

Journal of the House

Tuesday, March 9, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Bongartz of Manchester.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Message from the Senate No. 23

A message was received from the Senate by Mr. Bloomer, its Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 45. An act relating to earned discharge from probation.

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

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 20. House concurrent resolution congratulating the 2020 class of Boy Scouts who have achieved the rank of Eagle.

H.C.R. 21. House concurrent resolution honoring the Georgia Elementary and Middle School for its effective active shooter response training.

H.C.R. 22. House concurrent resolution congratulating Elinor Purrier of Berkshire on her record U.S. indoor two-mile run at the 2021 New Balance Indoor Grand Prix and on her recent marriage to Jamie St. Pierre.

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. 370

By Reps. Nicoll of Ludlow, Beck of St. Johnsbury, Harrison of Chittenden, Helm of Fair Haven, Leffler of Enosburgh, Martin of Franklin, Parsons of

Newbury, Vyhovsky of Essex, and White of Hartford,

House bill, entitled

An act relating to retail delivery of alcoholic beverages by third-party contractors;

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

H. 371

By Rep. Mattos of Milton,

House bill, entitled

An act relating to hunting with a muzzle loader;

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

H. 372

By Rep. Scheuermann of Stowe,

House bill, entitled

An act relating to annual student performance reports;

To the Committee on Education.

H. 373

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to exempting military retirement pay from Vermont income tax and recruiting military veterans;

To the Committee on Ways and Means.

H. 374

By Rep. Leffler of Enosburgh,

House bill, entitled

An act relating to interest group number plates;

To the Committee on Transportation.

H. 375

By Rep. Leffler of Enosburgh,

House bill, entitled

An act relating to screening students for dyslexia;

To the Committee on Education.

H. 376

By Rep. Rosenquist of Georgia,

House bill, entitled

An act relating to allowing manufacturers from other countries to acquire malt and vinous beverage consumer shipping licenses;

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

H. 377

By Reps. James of Manchester, Austin of Colchester, Brady of Williston, and Jerome of Brandon,

House bill, entitled

An act relating to the creation of a public-private partnership with Advance Vermont to increase postsecondary attainment in Vermont;

To the Committee on Education.

H. 378

By Reps. Christie of Hartford and White of Hartford,

House bill, entitled

An act relating to law enforcement officers employed by the U.S. Department of Veterans Affairs;

To the Committee on Judiciary.

H. 379

By Rep. Birong of Vergennes,

House bill, entitled

An act relating to a reciprocity requirement for out-of-state consumer shipping licenses;

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

H. 380

By Rep. Howard of Rutland City,

House bill, entitled

An act relating to allowing probation and parole officers to carry firearms while on duty;

To the Committee on Corrections and Institutions.

H. 381

By Rep. Rogers of Waterville,

House bill, entitled

An act relating to taxing campaign contributions;

To the Committee on Government Operations.

H. 382

By Rep. Rogers of Waterville,

House bill, entitled

An act relating to establishing a working group on ecologically sustainable sanitation;

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

H. 383

By Reps. Durfee of Shaftsbury and Nigro of Bennington,

House bill, entitled

An act relating to the recall of school district board members;

To the Committee on Education.

H. 384

By Rep. Gannon of Wilmington,

House bill, entitled

An act relating to adoption of a State code of ethics;

To the Committee on Government Operations.

H. 385

By Reps. Peterson of Clarendon, Hango of Berkshire, Morgan, L. of Milton, Page of Newport City, and Townsend of South Burlington,

House bill, entitled

An act relating to advertising by licensed cannabis establishments and dispensaries;

To the Committee on Government Operations.

H. 386

By Reps. Christie of Hartford, Bluemle of Burlington, Cina of Burlington, Coffey of Guilford, Cordes of Lincoln, Elder of Starksboro, James of Manchester, Killacky of South Burlington, Mrowicki of Putney, Patt of Worcester, Stebbins of Burlington, Surprenant of Barnard, Vyhovsky of Essex, Walz of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to social equity recommendations for the regulated cannabis industry;

To the Committee on Government Operations.

H. 387

By Reps. Cina of Burlington, Bluemle of Burlington, Christie of Hartford, Colburn of Burlington, Colston of Winooski, Cordes of Lincoln, Small of Winooski, Surprenant of Barnard, Toleno of Brattleboro, and Vyhovsky of Essex,

House bill, entitled

An act relating to establishing the Task Force to Study and Develop Reparation Proposals for the Institution of Chattel Slavery;

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

H. 388

By Reps. Cordes of Lincoln, Vyhovsky of Essex, Anthony of Barre City, Bluemle of Burlington, Burke of Brattleboro, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Colston of Winooski, Donnally of Hyde Park, Elder of Starksboro, Hooper of Burlington, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Satcowitz of Randolph, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Surprenant of Barnard, Troiano of Stannard, Walz of Barre City, and Yacovone of Morristown,

House bill, entitled

An act relating to income-based education funding;

To the Committee on Ways and Means.

H. 389

By Rep. Grad of Moretown,

House bill, entitled

An act relating to an administrative hearing process for disposition of child

support matters;

To the Committee on Judiciary.

H. 390

By Reps. Cordes of Lincoln, Surprenant of Barnard, Burrows of West Windsor, Cina of Burlington, Houghton of Essex, Ode of Burlington, Satcowitz of Randolph, Troiano of Stannard, and Whitman of Bennington,

House bill, entitled

An act relating to the use of Special Supplemental Nutrition for Women, Infants, and Children benefits at farmers' markets;

To the Committee on Human Services.

H. 391

By Rep. Vyhovsky of Essex,

House bill, entitled

An act relating to the Psychology Interjurisdictional Compact;

To the Committee on Government Operations.

H. 392

By Reps. Noyes of Wolcott, Cordes of Lincoln, Killackey of South Burlington, Scheuermann of Stowe, Townsend of South Burlington, and Yacovone of Morristown,

House bill, entitled

An act relating to prescribing by doctoral-level psychologists;

To the Committee on Government Operations.

H. 393

By Rep. Christie of Hartford,

House bill, entitled

An act relating to Vermont's motor vehicle total loss threshold;

To the Committee on Commerce and Economic Development.

H. 394

By Reps. Cupoli of Rutland City and Gregoire of Fairfield,

House bill, entitled

An act relating to reorganizing the administration of child care and early

learning services;

To the Committee on Human Services.

H. 395

By Reps. Vyhovsky of Essex, Bluemle of Burlington, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Hooper of Randolph, Kornheiser of Brattleboro, Nicoll of Ludlow, Notte of Rutland City, Rachelson of Burlington, Small of Winooski, Toleno of Brattleboro, Troiano of Stannard, and Whitman of Bennington,

House bill, entitled

An act relating to addressing barriers to substance use disorder treatment;

To the Committee on Human Services.

H. 396

By Reps. Ode of Burlington and Stebbins of Burlington,

House bill, entitled

An act relating to addressing chemicals and other forms of contamination in public schools;

To the Committee on Education.

H. 397

By Reps. Colburn of Burlington, Kornheiser of Brattleboro, and Whitman of Bennington,

House bill, entitled

An act relating to recovery supports for individuals experiencing substance use disorder;

To the Committee on Human Services.

H. 398

By Reps. Bluemle of Burlington and Stebbins of Burlington,

House bill, entitled

An act relating to the Child and Parent Representation Working Group;

To the Committee on Human Services.

H. 399

By Reps. Coffey of Guilford, Batchelor of Derby, Bluemle of Burlington, Burke of Brattleboro, Bos-Lun of Westminster, Brumsted of Shelburne, Cina

of Burlington, James of Manchester, Killacky of South Burlington, Ode of Burlington, Satcowitz of Randolph, and Stebbins of Burlington,

House bill, entitled

An act relating to incarceration terms for criminal defendants who are primary caretakers of dependent children;

To the Committee on Judiciary.

H. 400

By Rep. Sibilias of Dover,

House bill, entitled

An act relating to changes to the Natural Resources Board and Act 250;

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

H. 401

By Reps. Long of Newfane, McCoy of Poultney, and Colburn of Burlington,

House bill, entitled

An act relating to promoting racial and social equity in Vermont;

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

H. 402

By Rep. Mattos of Milton,

House bill, entitled

An act relating to regulating student loan servicers;

To the Committee on Commerce and Economic Development.

H. 403

By Rep. Christie of Hartford,

House bill, entitled

An act relating to prohibiting no cause evictions;

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

H. 404

By Reps. Vyhovsky of Essex, Anthony of Barre City, Burrows of West Windsor, Cina of Burlington, Colburn of Burlington, Colston of Winooski, Donahue of Northfield, Kornheiser of Brattleboro, Mrowicki of Putney,

Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, Satcowitz of Randolph, Sibilia of Dover, Small of Winooski, Stebbins of Burlington, Walz of Barre City, White of Bethel, and Yantachka of Charlotte,

House bill, entitled

An act relating to correcting defective ballots;

To the Committee on Government Operations.

H. 405

By Rep. Christie of Hartford,

House bill, entitled

An act relating to promoting racial equity and protecting Vermonters;

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

H. 406

By Reps. Cina of Burlington, Christie of Hartford, Cordes of Lincoln, Mulvaney-Stanak of Burlington, Vyhovsky of Essex, White of Bethel, and Yantachka of Charlotte,

House bill, entitled

An act relating to promoting racial and social equity in economic opportunity and cultural empowerment;

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

H. 407

By Rep. Noyes of Wolcott,

House bill, entitled

An act relating to exempting half of all Social Security benefits for all Vermonters;

To the Committee on Ways and Means.

H. 408

By Reps. Leffler of Enosburgh, Beck of St. Johnsbury, Lefebvre of Orange, and White of Hartford,

House bill, entitled

An act relating to requiring public bodies to make meetings viewable through electronic means;

To the Committee on Government Operations.

H. 409

By Rep. Leffler of Enosburgh,

House bill, entitled

An act relating to fiscal year 2022 funding for IT equipment and support functions for the Legislative Branch;

To the Committee on Energy and Technology.

H. 410

By Reps. Cina of Burlington, Christie of Hartford, Sibilia of Dover, and Toleno of Brattleboro,

House bill, entitled

An act relating to the creation of the Artificial Intelligence Commission;

To the Committee on Energy and Technology.

H. 411

By Rep. Sheldon of Middlebury,

House bill, entitled

An act relating to the retrieval and disposal of wild animals;

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

H. 412

By Reps. Stebbins of Burlington, Anthony of Barre City, Burke of Brattleboro, Campbell of St. Johnsbury, Cina of Burlington, Colburn of Burlington, Cordes of Lincoln, Elder of Starksboro, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Rachelson of Burlington, Walz of Barre City, and Yacovone of Morristown,

House bill, entitled

An act relating to heating systems owned or controlled by the Department of Buildings and General Services;

To the Committee on Corrections and Institutions.

H. 413

By Reps. Leffler of Enosburgh, Beck of St. Johnsbury, and Sullivan of Dorset,

House bill, entitled

An act relating to State funding for school construction projects;

To the Committee on Education.

H. 414

By Reps. Cina of Burlington, Christie of Hartford, Colston of Winooski, and Vyhovsky of Essex,

House bill, entitled

An act relating to cannabis social equity programs;

To the Committee on Government Operations.

H. 415

By Reps. Masland of Thetford and Christie of Hartford,

House bill, entitled

An act relating to appeals of mortgage foreclosure judgments;

To the Committee on Judiciary.

H. 416

By Reps. Masland of Thetford, Anthony of Barre City, Beck of St. Johnsbury, Page of Newport City, and Yantachka of Charlotte,

House bill, entitled

An act relating to abandoned swimming pools;

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

H. 417

By Reps. Christie of Hartford and LaLonde of South Burlington,

House bill, entitled

An act relating to requiring six-person juries in civil proceedings;

To the Committee on Judiciary.

H. 418

By Rep. McCoy of Poultney,

House bill, entitled

An act relating to reduced hunting and fishing licenses for Vermont veterans;

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

H. 419

By Reps. Colburn of Burlington, Kornheiser of Brattleboro, Anthony of Barre City, Bluemle of Burlington, Christie of Hartford, Cina of Burlington, Donnally of Hyde Park, Killacky of South Burlington, Lippert of Hinesburg, McCullough of Williston, Rachelson of Burlington, Stebbins of Burlington, Surprenant of Barnard, Toleno of Brattleboro, Troiano of Stannard, Vyhovsky of Essex, and White of Hartford,

House bill, entitled

An act relating to limiting drug-related criminal liability and civil forfeiture actions against persons associated with an approved safer drug consumption program;

To the Committee on Human Services.

Committee Bills Introduced**H. 420**

By the Committee on Agriculture and Forestry,

An act relating to miscellaneous agricultural subjects;

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

H. 421

By the Committee on Agriculture and Forestry,

An act relating to animal cruelty investigation response and training;

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

Senate Bill Referred**S. 45**

Senate bill, entitled

An act relating to earned discharge from probation

Was read and referred to the Committee on Corrections and Institutions.

Bill Referred to Committee on Ways and Means**H. 175**

House bill, entitled

An act relating to the beverage container redemption system

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.

Bill Referred to Committee on Appropriations**H. 196**

House bill, entitled

An act relating to supporting the work of the Executive Director of Racial Equity

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

**Second Reading; Bill Amended; Third Reading Ordered;
Rules Suspended; Third Reading; Bill Passed;
Rules Suspended; Bill Messaged to Senate Forthwith**

H. 88

Rep. Pearl of Danville, for the Committee on Agriculture and Forestry, to which had been referred House bill entitled,

An act relating to certification of agricultural use for purposes of the use value appraisal program

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

Sec. 1. 32 V.S.A. § 3755(f) is amended to read:

(f) On or before November 1 of each year, the owner of agricultural land or buildings enrolled in the use value program as agricultural land or buildings shall certify in writing under oath to the Commissioner that the agricultural land or buildings enrolled by that owner continue to meet the requirements for enrollment in the use value program at the time of the certification. The Commissioner may waive the eligibility requirement under this subsection, provided the Commissioner obtains through other means satisfactory information that the enrolled agricultural land continues or enrolled agricultural buildings continue to meet the requirements for enrollment. The form of the certification shall be made on a form specified by the Director of Property Valuation and Review.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

Rep. Canfield of Fair Haven, for the Committee on Ways and Means, recommended the bill ought to pass when amended by the Committee on Agriculture and Forestry.

The bill, having appeared on the Calendar one legislative day for notice, was taken up, read second time, the report of the Committee on Agriculture and Forestry agreed to, and third reading was ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill placed in all remaining stages of passage. Thereupon, the bill was read the third time and passed.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Second Reading; Bill Amended; Third Reading Ordered

H. 108

Rep. Dolan of Waitsfield, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to Vermont standards for issuing a Clean Water Act section 401 certification

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

Sec. 1. 10 V.S.A. § 1253(h) is added to read:

(h)(1) The Secretary shall administer a Clean Water Act Section 401 certification program to review activities that require a federal license or permit to ensure that a proposed activity complies with the Vermont Water Quality Standards, as well as with any other appropriate requirement of State law, including:

(A) 10 V.S.A. chapter 37 (wetlands protection and water quality management);

(B) 10 V.S.A. chapter 41 (regulation of streamflow);

(C) 10 V.S.A. chapter 49A (lakeshore protection standards);

(D) 10 V.S.A. § 1264 (stormwater management);

(E) 29 V.S.A. chapter 11 (management of lakes and ponds); and

(F) The Agency of Natural Resources Rules for Water Withdrawals for Snowmaking.

(2) The Secretary of Natural Resources shall deny any application for certification under Section 401 of the Clean Water Act, unless the applicant demonstrates all of the following:

(A) there is no practicable alternative to the proposed activity that would have a less adverse impact on waters and wetlands of the State, and

provided that any proposed alternative shall not have other significant adverse human health, safety, or environmental consequences;

(B) the proposed activity will not result in the violation of any applicable water quality criteria established in the Vermont Water Quality Standards; and

(C) the proposed activity will not result in a violation of the State's antidegradation policy.

(3)(A) An alternative is considered practicable under subdivision (2)(A) of this subsection (h) if it is available and capable of being completed after taking into consideration cost, existing technology, and logistics in light of overall purposes of the proposed activity.

(B) Failure to comply with the requirements of subdivision (2)(A) of this subsection (h) shall not be the basis for denial of an application for a certification under Section 401 of the Clean Water Act if the proposed activity is exempt from those requirements under a rule adopted by the Secretary.

(4) The Secretary may issue a certification required by this subsection to any general permit or authorization issued by a federal agency. An applicant's compliance with that federal permit or authorization shall be presumed to be in compliance with the certification, unless the Secretary determines that an individual review of the applicant's activity is necessary to assure compliance with the Vermont Water Quality Standards and other applicable State laws.

Sec. 2. AGENCY OF NATURAL RESOURCES; VERMONT WATER QUALITY STANDARDS; RULEMAKING

The Secretary of Natural Resources shall amend the Vermont Water Quality Standards (VWQS) to include the following:

(1) An amendment to the Classification of State Waters to clarify that with regard to all Class I and II wetlands, as defined in 10 V.S.A. § 902, the uses to be protected include the functions and values of the wetland as described in Section 5 of the Vermont Wetland Rules.

(2) An amendment to the antidegradation policy to clarify that wetlands and their functions and values shall be protected as described by the Vermont Wetland Rules.

(3) Any additional provisions that the Secretary of Natural Resources determines are necessary to implement the requirements of 10 V.S.A. § 1253(h), including any exemptions to the requirements of 10 V.S.A. § 1253(h)(2)(A) for projects that are not likely to have significant impacts on water quality or wetland functions or values. State or municipal road or

highway projects that require a certification under Section 401 of the Clean Water Act shall be exempt from the requirements of 10 V.S.A. § 1253(h)(2)(A) when a separate alternatives analysis is otherwise required under State or federal law.

Sec. 3. RULEMAKING IMPLEMENTATION; TIMING

(a) The Secretary of Natural Resources shall file with the Secretary of State under 3 V.S.A. § 838 a copy of the proposed rules required by Sec. 2 of this act within 90 days from the effective date of this act.

(b) On or before January 15, 2022, the Secretary of Natural Resources shall submit to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy a report regarding the status of the rulemaking required by Sec. 2 of this act. The report shall include a draft of the rules.

(c) On or before March 1, 2022, the Secretary of Natural Resources shall file with the Secretary of State under 3 V.S.A. § 841 a final proposal of the rules required by Sec. 2 of this act.

Sec. 4. EFFECTIVE DATES

(a) This section and Secs. 2 and 3, VWQS rulemaking, shall take effect on passage.

(b) Sec. 1, certification program, shall take effect on the effective date of the rules required to be adopted under Sec. 2.

The bill, having appeared on the Calendar one legislative day for notice, was taken up, read the second time, report of the Committee on Natural Resources, Fish, and Wildlife agreed to, and third reading ordered.

Favorable Report; Second Reading; Third Reading Ordered

H. 127

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

An act relating to approval of amendments to the charter of the Town of Barre

Reported in favor of its passage. The bill, having appeared on the Calendar one legislative day for notice, was taken up, read the second time, and third reading ordered.

Message from the Senate No. 24

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 passed Senate bill of the following title:

S. 11. An act relating to prohibiting robocalls.

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

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 17. Joint resolution relating to weekend adjournment.

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

Message from Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the second day of March, 2021, he signed a bill originating in the House of the following title:

H 138 An act relating to fiscal year 2021 budget adjustments

Adjournment

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