

Journal of the House

Tuesday, February 16, 2021

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Colston of Winooski.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 18

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 considered joint resolutions originating in the House of the following titles:

H.C.R. 15. House concurrent resolution congratulating the Putney Food Co-op on its 80th anniversary.

H.C.R. 16. House concurrent resolution extending future best wishes to and honoring Ikey Spear for her leadership as an outstanding social work practitioner and educator.

H.C.R. 17. House concurrent resolution honoring former Vermont House Clerk William M. MaGill for his notable contributions to the State legislative process.

And has adopted the same in concurrence.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 258

By Reps. Killacky of South Burlington, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Brady of Williston, Burrows of West Windsor, Chase of Colchester, Colston of Winooski, Hooper of Burlington, Howard of Rutland City, Kitzmiller of Montpelier, Kornheiser of Brattleboro,

McCullough of Williston, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Patt of Worcester, Pugh of South Burlington, Rachelson of Burlington, Satcowitz of Randolph, Small of Winooski, Stevens of Waterbury, Surprenant of Barnard, Till of Jericho, Toleno of Brattleboro, Townsend of South Burlington, Troiano of Stannard, and Walz of Barre City,

House bill, entitled

An act relating to increasing the minimum wage to \$15.00;

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

H. 259

By Rep. Rosenquist of Georgia,

House bill, entitled

An act relating to the beverage container redemption system;

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

H. 260

By Reps. Colburn of Burlington, Anthony of Barre City, Bluemle of Burlington, Brady of Williston, Cina of Burlington, Grad of Moretown, Masland of Thetford, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Notte of Rutland City, Ode of Burlington, Page of Newport City, Rachelson of Burlington, Small of Winooski, Stevens of Waterbury, Sullivan of Dorset, Surprenant of Barnard, Till of Jericho, and White of Hartford,

House bill, entitled

An act relating to requiring menstrual hygiene products in public school restrooms for grades six through 12 and in correctional facilities;

To the Committee on Human Services.

H. 261

By Reps. Beck of St. Johnsbury and Masland of Thetford,

House bill, entitled

An act relating to eliminating the sales and use tax exemption for prewritten software accessed remotely;

To the Committee on Ways and Means.

H. 262

By Reps. Smith of Derby, Batchelor of Derby, Gregoire of Fairfield, Hango of Berkshire, Higley of Lowell, Houghton of Essex, McCormack of

Burlington, and Page of Newport City,

House bill, entitled

An act relating to penalties and point assessments for using a portable electronic device while operating a moving motor vehicle;

To the Committee on Transportation.

H. 263

By Reps. Cina of Burlington, Anthony of Barre City, Colburn of Burlington, Cordes of Lincoln, Lippert of Hinesburg, Toleno of Brattleboro, and Wood of Waterbury,

House bill, entitled

An act relating to State development, use, and procurement of automated decision systems;

To the Committee on Energy and Technology.

H. 264

By Reps. Burrows of West Windsor, Batchelor of Derby, Bluemle of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Cina of Burlington, Harrison of Chittenden, Howard of Rutland City, Killacky of South Burlington, Masland of Thetford, McCullough of Williston, Ode of Burlington, Page of Newport City, Pajala of Londonderry, Rachelson of Burlington, Small of Winooski, Surprenant of Barnard, Vyhovsky of Essex, Wood of Waterbury, Yacovone of Morristown, and Yantachka of Charlotte,

House bill, entitled

An act relating to trail accessibility;

To the Committee on Human Services.

H. 265

By Reps. Noyes of Wolcott, Brumsted of Shelburne, Austin of Colchester, Bluemle of Burlington, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Houghton of Essex, Kornheiser of Brattleboro, Nicoll of Ludlow, Pajala of Londonderry, Small of Winooski, Stebbins of Burlington, and Wood of Waterbury,

House bill, entitled

An act relating to the Office of the Child Advocate;

To the Committee on Human Services.

H. 266

By Reps. Wood of Waterbury, Anthony of Barre City, Brady of Williston, Cordes of Lincoln, Goldman of Rockingham, Hango of Berkshire, Hooper of Burlington, Howard of Rutland City, Killacky of South Burlington, Kornheiser of Brattleboro, Nicoll of Ludlow, Noyes of Wolcott, Ode of Burlington, Patt of Worcester, Squirrell of Underhill, Sullivan of Dorset, Vyhovsky of Essex, White of Bethel, Whitman of Bennington, and Yantachka of Charlotte,

House bill, entitled

An act relating to an incremental approach to health insurance coverage for hearing aids;

To the Committee on Health Care.

Ceremonial Reading**H.C.R. 17**

House concurrent resolution honoring former Vermont House Clerk William M. MaGill for his notable contributions to the State legislative process

Offered by: All Members of the House

Having been adopted in concurrence on Friday, February 12, 2021 in accord with Joint Rule 16b, was read.

**Committee Relieved of Consideration
and Bill Committed to Other Committee****H. 232**

Rep. Marcotte of Coventry moved that the Committee on Commerce and Economic Development be relieved of House bill, entitled

An act relating to promoting land and home ownership and economic opportunity

And that the bill be committed to the Committee on General, Housing, and Military Affairs, which was agreed to.

Point of Order; Devotional Journalized

Rep. Beck of St. Johnsbury moved to journalize the devotional remarks made by **Rep. Colston of Winooski**.

Rep. Donahue of Northfield raised a Point of Order in that devotional remarks should not be journalized. The Speaker ruled that the Point of Order was not well taken based on journalized precedent, but referred the House policy for journalization of devotional remarks to the Rules Committee for review.

On motion of **Rep. Beck of St. Johnsbury**, the following devotional remarks by **Rep. Colston of Winooski** were ordered printed in the Journal:

“Madam Speaker:

It is February 2021 and it is Black History month. I don't believe there should be a Black History month. Why? Because it tokenizes black history. While its inception was a noble one from Carter G. Woodson who established Negro History Week in 1926, its reception for me is 'less than,' a minority report for BIPOC. And, then I cascade into an abyss abhorring the word 'minority' which is pejorative at its root. Less than, not good enough, inferior. I am Not inferior! I don't think it is possible to bring attention in one month to the myriad of contributions conceived, created, and consummated by Americans who descended from African slaves. Black History has happened everyday of every month of every year that this country has existed. Since 1619! When our country honestly looks into the mirror, this is Beyond impact!

James Baldwin, who I regard as one of Black America's most prolific prophets, wrote a book entitled 'Remember this House.' He was only able to write 30 pages before he passed. This work became an award-winning documentary 'I Am Not Your Negro.'

This is how Baldwin defined a Negro. 'What white people need to do is to find out why it was necessary in the first place to have a Negro. Because I am not a Negro; I am a man. If you think I am a Negro, it is because You need it. If I am a Negro here, then you the white people invented him. Then, you have to find out why. The future of our country depends on that, whether or not it has even asked that question.

What if the Negro was not invented? How would our country have worked without chattel slavery, the exploitation of black and brown people who became the backbone of our capitalistic system? Who would you be? Who would we be?'

Dr. Martin Luther King, Jr. once said, 'We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.'

One way this garment manifests itself for me is through structural racism. Structural racism is the normalization of many dynamics that are historical, cultural, institutional and interpersonal and routinely advantages White people while producing chronic, adverse outcomes for people of color. All of us are wounded by this system. All of us are oppressed by this system. All of us lose part of our humanity because of this system. When our country honestly looks into the mirror, this is Beyond reflection.

So, when you look into the mirror, do you see an impact or a reflection? Is your life a reflection of the American experience of white supremacy culture, and I am not talking about 'white hoods,' but 'white dominance' of nearly every institution in this country? Or is your life an impact of social and racial equity that must shape our country, our state, our communities to be a 'more perfect union?' Are you making an impact or making a reflection?

Thank you.”

Remarks Journalized

On motion of **Rep. LaClair of Barre Town**, the following remarks by **Rep. McCoy of Poultney** were ordered printed in the Journal:

“Madam Speaker:

It has been an honor serving as a six year member of the State Legislature, and when we are able after COVID, to gather in the place we call the 'People's House.' We call it the People's House because all are welcome and we think of it as a sort of a home away from home, as we interact with our constituency, lobbyists and most especially the staff.

Bill MaGill exemplified that one member of our 'People's House Household' to whom you could go and ask a parliamentary question, sit in his office and talk sports, especially high school track, or just relax and share a cup of coffee.

We all relied on Bill for questions regarding particular bills, amendments, dividing the question, sequencing of order of amendments, etc. Additionally, we would go to Bill to ask for different scenarios, for example, what would happen if we did this, or what would happen if we did that. I don't know about the rest of you but I got lost when Bill started talking about the fifth instance of amendment!

For 18 years Bill MaGill served this House, our House, the People's House, with honor and integrity. He has been a fine and true faithful servant. On behalf of all House members, I sincerely thank Bill MaGill for his selfless public service to our great State of Vermont and wish him well as he embarks on his next journey. Be well my friend.”

Second Reading; Committee Report Offered; Consideration Interrupted

H. 81

Rep. Walz of Barre City, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill entitled,

An act relating to statewide public school employee health benefits

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 2101 is amended to read:

§ 2101. DEFINITIONS

As used in this chapter:

(1) “Participating employee” means a school employee who is eligible for and has elected to receive health benefit coverage through a school employer.

(2) “School employee” means:

(A) includes the following individuals:

~~(A)(i)~~ an individual employed by a supervisory union or school district employer as a teacher or administrator as defined in section 1981 of this title; or

~~(B)(ii)~~ a municipal school employee as defined in 21 V.S.A. § 1722;

(iii) an individual employed as a supervisor as defined in 21 V.S.A. § 1502;

(iv) a confidential employee as defined in 21 V.S.A. § 1722;

(v) a certified employee of a school employer; and

(vi) any other permanent employee of a school employer not covered by subdivisions (i)–(v) of this subdivision (2); and

(B) notwithstanding subdivision (A) of this subdivision (2), excludes individuals who serve in the role of superintendent.

(3) “School employer” means a supervisory union or school district as those terms are defined in section 11 of this title.

Sec. 2. 16 V.S.A. § 2102 is amended to read:

§ 2102. COMMISSION ON PUBLIC SCHOOL EMPLOYEE HEALTH

BENEFITS CREATED

* * *

(b) Composition and appointment.

(1) The Commission shall have 10 members, of whom five shall be representatives of school employees and five shall be representatives of school employers.

(2)(A) The representatives of school employees shall be appointed as follows:

(i) four members appointed by the labor organization representing the greatest number of ~~teachers, administrators, and municipal~~ school employees in this State; and

(ii) one member appointed by the labor organization representing the second-greatest number of ~~teachers, administrators, and municipal~~ school employees in this State.

* * *

(d) Removal of Commission members. Members of the Commission may be removed ~~only for cause. The Commission shall adopt rules pursuant to 3 V.S.A. chapter 25 to define the basis and process for removal by the appointing authority of the member without cause.~~

* * *

(f) Compensation. Commission members shall be entitled to receive per diem compensation and reimbursement of expenses ~~pursuant to~~ as permitted under 32 V.S.A. § 1010 for not more than 20 meetings per year.

(g) Release time. A school district that employs a member of the Commission, or an alternate member of the Commission under subsection (j) of this section, who represents school employees or school employers shall grant the Commission member time off as necessary for the member to attend meetings of the Commission.

(h) Staffing and expenses. The Commission may hire staff as it deems necessary to carry out its duties under this chapter. Compensation for Commission staff and administrative expenses of the Commission shall be shared equally by school employers and school employees. The representatives of school employers and the representatives of school employees shall equitably apportion their share of the costs of compensation and administrative expenses among their members.

~~(h)~~(i) Rulemaking. The Commission may adopt rules or procedures, or both, pursuant to 3 V.S.A. chapter 25 as needed to carry out its duties under this chapter.

(j) Alternate members.

(1) Four alternate members may be appointed to the Commission.

(2) Up to two alternate members may be appointed by representatives of school employees and up to two members may be appointed by representatives of school employers.

(3) The term of each alternate member, if appointed, shall be six years.

(4) An alternate member may serve temporarily in the role as a member appointed under subsection (b) of this section only in the absence of an appointed member and shall not otherwise have participation or voting rights in Commission business.

(5) An alternate member shall be appointed to be a full member of the Commission by the alternate member's appointing authority upon the resignation or removal of a full member.

(6) In the event of a vacancy of an alternate member, the appointing authority of the alternate member shall appoint a successor to serve out the remainder of the alternate member's term.

(7) Alternate members may be removed by the appointing authority of the alternate member without cause.

(k) Funding. The Commission shall request the Governor to include in the Governor's annual budget a minimum of \$35,000.00 appropriated to the Agency of Education for per diem compensation and reimbursement of expenses for members of the Commission. Any unencumbered appropriation shall revert to the General Fund in the year following the conclusion of an agreement under subdivision 2104(b)(1) of this title.

Sec. 3. APPROPRIATION

The sum of \$35,000.00 is appropriated to the Agency of Education from the General Fund for fiscal year 2022 for per diem compensation and reimbursement of expenses for members of the Commission.

Sec. 4. 16 V.S.A. § 2103 is amended to read:

§ 2103. DUTIES OF THE COMMISSION

(a) The Commission shall determine the percentage of the premium for individual, two-person, parent-child, and family coverage under a health benefit plan that shall be borne by each school employer and the percentage that shall be borne by participating employees.

(1) The premium responsibility percentages shall remain in effect for the entire plan year.

(2) Each school employer shall be responsible for paying, on behalf of all of its participating school employees, the applicable percentages of premium costs as determined by the Commission.

~~(3) The premium responsibility percentages for each plan tier shall be the same for all participating employees.~~

(b)(1) The Commission shall determine the amount of school participating employees' calendar year out-of-pocket expenses for which the school employer and the school participating employees shall be responsible, and whether school employers shall establish a health reimbursement arrangement, a health savings account, both, or neither, for their participating employees.

* * *

~~(3) The school employers' and school employees' responsibilities for out-of-pocket expenses for each plan tier shall be the same for all participating employees.~~

* * *

(d) The Commission shall not make any determinations regarding school employer or school participating employee responsibilities with respect to stand-alone vision or dental benefits.

(e) The Commission may negotiate a statewide grievance procedure for disputes concerning public school employee health benefits.

(f) In no case shall a school employee receive cash in lieu of receipt of healthcare benefits from one school employer while simultaneously receiving health care benefits from the same or another school employer.

(g) Accommodations shall be made for school employees whose workload is shared between more than one school employer, and who may not otherwise qualify for health care benefits from only one school employer. The affected school employers shall determine the proportionate portion of the shared costs of the health benefits.

Sec. 5. 16 V.S.A. § 2104 is amended to read:

§ 2104. NEGOTIATION; TIME TO BEGIN; GOOD FAITH; WRITTEN AGREEMENT

(a)(1) The Commission shall commence negotiation of the matters set forth in subsections 2103(a) and (b) of this chapter not later than April 1 of the year before the existing agreement pursuant to this section is set to expire. On or before October 1 of the year prior to commencement of bargaining, the Commission shall request from the parties any data and information that it anticipates needing for the negotiation in a common format, and on or before February 1 of the year of bargaining, the parties shall submit to the Commission the information requested.

* * *

Sec. 5a. 16 V.S.A. § 2104 is amended to read:

§ 2104. NEGOTIATION; TIME TO BEGIN; GOOD FAITH; WRITTEN
AGREEMENT

(a)(1) The Commission shall commence negotiation of the matters set forth in subsections 2103(a) and (b) of this chapter not later than April 1 of the year before the existing agreement pursuant to this section is set to expire. On or before October 1 of the year prior to commencement of bargaining, the Commission shall request from the parties any data and information that it anticipates needing for the negotiation in a common format, and on or before February 1 of the year of bargaining, the parties shall submit to the Commission the information requested.

* * *

(3)(A) The Commission shall select a person to serve as a fact finder to assist it in resolving any matters remaining in dispute in the event that the Commission is unable to reach an agreement by August 1. The fact finder shall be selected by a vote of a majority of the representatives of school employees and of a majority of the representatives of school employers. If the Commission cannot agree on a fact finder by April 5, the American Arbitration Association shall be asked to appoint the fact finder.

(B)(i) The Commission shall mutually agree on an arbitrator by April 5 to decide all matters remaining in dispute if it is unable to reach an agreement within 30 days after receiving the fact finder's report.

(ii) If the Commission is unable to mutually agree on an arbitrator, it shall either request the Vermont Labor Relations Board (VLRB) to decide all matters remaining in dispute or form a three-member panel of arbitrators to be selected as follows:

(I) One arbitrator shall be selected by the representatives of school employees ~~from a list prepared by the American Arbitration Association.~~

(II) One arbitrator shall be selected by the representatives of school employers ~~from a list prepared by the American Arbitration Association.~~

(III) The Commission shall request the services of the American Arbitration Association for the appointment of the third arbitrator.

(b)(1) The Commission shall enter into a written agreement incorporating all matters agreed to in negotiation.

(2) The terms of the agreement or the VLRB or arbitration award shall be incorporated by reference into all collective bargaining agreements for school employees.

(c) The term of each agreement shall be negotiated by the Commission but shall not be less than two years.

Sec. 6. 16 V.S.A. § 2105 is amended to read:

§ 2105. DISPUTE RESOLUTION

* * *

(b)(1) If the Commission is unable to resolve all matters remaining in dispute within 30 days after receiving the fact finder's report, the Commission shall submit the matters remaining in dispute to the arbitrator or arbitrators selected pursuant to section 2104 of this chapter for resolution.

(2) The representatives of school employees and the representatives of school employers shall submit to the arbitrator or arbitrators their last best offer on all issues remaining in dispute prior to the arbitration hearing. The arbitrator or arbitrators shall select one of the last best offers without amendment, submitted by the parties prior to the arbitration hearing in its entirety without amendment. The parties shall not be permitted to modify their last best offers post hearing. Prior to the issuance of the decision of the arbitrator or arbitrators, nothing shall prohibit the parties from settling the matters in dispute.

(3)(A) The arbitrator or arbitrators shall hold a hearing on or before November 15 at which the Commission members shall submit all relevant evidence, documents, and written material, including a cost estimate for the term of the proposal with a breakdown of costs borne by employers and costs borne by employees, and each member may submit oral or written testimony in support of his or her position on any undecided issue that is subject to arbitration.

* * *

(4) The arbitrator or arbitrators shall issue ~~their~~ a written decision within 30 days after the hearing, providing a full explication of the basis for the decision. The decision of the arbitrator or arbitrators shall be final and binding upon the Commission and all school employees and school employers. The decision shall not be subject to ratification.

(5) Upon the petition of a ~~Commission member~~ majority of the employer or the employee members within not more than 15 days following the arbitration decision, a Superior Court shall vacate the decision if:

* * *

Sec. 6a. 16 V.S.A. § 2105 is amended to read:

§ 2105. DISPUTE RESOLUTION

* * *

(b)(1) If the Commission is unable to resolve all matters remaining in dispute within 30 days after receiving the fact finder's report, the Commission shall submit the matters remaining in dispute to the VLRB, arbitrator, or arbitrators selected pursuant to section 2104 of this chapter for resolution.

(2) The representatives of school employees and the representatives of school employers shall submit to the VLRB, arbitrator, or arbitrators their last best offer on all issues remaining in dispute prior to the VLRB or arbitration hearing. The VLRB, arbitrator, or arbitrators shall select one of the last best offers without amendment, submitted by the parties prior to the VLRB or arbitration hearing in its entirety without amendment. The parties shall not be permitted to modify their last best offers post hearing. Prior to the issuance of the decision of the VLRB, arbitrator, or arbitrators, nothing shall prohibit the parties from settling the matters in dispute.

(3)(A) The VLRB, arbitrator, or arbitrators shall hold a hearing on or before November 15 at which the Commission members shall submit all relevant evidence, documents, and written material, including a cost estimate for the term of the proposal with a breakdown of costs borne by employers and costs borne by employees, and each member may submit oral or written testimony in support of his or her position on any undecided issue that is subject to arbitration.

(B) In reaching a decision, the VLRB, arbitrator, or arbitrators shall give weight to the evidence, documents, written material, and arguments presented, as well as the following factors:

* * *

(4) The VLRB, arbitrator, or arbitrators shall issue a written decision within 30 days after the hearing, providing a full explication of the basis for the decision. The decision of the VLRB, arbitrator, or arbitrators shall be final and binding upon the Commission and all school employees and school employers. The decision shall not be subject to ratification.

(5) Upon the petition of a majority of the employer or the employee members within not more than 15 days following the VLRB or arbitration decision, the Vermont Supreme Court, in the case of a VLRB decision, or a Superior Court in the case of an arbitration decision, shall vacate the decision if:

(A) it was procured by corruption, fraud, or other undue means;

(B) there was evident partiality or prejudicial misconduct by the VLRB or arbitrator or by individual members of the VLRB or ~~arbitrators~~ arbitration panel;

(C) the VLRB, arbitrator, or arbitrators exceeded its or their power or rendered a decision requiring a person to commit an act or engage in conduct prohibited by law; or

(D) there is an absence of substantial evidence on the record as a whole to support the decision.

(6) At any time prior to the issuance of a decision by the VLRB, arbitrator, or arbitrators, the Commission may notify the VLRB, arbitrator, or arbitrators of any additional issues on which a majority of the representatives of school employees and of the representatives of school employers have reached agreement.

(7) If any provision of this subsection is inconsistent with any other provision of law governing arbitration, this subsection shall govern.

(c) The VLRB, arbitrator, or arbitrators shall have the authority to address complaints that either party has engaged in or is engaging in unfair bargaining practices, including a refusal to bargain in good faith. If the VLRB, arbitrator, or arbitrators find upon a preponderance of the evidence that a party has engaged in or is engaging in any unfair bargaining practice, the VLRB, arbitrator, or arbitrators may include in the decision a remedy for the unfair bargaining practice that is consistent with the provisions of 21 V.S.A. § 1727(d).

Sec. 7. EFFECTIVE DATES

Secs. 5a and 6a shall take effect on January 1, 2022. This section and the remaining sections of this act shall take effect on passage.

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommended the bill ought to pass when amended by the Committee on General, Housing, and Military Affairs.

The bill, having appeared on the Calendar one day for notice, was taken up, and read second time.

Recess

At ten o'clock and forty-eight minutes in the forenoon, the Speaker declared a recess until eleven and fifteen minutes in the forenoon.

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

Consideration Resumed

H. 81

Consideration resumed on House bill, entitled

An act relating to statewide public school employee health benefits

Pending the question, Shall the bill be amended as offered by the Committee on General, Housing, and Military Affairs? **Rep. Beck of St. Johnsbury** moved to amend the bill as follows:

In Sec. 4, 16 V.S.A. § 2103, by striking out subdivision (a)(3) in its entirety and inserting in lieu thereof the following:

(3) The premium responsibility percentages for each plan tier shall be the same for all participating employees subject to bargaining, provided that if the Commission decides to assign a lower premium responsibility to certain school employees within a plan tier, the school employees for whom the lower premium responsibility is assigned shall be based on household income as defined under 32 V.S.A. § 6061(4) and (5).

Recess

At eleven o'clock and forty-four minutes in the forenoon, the Speaker declared a recess until twelve o'clock and twenty minutes in the afternoon.

At twelve o'clock and thirty-one minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed

H. 81

Consideration resumed on House bill, entitled

An act relating to statewide public school employee health benefits

Pending the question, Shall the report of the Committee on General, Housing, and Military Affairs be amended as recommended by Rep. Beck of St. Johnsbury? **Rep. Beck of St. Johnsbury** 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 on General, Housing, and Military Affairs be amended as recommended by Rep. Beck of St. Johnsbury? was decided in the negative. Yeas, 43. Nays, 103.

Those who voted in the affirmative are:

Achey of Middletown Springs	Hango of Berkshire	Norris of Sheldon
Batchelor of Derby	Harrison of Chittenden	Page of Newport City
Beck of St. Johnsbury	Higley of Lowell	Palasik of Milton
Brennan of Colchester	LaClair of Barre Town	Parsons of Newbury
Burditt of West Rutland	Lefebvre of Orange	Peterson of Clarendon
Canfield of Fair Haven	Leffler of Enosburgh	Rosenquist of Georgia
Cupoli of Rutland City	Marcotte of Coventry	Savage of Swanton
Dickinson of St. Albans Town	Martel of Waterford	Scheuermann of Stowe
Donahue of Northfield	Martin of Franklin	Shaw of Pittsford
Fagan of Rutland City	Mattos of Milton	Smith of Derby
Feltus of Lyndon	McCoy of Poultney	Smith of New Haven
Goslant of Northfield	McFaun of Barre Town	Strong of Albany
Gregoire of Fairfield	Morgan, L. of Milton	Terenzini of Rutland Town
	Morgan, M. of Milton	Toof of St. Albans Town
	Morrissey of Bennington	Williams of Granby

Those who voted in the negative are:

Ancel of Calais	Gannon of Wilmington	Pajala of Londonderry
Anthony of Barre City	Goldman of Rockingham	Partridge of Windham
Arrison of Weathersfield	Grad of Moretown	Patt of Worcester
Austin of Colchester	Hooper of Montpelier	Pearl of Danville
Bartholomew of Hartland	Hooper of Randolph	Pugh of South Burlington
Birong of Vergennes	Hooper of Burlington	Rachelson of Burlington
Black of Essex	Houghton of Essex	Redmond of Essex
Bluemle of Burlington	Howard of Rutland City	Rogers of Waterville
Bock of Chester	James of Manchester	Satcowitz of Randolph
Bongartz of Manchester	Jerome of Brandon	Scheu of Middlebury
Bos-Lun of Westminster	Jessup of Middlesex	Seymour of Sutton
Brady of Williston	Killacky of South Burlington	Sheldon of Middlebury
Briglin of Thetford	Kimbell of Woodstock	Sibilia of Dover
Brown of Richmond	Kitzmiller of Montpelier	Sims of Craftsbury
Brownell of Pownal	Kornheiser of Brattleboro	Small of Winooski
Brumsted of Shelburne	LaLonde of South Burlington	Squirrell of Underhill
Burke of Brattleboro	Lanpher of Vergennes	Stebbins of Burlington
Burrows of West Windsor	Lefebvre of Newark	Stevens of Waterbury
Campbell of St. Johnsbury	Lippert of Hinesburg	Sullivan of Dorset
Chase of Colchester	Long of Newfane	Surprenant of Barnard
Christie of Hartford	Masland of Thetford	Taylor of Colchester
Cina of Burlington	McCarthy of St. Albans City	Till of Jericho *
Coffey of Guilford	McCullough of Williston	Toleno of Brattleboro
Colburn of Burlington	Morris of Springfield	Townsend of South Burlington
Colston of Winooski	Mrowicki of Putney	Troiano of Stannard
Conlon of Cornwall	Mulvaney-Stanak of Burlington	Vyhovsky of Essex
Copeland Hanzas of Bradford	Murphy of Fairfax	Walz of Barre City
Corcoran of Bennington	Nicoll of Ludlow	Webb of Shelburne
Cordes of Lincoln	Nigro of Bennington	White of Bethel
Dolan of Essex		White of Hartford

Dolan of Waitsfield	Norris of Shoreham	Whitman of Bennington
Donnally of Hyde Park	Notte of Rutland City	Wood of Waterbury
Durfee of Shaftsbury	Noyes of Wolcott	Yacovone of Morrystown
Elder of Starksboro	O'Brien of Tunbridge	Yantachka of Charlotte
Emmons of Springfield	Ode of Burlington	

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

Graham of Williamstown	Helm of Fair Haven	McCormack of Burlington
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Rep. Till of Jericho explained his vote as follows:

“Madam Speaker:

I vote no. Household income includes the income of unrelated individuals living in the same household. It makes absolutely no sense that the income of an unrelated individual should be considered in determining a person's health care insurance premiums. ”

Recess

At one o'clock and thirty-seven minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

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

Consideration Resumed; Third Reading Ordered

H. 81

Consideration resumed on House bill, entitled

An act relating to statewide public school employee health benefits

Pending the question Shall the bill be amended as offered by the Committee on General, Housing, and Military Affairs?, **Rep. Sibilis of Dover** moved to commit the bill to the Committee on Education.

Pending the question, Shall the bill be committed to the Committee on Education?, **Rep. Morrissey of Bennington** 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 bill be referred to the Committee on Education?, was decided in the negative. Yeas, 50. Nays, 96.

Those who voted in the affirmative are:

Achey of Middletown Springs	Lefebvre of Newark	Pajala of Londonderry
Batchelor of Derby	Lefebvre of Orange	Palasik of Milton
Brennan of Colchester	Leffler of Enosburgh	Parsons of Newbury
Burditt of West Rutland	Marcotte of Coventry	Peterson of Clarendon
Canfield of Fair Haven	Martel of Waterford	Rosenquist of Georgia
Dickinson of St. Albans Town	Martel of Franklin	Savage of Swanton
Donahue of Northfield	Mattos of Milton	Scheuermann of Stowe
Fagan of Rutland City	McCoy of Poultney	Seymour of Sutton
Feltus of Lyndon	McFaun of Barre Town	Shaw of Pittsford
Goslant of Northfield	Morgan, L. of Milton	Sibilia of Dover
Gregoire of Fairfield	Morgan, M. of Milton	Smith of Derby
Hango of Berkshire	Morrissey of Bennington	Smith of New Haven
Harrison of Chittenden	Murphy of Fairfax	Strong of Albany
Helm of Fair Haven	Norris of Sheldon	Sullivan of Dorset
Higley of Lowell	Norris of Shoreham	Terenzini of Rutland Town
LaClair of Barre Town	Notte of Rutland City	Toof of St. Albans Town
	Page of Newport City	Williams of Granby

Those who voted in the negative are:

Ancel of Calais	Donnally of Hyde Park	O'Brien of Tunbridge
Anthony of Barre City	Durfee of Shaftsbury	Ode of Burlington
Arrison of Weathersfield	Elder of Starksboro	Partridge of Windham
Austin of Colchester	Emmons of Springfield	Patt of Worcester
Bartholomew of Hartland	Gannon of Wilmington	Pearl of Danville
Beck of St. Johnsbury	Goldman of Rockingham	Pugh of South Burlington
Birong of Vergennes	Grad of Moretown	Rachelson of Burlington
Black of Essex	Hooper of Montpelier	Redmond of Essex
Bluemle of Burlington	Hooper of Randolph	Rogers of Waterville
Bock of Chester	Hooper of Burlington	Satcowitz of Randolph
Bongartz of Manchester	Houghton of Essex	Scheu of Middlebury
Bos-Lun of Westminster	James of Manchester	Sheldon of Middlebury
Brady of Williston	Jerome of Brandon	Sims of Craftsbury
Briglin of Thetford	Jessup of Middlesex	Small of Winooski
Brown of Richmond	Killacky of South Burlington	Squirrell of Underhill
Brownell of Pownal	Kimbell of Woodstock	Stebbins of Burlington
Brumsted of Shelburne	Kitzmiller of Montpelier	Stevens of Waterbury
Burke of Brattleboro	Kornheiser of Brattleboro	Surprenant of Barnard
Burrows of West Windsor	LaLonde of South Burlington	Taylor of Colchester
Campbell of St. Johnsbury	Lanpher of Vergennes	Till of Jericho
Chase of Colchester	Lippert of Hinesburg	Toleno of Brattleboro
Christie of Hartford	Long of Newfane	Townsend of South Burlington
Cina of Burlington	Masland of Thetford	Troiano of Stannard
Coffey of Guilford	McCarthy of St. Albans City	Vyhovsky of Essex
Colburn of Burlington	McCullough of Williston	Walz of Barre City
Colston of Winooski	Morris of Springfield	Webb of Shelburne
Conlon of Cornwall	Mrowicki of Putney	White of Bethel
Copeland Hanzas of		

Bradford	Mulvaney-Stanak of Burlington	White of Hartford
Corcoran of Bennington	Nicoll of Ludlow	Whitman of Bennington
Cordes of Lincoln	Nigro of Bennington	Wood of Waterbury
Cupoli of Rutland City	Noyes of Wolcott	Yacovone of Morristown
Dolan of Essex		Yantachka of Charlotte
Dolan of Waitsfield		

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

Graham of Williamstown Howard of Rutland City McCormack of Burlington

Pending the question, Shall the bill be amended as recommended by the Committee on General, Housing, and Military Affairs?, **Rep. McCoy of Poultney** 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 bill be amended as recommended by the Committee on General, Housing, and Military Affairs?, was decided in the affirmative. Yeas, 102. Nays, 46.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Anthony of Barre City	Goldman of Rockingham	Pajala of Londonderry
Arrison of Weathersfield	Grad of Moretown	Parsons of Newbury
Austin of Colchester	Hooper of Montpelier	Partridge of Windham
Bartholomew of Hartland	Hooper of Randolph	Patt of Worcester
Birong of Vergennes	Hooper of Burlington	Pearl of Danville
Black of Essex	Houghton of Essex	Pugh of South Burlington
Bluemle of Burlington	Howard of Rutland City	Rachelson of Burlington
Bock of Chester	James of Manchester	Redmond of Essex
Bongartz of Manchester	Jerome of Brandon	Rogers of Waterville
Bos-Lun of Westminster	Jessup of Middlesex	Satcowitz of Randolph
Brady of Williston	Killacky of South Burlington	Scheu of Middlebury
Briglin of Thetford	Kimbell of Woodstock	Sheldon of Middlebury
Brown of Richmond	Kitzmiller of Montpelier	Sims of Craftsbury
Brownell of Pownal	Kornheiser of Brattleboro	Small of Winooski
Brumsted of Shelburne	LaLonde of South Burlington	Squirrell of Underhill
Burke of Brattleboro	Lanpher of Vergennes	Stebbins of Burlington
Burrows of West Windsor	Lefebvre of Newark	Stevens of Waterbury
Campbell of St. Johnsbury	Lippert of Hinesburg	Surprenant of Barnard
Chase of Colchester	Long of Newfane	Taylor of Colchester
Christie of Hartford	Masland of Thetford	Till of Jericho
Cina of Burlington	McCarthy of St. Albans City	Toleno of Brattleboro
Coffey of Guilford	McCullough of Williston	Townsend of South Burlington
Colburn of Burlington	Morgan, L. of Milton	Troiano of Stannard *
Colston of Winooski	Morris of Springfield	Vyhovsky of Essex
Conlon of Cornwall	Mrowicki of Putney	Walz of Barre City
Copeland Hanzas of Bradford	Mulvaney-Stanak of	Webb of Shelburne

Corcoran of Bennington	Burlington	White of Bethel
Cordes of Lincoln	Murphy of Fairfax	White of Hartford
Dolan of Essex	Nicoll of Ludlow	Whitman of Bennington
Dolan of Waitsfield	Nigro of Bennington	Wood of Waterbury
Donnally of Hyde Park	Norris of Shoreham	Yacovone of Morristown
Durfee of Shaftsbury	Notte of Rutland City	Yantachka of Charlotte
Elder of Starksboro	Noyes of Wolcott	
Emmons of Springfield	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown Springs	Hango of Berkshire	Page of Newport City
Batchelor of Derby	Harrison of Chittenden	Palasik of Milton
Beck of St. Johnsbury	Helm of Fair Haven	Peterson of Clarendon
Brennan of Colchester	Higley of Lowell	Rosenquist of Georgia
Burditt of West Rutland	LaClair of Barre Town	Savage of Swanton
Canfield of Fair Haven	Lefebvre of Orange	Scheuermann of Stowe
Cupoli of Rutland City	Leffler of Enosburgh	Seymour of Sutton
Dickinson of St. Albans Town	Marcotte of Coventry	Shaw of Pittsford
Donahue of Northfield	Martel of Waterford	Sibilia of Dover
Fagan of Rutland City	Martin of Franklin	Smith of Derby
Feltus of Lyndon	Mattos of Milton	Smith of New Haven
Goslant of Northfield	McCoy of Poultney	Strong of Albany
Graham of Williamstown	McFaun of Barre Town	Sullivan of Dorset *
Gregoire of Fairfield	Morgan, M. of Milton	Terenzini of Rutland Town
	Morrissey of Bennington	Toof of St. Albans Town
	Norris of Sheldon	Williams of Granby

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

McCormack of Burlington

Rep. Sullivan of Dorset explained her vote as follows:

“Madam Speaker:

I vote no on H. 81 as it stands now. H. 81’s removal of the requirement that the same premium percentages and out-of-pocket expenses apply to all participating employees for each plan tier is far from the alleged misleading label of a technical change but is a major fundamental change to the law; it opens up complex negotiation issues, is likely to increase costs and would create a major administrative burden. The bill should ensure that the costs of any proposed outcome for both sides must be considered — particularly if an arbitrator is making the decision.”

Rep. Troiano of Stannard explained his vote as follows:

“Madam Speaker:

I vote yes. I received 85 emails in support of H.81 from all over the state and from teachers, para-educators, cooks and bus drivers. This is about a equitable and fair negotiation for our non licensed educational employees. These are the people we entrust our children to on a daily basis, many children with special needs. We are all taxpayers, imposing a major increase in health care costs on our lowest employees is inherently unfair. I will always stand with Vermont workers.”

Thereupon, the bill was amended and third reading was ordered.

Action Postponed

H. 138

House bill, entitled

An act relating to fiscal year 2021 budget adjustments

Was taken up and pending the reading of the report of the Committee on Appropriations, on motion of **Rep. Hooper of Montpelier**, action on the bill was postponed until February 17, 2021.

Second Reading; Bill Amended; Third Reading Ordered

H. 122

Rep. LaClair of Barre Town, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to boards and commissions

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * National Forest Lands * * *

Sec. 1. [Deleted.]

Sec. 2. 1 V.S.A. § 555 is amended to read:

§ 555. JURISDICTION OF UNITED STATES OVER NATIONAL
FORESTS

The United States shall have jurisdiction to make and enforce such laws, rules, and regulations as the United States shall deem necessary for the administration, protection, and management of ~~such~~ national forests in the State.

Sec. 3. 1 V.S.A. § 556 is amended to read:

§ 556. JURISDICTION OF STATE OVER NATIONAL FORESTS

In all other respects, the jurisdiction over persons and property within ~~such~~ the territory of national forests in the State shall not be affected nor changed by reason of ~~such~~ the acquisition of title to such lands by the United States.

* * * Amendments to Vermont Commission on Women * * *

Sec. 4. 3 V.S.A. chapter 70 is added to read:

CHAPTER 70. COMMISSION ON WOMEN

Sec. 5. 3 V.S.A. § 22 is redesignated and amended to read:

§ ~~22~~ 5025. THE COMMISSION ON WOMEN

(a)(1) The Commission on Women is created as the successor to the Governor's Commission on Women established by Executive Order No. 20-86. The Commission shall be organized and have the duties and responsibilities as provided in this section.

(2) The Commission shall be an independent agency of the government of Vermont and shall not be subject to the control of any other department or agency.

(3) Members of the Commission shall be drawn from throughout the State and from diverse racial, ethnic, religious, age, sexual orientation, and socioeconomic backgrounds and shall have had experience working toward the improvement of the status of women in society.

(b) The Commission shall consist of 16 members, appointed as follows:

(1) Eight members shall be appointed by the Governor, ~~not more than four of whom shall be from one political party.~~

(2)(A) Eight members shall be appointed by the General Assembly, four by the Senate Committee on Committees, and four by the Speaker of the House.

(B) ~~Not~~ Each chamber may appoint not more than two appointees shall be members of the General Assembly legislators, and each appointing authority shall appoint not more than two members if a chamber appoints two legislators, they shall not be from the same political party.

(c)(1) Not more than four legislators may serve on the Commission at one time.

(2) The terms of members shall be four years. Appointments of members to fill vacancies or expired terms shall be made by the authority that made the initial appointment to the vacated or expired term.

(d)(1) Members of the Commission shall elect biennially by majority vote the Chair of the Commission.

(2) Members of the Commission shall be entitled to receive per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010, which shall be paid by the Commission.

(e) Nine members shall constitute a quorum of the Commission. Once a quorum has been established, the vote of a majority of the members present at the time of the vote shall be an act of the Commission.

(f) The Commission may appoint members to an advisory council to provide information on the concerns of Vermont women and assist the Commission in the fulfillment of its responsibilities. The Commission may establish ad hoc committees or task forces to study and make recommendations to the Commission. The chair of such committees or task forces shall be appointed by the Chair of the Commission. The tenure of such committees or task forces shall be determined by the nature of the study and the project undertaken.

(g) The Commission shall conduct studies of matters concerning women, and in furtherance of that responsibility may:

(1) review Vermont statutes with regard to sex discrimination and other matters affecting the status of women;

(2) educate and inform business, education, State and local governments, and the general public about the nature and scope of sex discrimination and other matters affecting the status of women in Vermont;

(3) serve as a liaison and clearinghouse between government, private interest groups, and the general public concerned with services for women, and, in this regard, may publish a periodic newsletter to provide information to these constituencies; and

(4) promote consideration of qualified women for all levels of government positions.

(h) The powers of the Commission shall include the following:

(1) to conduct research and study of issues affecting the status of women in Vermont;

(2) to advise and consult with the Executive and Legislative branches of State government on policies affecting the status of women in Vermont;

(3) to maintain an office and hire employees as necessary to carry out its duties;

(4) to acquire on a contractual or other basis such necessary legal, technical, or research expertise and support services as it may require for the discharge of its duties;

(5) to publish periodic reports documenting the legal, economic, social, and political status, and other concerns of women in Vermont;

(6) to utilize such voluntary and uncompensated services of private individuals, agencies, and organizations as may, from time to time, be offered and needed; and

(7) to accept and solicit funds, including any gifts, donations, grants, or bequests or any federal funds, for any Commission-related purposes.

~~(i)(1) No part of any funds appropriated to the Commission by the General Assembly shall, in the absence of express authorization by the General Assembly, be used directly or indirectly for legislative or administrative advocacy. The Commission shall review and amend as necessary all existing contracts and grants to ensure compliance with this subsection.~~

~~(2) As used in this subsection, legislative or administrative advocacy means employment of a lobbyist as defined in 2 V.S.A. chapter 11, or employment, establishment, or maintenance of a lobbyist position whose primary function is to influence legislators or State officials with respect to pending legislation or rules. [Repealed.]~~

Sec. 6. REDESIGNATION AND CODIFICATION OF COMMISSION ON WOMEN; CONFORMING REVISIONS

(a) 3 V.S.A. § 5025 (Commission on Women), as redesignated and amended in this act, shall be codified in 3 V.S.A. chapter 70 (Commission on Women), as added by this act.

(b) The Office of Legislative Counsel is directed to revise accordingly in the Vermont Statutes Annotated any cross-references to the Commission on Women as redesignated and codified in this act.

* * * Repeal of Toxics Technical Advisory Board * * *

Sec. 7. 3 V.S.A. § 2873 is amended to read:

§ 2873. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

(a) The Department of Environmental Conservation is created within the Agency of Natural Resources. The Department is the successor to and continuation of the Department of Water Resources and Environmental Engineering, and shall administer the Water Resources Programs contained in Title 10^{5,2}, air pollution control and abatement as provided in 10 V.S.A. chapter 23^{5,2}, and waste disposal as provided in 10 V.S.A. chapter 159.

(b) The Department may perform design and construction supervision services for major maintenance and capital construction projects for the Agency and all of its components.

(c) [Repealed.]

(d) Nothing in this section shall prevent the Commissioner of Labor from exercising his or her authority to regulate public buildings.

~~(e) There is created within the Department of Environmental Conservation a Division of Pollution Prevention, which shall carry out nonregulatory functions of the Department under 10 V.S.A. chapter 159, subchapter 2, in providing technical assistance and coordinating State efforts to bring about a decrease, within the State, in the use of toxics and the generation of hazardous wastes. The Office shall:~~

~~(1) review toxics use reduction and hazardous waste reduction plans submitted by generators of hazardous wastes and by large users of toxic materials, as defined in 10 V.S.A. chapter 159, subchapter 2;~~

~~(2) provide technical assistance to industry in its plan development, plan revisions, and plan improvement under 10 V.S.A. chapter 159, subchapter 2;~~

~~(3) provide, direct, and manage on-site technical assistance under that chapter;~~

~~(4) provide staff support to the Toxics Technical Advisory Board, and implement authorized and recommended programs;~~

~~(5) sponsor, in conjunction with the Toxics Technical Advisory Board, industry-specific conferences, workshops, and seminars on toxics use reduction and hazardous waste reduction, in order to enhance information exchange and technology transfer;~~

~~(6) develop and maintain a technical library and information clearinghouse, and promote information dissemination to businesses that generate hazardous wastes or use toxic substances;~~

~~(7) develop and distribute a newsletter and other information materials for business and industry, to assist in planning for toxics use reduction and reduction in the generation of hazardous waste;~~

~~(8) maintain data and information systems on toxics use and hazardous waste reduction as specified in 10 V.S.A. chapter 159, subchapter 2, and use these systems to develop methods to measure the success of programs to reduce toxics use and the generation of hazardous waste;~~

~~(9) coordinate ongoing technical assistance on these matters, within the Agency and throughout State government;~~

~~(10) work with other State agencies to evaluate, develop, and promote pollution prevention strategies;~~

~~(11) work with other State agencies to improve data and reporting systems with respect to toxics releases;~~

~~(12) work with other State agencies to develop pilot programs that encourage toxics use reduction, multimedia source reduction, and reductions in the generation of hazardous waste;~~

~~(13) review and comment on environmental regulatory programs and proposed rules, to assure that these programs provide incentives, rather than disincentives, to pollution prevention. [Repealed.]~~

~~(f) There is created the Toxics Technical Advisory Board, which is attached to the Division of Pollution Prevention.~~

~~(1) The Board shall consist of at least five members appointed by the Governor, representing the various geographic areas of the State and with expertise in professional disciplines such as occupational health and safety, industrial hygiene, engineering, chemistry, manufacturing, business, ecology, and environmental protection. Members shall be selected from business and industry groups that are to be served by technical assistance.~~

~~(2) The Board shall advise the Office of Pollution Prevention on the creation and administration of a Technical Assistance Program designed to provide guidance, advice, and technical assistance to generators of hazardous waste and users of toxics.~~

~~(3) The Board shall serve as liaison with industry, business, trade associations, and educational institutions, and shall assemble volunteer teams to perform on-site technical assistance and other forms of assistance to complement programs of the office of pollution prevention.~~

~~(4) The Board shall establish and administer an award program for excellence in toxics use reduction and the reduction in the generation of hazardous waste. [Repealed.]~~

(g) There is created within the Department of Environmental Conservation the Small Business Technical and Environmental Compliance Assistance Program. This Program shall include each element specified in section 507(a) of the federal Clean Air Act (42 U.S.C. § 7401 et seq.) and shall also be authorized to assist small businesses in similar fashion with regard to their obligations under all other environmental legislation administered by the Department.

(h) [Repealed.]

* * * Repeal of Champion Land Transaction Citizen Advisory Council * * *

Sec. 8. 10 V.S.A. chapter 156 is amended to read:

CHAPTER 156. CHAMPION LAND TRANSACTION CITIZEN
ADVISORY COUNCIL [Repealed.]

§ 6407. COUNCIL CREATED

~~A Citizen Advisory Council is created to assist in implementing the provisions of the Champion land transaction in the northeastern region of Vermont authorized by the 1999 session of the General Assembly. [Repealed.]~~

§ 6408. FUNCTIONS

~~(a) The Council shall function as a forum to hear and attempt to resolve concerns involving the so-called Champion lands that are brought to the attention of the Council regarding ongoing use and management of State lands, collaboration with the U.S. Fish and Wildlife Service, and public access to the public and privately held lands. With respect to the public lands and the role of the Agency of Natural Resources, these matters may include public access, the recreation access plan, snowmobiling, motorized, mechanical and equestrian access, private roads, temporary restrictions, federal ownership, timber harvesting, land conservation, water classification, economic development, and camp leases. The Council has no authority to discuss or comment on interests obtained by a private owner who purchases a portion of the property, including timber harvesting and forest management interests obtained.~~

~~(b) The Council shall also function as a source of information to persons interested in learning about the transaction including its legal conditions, or about the ongoing use and management of the land. [Repealed.]~~

§ 6409. MEMBERS; ORGANIZATION

~~(a) The Council shall consist of 11 voting members appointed by the Governor as follows:~~

~~(1) six persons residing in the northeastern region of the State, made up of one representative each of the logging industry, another private business interest in Essex County, a local hunting and fishing group, the Vermont Association of Snow Travelers, camp leaseholders of former Champion land, and an elected official of municipal government in Essex County, each with a three-year term except that initial terms shall be staggered, to be appointed by the Governor from a list of three nominees for each position submitted jointly by the members of the State legislative delegation of Essex County;~~

~~(2) one person representing the new private ownership of a portion of the former Champion land;~~

~~(3) the Secretary of the Vermont Agency of Natural Resources or his or her designee from within the Agency;~~

~~(4) one person representing the U.S. Fish and Wildlife Service;~~

~~(5) one person representing the Vermont Sportsmen Federation; and~~

~~(6) one person representing a Natural Resources Conservation Group.~~

~~(b) The representative of municipal government from Essex County shall serve as Chair of the Council and shall convene the first meeting of the Council. Subsequent meetings will be held at the call of the Chair or as scheduled by majority vote of the Council.~~

~~(c) The Chair of the Council shall arrange for Council meetings to be held at a municipal office or another location in Essex County. If requested by the Council, the Secretary of Natural Resources shall provide administrative and staff support to the Council. [Repealed.]~~

* * * Repeal of Working Group on Conservation Easements * * *

Sec. 9. REPEAL OF WORKING GROUP ON CONSERVATION

EASEMENTS

2012 Acts and Resolves No. 118, Sec. 9 (Working Group on Conservation Easements) is repealed.

* * * Repeal and Transfer of Duties of Prekindergarten-16 Council * * *

Sec. 10. 16 V.S.A. § 2905 is amended to read:

§ 2905. ~~PREKINDERGARTEN-16 COUNCIL~~

~~(a) A Prekindergarten-16 Council (the Council) is created to help coordinate and better align the efforts of the prekindergarten-12 educational system with the higher education community in order to increase:~~

~~(1) postsecondary aspirations;~~

~~(2) the enrollment of Vermont high school graduates in higher education programs;~~

~~(3) the postsecondary degree completion rates of Vermonters; and~~

~~(4) public awareness of the economic, intellectual, and societal benefits of higher education.~~

~~(b) The Council shall be composed of:~~

- ~~(1) the Secretary of Education or designee;~~
 - ~~(2) the Commissioner of Labor or designee;~~
 - ~~(3) the President of the University of Vermont or designee;~~
 - ~~(4) the Chancellor of the Vermont State Colleges or designee;~~
 - ~~(5) the President of the Vermont Student Assistance Corporation or designee;~~
 - ~~(6) the President of the Association of Vermont Independent Colleges or designee;~~
 - ~~(7) a principal of a secondary school selected by the Vermont Principals' Association;~~
 - ~~(8) a superintendent selected by the Vermont Superintendents Association;~~
 - ~~(9) a teacher selected by the Vermont National Education Association;~~
 - ~~(10) a member of the Building Bright Futures Council or designee;~~
 - ~~(11) a career technical education director selected by the Vermont Association of Career and Technical Center Directors;~~
 - ~~(12) a representative from the business and industry community selected by the Vermont Business Roundtable;~~
 - ~~(13) an advocate for low-income children selected by Voices for Vermont's Children;~~
 - ~~(14) a member of the House of Representatives, who shall be selected by the Speaker and shall serve until the beginning of the biennium immediately after the one in which the member is appointed;~~
 - ~~(15) a member of the Senate, who shall be selected by the Committee on Committees and shall serve until the beginning of the biennium immediately after the one in which the member is appointed;~~
 - ~~(16) a member of the faculty of the Vermont State Colleges, the University of Vermont, or a Vermont independent college selected by United Professions AFT Vermont, Inc.; and~~
 - ~~(17) a representative of after-school, summer, and expanded learning programs selected by the Vermont Center for Afterschool Excellence.~~
- ~~(e) The Council shall develop and regularly update a statewide plan to increase aspirations for and the successful completion of postsecondary education among students of all ages and otherwise advance the purposes for which the council is created, which shall include strategies to:~~

~~(1) ensure that every high school graduate in Vermont is prepared to succeed in postsecondary education without remedial assistance;~~

~~(2) increase the percentage of Vermonters who earn an associate's or higher level degree or a postsecondary certification;~~

~~(3) identify and address areas of educator preparation that could benefit from improved collaboration between the prekindergarten-12 educational system and the higher education community;~~

~~(4) promote early career awareness and nurture postsecondary aspirations;~~

~~(5) develop programs that guarantee college admission and financial aid for low-income students who successfully complete early commitment requirements;~~

~~(6) enhance student engagement in secondary school, ensuring that learning opportunities are relevant, rigorous, and personalized and that all students aspire to and prepare for success in postsecondary learning opportunities;~~

~~(7) expand access to dual enrollment programs in order to serve students of varying interests and abilities, including those who are likely to attend college, those who are from groups that attend college at disproportionately low rates, and those who are prepared for a postsecondary curriculum prior to graduation from secondary school;~~

~~(8) develop proposals for statewide college and career readiness standards and assessments;~~

~~(9) create incentives for adults to begin or continue their postsecondary education; and~~

~~(10) ensure implementation of a prekindergarten-16 longitudinal data system, which it shall use to assess the success of the plan required by this subsection.~~

~~(d) Together with the Secretary of Administration or the Secretary's designee, the following members of the Council shall perform any statutory or other duties required of them, including duties in connection with the Higher Education Endowment Trust Fund: the President of the University of Vermont, the Chancellor of the Vermont State Colleges, the President of the Vermont Student Assistance Corporation, the President of the Association of Vermont Independent Colleges, the representative from the business and industry community, the member of the House of Representatives, and the member of the Senate.~~

~~(e) The legislative and higher education staff shall provide support to the Council as appropriate to accomplish its tasks. Primary administrative support shall be provided by the Office of Legislative Operations.~~

~~(f) The Council shall annually elect one of its members to be chair.~~

~~(g) The Council shall meet at least quarterly.~~

~~(h) The Council shall report on its activities to the House and Senate Committees on Education and to the State Board of Education each year in January. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. [Repealed.]~~

Sec. 11. 16 V.S.A. § 2885 is amended to read:

§ 2885. VERMONT HIGHER EDUCATION ENDOWMENT TRUST FUND

(a) A Vermont Higher Education Endowment Trust Fund is established in the Office of the State Treasurer to comprise the following:

* * *

(b) The State Treasurer may invest the monies in the Fund.

* * *

(d)(1) During the first quarter of each fiscal year, the Secretary of Administration or the Secretary's designee and the ~~individuals identified~~ Council created in subsection ~~2905(d)~~ (h) of this ~~title~~ section may authorize the State Treasurer to make an amount equal to ~~no~~ not more than two percent of the assets available, in equal amounts, to the University of Vermont and the Vermont State Colleges for the purpose of creating or increasing a permanent endowment.

* * *

(e) Annually, ~~by~~ on or before September 30, the Treasurer shall render a financial report on the receipts, disbursements, and earnings of the Fund for the preceding fiscal year to the Secretary of Administration and the ~~individuals identified~~ Council created in subsection ~~2905(d)~~ (h) of this ~~title~~ section.

(f) All balances in the Fund at the end of any fiscal year shall be carried forward and used only for the purposes set forth in this section. Earnings of the Fund that are not withdrawn pursuant to this section shall remain in the Fund.

(g) The University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation shall review expenditures made from the Fund and evaluate the impact of the expenditures on higher education in

Vermont, and report this information to the House and Senate Committees on Education each year in January.

(h) There is created the Vermont Higher Education Endowment Trust Fund Council to perform the duties set forth in subsections (d) and (e) of this section. The Council shall be attached to the Office of Treasurer for administration purposes and shall be composed of the following members:

- (1) the President of the University of Vermont;
- (2) the Chancellor of the Vermont State Colleges;
- (3) the President of the Vermont Student Assistance Corporation;
- (4) the President of the Association of Vermont Independent Colleges;
- (5) a representative from the business and industry community, selected by the Vermont Business Roundtable;
- (6) a member of the House of Representatives, appointed by the Speaker of the House; and
- (7) a member of the Senate, appointed by the Committee on Committees.

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for Notice, was taken up, read the second time, report of the Committee on Government Operations agreed to, and third reading ordered.

Remarks Journalized

On motion of **Rep. McCullough of Williston**, the following remarks by **Rep. Long of Newfane** were ordered printed in the Journal:

“Madam Speaker:

You just heard the reading of the Resolution honoring our Former Clerk, Bill MaGill.

I want to offer my sincere thanks and gratitude to Bill for his 18 years of service to the State through his work in the clerk’s office, starting as second assistant clerk in 2003, and working his way up to the position of Clerk of the House in 2015, a position he held until this year. Bill always greeted us with a smiling face and he genuinely welcomed everyone into his office to discuss anything related to parliamentary procedures! I wish him all the best in all his future endeavors.”

On motion of **Rep. McCullough of Williston**, the following remarks by **Rep. Colburn of Burlington** were ordered printed in the Journal:

“Madam Speaker:

As others already have, I really want to thank Bill for his warmth and friendliness and his steady way of always helping us to better understand and enact our own rules, our own processes, our own procedures, our own work. You can imagine that a super minority caucus has a lot of questions, not just about how to understand the work before us, but sometimes about how to question it, and how to question it while observing our own processes and procedures. I know that all members experienced what we did – when we would come to Bill with these questions he was always professional, objective, kind. In all of this, his great equanimity served to remind us that all of our work – the questions, the desire to move things forward, and the deep respect and commitment to doing that in the ways that we’ve set forth – all of that is part of our process. I really wish Bill well and absolutely wish the best for him.”

Message from the Senate No. 19

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. 16. Joint resolution relating to weekend adjournment.

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

Adjournment

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