

# Journal of the House

Tuesday, March 16, 2021

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

## Devotional Exercises

Devotional exercises were conducted by Rep. Dolan of Essex.

## Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

## Message from the Senate No. 26

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. 22.** An act relating to health care practitioners administering stem cell products not approved by the U.S. Food and Drug Administration.

**S. 39.** An act relating to the Judicial Branch fee report and electronic filing fees.

**S. 117.** An act relating to extending health care regulatory flexibility during and after the COVID-19 pandemic and to coverage of health care services delivered by audio-only telephone.

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

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

**S.C.R. 1.** Senate concurrent resolution in memory of former Burlington Alderwoman Janet Stackpole.

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

**H.C.R. 23.** House concurrent resolution honoring former Representative Edward H. Paquin Jr. for his exemplary leadership as a disability rights advocate.

**H.C.R. 24.** House concurrent resolution designating March 2021 as

Vermont Habitat for Humanity Month.

**H.C.R. 25.** House concurrent resolution recognizing the importance of early childhood care services in Vermont.

**H.C.R. 26.** House concurrent resolution in memory of John Pandiani of Bristol.

**Committee Bills Introduced; Referred to Appropriations**

House committee bills of the following titles, pending appearance on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, were referred to the Committee on Appropriations:

**H. 430**

By the Committee on Health Care

House bill, entitled

An act relating to expanding eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals regardless of immigration status

**H. 432**

By the Committee on Government Operations

House bill, entitled

An act relating to compensation for certain State employees (Pay Act)

**H. 433**

By the Committee on Transportation

House bill, entitled

An act relating to the Transportation Program and miscellaneous changes to laws related to transportation

**H. 434**

By the Committee on Agriculture and Forestry

House bill, entitled

An act relating to establishing the Agricultural Innovation Board

**H. 435**

By the Committee on Corrections and Institutions

House bill, entitled

An act relating to miscellaneous Department of Corrections-related amendments

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**Committee Bill Introduced; Referred to Ways and Means****H. 431**

By the Committee on Energy and Technology

House bill, entitled

An act relating to miscellaneous energy subjects

Pending appearance 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.

**Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

**S. 22**

Senate bill, entitled

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

To the Committee on Health Care.

**S. 39**

Senate bill, entitled

An act relating to the Judicial Branch fee report and electronic filing fees

To the Committee on Judiciary.

**S. 117**

Senate bill, entitled

An act relating to extending health care regulatory flexibility during and after the COVID-19 pandemic and to coverage of health care services delivered by audio-only telephone

To the Committee on Health Care.

**Bills Referred to Committee on Appropriations**

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

**H. 153**

House bill, entitled

An act relating to Medicaid reimbursement rates for home- and community-based service providers

**H. 183**

House bill, entitled

An act relating to sexual violence

**H. 210**

House bill, entitled

An act relating to addressing disparities and promoting equity in the health care system

**H. 293**

House bill, entitled

An act relating to creating the State Youth Council

**Bills Referred to Committee on Ways and Means**

House bills of the following titles, appearing on the Calendar for Notice, affecting the revenue of the state, under Rule 35(a), were referred to the Committee on Ways and Means:

**H. 157**

House bill, entitled

An act relating to registration of construction contractors

**H. 159**

House bill, entitled

An act relating to creating the Better Places Program

**H. 313**

House bill, entitled

An act relating to miscellaneous amendments to alcoholic beverage laws

**Joint Resolution Placed on Calendar**

**J.R.H. 5**

Joint resolution authorizing, subject to the determination of and limitations that the Sergeant at Arms may establish, the Green Mountain Boys State educational program to use the State House

Offered by: Representatives Marcotte of Coventry and Seymour of Sutton

Whereas, the American Legion Department of Vermont sponsors the Green Mountain Boys State educational program, providing a group of boys entering the 12th grade a special opportunity to study the workings of State government, including conducting a mock legislative session at the State House, and

Whereas, the COVID-19 pandemic has forced the temporary closure of the State House to the public, and the extent of permitted public access to the building on June 24, 2021 will be dependent on the prevailing public health situation, now therefore be it

Resolved by the Senate and House of Representatives:

That subject to the determination of and limitations that the Sergeant at Arms may establish, the Green Mountain Boys State educational program is authorized to use the chambers and committee rooms of the State House on Thursday, June 24, 2021, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont.

Which was read and, in the Speaker's discretion, placed on the Calendar for Action on the next legislative day under Rule 52.

**Joint Resolution Referred to Committee**

**J.R.H. 6**

Joint resolution relating to racism as a public health emergency

Offered by: Representatives Cina of Burlington, Austin of Colchester, Bartholomew of Hartland, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Christie of Hartford, Colburn of Burlington, Colston of Winooski, Cordes of Lincoln, Donnally of Hyde Park, Elder of Starksboro, Lippert of Hinesburg, Morris of Springfield, Mulvaney-Stanak of Burlington, Pugh of South Burlington, Rachelson of Burlington, Sabilia of Dover, Small of Winooski, Surprenant of Barnard, Vyhovsky of Essex, and White of Hartford

Whereas, stark and persistent health inequities exist in the United States based on race and that are caused by systemic racism, and

Whereas, systemic racism is a principal social determinant of individual and public health, impacting economic, employment, education, housing, justice, and health opportunities and outcomes, all of which further adversely impact the health of People of Color, and

Whereas, the COVID-19 pandemic is now exacerbating these inequities, and Black and Latino people in the United States have been nearly three times as likely to die, and

Whereas, these same inequities exist in Vermont, and during the pandemic, though Black residents comprise just over one percent of Vermont's population, they account for approximately 4.8 percent of the total confirmed COVID-19 cases as of December 16, 2020, and

Whereas, research and experience demonstrate that Vermont residents experience barriers to the equal enjoyment of good health based on race and ethnicity, and

Whereas, the incidence rate of COVID-19 for non-White Vermonters is 74.2 versus 26.2 for White Vermonters, and specifically the incidence rate for Black Vermonters is 225.7; the incidence rate for Asian Vermonters is 61; the incidence rate for Hispanic Vermonters is 41.7; and the incidence rate for other races is 20.5, and

Whereas, while there are not statistically significant differences in the rates of preexisting conditions, such as diabetes, lung disease, and cardiovascular disease, among White and non-White Vermonters, there are disparities in the rates of preexisting conditions among Vermonters testing positive for COVID-19, which suggests that non-White Vermonters are at higher risk of exposure to COVID-19 due to their type of employment and living arrangements, and

Whereas, 36 percent of non-White Vermonters had household contact with a confirmed case of COVID-19, as compared to only 20 percent of White Vermonters, and

Whereas, according to the Department of Health's 2018 Behavioral Risk Factor Surveillance System report, non-White Vermonters are: (1) statistically less likely to have a personal doctor; (2) statistically more likely to report poor mental health; (3) more than twice as likely to report rarely or never getting the necessary emotional and social support; (4) significantly more likely to have depression; (5) significantly more likely to have been worried about having enough food in the past year; and (6) significantly more likely to report no physical activity during leisure time, and

Whereas, non-white Vermonters are disproportionately represented in the total number of patients in the highest level of involuntary hospital beds in the State, comprising 15 percent of the patients admitted to the Vermont Psychiatric Care Hospital between May 1, 2019 and April 30, 2020, and

Whereas, social determinants of health are underlying, contributing factors of the foregoing health inequities, and

Whereas, 21 percent of Black Vermonters own their own homes, while 72 percent of White Vermonters own their own homes, and nationally, 41 percent of Black Americans own their own homes, and

Whereas, the median household income of Black Vermonters is \$41,533.00 while the median household income of White Vermonters is \$58,244.00, and

Whereas, in 2018, 23.8 percent of Black Vermonters were living in poverty while 10.7 percent of White Vermonters lived in poverty, and 57 percent of Black Vermonters earned less than 80 percent of Vermont's median income while 43 percent of White Vermonters earned less than 80 percent of Vermont's median income, and

Whereas, about one in two non-White Vermonters experience "housing problems," which is defined as having homes that lack complete kitchen facilities or plumbing, having overcrowded homes, or paying more than 30 percent of household income towards rent, mortgage payments, and utilities, and

Whereas, Black Vermonters are overrepresented among Vermonters experiencing homelessness, in that they make up six percent of Vermonters experiencing homelessness, while making up approximately one percent of Vermont's population, now therefore be it

Resolved by the Senate and House of Representatives:

That racism constitutes a public health emergency in Vermont, and be it further

Resolved: That this legislative body commits to the sustained and deep work of eradicating systemic racism throughout the State, actively fighting racist practices, and participating in the creation of more just and equitable systems, and be it further

Resolved: That this legislative body commits to coordinating work and participating in ongoing action, grounded in science and data, to eliminate race-based health disparities and eradicate systemic racism, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Governor, the Chief Justice of the Vermont Supreme Court, the League of Cities and Towns, all regional planning commissions, and the Vermont Racial Justice Alliance.

Which was read and, in the Speaker's discretion pursuant to Rule 52, treated as bill and referred to the Committee on Human Services.

**Ceremonial Readings****H.C.R. 24**

House concurrent resolution designating March 2021 as Vermont Habitat for Humanity Month

Offered by: Walz of Barre City

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

**H.C.R. 25**

House concurrent resolution recognizing the importance of early childhood care services in Vermont

Offered by: James of Manchester

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

**Committee Relieved of Consideration  
and Bill Committed to Other Committee****H. 152**

**Rep. Webb of Shelburne** moved that the Committee on Education be relieved of House bill, entitled

An act relating to education property tax

And that the bill be committed to the Committee on Ways and Means, which was agreed to.

**Second Reading; Bill Amended; Third Reading Ordered****H. 366**

**Rep. Hooper of Burlington**, for the Committee on Government Operations, to which had been referred House bill, entitled

An act relating to 2021 technical corrections

Reported in favor of its passage when amended as follows:

First: By striking out Secs. 136 through 145 in their entirety and inserting in lieu thereof the following:

Sec. 136. [Deleted.]

Sec. 137. [Deleted.]

Sec. 138. [Deleted.]



Sec. 139. [Deleted.]

Sec. 140. [Deleted.]

Sec. 141. [Deleted.]

Sec. 142. [Deleted.]

Sec. 143. [Deleted.]

Sec. 144. [Deleted.]

Sec. 145. [Deleted.]

Second: In Sec. 146, 20 V.S.A. § 1543, by striking out subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) ~~the spouses of such service-connected disabled ex-servicemen or women as~~ ex-service personnel who have themselves been unable to qualify for any civil service appointment by reason of their disability;

Third: By striking out Sec. 177, 20 V.S.A. § 2861, in its entirety and inserting in lieu thereof a new Sec. 177 to read as follows:

§ 2861. GENERALLY

When it may seem to be for the public good, the ~~fire marshal~~ Fire Marshal shall personally visit and investigate any fire in accordance with the provisions of this chapter and ~~he~~ shall be repaid ~~all~~ for any related expenses ~~incident thereto~~ out of the funds ~~provided for in section 2687 of this title~~ appropriated to the Division of Fire Safety.

Fourth: In Sec. 193, 20 V.S.A. § 3349, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) A person who owns or keeps a stallion over one year of age, between April 1 and December 1, in a private enclosure in ~~such a manner as to disturb and annoy~~ that disturbs and annoys the owner or occupant of adjoining premises shall be fined \$5.00 for each week ~~he so keeps such~~ that the owner or keeper keeps the stallion after ~~he~~ the owner or keeper has received three days' notice from an adjoining owner or occupant to remove ~~such~~ the stallion.

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.

**Favorable Report; Second Reading;  
Third Reading Ordered**

**H. 10**

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

An act relating to permitted candidate expenditures

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

**Committee Bill; Second Reading; Third Reading Ordered**

**H. 337**

**Rep. Lefebvre of Orange** spoke for the Committee on Government Operations.

House bill entitled

An act relating to the printing and distribution of State publications

**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.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 46**

**Rep. Donahue of Northfield**, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to miscellaneous provisions of mental health law

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

Sec. 1. 18 V.S.A. § 7503 is amended to read:

§ 7503. APPLICATION FOR VOLUNTARY ADMISSION

\* \* \*

(b) Before the person may be admitted as a voluntary patient, he or she shall give his or her consent in writing on a form adopted by the Department. The consent shall include a representation that:

(1) the person understands that his or her treatment will involve inpatient status;

(2) ~~that he or she~~ the person desires to be admitted to the hospital, ~~and;~~

(3) ~~that he or she~~ the person consents to admission voluntarily, without any coercion or duress; ~~and~~

(4) the person understands that inpatient treatment may be on a locked unit and a requested discharge may be deferred if the treating physician determines that the person is a person in need of treatment pursuant to section 7101 of this title.

\* \* \*

Sec. 2. 18 V.S.A. § 7701 is amended to read:

§ 7701. NOTICE OF RIGHTS

The head of a hospital shall provide reasonable means and arrangements, including the posting of excerpts from relevant statutes, for informing patients of their right to discharge and other rights and for assisting them in making and presenting requests for discharge or for application to have the patient's status changed from involuntary to voluntary.

Sec. 3. 18 V.S.A. § 7703 is amended to read:

§ 7703. TREATMENT

\* \* \*

(b) The Department shall establish minimum standards for adequate treatment as provided in this section, including requirements that, when possible, psychiatric unit staff be used as the primary source to implement emergency involuntary procedures such as seclusion and restraint. The Department shall oversee and collect information and report on data regarding the use of emergency involuntary procedures for patients admitted to a psychiatric unit regardless of whether the patient is under the care and custody of the Commissioner.

Sec. 4. 2018 Acts and Resolves No. 200, § 7 is amended to read:

Sec. 7. DATA COLLECTION AND REPORT; PATIENTS SEEKING  
MENTAL HEALTH CARE IN HOSPITAL SETTINGS

(a) Pursuant to the authority granted to the Commissioner of Mental Health under 18 V.S.A. § 7401, the Commissioner shall collect the following information from hospitals in the State that have either an inpatient psychiatric unit or emergency department receiving patients with psychiatric health needs:

(1) the number of individuals seeking psychiatric care voluntarily and the number of individuals in the custody or temporary custody of the Commissioner who are admitted to inpatient psychiatric units and the corresponding lengths of stay on the unit; and

(2) the lengths of stay in emergency departments for individuals seeking psychiatric care voluntarily and for individuals in the custody or temporary custody of the Commissioner; ~~and~~

~~(3) data regarding emergency involuntary procedures performed in an emergency department on individuals seeking psychiatric care.~~

(b) On or before January 15 of each year between ~~2019 and 2021~~ 2021 and 2023, the Commissioner of Mental Health shall submit a written report to the House Committee on Health Care and to the Senate Committee on Health and Welfare containing the data collected pursuant to subsection (a) of this section during the previous calendar year.

#### Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

### **Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 104**

**Rep. Peterson of Clarendon**, for the Committee on Health Care, to which had been referred House bill, entitled

An act relating to allowing certain licensed out-of-state mental health professionals to treat Vermont patients using telemedicine

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

#### Sec. 1. FACILITATION OF INTERSTATE PRACTICE USING TELEHEALTH WORKING GROUP; REPORT

(a) Creation. There is created the Facilitation of Interstate Practice Using Telehealth Working Group to compile and evaluate methods for facilitating the practice of health care professionals throughout the United States using telehealth modalities.

(b) Membership. The Working Group shall be composed of the following members:

- (1) the Director of the Office of Professional Regulation;
- (2) representatives of the health care professions associated with the Office of Professional Regulation, selected by their respective licensing board or by the Director;
- (3) the Executive Director of the Board of Medical Practice;
- (4) representatives of the health care professions licensed by the Board of Medical Practice, selected by the Commissioner of Health;
- (5) representatives of health care professional organizations;
- (6) representatives of health insurers; and
- (7) other interested stakeholders.

(c) Powers and duties. The Working Group shall compile and evaluate methods for facilitating the interstate practice of health care professionals using telehealth modalities, including through the creation of telehealth licenses, waiver of licensure, national licensure compacts, and regional reciprocity agreements. In evaluating potential options for implementation in Vermont, the Working Group shall consider the following issues:

- (1) impacts and ethical considerations related to patient care and continuity of care;
- (2) whether to limit to health care professionals with preexisting patient relationships;
- (3) impacts on State regulatory oversight and enforcement, including the fiscal impacts;
- (4) effects on prescribing;
- (5) differences between the various states and U.S. territories in scopes of practice, qualifications, regulation, and enforcement;
- (6) different policy options for facilitating interstate practice, including the potential for reciprocity with health care professionals licensed in Vermont;
- (7) whether to explore the international practice of health care professionals using telehealth; and
- (8) other issues relevant to facilitating the interstate practice of health care professionals.

(d) Assistance. The Working Group shall have the administrative, technical, and legal assistance of the Office of Professional Regulation.

(e) Report. On or before December 15, 2021, the Director of the Office of Professional Regulation shall provide the Working Group's findings and recommendations to the House Committees on Health Care and on Government Operations and the Senate Committees on Health and Welfare and on Government Operations.

(f) Meetings. The Director of the Office of Professional Regulation shall convene and serve as the chair of the Working Group and shall call the first meeting to occur on or before July 1, 2021.

## 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 considerations in facilitating the interstate practice of health care professionals using telehealth"

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

### **Second Reading; Bill Amended; Third Reading Ordered**

#### **H. 149**

**Rep. Murphy of Fairfax**, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to modernizing statutes related to the Vermont National Guard

Reported in favor of its passage when amended as follows:

By striking out Sec. 72, effective date, in its entirety and inserting in lieu thereof Secs. 72 and 73 to read as follows:

Sec. 72. 21 V.S.A. § 491 is amended to read:

§ 491. ABSENCE ON MILITARY SERVICE AND TRAINING;

#### EMPLOYMENT AND REEMPLOYMENT RIGHTS

(a)(1) Any duly qualified member of the Reserve Components of the U.S. Armed Forces, of the Ready Reserve, or an organized unit of the Vermont National Guard or the National Guard of another state shall ~~upon~~, when called to state or federal service, receive the same benefits, privileges, and protections in employment regardless of the activation authority or location of service.

(2)(A) Upon request, a duly qualified member of the Reserve Components of the U.S. Armed Forces, of the Ready Reserve, or the Vermont

~~National Guard or the National Guard of another state shall be entitled to leaves of absence for a total of 15 days in any calendar year for the purpose of engaging a leave of absence to engage in military drill, training, or other temporary duty under military authority pursuant to state or federal military orders.~~

~~(B) A member of the Vermont National Guard or the National Guard of any state or territory who is ordered to state active duty shall be subject to the requirements of and entitled to the rights, privileges, benefits, and protections provided by the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301–4335.~~

~~(C) A leave of absence shall be with or without pay as determined by the employer. Upon completion of the military drill, training, or other temporary duty under military authority, a permanent employee shall be reinstated in that position with the same status, pay, and seniority, including seniority that accrued during the period of absence.~~

(b) A member of or an applicant for membership in the National Guard in either federal or state status as defined in 20 V.S.A. §§ 366, and 601, ~~or 602,~~ shall not be denied initial employment, reemployment, retention of employment, promotion, or any benefit of employment by an employer on the basis of membership, application for membership, performance of service, application for service, or obligation to serve.

\* \* \*

#### Sec. 73. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

**Second Reading; Roll Call Request Withdrawn; Bill Amended;  
Recess; Bill Recommitted**

#### H. 227

**Rep. Colston of Winooski**, 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 City of Winooski

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

## Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendment to the charter of the City of Winooski as set forth in this act. Voters approved the proposal of amendment on November 3, 2020.

Sec. 2. 24 App. V.S.A. chapter 19 is amended to read:

## CHAPTER 19. CITY OF WINOOSKI

\* \* \*

## § 105. POWER OVER WATER RESOURCES

(a) ~~No citizen person, association of citizens persons, domestic corporation corporate entity,~~ or municipality, or any combination thereof, may develop, conserve, or use in whole or in part the water resources of the Winooski River as it flows through the City of Winooski for a water power project located in whole or in part in the City of Winooski without obtaining the approval of the City Council of the City of Winooski in addition to any other necessary State or federal agency approvals.

\* \* \*

## § 201. CITY MEETINGS

The annual City meeting shall occur on the first Tuesday in March, and shall be warned in the manner provided by general law. Special City meetings shall be called and warned as provided by general law. All elections, voter registration and qualifications, absentee voting, and the conduct of ~~such~~ City meetings shall be controlled by general law section 202 of this charter. All matters shall be considered by Australian ballot.

## § 202. QUALIFIED VOTERS

(a) Voter registration, ~~qualification,~~ absentee voting, and conduct of elections at all annual and special meetings shall be as provided by general law. The qualifications of voters in State and federal elections shall be as provided by general law. The qualifications of voters in the City meetings shall be the same as those prescribed by law for voters in town meetings and all municipal elections shall be as set forth in subsection (b) of this section.

(b) Notwithstanding 17 V.S.A. § 2121(a)(1), any person, including persons who are non-U.S. citizens, may register to vote in any City meeting or municipal election who, on election day:

- (1) is a legal resident of the City;
- (2) has taken the Voter's Oath; and
- (3) is 18 years of age or older.



(c) As used in subdivision (b)(1) of this section, “legal resident of the City” means any person who is a resident of the City and is a United States citizen or resides in the United States on a permanent or indefinite basis in compliance with federal immigration laws.

(d) The City Clerk shall maintain a voter checklist for City meetings and municipal elections, in accordance with subsection (b) of this section, and shall keep the City checklist separate and apart from the voter checklist maintained for State and federal elections.

(e) The voter checklists maintained by the City Clerk for municipal, State, and federal elections shall be subject to the protections given to the Statewide voter checklists pursuant to 17 V.S.A. § 2154.

\* \* \*

#### § 205. NOMINATIONS IN GENERAL

~~Nominations for the office of Mayor and Councilor shall be made by petitions which shall be filed with the City Clerk not less than 30 days nor more than 40 days before an annual City election or a special City election called for that purpose. The petition shall state the name of the candidate, the candidate’s residence, and the office sought, and shall be signed by at least 50 legal voters of the City qualified to vote at the time the petition is filed~~ petition, prepared and filed in accordance with the provisions of 17 V.S.A. §§ 2681 and 2681a. The petitions shall contain no party designations. A person shall not sign more than one petition for each individual office to be filled. The City Clerk shall cause the names of the persons so nominated to be printed on a ballot in alphabetical arrangement according to surname, and sample ballots shall be posted in at least three public places at least ten days before election.

\* \* \*

#### § 304. GENERAL POWERS AND DUTIES

\* \* \*

(b) Additional powers. In addition to powers otherwise conferred upon it by law, the City, by the action of the Council or, if specifically required by law or this charter, by the action of its voters, has the following powers and rights, including:

\* \* \*

(7) To provide for ~~citizen~~ resident participation in appropriate departments.

\* \* \*

§ 305. PROHIBITIONS; CONFLICT OF INTEREST

(a) Holding other office. Except where authorized by law, no councilor shall hold any other City office or City employment during the term of election to the Council. ~~Notwithstanding any charter provision to the contrary, a paid or unpaid volunteer member of the Fire Department, other than an officer or member of the Department appointed directly by the City Manager, may serve as a member of the City Council.~~

\* \* \*

§ 506. CITY OFFICERS; APPOINTMENT OF

\* \* \*

(c) Officers. In accordance with the provisions of this section, the City Manager shall appoint the following, who shall hold office at the will of the City Manager:

\* \* \*

(10) an Emergency Management Coordinator; ~~and~~

(11) a Human Resources Director; and

~~(11)~~(12) other officers required by law.

\* \* \*

§ 602. ~~CITIZEN~~ RESIDENT ENGAGEMENT

\* \* \*

(d) All unpaid appointments of ~~citizens~~ residents to the boards, committees, commissions, and agencies shall be for a term certain. ~~Citizens~~ Residents once appointed to a term may only be removed for cause or after unanimous vote by the City Council. If ad hoc committees are created, the appointment will cease upon completion of the Committee's task.

§ 603. PERSONNEL SYSTEM

\* \* \*

~~(b) Personnel Director. There shall be a Personnel Director who shall administer the personnel system of the City. The Personnel Director shall be the City Manager. The Personnel Director shall be responsible for collective bargaining and administration of negotiated contracts subject to approval by the City Council. [Repealed.]~~

(c) [Repealed.]

(d) Personnel policies. The ~~Personnel Director~~ City Manager shall prepare personnel policies. The personnel rules shall be proposed to the Council, and the Council may adopt them with or without amendment. These rules shall provide for:

\* \* \*

#### § 717. TAX CLASSIFICATION

(a) Except for the property of utilities subject to regulation by the Vermont Public Utility Commission, all personal and real property set out in the grand list that is not used as residential property, farmland, and ~~vacant land zoned "recreation, conservation, and open space (RCO)"~~ public recreation, conservation, or open space lands shall be classified as nonresidential property and shall be ~~assessed at~~ taxed by applying the tax rate on 120 percent of ~~fair market~~ the assessed value of the property; and further provided that inventories shall no longer be set out in the grand list of the City as taxable personal estate. Properties upon which in-lieu-of-tax payments are made shall be likewise classified and assessed for the purposes of such payments.

\* \* \*

#### § 903. OATH OF OFFICE

All elective officials of the City shall, before assuming office, take, subscribe, and file with the City Clerk the following oath:

"I \_\_\_\_\_ solemnly swear or affirm, under penalty of law, that I will faithfully execute the Office of \_\_\_\_\_ of the City of Winooski to the best of my judgment and abilities, according to law, ~~so help me God or I so affirm.~~"

\* \* \*

#### Sec. 3. EFFECTIVE DATE

This act shall take effect on 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 amended as recommended by the Committee on Government Operations? **Rep. Shaw of Pittsford** called for a roll call, which was sustained by the Constitutional number, then withdrew his request for a roll call.

Thereupon, the bill was amended as recommended by the Committee on Government Operations.

Pending the question Shall the bill be read a third time? **Rep. Shaw of Pittsford** called for a roll call, which was sustained by the Constitutional number.

At eleven and thirty-one minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven and fifty-five minutes in the forenoon, the Speaker called the House to order.

Pending the question, Shall the bill be read a third time? **Rep. Copeland Hanzas of Bradford** moved that the bill be committed to the Committee on Education, which was agreed to.

### **Adjournment**

At twelve and twenty 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.