Journal of the House

Wednesday, June 23, 2021

VETO SESSION

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

Devotional Exercises

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

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Member Appointments Announced

The Speaker announced the following House member appointments:

Pursuant to 2021, Act 51, Sec. 14a, the following members were appointed to the Unemployment Insurance Study Committee:

The member from Coventry, Rep. Marcotte

The member from Brattleboro, Rep. Kornheiser

Pursuant to 2 V.S.A. § 651, the following members were appointed to the Legislative Advisory Committee on the State House:

The member from Springfield, Rep. Emmons

The member from Calais, Rep. Ancel

The member from Pittsford, Rep. Shaw

The member from Hartland, Rep. Bartholomew

Pursuant to 2021, Act 59, Sec. 2, the following members were appointed to the Task Force on the Implementation of the Pupil Weighting Factors Report:

The member from Brattleboro, Rep. Kornheiser

The member from Manchester, Rep. James

The member from Cornwall, Rep. Conlon

The member from St. Johnsbury, Rep. Beck

Pursuant to 2015, Act 60, Sec. 23, as amended by 2018, Act 207, Section 2, the following members were appointed to the Joint Legislative Child Protection Oversight Committee:

1667
The member from South Burlington, Rep. Pugh
The member from Londonderry, Rep. Pajala
The member from Middlesex, Rep. Jessup

Pursuant to 2021, Act 74, Sec. E.126b, the following members were appointed to the Task Force on Affordable, Accessible Health Care:
The member from Hinesburg, Rep. Lippert
The member from Essex, Rep. Houghton
The member from Northfield, Rep. Donahue

Pursuant to 2021, Act 75, Sec. 10, the following members were appointed to the Pension Benefits, Design, and Funding Task Force:
The member from Bradford, Rep. Copeland Hanzas
The member from Wilmington, Rep. Gannon
The member from Rutland City, Rep. Fagan

Action on Bill Postponed
S. 78

Senate bill, entitled
An act relating to binding interest arbitration for employees of the Vermont Judiciary

Was taken up, and pending the reading of the report of the Committee on General, Housing, and Military Affairs, on motion of Rep. Walz of Barre City, action on the bill was postponed until January 5, 2022.

Rules Suspended; Governor's Veto Overridden;
Rules Suspended; Bill Messaged to Senate Forthwith
H. 177

On motion of Rep. McCoy of Poultney, the rules were suspended and House bill, entitled
An act relating to approval of an amendment to the charter of the City of Montpelier

Appearing on the Calendar for Notice, was taken up for immediate consideration.

Pursuant to Chapter 2, Section 11, of the Vermont Constitution, the Clerk proceeded to call the roll. The question, Shall the bill pass, notwithstanding the
Governor's refusal to approve the bill? was decided in the affirmative. Yeas, 103. Nays, 47. (The necessary two-thirds vote having been attained.)

Those who voted in the affirmative are:

Ancel of Calais  Gannon of Wilmington  Ode of Burlington
Anthony of Barre City  Goldman of Rockingham  Pajala of Londonderry
Arrison of Weathersfield  Grad of Moretown  Partridge of Windham
Austin of Colchester  Hooper of Montpelier  Patt of Worcester
Bartholomew of Hartland  Hooper of Randolph  Pearl of Danville
Birong of Vergennes  Hooper of Burlington  Pugh of South Burlington
Black of Essex  Houghton of Essex  Rachelson of Burlington
Bluemle of Burlington  Howard of Rutland City  Redmond of Essex
Bock of Chester  James of Manchester  Rogers of Waterville
Bongartz of Manchester  Jerome of Brandon  Satcowitz of Randolph
Bos-Lun of Westminster  Jessup of Middlesex  Scheu of Middlebury
Brady of Williston  Killacky of South Burlington  Sheldon of Middlebury
Briglin of Thetford  Kibbrell of Woodstock  Sibilia of Dover
Brown of Richmond  Kitzmiller of Montpelier  Sims of Craftsbury
Brownell of Pownal  Kornheiser of Brattleboro  Small of Winooski
Brumsted of Shelburne  Krowinski of Burlington  Squirrel of Underhill
Burke of Brattleboro  LaLonde of South  Stebbins of Burlington
Burrows of West Windsor  Burlington  Stevens of Waterbury
Campbell of St. Johnsbury  Lanpher of Vergennes  Sullivan of Dorset
Chase of Colchester  Lefebvre of Newark  Surprenant of Barnard
Christie of Hartford  Lippert of Hinesburg  Taylor of Colchester
Cina of Burlington  Long of Newfane  Till of Jericho
Coffey of Guilford  Masland of Thetford  Tolen of Brattleboro
Colburn of Burlington  McCarthy of St. Albans City  Townsend of South
Colston of Winooski  McCormack of Burlington  Burlington
Conlon of Cornwall  McCullough of Williston  Troiano of Stannard
Copeland Hansz of  Morris of Springfield  Vyhnovsk of Essex
Bradford  Mrowicki of Putney  Walz of Barre City
Corcoran of Bennington  Mulvaney-Stanak of  Webb of Shelburne
Cordes of Lincoln  Burlington  White of Bethel
Dolan of Essex  Murphy of Fairfax  White of Hartford
Dolan of Waitsfield  Nicoll of Ludlow  Whitman of Bennington
Donnally of Hyde Park  Nigro of Bennington  Wood of Waterbury
Durfee of Shaftsbury  Notte of Rutland City  Yacovone of Morristown
Elder of Starksboro  Noyes of Wolcott  Yantachka of Charlotte
Emmons of Springfield  O'Brien of Tunbridge

Those who voted in the negative are:

Ache 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
Beck of St. Johnsbury  LaClair of Barre Town  Peterson of Clarendon
Brennan of Colchester  Lefebvre of Orange  Rosenquist of Georgia
Burditt of West Rutland  Leffler of Enosburgh  Savage of Swanton
Canfield of Fair Haven  Marcotte of Coventry  Scheuermann of Stowe
Rep. Hooper of Montpelier explained her vote as follows:

“Madam Speaker:

Montpelier is pleased to welcome non citizens and is fortunate that they are active members of our community. They are volunteers on city boards and committees, active in our schools, library and senior center. They are friends and neighbors helping make Montpelier a great place. It is only right that we acknowledge their importance in our community by asking them to vote on local matters. Montpelier welcomes all to be part of our civic life.”

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

Rules Suspended; Governor's Veto Overridden; Rules Suspended; Bill Messaged to Senate Forthwith

H. 227

On motion of Rep. McCoy of Poultney, the rules were suspended and House bill, entitled

An act relating to approval of amendments to the charter of the City of Winooski

Appearing on the Calendar for Notice, was taken up for immediate consideration.

Pursuant to Chapter 2, Section 11, of the Vermont Constitution, the Clerk proceeded to call the roll. The question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? was decided in the affirmative. Yeas, 103. Nays, 47. (The necessary two-thirds vote having been attained.)

Those who voted in the affirmative are:
Ancel of Calais Gannon of Wilmington Ode of Burlington
<table>
<thead>
<tr>
<th>Town 1</th>
<th>Town 2</th>
<th>Town 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anthony of Barre City</td>
<td>Goldman of Rockingham</td>
<td>Pajala of Londonderry</td>
</tr>
<tr>
<td>Arrison of Weathersfield</td>
<td>Grad of Moretown</td>
<td>Partridge of Windham</td>
</tr>
<tr>
<td>Austin of Colchester</td>
<td>Hooper of Montpelier</td>
<td>Patt of Worcester</td>
</tr>
<tr>
<td>Bartholomew of Hartland</td>
<td>Hooper of Randolph</td>
<td>Pearl of Danville</td>
</tr>
<tr>
<td>Biron of Vergennes</td>
<td>Hooper of Burlington</td>
<td>Pugh of South Burlington</td>
</tr>
<tr>
<td>Black of Essex</td>
<td>Houghton of Essex</td>
<td>Rachelson of Burlington</td>
</tr>
<tr>
<td>Bluelme of Burlington</td>
<td>Howard of Rutland City</td>
<td>Redmond of Essex</td>
</tr>
<tr>
<td>Bock of Chester</td>
<td>James of Manchester</td>
<td>Rogers of Waterville</td>
</tr>
<tr>
<td>Bongartz of Manchester</td>
<td>Jerome of Brandon</td>
<td>Satcowitz of Randolph</td>
</tr>
<tr>
<td>Bos-Lun of Westminster</td>
<td>Jessup of Middlesex</td>
<td>Schue of Middlebury</td>
</tr>
<tr>
<td>Brady of Williston</td>
<td>Killacky of South Burlington</td>
<td>Sheldon of Middlebury</td>
</tr>
<tr>
<td>Briglin of Thetford</td>
<td>Kimbell of Woodstock</td>
<td>Sibilia of Dover</td>
</tr>
<tr>
<td>Brown of Richmond</td>
<td>Kitzmiller of Montpelier</td>
<td>Sims of Craftsbury</td>
</tr>
<tr>
<td>Brownell of Pownal</td>
<td>Kornheiser of Brattleboro</td>
<td>Small of Winooski *</td>
</tr>
<tr>
<td>Brumsted of Shelburne</td>
<td>Krowinski of Burlington</td>
<td>Squirrel of Underhill</td>
</tr>
<tr>
<td>Burke of Brattleboro</td>
<td>LaLonde of South</td>
<td>Stebbins of Burlington</td>
</tr>
<tr>
<td>Burrows of West Windsor</td>
<td>Burlington</td>
<td>Stevens of Waterbury</td>
</tr>
<tr>
<td>Campbell of St. Johnsbury</td>
<td>Lanpher of Vergennes</td>
<td>Sullivan of Dorset</td>
</tr>
<tr>
<td>Chase of Colchester</td>
<td>Lefebvre of Newark</td>
<td>Surprenant of Barnard</td>
</tr>
<tr>
<td>Christie of Hartford</td>
<td>Lippert of Hinesburg</td>
<td>Taylor of Colchester</td>
</tr>
<tr>
<td>Cina of Burlington</td>
<td>Long of Newfane</td>
<td>Till of Jericho</td>
</tr>
<tr>
<td>Coffey of Guilford</td>
<td>Masland of Thetford</td>
<td>Toleno of Brattleboro</td>
</tr>
<tr>
<td>Colburn of Burlington</td>
<td>McCarthy of St. Albans City</td>
<td>Townsend of South</td>
</tr>
<tr>
<td>Colston of Winooski</td>
<td>McCormack of Burlington</td>
<td>Burlington</td>
</tr>
<tr>
<td>Conlon of Cornwall</td>
<td>McCullough of Williston</td>
<td>Troiano of Stannard</td>
</tr>
<tr>
<td>Copeland Hanzas of</td>
<td>Morris of Springfield</td>
<td>Vyhovsky of Essex</td>
</tr>
<tr>
<td>Bradford</td>
<td>Mrowicki of Putney</td>
<td>Walz of Barre City</td>
</tr>
<tr>
<td>Corcoran of Bennington</td>
<td>Mulvane-Stanak of</td>
<td>Webb of Shelburne</td>
</tr>
<tr>
<td>Cordes of Lincoln</td>
<td>Burlington</td>
<td>White of Bethel</td>
</tr>
<tr>
<td>Dolan of Essex</td>
<td>Murphy of Fairfax</td>
<td>White of Hartford</td>
</tr>
<tr>
<td>Dolan of Waitsfield</td>
<td>Nicoll of Ludlow</td>
<td>Whitman of Bennington</td>
</tr>
<tr>
<td>Donnally of Hyde Park</td>
<td>Nigro of Bennington</td>
<td>Wood of Waterbury</td>
</tr>
<tr>
<td>Durfee of Shaftsbury</td>
<td>Notte of Rutland City</td>
<td>Ya covone of Morristown</td>
</tr>
<tr>
<td>Elder of Starksboro</td>
<td>Noyes of Wolcott</td>
<td>Yantachka of Charlotte</td>
</tr>
<tr>
<td>Emmons of Springfield</td>
<td>O'Brien of Tunbridge</td>
<td></td>
</tr>
</tbody>
</table>

Those who voted in the negative are:

<table>
<thead>
<tr>
<th>Town 1</th>
<th>Town 2</th>
<th>Town 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acley of Middletown</td>
<td>Harrison of Chittenden</td>
<td>Page of Newport City</td>
</tr>
<tr>
<td>Springs</td>
<td>Helm of Fair Haven</td>
<td>Palasik of Milton</td>
</tr>
<tr>
<td>Batchelor of Derby</td>
<td>Higley of Lowell</td>
<td>Parsons of Newbury</td>
</tr>
<tr>
<td>Beck of St. Johnsbury</td>
<td>LaClair of Barre Town</td>
<td>Peterson of Clarendon</td>
</tr>
<tr>
<td>Brennan of Colchester</td>
<td>Lefebvre of Orange</td>
<td>Rosenquist of Georgia</td>
</tr>
<tr>
<td>Burditt of West Rutland</td>
<td>Leffler of Enosburgh</td>
<td>Savage of Swanton</td>
</tr>
<tr>
<td>Canfield of Fair Haven</td>
<td>Marcotte of Coventry</td>
<td>Scheuermann of Stowe</td>
</tr>
<tr>
<td>Cupoli of Rutland City</td>
<td>Martel of Waterford</td>
<td>Seymour of Sutton</td>
</tr>
<tr>
<td>Dickinson of St. Albans</td>
<td>Martin of Franklin</td>
<td>Shaw of Pittsford</td>
</tr>
<tr>
<td>Town</td>
<td>Mattos of Milton</td>
<td>Smith of Derby</td>
</tr>
<tr>
<td>Donahue of Northfield</td>
<td>McCoy of Poulney</td>
<td>Smith of New Haven</td>
</tr>
<tr>
<td>Fagan of Rutland City</td>
<td>McFaun of Barre Town</td>
<td>Strong of Albany</td>
</tr>
<tr>
<td>Feltus of Lyndon</td>
<td>Morgan, L. of Milton</td>
<td>Terenzini of Rutland Town</td>
</tr>
</tbody>
</table>
Goslant of Northfield
Graham of Williamstown
Gregoire of Fairfield
Hango of Berkshire
Morgan, M. of Milton
Morrisey of Bennington
Norris of Sheldon
Norris of Shoreham
Toof of St. Albans Town
Williams of Granby

Those members absent with leave of the House and not voting are: none

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

“Madam Speaker:

All of Winooski’s residents contribute to our community in a multitude of ways, and together we create the advantageous diversity our community has celebrated for almost 100 years - regardless of citizenship status. This change to our municipal charter will allow any qualified Winooski resident to have a voice in local matters that affect them, their families, and their lives.”

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

**Joint Resolution Read and Adopted on the Part of the House**

**J.R.H. 10**

Joint resolution relating to final adjournment of the General Assembly 2021.

Offered by: Representative Long of Newfane

**Resolved by the Senate and House of Representatives:**

That when the President of the Senate and the Speaker of the House of Representatives adjourn their respective houses on the twenty-third, twenty-fourth, twenty-fifth, or twenty-sixth day of June 2021, they shall do so to reconvene on the nineteenth day of October 2021 at ten o’clock in the forenoon on the joint call of the President *pro tempore* of the Senate and the Speaker of the House, or on the fourth day of January 2022 at ten o’clock in the forenoon, if not so jointly called.

Was taken up, read, and adopted on its part.

**Senate Notified of Completion of House Business**

Upon motion of Rep. McCoy of Poultney, the House directed the Clerk to inform the Senate that the House has completed its business of the veto session and is ready to adjourn pursuant to the provisions of J.R.H. 10.
Adjournment

At eleven o'clock and six minutes in the forenoon, on motion of Rep. Long of Newfane, the House adjourned pursuant to the provisions of J.R.H. 10.

Message from the Senate No. 76

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 considered House proposal of amendment to Senate bill of the following title:

S. 79. An act relating to improving rental housing health and safety.

And has concurred therein.

The Senate has on its part considered the Governor’s veto of a House bill of the following title:

H. 177. An act relating to approval of an amendment to the charter of the City of Montpelier.

And has passed the same, the refusal of the Governor to approve notwithstanding.

The Senate has on its part considered the Governor’s veto of a House bill of the following title:

H. 227. An act relating to approval of amendments to the charter of the City of Winooski.

And has passed the same, the refusal of the Governor to approve notwithstanding.

The Senate has considered joint resolution originating in the House of the following title:


And has adopted the same in concurrence.
Message from the Senate No. 77

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 completed the business of the session and is ready to adjourn, pursuant to the provisions of J.R.H. 10.

Message from the Senate No. 78

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 Governor has informed the Senate that on July 2, 2021, he returned without signature and vetoed a bill originating in the Senate of the following title:

S. 79. An act relating to improving rental housing health and safety.

Text of Communication from Governor

The text of the communication from His Excellency, the Governor, whereby he vetoed and returned unsigned Senate Bill No. S. 79, to the Senate is as follows:

“July 2, 2021

The Honorable John Bloomer, Jr.
Secretary of the Senate
115 State House
Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning S.79, An Act Relating to Improving Rental Housing and Safety, without my signature because I believe this bill would reduce the number of housing options for Vermonters at a time when we are grappling with a critical housing shortage. While we all want safe housing and lodging options for Vermonters and visitors, in my opinion this bill does not accomplish this shared goal.

As you well know, I have repeatedly advocated for improving Vermont’s aging long-term rental housing stock, which is why we used pandemic
emergency housing relief and other funds to initiate innovative housing programs like the Vermont Rental Housing Investment Program and the Vermont Homeownership Revolving Loan Fund. Fortunately, these programs can move forward despite this veto with the dedicated funding included in the Fiscal Year 2022 appropriations bill.

Most agree we suffer from a critical housing shortage for middle income, low income and homeless Vermonters, but the solution is not more regulation. Instead, we need to invest in new and rehabilitated housing in every corner of our state. We need to lower costs to make housing more affordable and we need to ease complicated and duplicative permitting requirements while we have the funding to grow and improve our housing stock. This is what I have proposed since my first year as governor and I will continue to do so.

S.79 targets all rental units in all types of buildings and dwellings with few exceptions. I believe this will discourage everyday Vermonters from offering their homes, rooms or summer cabins for rent, not as a primary business but as a means to supplement their income so they can pay their mortgage as well as their property taxes.

Adding additional restrictions, costs and hoops to jump through will not only reduce the number of long-term rentals, but also short-term lodging options when we have a surge in tourists, including foliage and ski seasons. Tourists and visitors having more lodging options when deciding where to stay makes Vermont more competitive and helps our economy.

I am willing to work with the Legislature to modernize our statewide life safety inspection model and initiate a long-term rental registry if we include the following provisions:

- First, I would support a rental housing registry for only those buildings which exceed two dwelling units available for rental for more than 120 days per year. This will ensure we are differentiating between those renting a unit merely to support household expenses, and more professional landlords operating a rental business.

- Second, the health safety inspection obligations transferred in S.79 to the Division of Fire Safety are an expansion of DFS fire safety inspection obligations to include health inspections. This also expands the responsibility for health code inspections from a local “complaint-based” system to the mandatory statewide inspection authority of DFS. Further, S.79 takes away the existing discretion of DFS to determine if a violation merits shutting a residence down for rental. Under S.79, one uncorrected health or safety violation will make a unit unavailable. There must be a commonsense risk consideration added.
I also believe we need more thorough consideration of timelines, resource needs, regulatory flexibility for DFS, training needs for local health officials and impacts on rental housing resources before transferring total oversight to DFS. The bill currently includes five new positions to carry out much of this work. Truly fulfilling the bill’s mandate would require an even more costly expansion of the bureaucracy in the future, which I could not support. Perhaps Senator Brock’s amendment could be considered a bridge to longer-term modernization.

- Third, I ask the Legislature to continue to support the Vermont Rental Housing Investment Program and the Vermont Homeownership Revolving Loan Fund, which, again, will move forward with funding from the FY22 budget.

- Finally, I also believe we must work together on Act 250 reforms and permitting, especially in light of our unprecedented housing investments. My Administration will make themselves available at any time over the summer and fall to discuss potential paths forward.

Based on the objections outlined above, I am returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

Sincerely,

/s/Philip B. Scott
Governor

PBS/kp”