

# Journal of the House

Thursday, April 22, 2021

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

## Devotional Exercises

A moment of silence was held in lieu of a devotional.

## Third Reading; Bill Passed in Concurrence With Proposal of Amendment

S. 45

Senate bill, entitled

An act relating to earned discharge from probation

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

## Second Reading; Bill Amended; Third Reading Ordered

H. 265

**Rep. Noyes of Wolcott** for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to the Office of the Child Advocate

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

Sec. 1. 33 V.S.A. chapter 32 is added to read:

### CHAPTER 32. OFFICE OF THE CHILD, YOUTH, AND FAMILY ADVOCATE

#### § 3201. DEFINITIONS

As used in this chapter:

(1) “Child, Youth, and Family Advocate” or “Advocate” means an individual who leads the Office of the Child, Youth, and Family Advocate.

(2) “Department” means the Department for Children and Families.

(3) “Office” means the Office of the Child, Youth, and Family Advocate.

(4) “State agency” means any office, department, board, bureau, division, agency, or instrumentality of the State.

§ 3202. OFFICE OF THE CHILD, YOUTH, AND FAMILY ADVOCATE

(a) There is established the Office of the Child, Youth, and Family Advocate for the purpose of advancing the interests and welfare of Vermont’s children and youths receiving services from the Department in a manner that addresses racial and social equity, including providing transparent and impartial oversight of the child protection and juvenile justice systems and promoting reforms necessary to better serve Vermont’s children, youths, and families. The Office shall act independently of any State agency in the performance of its duties.

(b) The Office shall:

(1) work in collaboration with relevant parties to strengthen the Department’s services for children, youths, and families;

(2) analyze and monitor the development and implementation of federal, State, and local laws, regulations, and policies relating to child, youth, and family welfare and recommend changes when appropriate;

(3) review systemic issues in the Department’s provision of services to children and youths that may exist and complaints concerning the actions of the Department and of any entity that provides services to children, youths, and families through funds provided by the Department; make appropriate referrals; and investigate those complaints where the Advocate determines that a child, youth, or family may be in need of assistance from the Office;

(4) support children, youths, and families by providing information about recipients’ rights and responsibilities related to Departmental services;

(5) review current systems to determine to what extent children and youths placed in the custody of the Department or who are receiving services under the supervision of the Department receive humane and dignified treatment at all times, including consideration by the Advocate as to what extent the system protects and enhances the child’s or youth’s personal dignity, right to privacy, and right to appropriate health care and education in accordance with State and federal law;

(6) provide systemic information concerning child, youth, and family welfare to the public; the Governor; State agencies, legislators; and others, as necessary;

(7) notwithstanding 2 V.S.A. § 20(d), submit to the General Assembly and the Governor on or before December 1 of each year a report addressing services provided by the Department, including:

- (A) the quality of services provided to children, youths, and families;
  - (B) the conditions of placements for Vermont's children and youths;
  - (C) systemic findings related to services for and assistance to children, youths, and families within the child protection and juvenile justice systems;
  - (D) recommendations related to improving services for children, youths, and families; and
  - (E) data disaggregated by race, ethnicity, gender, geographic location, disability status, and any other categories that the Advocate deems necessary; and
- (8) address any challenges accessing information or records that are necessary for carrying out the provisions of this chapter.

§ 3203. CHILD, YOUTH, AND FAMILY ADVOCATE

(a) The Office shall be directed by the Child, Youth, and Family Advocate, an individual who shall be qualified by reason of education, expertise, and experience and who may have a professional degree in law, social work, public health, or a related field. The Child, Youth, and Family Advocate shall serve on a full-time basis and shall be exempt from classified service.

(b)(1) The Oversight Commission on Children, Youths, and Families established pursuant to section 3210 of this chapter shall recommend qualified applicants for the position of the Child, Youth, and Family Advocate to the Governor for consideration. Subject to confirmation by the Senate, the Governor shall appoint an Advocate from among those applicants recommended by the Oversight Commission for a term of four years. The appointment for Advocate shall be made without regard to political affiliation and on the basis of integrity and demonstrated ability. The Advocate shall hold office until reappointed or until a successor is appointed.

(2) The Governor, upon a majority vote of Oversight Commission, may remove the Child, Youth, and Family Advocate for cause, which includes only neglect of duty, gross misconduct, conviction of a crime, or inability to perform the responsibilities of the Office. The Governor's reason for removing the Advocate shall be published electronically on the website of the Office of the Child, Youth, and Family Advocate, and the Speaker of the House and President Pro Tempore shall simultaneously receive notification. Any vacancy shall be filled by the appointment process set forth in subdivision (1) of this subsection for the remainder of the unexpired term.

(c) The Child, Youth, and Family Advocate shall appoint a Deputy Child, Youth, and Family Advocate, whose duties shall be performed at the direction of the Advocate.

(d) Upon any vacancy in the position of the Advocate, and until such time as a replacement is appointed and confirmed, the Deputy Child, Youth, and Family Advocate shall serve as the acting Child, Youth, and Family Advocate. The acting Child, Youth, and Family Advocate shall have the full responsibilities of the Advocate and shall be entitled to the same compensation as the outgoing Child, Youth, and Family Advocate.

#### § 3204. CHILD, YOUTH, AND FAMILY ADVISORY COUNCIL

(a) Purpose and membership. The Child, Youth, and Family Advocate shall appoint and convene an Advisory Council composed of nine stakeholders who have been impacted by child welfare services provided by the Department for Children and Families. The Advisory Council's membership shall reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color, as well as with regard to socioeconomic status, geographic location, gender, sexual identity, and disability status. Members shall provide advice and guidance to the Office of the Child, Youth, and Family Advocate regarding the routine administration and operation of the Office, including providing advice and guidance to the Advocate upon request.

##### (b) Meetings.

(1) The Advocate shall call the first meeting of the Advisory Committee to occur on or before March 15, 2022.

(2) The Advisory Committee shall select a chair from among its members at the first meeting.

(3) A majority the membership shall constitute a quorum.

(4) The Advisory Committee shall cease to exist on July 1, 2028.

(c) Confidentiality. In seeking the advice and guidance of the Advisory Council, the Child, Youth, and Family Advocate shall not disclose to the Advisory Council, or any member thereof, individually identifiable information about a child or youth unless the information is already known to the public.

(d) Compensation. Members of the Advisory Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than 12 meetings annually. These payments shall be made from monies appropriated to the Office.

§ 3205. INCIDENTS AND FATALITIES

(a) The Department shall provide the Office with a copy of all reports related to actual physical injury to children or youths in the custody of the Commissioner or a significant risk of such harm.

(b) The Department shall provide the Office with a written report within 48 hours of:

(1) any fatality of a child or youth in its custody; and

(2) the restraint or seclusion of any child or youth in its custody.

§ 3206. ACCESS TO INFORMATION AND FACILITIES

(a) Notwithstanding any other provision of law, the Child, Youth, and Family Advocate and the Deputy Advocate shall, upon request, have timely access, including the right to inspect and copy, to any records necessary to carry out the provisions of this chapter, including relevant records produced and held by State entities and third parties.

(b) The Child, Youth, and Family Advocate and Deputy Advocate may communicate privately and visit with any child or youth who is in the custody of the Department. The Advocate or Deputy Advocate shall obtain the consent of a parent or guardian prior to communicating or visiting with a child or youth who is not in the custody of the Department.

(c) Facilities and providers delivering services to children and youths shall permit the Child, Youth, and Family Advocate or the Deputy Advocate to access their facilities and to communicate privately and visit with children and youths for whom they provide services.

§ 3207. COOPERATION OF STATE AGENCIES

All State agencies shall comply with reasonable requests of the Child, Youth, and Family Advocate and Deputy Advocate for information and assistance.

§ 3208. CONFIDENTIALITY

(a) The Office shall maintain the confidentiality of all case records, third-party records, and court records, as well as any information gathered in the course of investigations and systems monitoring duties. These records are exempt from public inspection and copying under the Public Records Act and shall be kept confidential except as provided in subsections (b) and (c) of this section.

(b) In the course of carrying out the provisions of this chapter, if the Child, Youth, and Family Advocate or Deputy Advocate reasonably believes that the

health, safety, or welfare of a child or youth is at imminent risk, the Advocate or Deputy Advocate may disclose relevant documents or information to any of the individuals or entities listed in subdivision 4921(e)(1) of this title. Determinations of relevancy shall be made by the Advocate.

(c) Notwithstanding subsection (a) of this section, the Child, Youth, and Family Advocate or Deputy Advocate may publicly disclose any patterns of conduct or repeated incidents identified by the Advocate or Deputy Advocate in carrying out the provisions of this chapter if the Advocate or Deputy Advocate reasonably believes that public disclosure is likely to mitigate a risk posed to the health, safety, and welfare of a child or youth, except the Advocate or Deputy Advocate shall not publicly disclose either of the following:

(1) individually identifiable information about a child or youth unless the information is already known to the public; and

(2) investigation findings where there is a pending law enforcement investigation or prosecution.

#### § 3209. CONFLICT OF INTEREST

The Child, Youth, and Family Advocate, the Advocate's employees, contractors, and members of the Oversight Commission on Children, Youths, and Families shall not have any conflict of interest with the Department or with any entity that provides services to children, youths, and families through funds provided by the Department relating to the performance of their responsibilities under this chapter. For the purposes of this section, a conflict of interest exists whenever the Child, Youth, and Family Advocate or the Advocate's employees or contractors:

(1) has direct involvement in the licensing, certification, or accreditation of a provider or facility delivering services to children, youths, and families;

(2) has a direct ownership interest in a provider or facility delivering services to children, youths, and families;

(3) is employed by or participates in the management of a provider or facility delivering services to children, youths, and families; or

(4) receives or has the right to receive, directly or indirectly, remuneration under a compensation arrangement with a provider or facility delivering services to children, youths, and families.

§ 3210. OVERSIGHT COMMISSION ON CHILDREN, YOUTHS, ANDFAMILIES

(a) Creation. There is created the Oversight Commission on Children, Youths, and Families to provide guidance and recommendations to the Office of the Child, Youth, and Family Advocate.

(b) Membership. The Commission shall be composed of the following members who shall not have a conflict of interest with the Department for Children and Families:

(1) one current member of the House of Representatives who serves on the House Committee on Human Services, who shall be appointed by the Speaker of the House;

(2) one current member of the Senate who serves on the Senate Committee on Health and Welfare, who shall be appointed by the Committee on Committees;

(3) a member with professional expertise in childhood trauma, adverse childhood experiences, or child welfare, who shall be appointed by the Governor;

(4) the Executive Director of Racial Equity established pursuant to 3 V.S.A. § 5001 or designee;

(5) one member of a child advocacy group, board, or commission, who shall be appointed by the Speaker of the House;

(6) one member of a child advocacy group, board, or commission, who shall be appointed by the Committee on Committees;

(7) one member of a child advocacy group, board, or commission, who shall be appointed by the Governor;

(8) an adult who was in the custody of the Department for Children and Families within the past five years, who shall be appointed by the Vermont Foster and Adoptive Family Association; and

(9) the relative caregiver of a child or youth involved in the child protection system, who shall be appointed by Vermont Kin as Parents.

(c) Powers and duties. The Commission shall:

(1) recommend qualified applicants for the position of the Child, Youth, and Family Advocate to the Governor for consideration pursuant to section 3203 of this chapter; and

(2) provide oversight of the Office in its efforts to support an equitable, comprehensive, and coordinated system of services and programs for children, youths, and families.

(d) Assistance. The Commission shall have the administrative assistance of the Agency of Administration.

(e) Meetings.

(1) The member representing the House Committee on Human Services shall call the first meeting of the Commission to occur on or before August 1, 2021.

(2) The Commission shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(f) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Commission serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than four meetings annually.

(2) Other members of the Commission shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than four meetings annually. These payments shall be made from monies appropriated to the Office of the Child, Youth, and Family Advocate.

Sec. 2. 33 V.S.A. § 4913 is amended to read:

§ 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL  
ACTION

(a) A mandated reporter is any:

\* \* \*

(11) camp counselor; ~~or~~

(12) member of the clergy; or

(13) employee of the Office of the Child, Youth, and Family Advocate established pursuant to 33 V.S.A. chapter 32.

\* \* \*

Sec. 3. 33 V.S.A. § 4921 is amended to read:



## § 4921. DEPARTMENT'S RECORDS OF ABUSE AND NEGLECT

\* \* \*

(d) Upon request, Department records created under this subchapter shall be disclosed to:

\* \* \*

(4) law enforcement officers engaged in a joint investigation with the Department, an Assistant Attorney General, or a State's Attorney; ~~and~~

(5) other State agencies conducting related inquiries or proceedings; and

(6) the Office of the Child, Youth, Family Advocate for the purpose of carrying out the provisions in chapter 32 of this title.

\* \* \*

Sec. 4. 33 V.S.A. § 5117 is amended to read:

## § 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

\* \* \*

(b)(1) Notwithstanding the foregoing, inspection of such records and files by the following is not prohibited:

\* \* \*

(H) the Office of the Child, Youth, Family Advocate for the purpose of carrying out the provisions in chapter 32 of this title.

\* \* \*

Sec. 5. OFFICE OF THE CHILD, YOUTH, AND FAMILY ADVOCATE;  
DUTIES; TEMPORARY LIMITATION

Notwithstanding 33 V.S.A. § 3202(b), the Office of the Child, Youth, and Family Advocate shall only assume responsibility for the duties listed in subdivisions (1) and (2) of subsection (b) through June 30, 2022. The Office of the Child, Youth, and Family Advocate shall assume full responsibility of all duties listed in 33 V.S.A. § 3202(b) beginning on July 1, 2022.

Sec. 6. TRANSITION

The initial term of the Child, Youth, and Family Advocate established pursuant to 33 V.S.A. chapter 32 shall begin on or before January 1, 2022.

## Sec. 7. APPROPRIATION

The sum of \$120,000.00 is appropriated to the Office of the Child, Youth, and Family Advocate from the General Fund in fiscal year 2022 for carrying out the purposes of this act.

Sec. 8. REPEAL; JOINT LEGISLATIVE CHILD PROTECTION  
OVERSIGHT COMMITTEE

2015 Acts and Resolves No. 60, Sec. 23 as amended by 2018 Acts and Resolves No. 207, Sec. 2 is repealed.

## Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2021, except that Secs. 2 (reporting child abuse and neglect; remedial action), 3 (Department's records of abuse and neglect), 4 (records of juvenile judicial proceedings), 5 (Office of the Child, Youth, and Family Advocate; duties; temporary limitation), and 7 (appropriation) shall take effect on January 1, 2022.

and that after passage the title of the bill be amended to read: "An act relating to the Office of the Child, Youth, and Family Advocate"

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

First: In Sec. 1, 33 V.S.A. chapter 32, in section 3204 (Child, Youth, and Family Advisory Council), in subsection (b), by striking out "Committee" in the three instances in which it appears and inserting in lieu thereof "Council"

Second: In Sec. 6 (transition), by striking out the words "or before" after the words "begin on"

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 Human Services was amended as recommended by the Committee on Appropriations. The report of the Committee on Human Services, as amended, was agreed to, and third reading ordered.

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

**H. 449**

**Rep. Gannon of Wilmington** spoke for the Committee on Government Operations.

House bill, entitled

An act relating to the membership and duties of the Vermont Pension Investment Commission and the creation of the Pension Benefits, Design, and Funding Task Force

**Rep. Townsend of South Burlington** for the Committee on Appropriations recommended that the bill ought to pass when amended as follows:

First: In Sec. 3, Vermont Pension Investment Commission; fiscal year 2022 reports”, in subsection (b), in the third sentence, by striking out “House and Senate Committees on Government Operations” and inserting in lieu thereof “House Committees on Appropriations and on Government Operations and the Senate Committees on Appropriations and on Government Operations”

Second: In Sec. 10, Pension Benefits, Design, and Funding Task Force; State Employees’ Retirement System; State Teachers’ Retirement System; report, in subsection (c), in subdivision (1), in subdivision (H), at the end of the sentence, by striking out “and”; in subdivision (I), at the end of the sentence, by striking out “.” and inserting in lieu thereof “; and”; and by adding a subdivision (J) to read as follows:

(J) modeling and estimating costs for not changing the retirement benefits for members of the State Employees’ Retirement System and the State Teachers’ Retirement System for members who are within five and 10 years of the current retirement age.

and in subdivision (2), before the period, by inserting “or changing the retirement benefits for members of the State Employees’ Retirement System and the State Teachers’ Retirement System who are current retirees or within five years of the current retirement age”

and by striking out subdivision (e)(2) in its entirety and inserting in lieu thereof the following:

(2)(A) The Joint Fiscal Office shall contract for an independent benefits expert and a legal expert, as necessary, to provide advisory services to the Task Force.

(B) The sum of not more than \$200,000.00 is appropriated from general funds to the General Assembly for the purpose described in subdivision (A) of this subdivision (2).

and in subsection (g), in the first sentence, by striking out “September 1, 2021” and inserting in lieu thereof “September 15, 2021” and by striking out “House and Senate Committees on Government Operations” and inserting in lieu thereof “House Committees on Appropriations and on Government Operations and the Senate Committees on Appropriations and on Government Operations”

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 Appropriations agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Mulvaney-Stanak of Burlington** 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, 125. Nays, 22.

Those who voted in the affirmative are:

Achey of Middletown Springs	Gregoire of Fairfield	Ode of Burlington
Ancel of Calais	Hango of Berkshire	Pajala of Londonderry
Anthony of Barre City	Harrison of Chittenden	Palasik of Milton
Arrison of Weathersfield	Helm of Fair Haven	Partridge of Windham
Austin of Colchester	Higley of Lowell	Patt of Worcester
Bartholomew of Hartland	Hooper of Montpelier	Pearl of Danville
Beck of St. Johnsbury	Houghton of Essex	Peterson of Clarendon
Birong of Vergennes	James of Manchester	Pugh of South Burlington
Black of Essex	Jerome of Brandon	Rachelson of Burlington
Bluemle of Burlington	Jessup of Middlesex	Redmond of Essex
Bock of Chester	Killacky of South Burlington	Rogers of Waterville
Bongartz of Manchester	Kimbell of Woodstock	Rosenquist of Georgia
Brady of Williston	Kitzmiller of Montpelier	Satcowitz of Randolph
Briglin of Thetford	Kornheiser of Brattleboro *	Savage of Swanton
Brown of Richmond	LaClair of Barre Town	Scheu of Middlebury
Brownell of Pownal	LaLonde of South Burlington	Scheuermann of Stowe
Brumsted of Shelburne	Lanpher of Vergennes	Shaw of Pittsford
Burditt of West Rutland	Lefebvre of Newark	Sheldon of Middlebury
Campbell of St. Johnsbury	Lefebvre of Orange	Sibilia of Dover
Chase of Colchester	Leffler of Enosburgh	Sims of Craftsbury *
Christie of Hartford	Lippert of Hinesburg	Smith of New Haven
Coffey of Guilford	Long of Newfane *	Squirrel of Underhill
Colston of Winooski	Marcotte of Coventry	Stebbins of Burlington
Conlon of Cornwall	Masland of Thetford	Stevens of Waterbury
Copeland Hanzas of Bradford	Mattos of Milton	Strong of Albany
Corcoran of Bennington	McCarthy of St. Albans City *	Sullivan of Dorset *
Cupoli of Rutland City	McCormack of Burlington	Taylor of Colchester
Dickinson of St. Albans Town	McCoy of Poultney	Terenzini of Rutland Town
Dolan of Essex	McCullough of Williston	Till of Jericho
Dolan of Waitsfield	McFaun of Barre Town	Toleno of Brattleboro
Donahue of Northfield	Morgan, L. of Milton	Toof of St. Albans Town
Donnally of Hyde Park	Morgan, M. of Milton	Townsend of South Burlington
Durfee of Shaftsbury	Morris of Springfield	Troiano of Stannard
Elder of Starksboro	Mrowicki of Putney *	Walz of Barre City
Emmons of Springfield	Murphy of Fairfax	Webb of Shelburne
	Nicoll of Ludlow	White of Bethel
		White of Hartford

Fagan of Rutland City	Nigro of Bennington	Whitman of Bennington
Feltus of Lyndon	Norris of Sheldon	Williams of Granby
Gannon of Wilmington	Norris of Shoreham	Wood of Waterbury *
Goldman of Rockingham	Notte of Rutland City	Yacovone of Morristown
Goslant of Northfield	Noyes of Wolcott	Yantachka of Charlotte *
Grad of Moretown	O'Brien of Tunbridge	

Those who voted in the negative are:

Batchelor of Derby	Graham of Williamstown	Burlington
Bos-Lun of Westminster *	Hooper of Randolph	Page of Newport City
Burke of Brattleboro *	Hooper of Burlington	Parsons of Newbury
Burrows of West Windsor *	Howard of Rutland City	Small of Winooski *
Canfield of Fair Haven	Martel of Waterford	Smith of Derby
Cina of Burlington	Martin of Franklin	Surprenant of Barnard
Colburn of Burlington	Morrissey of Bennington	Vyhovsky of Essex *
Cordes of Lincoln *	Mulvaney-Stanak of	

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

Brennan of Colchester	Seymour of Sutton
-----------------------	-------------------

**Rep. Bos-Lun of Westminster** explained her vote as follows:

“Madam Speaker:

I have heard from more constituents about pensions than any other topic. I hope a task force can be created that can develop a shared understanding of the pension challenge and come to agreement about the best way to proceed, to honor the years of service and the contracts made with Vermont's workers AND to make the system sustainable for the future. Equal representation in the task force of workers and other stakeholders, would get the process off to the strongest start. This bill did not have that. As a new legislator I was told the first two factors to consider when casting a vote are: first your conscience and second your constituents. Both these factors led to my vote no today.”

**Rep. Burke of Brattleboro** explained her vote as follows:

“Madam Speaker:

I support addressing the pension issue. I voted no on this bill because of the composition of the task force. I believe that perception matters, and that the process and outcome of the work will be much more successful when the union members feel honored by equal participation.”

**Rep. Burrows of West Windsor** explained her vote as follows:

“Madam Speaker:

I, too, support efforts to address the pension problem. I appreciate and applaud the difficult and good work of the committee and Speaker, and I have faith in the process and that all parties will work diligently toward resolution. I also ran on a platform of inclusion, and to me, unless the makeup of legislative representatives on the task force is designated tri-partisan, it is not inclusive. Thank you.”

**Rep. Cordes of Lincoln** explained her vote as follows:

“Madam Speaker:

For those of us that support the notion of pensions, there is little argument that we must address the condition of the funds for long term viability, ensure a comprehensive analysis of the operations and performance of VPIC, while protecting taxpayers and public employees. I am grateful to House Government Operations for their diligence in including recommendations from the Workers Caucus and from impacted employees to improve the process laid out in H. 449 and I indeed support much of it, but cannot support the bill without a true balance on the task-force of representation for employees. Let’s not add to the decades long whittling away of real and democratic representation of worker voices.”

**Rep. Kornheiser of Brattleboro** explained her vote as follows:

“Madam Speaker:

I vote yes today so we can continue the difficult work of preserving our public pensions for future retirees.”

**Rep. Long of Newfane** explained her vote as follows:

“Madam Speaker:

Madam Speaker, today we take important steps toward resolving the crisis facing our public retirement systems. With this bill we bring more professionalism and expertise to the governance of the retirement funds. The Task Force in this bill sets out a fair, transparent process for recommending changes to preserve the pension systems as sustainable tools to recruit and retain teachers and State employees. Keeping the promise of defined benefit pensions for our public workers is a benefit for all Vermonters. I vote yes.”

**Rep. McCarthy of St. Albans City** explained his vote as follows:

“Madam Speaker:

Madam Speaker I vote yes. The unfunded liabilities for the pensions and other retirement benefits for State employees, teachers and troopers is a \$5.6 billion challenge we cannot afford to ignore. This bill makes sure that the body governing pension investments is more independent and professional. Our

work is not done, to save the retirement systems and honor our commitments to Vermont's public employees. The Task force we establish here will listen to those workers and Vermonters about how best to do this. This is a good start."

**Rep. Mrowicki of Putney** explained his vote as follows:

"Madam Speaker:

My yes vote is to continue the process, continue to bring as many voices to be heard on this and set the State pension fund on the road to recovery so we don't have to visit this again in a few years or hopefully again. We do well to make sure this work is thorough, deliberate and long lasting for all Vermonters."

**Rep. Sims of Craftsbury** explained her vote as follows:

"Madam Speaker:

I vote yes because our teachers, troopers and state employees deserve security in retirement. On an issue as important as this, we can't let perfect be the enemy of good. The magnitude of the problem we face with the pension fund is significant and we must take time this summer, with all the voices at the table, to look at every option. This bill is an important step forward to address the pension crisis and set our public retirement systems on a sustainable path for the future.

**Rep. Small of Winooski** explained her vote as follows:

"Madam Speaker:

If we are looking for informed and equitable solutions to the pension problem then we need to have trust in the taskforce. Those impacted by the pension system cannot trust the taskforce without equal representation: between impacted workers and non-impacted stakeholders. The way that I read this prescriptive legislation and what I'm hearing from my constituents shows a clear lack of trust in this taskforce as it stands. So, I ask why we are rushing this legislation and not listening to who we serve: the people."

**Rep. Sullivan of Dorset** explained her vote as follows:

"Madam Speaker:

Insolvency is a term not often technically understood and can be used loosely on the pension issue. More important is the word default. States that default on pension obligations would face significantly higher interest rates on subsequent bond issues, if they could borrow at all. A state's reputation can suffer for a long time and may not be able to return to credit markets without federal assistance. Pensions have multiple purposes and they may be given different weights but policy needs to bear them all in mind.

I support this bill as a step to bringing to the table those charged with identifying potential recommendations on how to reach a meeting of the minds regarding the pension situation at hand.”

**Rep. Wood of Waterbury** explained her vote as follows:

“Madam Speaker:

I vote yes for H.449. The importance of securing retirement benefits for the valued State employees and teachers is critical, particularly after their year of stressful service to our State. Much has been said about the make-up of the pension task force. I have full confidence in the ability of the teacher and State employee representatives to amplify the voices of those they represent.”

**Rep. Vyhovsky of Essex** explained her vote as follows:

“Madam Speaker:

I am committed to a sustainable pension system for all we have promised a pension, and hopefully even expanding the pension system to all Vermonters. H.449 sets up an unbalanced taskforce, with 6 members of labor on a fifteen member taskforce. Our labor groups have told us loudly and clearly that they do not trust this task force. Given my experience in group facilitation, I am confident that this taskforce is set up to start in a place of adversary and mistrust, and this is not how we build collaborative solutions. If we truly want to solve this issue, we need to listen fully to those most impacted in order to start from a place of trust. Due to my significant concerns with the structure of the taskforce, the charge of the taskforce, some of the changes to governance, and the overall process of arriving at this bill, I cannot support H.449 and vote no.”

**Rep. Yantachka of Charlotte** explained his vote as follows:

“Madam Speaker:

I vote Yes on H.449 as a step forward in spite of my concerns about balance on the Pension Study Task Force. I hope the members appointed to the Task Force from the Legislature will look objectively at solutions and not be wedded to a predetermined position.”

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

#### **H. 446**

**Rep. Satcowitz of Randolph** spoke for the Committee on Natural Resources, Fish, and Wildlife.

House bill, entitled



An act relating to miscellaneous natural resources and development subjects

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

**Rep. Feltus of Lyndon** 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.

#### **Action on Resolution Postponed**

##### **J.R.S. 24**

Joint Senate resolution, entitled,

Joint resolution relating to amending temporary Joint Rule 22A

Appearing on the Calendar for Action pursuant to Rule 33, on motion of **Rep. Long of Newfane**, action on the resolution was postponed until April 28, 2021.

#### **Message from the Senate No. 47**

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. 99.** An act relating to repealing the statute of limitations for civil actions based on childhood physical abuse.

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

The Senate has considered bills originating in the House of the following titles:

**H. 195.** An act relating to use of facial recognition technology by law enforcement in cases involving sexual exploitation of children.

**H. 366.** An act relating to 2021 technical corrections.

And has passed the same in concurrence.

The Senate has considered a bill originating in the House of the following title:

**H. 218.** An act relating to the sale of unpasteurized raw milk.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

### **Adjournment**

At four o'clock and twenty-five minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.