

Journal of the House

Tuesday, April 27, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Taylor of Colchester.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Bills Referred to Committee on Ways and Means

Senate bills of the following titles, appearing on the Calendar, and pursuant to Rule 35(a), affecting the revenue of the State, were referred to the Committee on Ways and Means:

S. 1

Senate bill, entitled

An act relating to extending the baseload renewable power portfolio requirement

S. 39

Senate bill, entitled

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

S. 86

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

Bill Referred to Committee on Appropriations

S. 124

Senate bill, entitled

An act relating to miscellaneous utility subjects

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

Ceremonial Reading**H.C.R. 38**

House concurrent resolution honoring the musical achievements of Vermont Symphony Orchestra Music Director Jaime Laredo

Offered by: Rep. Coffey of Guilford

Having been adopted in concurrence on Friday, April 9, 2021 in accord with Joint Rule 16b, was read.

Second Reading; Proposals of Amendment Agreed to;**Third Reading Ordered****S. 66**

Rep. Bartholomew of Hartland, for the Committee on Transportation, to which had been referred Senate bill, entitled

An act relating to electric bicycles

Reported in favor of its passage in concurrence with proposal of amendment by striking out Sec. 3, 23 V.S.A. § 4(45), in its entirety and inserting a new Sec. 3 to read as follows:

Sec. 3. 23 V.S.A. § 4(45) is amended to read:

(45)(A) “Motor-driven cycle” means any vehicle equipped with two or three wheels, a power source providing up to a maximum of two brake horsepower and having a maximum piston or rotor displacement of 50 cubic centimeters if a combustion engine is used, which will propel the vehicle, unassisted, at a speed not to exceed 30 miles per hour on a level road surface, and which is equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged. As motor vehicles, motor-driven cycles shall be subject to the purchase and use tax imposed under 32 V.S.A. chapter 219 rather than to a general sales tax. ~~Neither an electric~~ Electric personal assistive mobility ~~device nor a devices~~, motor-assisted ~~bicycle is a bicycles, and electric bicycles are not~~ motor-driven ~~eyele cycles~~.

(B)(i) “Motor-assisted bicycle” means any bicycle or tricycle with fully operable pedals and equipped with a motor that in itself is capable of producing a top speed of not more than 20 miles per hour on a paved level surface when ridden by an operator who weighs 170 pounds and either:

(I) has an internal combustion motor with a power output of not more than 1,000 watts or 1.3 horsepower; and or

~~(II) in itself is capable of producing a top speed of no more than 20 miles per hour on a paved level surface when ridden by an operator who weighs 170 pounds has an electric motor with a power output of not more than 1,000 watts and does not meet the requirements of one of the three classes in subdivisions (46)(A)(i)–(iii) of this section.~~

(ii) Motor-assisted bicycles shall be regulated in accordance with section 1136 of this title.

(iii) Electric bicycles, as defined in subdivision (46) of this section, are not motor-assisted bicycles, as defined in subdivision (45) of this section.

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 Transportation agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Bartholomew of Hartland** moved that the House propose to the Senate that the bill be further amended as follows:

First: In Sec. 1, 23 V.S.A. § 4(18)(A), by inserting “motor-assisted bicycles,” preceding the words “electric bicycles”

Second: In Sec. 2, 23 V.S.A. § 4(21), by inserting “motor-assisted bicycles,” preceding the words “electric bicycles”

Third: In Sec. 5, 23 V.S.A. § 4(81), by inserting the words “a motor-assisted bicycle or” preceding the words “an electric bicycle”

Fourth: In Sec. 8, 23 V.S.A. § 3501(1), in the last sentence, by striking out the words “or electric bicycle” and inserting in lieu thereof “, a motor-assisted bicycle, or an electric bicycle”

Fifth: In Sec. 9, 23 V.S.A. § 3801(1), by inserting “, motor-assisted bicycles,” preceding the words “or electric bicycles”

Which was agreed to. Thereupon, third reading was ordered.

Action on Bill Postponed

H. 218

House bill, entitled

An act relating to the sale of unpasteurized raw milk

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment?, on motion of **Rep. Surprenant of Barnard**, action on the bill was postponed until April 28, 2021.

Second Reading; Proposal of Amendment Agreed to;**Third Reading Ordered****S. 42**

Rep. Cordes of Lincoln, for the Committee on Health Care, to which had been referred Senate bill, entitled

An act relating to establishing the Emergency Service Provider Wellness Commission

Reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 7257b is added to read:

§ 7257b. EMERGENCY SERVICE PROVIDER WELLNESS

COMMISSION

(a) As used in this section:

(1) “Chief executive of an emergency service provider organization” means a person in charge of an organization that employs or supervises emergency service providers in their official capacity.

(2) “Emergency service provider” means a person:

(A) currently or formerly recognized by a Vermont Fire Department as a firefighter;

(B) currently or formerly licensed by the Department of Health as an emergency medical technician, emergency medical responder, advanced emergency medical technician, or paramedic;

(C) currently or formerly certified as a law enforcement officer by the Vermont Criminal Justice Council, including constables and sheriffs;

(D) currently or formerly employed by the Department of Corrections as a probation, parole, or correctional facility officer; or

(E) currently or formerly certified by the Vermont Enhanced 911 Board as a 911 call taker or employed as an emergency communications dispatcher providing service for an emergency service provider organization.

(3) “Licensing entity” means a State entity that licenses or certifies an emergency service provider.

(b) There is created the Emergency Service Provider Wellness Commission within the Agency of Human Services that, in addition to the purposes listed

below, shall consider the diversity of emergency service providers on the basis of gender, race, age, ethnicity, sexual orientation, gender identity, disability status, and the unique needs that emergency service providers who have experienced trauma may have as a result of their identity status:

(1) to identify where increased or alternative supports or strategic investments within the emergency service provider community, designated or specialized service agencies, or other community service systems could improve the physical and mental health outcomes and overall wellness of emergency service providers;

(2) to identify how Vermont can increase capacity of qualified clinicians in the treatment of emergency service providers to ensure that the services of qualified clinicians are available throughout the State without undue delay;

(3) to create materials and information, in consultation with the Department of Health, including a list of qualified clinicians, for the purpose of populating an electronic emergency service provider wellness resource center on the Department of Health's website;

(4) to educate the public, emergency service providers, State and local governments, employee assistance programs, and policymakers about best practices, tools, personnel, resources, and strategies for the prevention and intervention of the effects of trauma experienced by emergency service providers;

(5) to identify gaps and strengths in Vermont's system of care for both emergency service providers who have experienced trauma and their immediate family members to ensure access to support and resources that address the impacts of primary and secondary trauma;

(6) to recommend how peer support services and qualified clinician services can be delivered regionally or statewide;

(7) to recommend how to support emergency service providers in communities that are resource challenged, remote, small, or rural;

(8) to recommend policies, practices, training, legislation, rules, and services that will increase successful interventions and support for emergency service providers to improve health outcomes, job performance, and personal well-being and reduce health risks, violations of employment, and violence associated with the impact of untreated trauma, including whether to amend Vermont's employment medical leave laws to assist volunteer emergency service providers in recovering from the effects of trauma experienced while on duty; and

(9) to consult with federal, State, and municipal agencies, organizations, entities, and individuals in order to make any other recommendations the Commission deems appropriate.

(c)(1) The Commission shall comprise the following members and, to the extent feasible, include representation among members that reflects the gender, gender identity, racial, age, ethnic, sexual orientation, social, and disability status of emergency service providers in the State:

(A) the Chief of Training of the Vermont Fire Academy or designee;

(B) a representative, appointed by the Vermont Criminal Justice Council;

(C) the Commissioner of Health or designee;

(D) the Commissioner of Public Safety or designee;

(E) the Commissioner of the Department of Corrections or designee;

(F) the Commissioner of Mental Health or designee;

(G) the Commissioner of Human Resources or designee;

(H) a law enforcement officer who is not a chief or sheriff, appointed by the President of the Vermont Police Association;

(I) a representative, appointed by the Vermont Association of Chiefs of Police;

(J) a representative, appointed by the Vermont Sheriffs' Association;

(K) a volunteer firefighter, appointed by the Vermont State Firefighters' Association;

(L) a representative of the designated and specialized service agencies, appointed by Vermont Care Partners;

(M) a representative, appointed by the Vermont State Employees Association;

(N) a representative, appointed by the Vermont Troopers' Association;

(O) a professional firefighter, appointed by the Professional Firefighters of Vermont;

(P) a clinician associated with a peer support program who has experience in treating workplace trauma, appointed by the Department of Mental Health;

(Q) a professional emergency medical technician or paramedic, appointed by the Vermont State Ambulance Association;

(R) a volunteer emergency medical technician or paramedic, appointed by the Vermont State Ambulance Association;

(S) a person who serves or served on a peer support team, appointed by the Department of Mental Health;

(T) a representative, appointed by the Vermont League of Cities and Towns;

(U) a Chief, appointed by the Vermont Career Fire Chiefs Association;

(V) a Chief, appointed by the Vermont Fire Chiefs Association;

(W) a representative, appointed by the Vermont Association for Hospitals and Health Systems; and

(X) the Executive Director of the Enhanced 911 Board or designee.

(2) The term of office of each member shall be three years. Of the members first appointed, ten shall be appointed for a term of one year, ten shall be appointed for a term of two years, and the remainder shall be appointed for a term of three years. Members shall hold office for the term of their appointments and until their successors have been appointed. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointment. Members are eligible for reappointment.

(3) Commission members shall recuse themselves from any discussion of an event or circumstance that the member believes may involve an emergency service provider known by the member and shall not access any information related to it. The Commission may appoint an interim replacement member to fill the category represented by the recused member for review of that interaction.

(d)(1) The Commissioner of Health or designee shall call the first meeting of the Commission to occur on or before September 30, 2021.

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

(3) The Commission shall meet at such times as may reasonably be necessary to carry out its duties but at least once in each calendar quarter.

(4) The Department of Health shall provide technical, legal, and administrative assistance to the Commission.

(e) The Commission's meetings shall be open to the public in accordance with 1 V.S.A. chapter 5, subchapter 2. Notwithstanding 1 V.S.A. § 313, the Commission may go into executive session in the event a circumstance or an event involving a specific emergency service provider is described, regardless of whether the emergency service provider is identified by name.

(f) Commission records describing a circumstance or an event involving a specific emergency service provider, regardless of whether the emergency service provider is identified by name, are exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

(g) To the extent permitted under federal law, the Commission may enter into agreements with agencies, organizations, and individuals to obtain otherwise confidential information.

(h) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its conclusions and recommendations to the Governor and General Assembly as the Commission deems necessary but not less frequently than once per calendar year. The report shall disclose individually identifiable health information only to the extent necessary to convey the Commission's conclusions and recommendations, and any such disclosures shall be limited to information already known to the public. The report shall be available to the public through the Department of Health.

Sec. 2. 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, the report of the Committee on Health Care agreed to, and third reading ordered.

Favorable Report; Second Reading; Third Reading Ordered

H. 445

Rep. Higley of Lowell, 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 Town of Underhill

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.

Senate Proposal of Amendment Concurred in**H. 128**

The Senate proposed to the House to amend House bill, entitled
An act relating to limiting criminal defenses based on victim identity

By striking out 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

In a prosecution or sentencing for any criminal offense, the following shall not be used as a defense to the defendant's criminal conduct, to establish a finding that the defendant suffered from diminished capacity, to justify the defendant's use of force against another, or to otherwise mitigate the severity of the offense:

(1) 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, including under circumstances in which the victim made a nonforcible, noncriminal romantic or sexual advance toward the defendant; or

(2) evidence of the 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.

Proposal of amendment was considered and concurred in.

Message from the Senate No. 49

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 considered a bill originating in the House of the following title:

H. 199. An act relating to validating legal instruments used in connection with the conveyance of real estate.

And has passed the same in concurrence.

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

H. 145. An act relating to amending the standards for law enforcement use of force.

And has passed the same in concurrence with proposal of amendment in the adoption 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. 26. Joint resolution relating to weekend adjournment.

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

The Governor has informed the Senate that on the 26th day of April, 2021, he approved and signed bills originating in the Senate of the following titles:

S. 18. An act relating to limiting earned good time sentence reductions for offenders convicted of certain crimes.

S. 60. An act relating to allowing municipal and cooperative utilities to offer innovative rates and services.

Adjournment

At twelve o'clock and twenty-seven 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.