

Journal of the House

Wednesday, March 10, 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. Mulvaney-Stanak of Burlington.

House Bills Introduced

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

H. 422

By Reps. Colburn of Burlington, Nicoll of Ludlow, Campbell of St. Johnsbury, Chase of Colchester, Christie of Hartford, Cina of Burlington, Donnally of Hyde Park, Kitzmiller of Montpelier, Kornheiser of Brattleboro, Mrowicki of Putney, Rachelson of Burlington, Surprenant of Barnard, Toleno of Brattleboro, and Vyhovsky of Essex,

House bill, entitled

An act relating to decriminalizing possession and dispensing of a personal use supply of regulated drugs

To the Committee on Human Services.

H. 423

By Rep. McCullough of Williston,

House bill, entitled

An act relating to prohibiting the sale of in-sink garbage disposals

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

H. 424

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to the public, pious, or charitable use exemption from property tax

To the Committee on Ways and Means.

H. 425

By Reps. Anthony of Barre City and Masland of Thetford,

House bill, entitled

An act relating to creating a local revenue distribution working group

To the Committee on Ways and Means.

Committee Bill Introduced; Referred to Appropriations**H. 426**

By the Education

House bill, entitled

An act relating to addressing the needs and conditions of public school facilities in the State

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

Senate Bill Referred**S. 11**

Senate bill, entitled

An act relating to prohibiting robocalls

Was read and referred to the Committee on Commerce and Economic Development.

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Calendar, carrying appropriations, under Rule 35(a), were referred to the Committee on Appropriations:

H. 101

House bill, entitled

An act relating to the implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy support for all students with measurable outcomes

H. 106

House bill, entitled

An act relating to equitable access to a high-quality education through community schools

H. 171

House bill, entitled

An act relating to the governance and financing of Vermont's child care system

Joint Resolution Referred to Committee**J.R.H. 4**

Joint resolution urging Congress to admit Washington, D.C., into the union as a state of the United States of America

Offered by: Representative White of Hartford

Whereas, the U.S. Constitution, as ratified following the Constitutional Convention of 1787, granted the right to vote for congressional representation to qualified voters in all the states, including those living in the sections of Maryland and Virginia that the "District of Columbia Organic Act of 1801" (the Act) designated as the nation's capital, and

Whereas, the Act removed this territory from the states of Maryland and Virginia, disenfranchising the District of Columbia's (the District) citizens from exercising the fundamental right to vote for public officials, and for over a century these American citizens could not participate in any local or federal election, and

Whereas, in 1961, the 23rd Amendment to the U.S. Constitution gave the District's electorate the right to vote in presidential elections, and

Whereas, in 1970, Congress enacted 2 U.S.C. § 25a, authorizing the District's voters to elect a nonvoting delegate to the U.S. House of Representatives, and

Whereas, in 1973, Congress enacted the District of Columbia Self-Government and Governmental Reorganization Act, establishing local mayoral and city council elections in the District, but Congress has repeatedly interfered in the local government's decision-making process, especially on budgetary matters, and

Whereas, the residents of the District, also known as Washington, D.C., pay federal income tax but are denied the full congressional representation, a voting member of the U.S. House of Representatives and two United States Senators, that exists in each of the 50 states, and

Whereas, D.C. Delegate Eleanor Holmes Norton and U.S. Senator Tom Carper of Delaware have respectively introduced in the 117th Congress H.R.51 and S.51 to grant statehood to the District of Columbia, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly of the State of Vermont supports admitting Washington, D.C., into the union as a state of the United States of America, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Joseph Biden, to the U.S. Senate Committee on Homeland Security and Governmental Affairs, to the U.S. House Committee on Oversight and Government Reform, to U.S. Speaker of the House Nancy Pelosi, and to the Vermont Congressional Delegation.

Which was read by title and, in the Speaker's discretion pursuant to Rule 52, treated as bill and referred to the Committee on Government Operations.

Joint Resolution Adopted in Concurrence

J.R.S. 17

By Senator Balint,

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

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 12, 2021, it be to meet again no later than Tuesday, March 16, 2021.

Was taken up, read, and adopted in concurrence.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 108

House bill, entitled

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

H. 127

House bill, entitled

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

Second Reading; Bill Amended; Third Reading Ordered**H. 128**

Rep. Colburn of Burlington, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to limiting criminal defenses based on victim identity

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

Sec. 1. 13 V.S.A. § 6566 is added to read:

§ 6566. DEFENSE BASED ON VICTIM IDENTITY PROHIBITED

(a) In a prosecution for any criminal offense, evidence of the defendant's discovery of, knowledge about, or the potential disclosure of the crime victim's actual or perceived sexual orientation or gender identity shall not be used:

(1) as a defense to defendant's criminal conduct;

(2) to establish a finding that defendant suffered from diminished capacity; or

(3) to justify defendant's use of force against another.

(b) The following shall not be used to mitigate the severity of an offense:

(1) evidence of a nonviolent romantic or sexual advance by a crime victim towards the defendant; or

(2) evidence of defendant's perception or belief, even if inaccurate, of the gender, gender identity, or sexual orientation of a crime victim.

Sec. 2. 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 Judiciary agreed to by vote by division, Yays 120, Nays 3; and third reading ordered.

Second Reading; Bill Amended; Third Reading Ordered**H. 195**

Rep. Rachelson of Burlington, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children, sexual assault, homicide, or kidnapping

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

Sec. 1. USE OF FACIAL RECOGNITION TECHNOLOGY BY LAW
ENFORCEMENT IN CASES INVOLVING SEXUAL
EXPLOITATION OF CHILDREN, SEXUAL ASSAULT,
HOMICIDE, OR KIDNAPPING

(a) Notwithstanding 2020 Acts and Resolves No. 166, Sec. 14, the General Assembly authorizes the use of facial recognition technology by law enforcement during a criminal investigation into sexual exploitation of children under 13 V.S.A. chapter 64.

(b) Use of facial recognition technology authorized by subsection (a) of this section shall be utilized only where law enforcement is in possession of an image of an individual they believe to be a victim, potential victim, or identified suspect in the investigation, and the search is solely confined to locating images, including videos, of that individual within electronic media legally seized by law enforcement in relation to the specific investigation.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to use of facial recognition technology by law enforcement in cases related to sexual exploitation of children”

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

Favorable Report; Second Reading; Third Reading Ordered

H. 177

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

An act relating to approval of an amendment to the charter of the City of Montpelier

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

Pending the question, **Shall the bill be read a third time? 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 read a third time? was decided in the affirmative. Yeas, 103. Nays, 39.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Noyes of Wolcott
Anthony of Barre City	Fagan of Rutland City	O'Brien of Tunbridge
Arrison of Weathersfield	Gannon of Wilmington	Ode of Burlington
Austin of Colchester	Goldman of Rockingham	Pajala of Londonderry
Bartholomew of Hartland	Grad of Moretown	Partridge of Windham
Beck of St. Johnsbury	Hooper of Montpelier	Patt of Worcester
Birong of Vergennes	Hooper of Randolph	Pearl of Danville
Black of Essex	Hooper of Burlington	Pugh of South Burlington
Bluemle of Burlington	Houghton of Essex	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	Scheuermann of Stowe
Briglin of Thetford	Kimbell of Woodstock	Seymour of Sutton
Brown of Richmond	Kitzmiller of Montpelier	Sheldon of Middlebury
Brownell of Pownal	Kornheiser of Brattleboro	Sibilia of Dover
Brumsted of Shelburne	LaLonde of South	Sims of Craftsbury
Burke of Brattleboro	Burlington	Small of Winooski
Burrows of West Windsor	Lanpher of Vergennes	Stebbins of Burlington
Campbell of St. Johnsbury	Lefebvre of Newark	Stevens of Waterbury
Chase of Colchester	Lippert of Hinesburg	Sullivan of Dorset
Christie of Hartford	Long of Newfane	Surprenant of Barnard
Cina of Burlington	Masland of Thetford	Taylor of Colchester
Coffey of Guilford	McCarthy of St. Albans City	Till of Jericho
Colburn of Burlington	McCormack of Burlington	Toleno of Brattleboro
Colston of Winooski	McCullough of Williston	Townsend of South
Conlon of Cornwall	McFaun of Barre Town	Burlington
Copeland Hanzas of	Morris of Springfield	Troiano of Stannard
Bradford	Mrowicki of Putney	Vyhovsky of Essex
Cordes of Lincoln	Mulvaney-Stanak of	Walz of Barre City
Dolan of Essex	Burlington	Webb of Shelburne
Dolan of Waitsfield	Murphy of Fairfax	White of Bethel
Donahue of Northfield	Nicoll of Ludlow	White of Hartford
Donnally of Hyde Park	Nigro of Bennington	Whitman of Bennington
Durfee of Shaftsbury	Norris of Shoreham	Wood of Waterbury
Elder of Starksboro	Notte of Rutland City	

Those who voted in the negative are:

Achey of Middletown	Harrison of Chittenden	Page of Newport City
Springs	Helm of Fair Haven	Palasik of Milton
Batchelor of Derby	Higley of Lowell	Parsons of Newbury
Brennan of Colchester	LaClair of Barre Town	Peterson of Clarendon

Burditt of West Rutland	Lefebvre of Orange	Rosenquist of Georgia
Canfield of Fair Haven	Leffler of Enosburgh	Savage of Swanton
Corcoran of Bennington	Marcotte of Coventry	Shaw of Pittsford
Cupoli of Rutland City	Martel of Waterford	Smith of Derby
Dickinson of St. Albans Town	Martin of Franklin	Smith of New Haven
Goslant of Northfield	Mattos of Milton	Strong of Albany
Graham of Williamstown	McCoy of Poultney	Terenzini of Rutland Town
Gregoire of Fairfield *	Morgan, L. of Milton	Toof of St. Albans Town
Hango of Berkshire	Morgan, M. of Milton	Williams of Granby
	Morrissey of Bennington	

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

Feltus of Lyndon	Scheu of Middlebury	Yantachka of Charlotte
Howard of Rutland City	Squirrell of Underhill	
Norris of Sheldon	Yacovone of Morristown	

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

I vote no today, not due to a view of any person being lesser than another which is an insulting implication. Across the world and in our own nation voting is overwhelmingly restricted to citizens. It is in fact the most precious right that comes with citizenship. Secondly, this bill continues the disenfranchisement of citizens who own property in and pay taxes to the City but who would still be ineligible to have their voice heard regarding how their tax dollars are spent because their primary residence is in another municipality. If our goal is that everyone who pays taxes should have a vote then these people should not be left out.”

Committee Bill; Second Reading; Third Reading Ordered

H. 289

Rep. Colston of Winooski spoke for the Committee on Government Operations.

House bill entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

Rep. Durfee of Shaftsbury, for the Committee on Ways and Means, recommended the bill ought to pass.

Rep. Townsend of South Burlington for the Committee on Appropriations, recommended the bill ought to pass.

Having appeared on the Calendar one day for Notice, was taken up, read the second time, and third reading ordered.

Message from the Senate No. 25

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 53. An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax.

S. 110. An act relating to extending eligibility for Pandemic Emergency Unemployment Compensation.

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. 18. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and three Magistrates.

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

Adjournment

At three o'clock and 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.