

Journal of the House

Wednesday, February 24, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Rachelson of Burlington.

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 to committee as follows:

H. 316

By Reps. Yantachka of Charlotte, Ancel of Calais, Anthony of Barre City, Brumsted of Shelburne, Masland of Thetford, and Till of Jericho,

House bill, entitled

An act relating to control over hunting dogs;

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

H. 317

By Reps. Grad of Moretown, LaLonde of South Burlington, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, and Colston of Winooski,

House bill, entitled

An act relating to establishing the Bureau of Racial Justice Statistics and the Bureau of Racial Justice Statistics Advisory Panel;

To the Committee on Judiciary.

H. 318

By Reps. Masland of Thetford, Anthony of Barre City, Batchelor of Derby, Beck of St. Johnsbury, Briglin of Thetford, Campbell of St. Johnsbury, Jerome of Brandon, Kitzmiller of Montpelier, McCullough of Williston, Mrowicki of Putney, Norris of Sheldon, and Sullivan of Dorset,

House bill, entitled

An act relating to a private right of action against unpermitted salvage yards;

To the Committee on Judiciary.

H. 319

By Reps. Masland of Thetford and Briglin of Thetford,

House bill, entitled

An act relating to immunity from liability for licensed professionals providing essential services during emergencies;

To the Committee on Judiciary.

H. 320

By Reps. Stevens of Waterbury and Christie of Hartford,

House bill, entitled

An act relating to prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim;

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

H. 321

By Reps. Colston of Winooski, McCullough of Williston, and Townsend of South Burlington,

House bill, entitled

An act relating to establishing an F-35 Adverse Impacts Compensation Board and Compensation Fund;

To the Committee on Transportation.

H. 322

By Reps. Strong of Albany, Batchelor of Derby, Higley of Lowell, Kitzmiller of Montpelier, LaClair of Barre Town, and Lefebvre of Newark,

House bill, entitled

An act relating to establishing an exemption to immunizations required for attendance at school and child care facilities on the basis of conscientious and personal beliefs;

To the Committee on Human Services.

H. 323

By Reps. Strong of Albany, Batchelor of Derby, Higley of Lowell, LaClair

of Barre Town, Lefebvre of Newark, and Masland of Thetford,

House bill, entitled

An act relating to reporting on adverse reactions related to immunizations;

To the Committee on Health Care.

H. 324

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to coverage by commercial health insurers for costs associated with medication-assisted treatment;

To the Committee on Human Services.

H. 325

By Reps. Burke of Brattleboro and Coffey of Guilford,

House bill, entitled

An act relating to wrecker exemption from gross weight limits on highways;

To the Committee on Transportation.

H. 326

By Reps. McCullough of Williston and Brady of Williston,

House bill, entitled

An act relating to freezing the common level of appraisal;

To the Committee on Ways and Means.

H. 327

By Rep. Hooper of Burlington,

House bill, entitled

An act relating to taxing transfers of certain properties that are exempt from education property tax;

To the Committee on Ways and Means.

H. 328

By Reps. Grad of Moretown, Anthony of Barre City, Canfield of Fair Haven, Donahue of Northfield, Fagan of Rutland City, Goslant of Northfield, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Masland of

Thetford, Mrowicki of Putney, Norris of Sheldon, Noyes of Wolcott, Ode of Burlington, Page of Newport City, Savage of Swanton, Squirrell of Underhill, Sullivan of Dorset, Till of Jericho, Townsend of South Burlington, and Yantachka of Charlotte,

House bill, entitled

An act relating to the education of military families;

To the Committee on Education.

H. 329

By Reps. Christie of Hartford, Anthony of Barre City, Brumsted of Shelburne, Burrows of West Windsor, Cina of Burlington, Copeland Hanzas of Bradford, Dolan of Waitsfield, Donnally of Hyde Park, Mrowicki of Putney, Small of Winooski, Till of Jericho, Townsend of South Burlington, Troiano of Stannard, White of Bethel, and Yantachka of Charlotte,

House bill, entitled

An act relating to amending the prohibitions against discrimination;

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

H. 330

By Rep. Troiano of Stannard,

House bill, entitled

An act relating to designating certain sheriff's deputies as classified State employees;

To the Committee on Government Operations.

H. 331

By Reps. Marcotte of Coventry, Kimbell of Woodstock, Jerome of Brandon, Dickinson of St. Albans Town, Seymour of Sutton, Kitzmiller of Montpelier, Nicoll of Ludlow, and White of Hartford,

House bill, entitled

An act relating to insurance, banking, and securities;

To the Committee on Commerce and Economic Development.

H. 332

By Reps. Hango of Berkshire, Durfee of Shaftsbury, Birong of Vergennes, Gregoire of Fairfield, Harrison of Chittenden, Higley of Lowell, James of Manchester, Morrissey of Bennington, Page of Newport City, Smith of New

Haven, and Williams of Granby,

House bill, entitled

An act relating to expanding loan repayment opportunities for physician assistants and advanced practice registered nurses;

To the Committee on Health Care.

H. 333

By Reps. Scheuermann of Stowe, Noyes of Wolcott, and Yacovone of Morristown,

House bill, entitled

An act relating to pretrial release of a person charged with impaired driving with serious bodily injury or death resulting;

To the Committee on Judiciary.

H. 334

By Rep. Christie of Hartford,

House bill, entitled

An act relating to bias training for school bus operators;

To the Committee on Transportation.

H. 335

By Rep. Christie of Hartford,

House bill, entitled

An act relating to reduced motor vehicle registration fees for veterans and the maintenance of a database of veterans in Vermont;

To the Committee on Transportation.

H. 336

By Reps. Coffey of Guilford, Mrowicki of Putney, Bluemle of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Colston of Winooski, Cordes of Lincoln, Dolan of Waitsfield, Goldman of Rockingham, Grad of Moretown, James of Manchester, Ode of Burlington, Stevens of Waterbury, Surprenant of Barnard, Toleno of Brattleboro, Townsend of South Burlington, White of Hartford, Wood of Waterbury, and Yantachka of Charlotte,

House bill, entitled

An act relating to promoting economic opportunity for BIPOC-owned businesses;

To the Committee on Commerce and Economic Development.

Committee Bills Introduced

H. 337

By the Committee on Government Operations,

An act relating to the printing and distribution of State publications;

Was read and pursuant to Rule 48, bill was placed on the Calendar for Notice.

H. 338

By the Committee on Government Operations,

An act relating to reapportionment proposal deadlines;

Was read and pursuant to Rule 48, bill was placed on the Calendar for Notice.

Bill Referred to Committee on Ways and Means

H. 35

House bill, entitled

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

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

House Resolution Adopted

H.R. 8

House resolution, entitled

House resolution extending the House's declaration of a state of emergency

Offered by: Committee on Rules

Whereas, on the first day of the 2021–22 biennium, the House adopted H.R. 1 (declaring a state of emergency), which declared a state of emergency due to the COVID-19 pandemic for the House's rules and procedures through March 9, 2021, and

Whereas, temporary House Rules 9a and 29a—which the House also adopted on the first day of the biennium via H.R. 2 (authorizing remote debate and voting in the House and House committees)—allow the House and its

committees to vote remotely and engage in debate remotely while the House's declaration of a state of emergency is in effect, and

Whereas, the ongoing COVID-19 pandemic continues to require that the House and its committees be authorized to participate remotely in order to permit the House to conduct its business in the safest manner possible to prevent the spread of COVID-19 throughout Vermont communities, now therefore be it

Resolved by the House of Representatives:

That the House of Representatives extends its declaration of a state of emergency through May 15, 2021 for its rules and procedures.

Which was read and adopted.

House Resolution Adopted

H.R. 9

House resolution, entitled

House resolution amending House Rules regarding records in the Journal

Offered by: Committee on Rules

Whereas, the House's practice regarding whether to record devotional exercises in the Journal has been questioned in recent bienniums, and

Whereas, the House's custom is to not record debate in the Journal, and

Whereas, the Rules of the House are not explicit regarding whether devotional exercises or debate may be journalized, now therefore be it

Resolved by the House of Representatives:

That this legislative body amends Rule 19 of the Rules and Orders of the House of Representatives as follows:

19. The Clerk shall prepare the Journal and cause it to be printed. The Journal shall record the proceedings of the House, except when the House is 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, and such other matters as may be pertinent, except that devotional exercises and members' comments during debate shall not be recorded in the Journal. The Journal shall not be read except at the direction of the House.

Which was read and adopted.

Second Reading; Bill Amended; Third Reading Ordered**H. 135**

Rep. Gannon of Wilmington for the Committee on Government Operations, to which had been referred House bill entitled,

An act relating to the State Ethics Commission

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

Sec. 1. 3 V.S.A. chapter 31 is amended to read:

CHAPTER 31. GOVERNMENTAL ETHICS

* * *

Subchapter 2. Disclosures

§ 1211. EXECUTIVE OFFICERS; ~~BIENNIAL~~ ANNUAL DISCLOSURE

(a) ~~Biennially~~ Annually, each Executive officer shall file with the State Ethics Commission a disclosure form that contains the following information in regard to the previous calendar year:

(1) Each source, but not amount, of personal income of the officer and of his or her spouse or domestic partner, and of the officer together with his or her spouse or domestic partner, that totals more than \$5,000.00, including any of the sources meeting that total described as follows:

(A) employment, including the employer or business name and address and, if self-employed, a description of the nature of the self-employment without needing to disclose any individual clients; and

(B) investments, described generally as “investment income.”

(2) Any board, commission, or other entity that is regulated by law or that receives funding from the State on which the officer served and the officer’s position on that entity.

(3) Any company of which the officer or his or her spouse or domestic partner, or the officer together with his or her spouse or domestic partner, owned more than 10 percent.

(4) Any lease or contract with the State held or entered into by:

(A) the officer or his or her spouse or domestic partner; or

(B) a company of which the officer or his or her spouse or domestic partner, or the officer together with his or her spouse or domestic partner, owned more than 10 percent.

(b) In addition, if an Executive officer's spouse or domestic partner is a lobbyist, the officer shall disclose that fact and provide the name of his or her spouse or domestic partner and, if applicable, the name of his or her lobbying firm.

(c)(1) Disclosure forms shall contain the statement, "I certify that the information provided on all pages of this disclosure form is true to the best of my knowledge, information, and belief."

(2) Each Executive officer shall sign his or her disclosure form in order to certify it in accordance with this subsection.

(d)(1) An officer shall file his or her disclosure on or before January 15 of ~~the odd-numbered~~ each year or, if he or she is appointed after January 15, within 10 days after that appointment.

(2) An officer who filed this disclosure form as a candidate in accordance with 17 V.S.A. § 2414 in the preceding year and whose disclosure information has not changed since that filing may update that filing to indicate that there has been no change.

~~(d)~~(e) As used in this section:

(1) "Domestic partner" means an individual with whom the Executive officer has an enduring domestic relationship of a spousal nature, as long as the officer and the domestic partner:

(A) have shared a residence for at least six consecutive months;

(B) are at least 18 years of age;

(C) are not married to or considered a domestic partner of another individual;

(D) are not related by blood closer than would bar marriage under State law; and

(E) have agreed between themselves to be responsible for each other's welfare.

(2) "Lobbyist" and "lobbying firm" shall have the same meanings as in 2 V.S.A. § 261.

§ 1212. COMMISSION MEMBERS AND EXECUTIVE DIRECTOR;

~~BIENNIAL~~ ANNUAL DISCLOSURE

(a) ~~Biennially~~ Annually, each member of the Commission and the Executive Director of the Commission shall file with the Executive Director a disclosure form that meets the requirements of and contains the information

that Executive officers are required to disclose under section 1211 of this subchapter.

(b) A member and the Executive Director shall file their disclosures on or before January 15 of ~~the first each~~ year of their appointments or, if the member or Executive Director is appointed after January 15, within 10 days after that appointment, ~~and shall file subsequent disclosures biennially thereafter.~~

§ 1213. DISCLOSURES; GENERALLY

(a) The Executive Director of the Commission shall prepare on behalf of the Commission any disclosure form required to be filed with it and the candidate disclosure form described in 17 V.S.A. § 2414, and shall make ~~those~~ forms to be filed with the Commission available on the Commission's website.

(b) The Executive Director shall post on the Commission's website a copy of any disclosure form the Commission receives.

Subchapter 3. State Ethics Commission

§ 1221. STATE ETHICS COMMISSION

(a) Creation. There is created within the Executive Branch an independent commission named the State Ethics Commission to accept, review, make referrals regarding, and track complaints of alleged violations of governmental conduct regulated by law, of the Department of Human Resources ~~Code of Ethics~~ Personnel Policy and Procedure Manual, and of the State's campaign finance law set forth in 17 V.S.A. chapter 61; to provide ethics training; and to issue guidance and advisory opinions regarding ethical conduct.

(b) Membership.

(1) The Commission shall be composed of the following five members:

(A) one member appointed by the Chief Justice of the Supreme Court;

(B) one member appointed by the League of Women Voters of Vermont, who shall be a member of the League;

(C) one member appointed by the Board of Directors of the Vermont Society of Certified Public Accountants, who shall be a member of the Society;

(D) one member appointed by the Board of Managers of the Vermont Bar Association, who shall be a member of the Association; and

(E) one member appointed by the Board of Directors of the SHRM (Society of Human Resource Management) Vermont Human Resource Association State Council, who shall be a member of the Association Council.

(2) The Commission shall elect the Chair of the Commission from among its membership.

(3) A member shall not:

(A) hold any office in the Legislative, Executive, or Judicial Branch of State government or otherwise be employed by the State;

(B) hold or enter into any lease or contract with the State, or have a controlling interest in a company that holds or enters into a lease or contract with the State;

(C) be a lobbyist;

(D) be a candidate for State ~~or~~, legislative, or elected judicial office;
or

(E) hold any office in a State ~~or~~, legislative, or elected judicial office candidate's committee, a political committee, or a political party.

(4) A member may be removed for cause by the remaining members of the Commission in accordance with the Vermont Administrative Procedure Act.

(5)(A) A member shall serve a term of ~~three~~ five years and until a successor is appointed. A term shall begin on January 1 of the year of appointment and run through December 31 of the last year of the term. Terms of members shall be staggered so that ~~not all~~ no two terms expire at the same time.

(B) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(C) A member shall not serve more than two consecutive terms. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of this subdivision (C).

(c) Executive Director.

(1) The Commission shall be staffed by an Executive Director who shall be appointed by and serve at the pleasure of the Commission and who shall be a part-time exempt State employee.

(2) The Executive Director shall maintain the records of the Commission and shall provide administrative support as requested by the Commission, in addition to any other duties required by this chapter.

(3) With the consent of the Commission, the Executive Director may employ persons necessary for the efficient administration of the Commission.

(d) Confidentiality. The Commission and the Executive Director shall maintain the confidentiality required by this chapter.

(e) Meetings. Meetings of the Commission:

(1) shall be held at least quarterly for the purpose of the Executive Director updating the Commission on his or her work;

(2) may be called by the Chair and shall be called upon the request of any other two Commission members; and

(3) shall be conducted in accordance with 1 V.S.A. § 172.

(f) Reimbursement. Each member of the Commission shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

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§ 1223. PROCEDURE FOR HANDLING COMPLAINTS

(a) Accepting complaints.

(1) On behalf of the Commission, the Executive Director shall accept complaints from any source regarding governmental ethics in any of the three branches of State government or of the State's campaign finance law set forth in 17 V.S.A. chapter 61.

(2) Complaints shall be in writing and shall include the identity of the complainant.

(b) Preliminary review by Executive Director. The Executive Director shall conduct a preliminary review of complaints made to the Commission in order to take action as set forth in this subsection, which shall include referring complaints to all relevant entities.

(1) Governmental conduct regulated by law.

(A) If the complaint alleges a violation of governmental conduct regulated by law, the Executive Director shall refer the complaint to the Attorney General or to the State's Attorney of jurisdiction, as appropriate.

(B) The Attorney General or State's Attorney shall file a report with the Executive Director regarding his or her decision as to whether to bring an enforcement action as a result of a complaint referred under subdivision (A) of this subdivision (1) within 10 days of that decision.

(2) Department of Human Resources, ~~Code of Ethics~~ Personnel Policy and Procedure Manual.

(A) If the complaint alleges a violation of the Department of Human Resources, ~~Code of Ethics~~ Personnel Policy and Procedure Manual, the Executive Director shall refer the complaint to the Commissioner of Human Resources.

(B) The Commissioner shall report back to the Executive Director regarding the final disposition of a complaint referred under subdivision (A) of this subdivision (2) within 10 days of that final disposition.

(3) Campaign finance.

(A) If the complaint alleges a violation of campaign finance law, the Executive Director shall refer the complaint to the Attorney General or to the State's Attorney of jurisdiction, as appropriate.

(B) The Attorney General or State's Attorney shall file a report with the Executive Director regarding his or her decision as to whether to bring an enforcement action as a result of a complaint referred under subdivision (A) of this subdivision (3) as set forth in 17 V.S.A. § 2904a.

(4) Legislative and Judicial Branches; attorneys.

(A) If the complaint is in regard to conduct committed by a State Senator, the Executive Director shall refer the complaint to the Senate Ethics Panel and shall request a report back from the Panel regarding the final disposition of the complaint.

(B) If the complaint is in regard to conduct committed by a State Representative, the Executive Director shall refer the complaint to the House Ethics Panel and shall request a report back from the Panel regarding the final disposition of the complaint.

(C) If the complaint is in regard to conduct committed by a judicial officer, the Executive Director shall refer the complaint to the Judicial Conduct Board and shall request a report back from the Board regarding the final disposition of the complaint.

(D) If the complaint is in regard to an attorney employed by the State, the Executive Director shall refer the complaint to the Professional Responsibility Board and shall request a report back from the Board regarding the final disposition of the complaint.

(E) If any of the complaints described in subdivisions (A)–(D) of this subdivision (4) also allege that a crime has been committed, the Executive

Director shall also refer the complaint to the Attorney General and the State's Attorney of jurisdiction.

(5) Closures. The Executive Director shall close any complaint that he or she does not refer as set forth in subdivisions (1)–(4) of this subsection.

(c) Confidentiality. Complaints and related documents in the custody of the Commission shall be exempt from public inspection and copying under the Public Records Act and kept confidential.

§ 1224. COMMISSION ETHICS TRAINING

At least annually, in collaboration with the Department of Human Resources, the Commission shall make available to legislators, State officers, and State employees training on issues related to governmental ethics. The training shall include topics related to those covered in any guidance provided or advisory opinion issued under section 1225 of this subchapter.

§ 1225. EXECUTIVE DIRECTOR GUIDANCE AND ADVISORY

OPINIONS

(a) Guidance.

(1) The Executive Director may issue provide to an Executive officer or other State employee a person who is or will be subject to the provisions of this chapter, upon his or her request, guidance with respect to that person's duties regarding any provision of this chapter or regarding any other issue related to governmental ethics.

(2) The Executive Director may consult with members of the Commission and the Department of Human Resources in preparing this guidance.

(3) Guidance issued provided under this subsection shall be exempt from public inspection and copying under the Public Records Act and shall be kept confidential unless the receiving entity has publicly disclosed it.

(b) Advisory opinions.

(1) ~~The~~ On the written request of a person who is or will be subject to the provisions of this chapter, the Executive Director may issue an advisory opinions opinion to that person that provide provides general advice or interpretation with respect to that person's duties regarding any provision of this chapter or regarding any other issue related to governmental ethics.

(2) The Executive Director may consult with members of the Commission and the Department of Human Resources in preparing these advisory opinions.

(3) The Executive Director may seek comment from persons interested in the subject of an advisory opinion under consideration.

(4) The Executive Director shall post on the Commission's website any advisory opinions that he or she issues.

§ 1226. COMMISSION REPORTS

Annually, on or before January 15, the Commission shall report to the General Assembly regarding the following issues:

(1) Complaints. The number and a summary of the complaints made to it, separating the complaints by topic, and the disposition of those complaints, including any prosecution, enforcement action, or dismissal. This summary of complaints shall not include any personal identifying information.

(2) Guidance. The number of requests for and a summary of the guidance ~~documents~~ the Executive Director issued provided, separating the guidance by topic. This summary of guidance shall not include any personal identifying information.

(3) Recommendations. Any recommendations for legislative action to address State governmental ethics or provisions of campaign finance law.

Sec. 2. 2017 Acts and Resolves No. 79, Sec. 13, as amended by 2020 Acts and Resolves No. 120, Sec. A.8 is further amended to read:

Sec. 13. STATE ETHICS COMMISSION FUNDING SOURCE SURCHARGE; REPEAL

(a) Surcharge.

(1) Notwithstanding the provisions of 3 V.S.A. § 2283(c) setting forth the purpose and rate of charges collected in the Human Resource Services Internal Service Fund, in fiscal year 2018 and thereafter, a surcharge of up to 2.3 percent, but no greater than the cost of the activities of the State Ethics Commission set forth in Sec. 7 of this act, on the per-position portion of the charges authorized in 3 V.S.A. § 2283(c)(2) shall be assessed to all Executive Branch agencies, departments, and offices and shall be paid by all assessed entities solely with State funds.

(2) The amount collected shall be accounted for within the Human Resource Services Internal Service Fund and used solely for the purposes of funding the activities of the State Ethics Commission set forth in Sec. 7 of this act.

(b) Repeal. This section shall be repealed on ~~June 30, 2021~~ July 1, 2022.

Sec. 3. IMPLEMENTATION OF STAGGERED FIVE-YEAR TERMS

In order to stagger the terms of the members of the State Ethics Commission as described in 3 V.S.A. § 1221(b)(5)(A) in Sec. 1 of this act, members shall serve five-year terms beginning on January 1, 2022, except that:

(a) following the conclusion of the current term of the Chief Justice of the Supreme Court appointment on December 31, 2023, the subsequent Chief Justice of the Supreme Court appointment shall be for a two-year term ending on December 31, 2025; and

(b) following the conclusion of the current term of the Board of Directors of the Vermont Human Resource Association appointment on December 31, 2022, the subsequent SHRM (Society of Human Resource Management) Vermont State Council appointment shall be for a two-year term ending on December 31, 2024.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Jessup of Middlesex, for the Committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the Committee on Government Operations and when further amended as follows:

In Sec. 1, 3 V.S.A. chapter 31, in section 1221, in subsection (c), by striking out subdivision (3) in its entirety.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, and the report of the Committee on Government Operations was amended as recommended by the Committee on Appropriations. Report of the Committee on Government Operations agreed to as amended, and third reading ordered.

Adjournment

At two o'clock and three 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.