debt proceeds in tax increment financing districts;

To the Committee on Ways and Means.

H. 35

By Reps. Conlon of Cornwall and Elder of Starksboro,

House bill, entitled

An act relating to eliminating eligible school construction costs from a school district's excess spending;

To the Committee on Education.

H. 36

By Rep. Till of Jericho,
House bill, entitled
An act relating to primary enforcement of the adult safety belt law;
To the Committee on Transportation.

H. 37

By Rep. Till of Jericho,
House bill, entitled
An act relating to the imposition of an excise tax on sugar-sweetened
beverages;
To the Committee on Ways and Means.

H. 38

By Reps. Donahue of Northfield and Till of Jericho,
House bill, entitled
An act relating to the imposition of sales tax on candy;
To the Committee on Ways and Means.

H. 39

By Reps. Sullivan of Dorset, Batchelor of Derby, Beck of St. Johnsbury,
Feltus of Lyndon, Graham of Williamstown, Lefebvre of Orange, Morgan, L.
of Milton, Norris of Shoreham, Notte of Rutland City and Page of Newport
City,

House bill, entitled
An act relating to the Vermont Climate Council and conflicts of interest;
To the Committee on Energy and Technology.

H. 40

By Rep. Donahue of Northfield,
House bill, entitled
An act relating to whistleblower protections for law enforcement officers;
To the Committee on General, Housing, and Military Affairs.

H. 41

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to family leave and insurance protections for organ donors;

To the Committee on General, Housing, and Military Affairs.

H. 42

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to including the amount expended by an employer for health insurance in the determination of the minimum wage;

To the Committee on General, Housing, and Military Affairs.

H. 43

By Rep. Till of Jericho,

House bill, entitled

An act relating to allowing individuals who have attained 16 years of age to consent to the administration of vaccinations;

To the Committee on Health Care.

H. 44

By Rep. Till of Jericho,

House bill, entitled

An act relating to universal home visiting and parenting classes;

To the Committee on Human Services.

H. 45

By Reps. Anthony of Barre City and Walz of Barre City,

House bill, entitled

An act relating to the provision of grants for mental health providers working in collaboration with municipal police departments;

To the Committee on Human Services.

H. 46

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to miscellaneous provisions of mental health law;

To the Committee on Health Care.

H. 47

By Reps. Donahue of Northfield, Fagan of Rutland City, Goslant of Northfield and Harrison of Chittenden,

House bill, entitled

An act relating to employment rights for members of the Reserve and National Guard;

To the Committee on General, Housing, and Military Affairs.

H. 48

By Rep. Copeland Hanzas of Bradford,

House bill, entitled

An act relating to authorizing alternative procedures for 2021 annual municipal meetings in response to COVID-19;

To the Committee on Government Operations.

H. 49

By Reps. Townsend of South Burlington, Cordes of Lincoln, James of Manchester, Killacky of South Burlington, Kornheiser of Brattleboro, Leffler of Enosburgh, McCullough of Williston, Mrowicki of Putney, Vyhovsky of Essex, White of Hartford and Yacovone of Morristown,

House bill, entitled

An act relating to including psychological abuse as the basis for obtaining a civil abuse protection order;

To the Committee on Judiciary.

H. 50

By Rep. Till of Jericho,

House bill, entitled

An act relating to pharmacists providing information on the proper disposal of unused regulated drugs;

To the Committee on Health Care.

House Resolution Referred to Committee

H.R. 6

House resolution, entitled

House resolution relating to the electronic recording of votes

Offered by: Representative Kimbell of Woodstock

Whereas, the House of Representatives, due to the State of Emergency first declared in March 2020 in response to the COVID-19 pandemic, temporarily amended its rules to allow votes of the House to be taken electronically, and

Whereas, the Office of Legislative Information Technology, working in conjunction with the Speaker, the Chief of the Capitol Police, the House Clerk, and the Sergeant at Arms, was able to create and administer electronic voting in a manner that met the highest security levels, identifying and verifying each member voting, and

Whereas, the system that was used recorded the Yeas and Nays of the members voting, though the recording of how a member voted was limited to the times that an alphabetically called roll call was administered, and

Whereas, increasing the transparency of the votes cast by elected Representatives creates greater accountability to the voters who elected them, strengthening our democratic principles, and

Whereas, the current rules for roll call votes take considerable amounts of time that could be better utilized in other ways, and

Whereas, it is the House's position that except for procedural or other minor votes agreed to be taken by voice vote or its electronic equivalent, all votes cast using the electronic voting system adopted by the House should record the Representatives' votes by Yeas and Nays and this record should be made public, now therefore be it

Resolved by the House of Representatives: That this legislative body amends the Rules and Orders of the House of Representatives as follows:

RULES AND ORDERS OF THE HOUSE OF REPRESENTATIVES

* * *

II. Of Sessions of the House

* * *

9. If a quorum is not present within fifteen minutes after the time to which the House was adjourned or whenever a roll call or a division the electronic voting system of the House discloses no quorum present and voting, the presiding officer or those present may send the Sergeant at Arms or other officer after the absentees to compel their attendance, or may adjourn.

* * *

III. Of Members

* * *

14. Subject to the provisions of Rules 73,~~74~~ and 75, it shall be the duty of a member to vote upon all questions decided by a ~~roll call vote~~ votes made in the electronic voting system, voice vote, ~~division of the House~~ or ballot.

* * *

IV. Of Officers

* * *

19. The Clerk shall prepare the Journal and cause it to be printed. The Journal shall record the proceedings of the House, except when acting in Committee of the Whole, including the titles of bills, proposed amendments, the names of the members, ~~and the votes which that they give~~ on every question decided by roll call votes cast on the electronic voting system as set forth in Rule 69, and such other matters as may be pertinent. The Journal shall not be read except at the direction of the House.

* * *

XI. Of Voting

69. ~~The alphabetical roll call shall be called upon any question if demanded by one member and sustained by at least four other members~~ All votes shall be cast on the electronic voting system by the Yeas and Nays, except for procedural votes or other minor votes that are agreed to be cast in the manner of a voice vote or its electronic equivalent; provided, however, that such a vote shall be cast on the electronic voting system by the Yeas and Nays if demanded by one member. All votes cast on the electronic voting system by the Yeas and Nays shall be public and shall be printed in the Journal.

70. Explanations of votes cast on the electronic voting system by the Yeas and Nays will be allowed only after the ~~roll call casting of votes~~ is complete and immediately before the result thereof is announced. Explanations shall be submitted immediately to the Clerk in writing. It is generally recommended that vote explanations should be infrequent and brief.

71. ~~A division of the House shall be had upon order of the Speaker or upon demand of one member. If the vote be taken by division, a voting member who is unable to stand need not rise to express his or her vote but shall indicate the vote in some other manner. [Repealed.]~~

72. ~~No member or other person may remain by the Clerk's desk when the roll is being called. [Repealed.]~~

73. When a vote is taken, every member present shall vote unless excused by the House; but no member may be compelled to vote who was absent when the question was stated from the Chair.

~~74. At the conclusion of the call of the roll, the alphabetical roll of the absentees will be called and, subject to Rule 73, members who were absent when their names were first called and who are now present shall then vote. Members not present when their names were called the second time shall not be permitted to vote, except by leave of the House. Members shall not be permitted to change their votes after the results of a vote have been announced, except by leave of the House.~~

* * *

Which was read by title and, in the Speaker's discretion pursuant to Rule 52, referred to the Committee on Rules.

Recess

At nine o'clock and forty-five minutes in the forenoon, the Speaker declared a recess until the fall of the gavel following the Joint Assembly to hear the Governor's message.

At three o'clock and ten minutes in the afternoon, the Speaker called the House to order.

Message from the Senate No. 4

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 adopted joint resolution of the following title:

J.R.S. 7. Joint resolution relating to weekend adjournment.

January 7, 2021

Joint Resolution Adopted

J.R.H. 1

Joint resolution condemning the storming of the U.S. Capitol on January 6, 2021 as an attack on democracy

Offered by: Representatives Sibia of Dover, Cina of Burlington, Scheuermann of Stowe, Sims of Craftsbury, Ancel of Calais, Anthony of Barre City, Arrison of Weathersfield, Austin of Colchester, Bartholomew of Hartland, Beck of St. Johnsbury, Birong of Vergennes, Black of Essex

Junction, Bluemle of Burlington, Bock of Chester, Bongartz of Manchester Center, Bos-Lun of Westminster, Brady of Williston, Briglin of Thetford, Brown of Richmond, Brownell of Pownal, Brumsted of Shelburne, Burditt of West Rutland, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Chase of Colchester, Christie of Hartford, Coffey of Guilford, Colburn of Burlington, Colston of Winooski, Conlon of Cornwall, Copeland Hanzas of Bradford, Corcoran of Bennington, Cordes of Lincoln, Cupoli of Rutland City, Dickinson of St. Albans Town, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Donnally of Hyde Park, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Fagan of Rutland City, Feltus of Lyndon, Gannon of Wilmington, Goldman of Rockingham, Goslant of Northfield, Grad of Moretown, Harrison of Chittenden, 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, Kimbell of Woodstock, Kitzmiller of Montpelier, Kornheiser of Brattleboro, Krowinski of Burlington, LaClair of Barre Town, LaLonde of South Burlington, Lanpher of Vergennes, Leffler of Enosburgh, Lippert of Hinesburg, Long of Newfane, Marcotte of Coventry, Masland of Thetford, Mattos of Milton, McCarthy of St. Albans City, McCormack of Burlington, McCoy of Poultney, McCullough of Williston, McFaun of Barre Town, Morrissey of Bennington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Murphy of Fairfax, Nicoll of Ludlow, Nigro of Bennington, Notte of Rutland City, Noyes of Wolcott, O'Brien of Tunbridge, Ode of Burlington, Page of Newport City, Pajala of Londonderry, Partridge of Windham, Patt of Worcester, Pearl of Danville, Pugh of South Burlington, Rachelson of Burlington, Redmond of Essex, Rogers of Waterville, Satcowitz of Randolph, Scheu of Middlebury, Seymour of Sutton, Shaw of Pittsford, Sheldon of Middlebury, Small of Winooski, Squirrell of Underhill, Stebbins of Burlington, Stevens of Waterbury, Sullivan of Dorset, Suprenant of Barnard, Taylor of Colchester, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Troiano of Stannard, Vyhovsky of Essex, Walz of Barre City, Webb of Shelburne, White of Bethel, White of Hartford, Whitman of Bennington, Wood of Waterbury, Yacovone of Morristown, and Yantachka of Charlotte

Whereas, on January 6, 2021, President Donald J. Trump addressed thousands of supporters, urging them to go to the U.S. Capitol in support of his false claim that he won the 2020 presidential election, and

Whereas, the President's supporters marched to the Capitol and violently stormed the building, attacking police officers, ransacking offices, terrorizing the members of Congress, and forcing the stoppage of the certification of

President-elect Biden's electoral victory, and four people died as a result of the violence, and

Whereas, the actions of this mob were not just criminal and lawless, they constituted a direct attack upon our democracy, and

Whereas, this attack was instigated by President Donald Trump, who is attempting to overturn the results of a fair and free election that he lost in order to keep himself in power, and

Whereas, Governor Phil Scott forcefully stated that "The fabric of our democracy and the principles of our republic are under attack by the President" and called for President Trump to resign or be removed from office, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly condemns the storming of the U.S. Capitol on January 6, 2021 as an attack on democracy, and be it further

Resolved: That the General Assembly calls for President Donald J. Trump to resign or to be removed from office by his Cabinet or by the Congress, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Donald J. Trump, Vice President Michael Pence, and the Vermont Congressional Delegation.

Was taken up and adopted on the part of the House.

Adjournment

At three o'clock and twenty minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.