Journal of the House

Friday, January 14, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Grad of Moretown.

Memorial Service

The Speaker placed before the House the following names of members of past sessions of the Vermont General Assembly who had passed away recently:

Carl Powden of Johnson Member of the House,

Sessions 1989-1994

Willem Jewett of Ripton Member of the House,

Sessions of 2003-2016

Thereupon, the members of the House held a moment of silence in memory of the deceased members.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. McCoy of Poultney**, the rules were suspended and the bills were read the first time by number and referred to committee as follows:

H. 629

By Reps. Webb of Shelburne, Brumsted of Shelburne, Grad of Moretown, and Townsend of South Burlington,

House bill, entitled

An act relating to access to adoption records

To the Committee on Judiciary.

H. 630

By Reps. Colburn of Burlington, Kornheiser of Brattleboro, Bluemle of Burlington, Cina of Burlington, Donnally of Hyde Park, Killacky of South Burlington, Mulvaney-Stanak of Burlington, Notte of Rutland City, Rachelson

of Burlington, Small of Winooski, Surprenant of Barnard, Vyhovsky of Essex, and White of Hartford,

House bill, entitled

An act relating to voluntary engagement in sex work

To the Committee on Judiciary.

H. 631

By Reps. Ode of Burlington, Bluemle of Burlington, Burke of Brattleboro, Coffey of Guilford, Bongartz of Manchester, Noyes of Wolcott, and Satcowitz of Randolph,

House bill, entitled

An act relating to raising the age of eligibility to marry

To the Committee on Judiciary.

H. 632

By Rep. Seymour of Sutton,

House bill, entitled

An act relating to exempting all Social Security benefits for all Vermonters To the Committee on Ways and Means.

H. 633

By Reps. Dolan of Waitsfield and Satcowitz of Randolph,

House bill, entitled

An act relating to erosion control certification for excavation contractors

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

H. 634

By Rep. Till of Jericho,

House bill, entitled

An act relating to pregnancy center fraud

To the Committee on Human Services.

H. 635

By Reps. Colston of Winooski, Mrowicki of Putney, Anthony of Barre City, Bluemle of Burlington, Christie of Hartford, Cina of Burlington, Copeland Hanzas of Bradford, Donnally of Hyde Park, Lippert of Hinesburg,

McCormack of Burlington, Patt of Worcester, Stebbins of Burlington, Troiano of Stannard, and Vyhovsky of Essex,

House bill, entitled

An act relating to secondary enforcement of minor traffic offenses

To the Committee on Judiciary.

H. 636

By Reps. Page of Newport City, Anthony of Barre City, Chase of Colchester, Cupoli of Rutland City, Goldman of Rockingham, Hango of Berkshire, Harrison of Chittenden, Houghton of Essex, Labor of Morgan, Morgan, L. of Milton, Morgan, M. of Milton, Mrowicki of Putney, Nicoll of Ludlow, Peterson of Clarendon, Rosenquist of Georgia, Seymour of Sutton, and Yantachka of Charlotte,

House bill, entitled

An act relating to establishing the Vermont Imagination Library

To the Committee on Education.

H. 637

By Reps. Noyes of Wolcott, Donahue of Northfield, and Goldman of Rockingham,

House bill, entitled

An act relating to increasing income eligibility thresholds for the Medicare Savings Programs

To the Committee on Human Services.

H. 638

By Reps. Page of Newport City, Anthony of Barre City, Bongartz of Manchester, Chase of Colchester, Hango of Berkshire, Harrison of Chittenden, Houghton of Essex, Labor of Morgan, Morgan, L. of Milton, Morgan, M. of Milton, Nicoll of Ludlow, Rosenquist of Georgia, Seymour of Sutton, and Smith of Derby,

House bill, entitled

An act relating to a direct-to-consumer spirits shipping license

To the Committee on General, Housing, and Military Affairs.

H. 639

By Reps. Noyes of Wolcott and Wood of Waterbury,

House bill, entitled

An act relating to payment reform for adult day service providers

To the Committee on Human Services.

H. 640

By Reps. Cina of Burlington, Burrows of West Windsor, Christie of Hartford, Colburn of Burlington, Troiano of Stannard, and Vyhovsky of Essex,

House bill, entitled

An act relating to creating tenant rights to purchase an apartment building

To the Committee on General, Housing, and Military Affairs.

H. 641

By Reps. Notte of Rutland City, Mulvaney-Stanak of Burlington, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Burrows of West Windsor, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Colburn of Burlington, Colston of Winooski, Cordes of Lincoln, Dolan of Waitsfield, Elder of Starksboro, Jerome of Brandon, Killacky of South Burlington, Masland of Thetford, Morris of Springfield, Mrowicki of Putney, Nicoll of Ludlow, Small of Winooski, Surprenant of Barnard, Troiano of Stannard, Vyhovsky of Essex, White of Hartford, Wood of Waterbury, and Yantachka of Charlotte,

House bill, entitled

An act relating to public schools' or public postsecondary schools' mascots, nicknames, logos, letterhead, and team names

To the Committee on Education.

H. 642

By Reps. Smith of New Haven, Elder of Starksboro, Norris of Sheldon, and Parsons of Newbury,

House bill, entitled

An act relating to utility-terrain vehicles

To the Committee on Transportation.

H. 643

By Reps. Bluemle of Burlington, Stebbins of Burlington, Anthony of Barre City, Colburn of Burlington, Mulvaney-Stanak of Burlington, and Rachelson of Burlington,

House bill, entitled

An act relating to the governance of the Vermont State Colleges and the University of Vermont

To the Committee on Education.

H. 644

By Reps. Nicoll of Ludlow, Colburn of Burlington, Anthony of Barre City, Bartholomew of Hartland, Bluemle of Burlington, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Chase of Colchester, Christie of Hartford, Cina of Burlington, Colston of Winooski, Conlon of Cornwall, Cordes of Lincoln, Dolan of Essex, Donnally of Hyde Park, Elder of Starksboro, Hooper of Randolph, Hooper of Burlington, Houghton of Essex, Kitzmiller of Montpelier, Kornheiser of Brattleboro, McCormack of Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Patt of Worcester, Rachelson of Burlington, Satcowitz of Randolph, Scheu of Middlebury, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Surprenant of Barnard, Till of Jericho, Toleno of Brattleboro, Troiano of Stannard, Vyhovsky of Essex, White of Bethel, White of Hartford, and Yacovone of Morristown,

House bill, entitled

An act relating to decriminalization of a personal use supply of a regulated drug

To the Committee on Judiciary.

H. 645

By Reps. Cina of Burlington, Brumsted of Shelburne, Colburn of Burlington, Cordes of Lincoln, Dolan of Waitsfield, Elder of Starksboro, Houghton of Essex, Masland of Thetford, McCullough of Williston, Notte of Rutland City, Ode of Burlington, Rachelson of Burlington, Sims of Craftsbury, Small of Winooski, Surprenant of Barnard, Toleno of Brattleboro, and Vyhovsky of Essex,

House bill, entitled

An act relating to the creation of a scholarship program and pilot project for the preservation of the Abenaki language

To the Committee on Education.

H. 646

By Reps. Stebbins of Burlington, Anthony of Barre City, Burke of Brattleboro, Cordes of Lincoln, Elder of Starksboro, McCullough of Williston,

Mrowicki of Putney, Patt of Worcester, and Yantachka of Charlotte,

House bill, entitled

An act relating to joining the Transportation and Climate Initiative

To the Committee on Transportation.

H. 647

By Reps. Stebbins of Burlington, Anthony of Barre City, Burke of Brattleboro, Cordes of Lincoln, Elder of Starksboro, McCullough of Williston, Mrowicki of Putney, Patt of Worcester, and Yantachka of Charlotte,

House bill, entitled

An act relating to funds collected from cap-and-invest programs

To the Committee on Transportation.

H. 648

By Rep. Burditt of West Rutland,

House bill, entitled

An act relating to funding for the Vermont Internet Crimes Against Children (VT-ICAC) Task Force

To the Committee on Judiciary.

H. 649

By Reps. Noyes of Wolcott, Surprenant of Barnard, Colburn of Burlington, Mulvaney-Stanak of Burlington, Pearl of Danville, Small of Winooski, and Vyhovsky of Essex,

House bill, entitled

An act relating to motor vehicle inspections

To the Committee on Transportation.

H. 650

By Reps. McCullough of Williston, Stebbins of Burlington, and Rachelson of Burlington,

House bill, entitled

An act relating to prohibiting perfluoroalkyl and polyfluoroalkyl substances in products to be sold in Vermont and the use and import of wastes containing microplastics

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

H. 651

By Reps. Christie of Hartford, Cina of Burlington, Vyhovsky of Essex, Bos-Lun of Westminster, Burke of Brattleboro, Burrows of West Windsor, Colburn of Burlington, Dolan of Essex, Houghton of Essex, Small of Winooski, and Surprenant of Barnard,

House bill, entitled

An act relating to environmental justice in Vermont

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

H. 652

By Rep. Pugh of South Burlington,

House bill, entitled

An act relating to physician assistant licensure by endorsement

To the Committee on Health Care.

H. 653

By Rep. Lefebvre of Newark,

House bill, entitled

An act relating to the creation of an ecological management qualification for the Use Value Appraisal program

To the Committee on Agriculture and Forestry.

Committee Bills Introduced

H. 654

By the Committee on Health Care,

House bill, entitled

An act relating to extending COVID-19 health care regulatory flexibility

Was read, and pursuant to Rule 48, placed on the Calendar for Notice.

H. 655

By the Committee on Health Care,

House bill, entitled

An act relating to establishing a telehealth licensure and registration system

Was read, and pursuant to Rule 48, placed on the Calendar for Notice.

Bill Referred to Committee on Appropriations

H. 410

House bill, entitled

An act relating to the creation of the Artificial Intelligence Commission

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

Joint Resolution Referred to Committee

J.R.H. 11

Joint resolution urging Congress and the states to adopt a U.S. constitutional amendment establishing nine as the number of U.S. Supreme Court justices

Offered by: Representative Lefebvre of Orange

Whereas, Art. III, § 1 of the United States Constitution established that "the judicial power of the United States shall be vested in one Supreme Court," but the number of U.S. Supreme Court justices was not specified, and

Whereas, in the Judiciary Act of 1789, the U.S. Congress first set the number of U.S. Supreme Court justices, and since 1869, the number of justices has been nine, and

Whereas, in 1937, President Franklin Roosevelt proposed that Congress provide for the appointment of a maximum of six additional U.S. Supreme Court justices, one for each current justice who was at least 70 years and six months old and had served for a minimum of 10 years, and

Whereas, this legislation, which some persons viewed as President Roosevelt attempting to pack the U.S. Supreme Court with justices who would make favorable rulings, failed to garner broad public support or even receive a congressional vote, and

Whereas, on April 9, 2021, President Biden issued Executive Order 14023, establishing the Presidential Commission on the Supreme Court of the United States, and one of the Commission's charges was to examine the size of the Court's membership, and

Whereas, in its draft report, this ideologically diverse Commission acknowledged Congress's "broad power" to change the size of the Court, but commented that expanding the Court would be likely to threaten the Supreme Court's legitimacy, and further opined "there are significant reasons to be skeptical that expansion would serve democratic values," and

Whereas, in furtherance of retaining the current size of the U.S. Supreme Court, a bipartisan coalition of over 1,000 elected officials nationwide has urged the adoption of a U.S. constitutional amendment establishing the number of U.S. Supreme Court justices at nine, and

Whereas, members of Congress in both chambers have introduced resolutions to initiate this constitutional amendment process, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress and the states to adopt a U.S. constitutional amendment establishing nine as the number of U.S. Supreme Court justices, and be it further

<u>Resolved</u>: That the Secretary of State be directed to send a copy of this resolution to the Keep Nine organization and the Vermont Congressional Delegation.

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

House Resolution Read

H.R. 14

House resolution, entitled

House resolution authorizing specified, time-limited remote operation of the House of Representatives and House committees

Offered by: Committee on Rules

Whereas, the ongoing COVID-19 pandemic, and in particular the anticipated impact of the highly-transmissible COVID-19 Omicron variant, poses a risk to the health and safety of House members, legislative staff, and members of the public, and the height of this risk is expected to last through the next two weeks, and

Whereas, the House Committee on Rules needs the flexibility to meet remotely as necessary in order to respond to the impacts of the COVID-19 pandemic, *now therefore be it*

Resolved by the House of Representatives:

That the House of Representatives shall continue to operate remotely, and be it further

<u>Resolved</u>: That the House of Representatives authorizes a member of a House committee to debate and vote remotely in their committee if the member confirms with the member's committee chair that the member must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances, *and be it further*

<u>Resolved</u>: That the Committee on Rules is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the House and its committees, *and be it further*

<u>Resolved</u>: That the remote authority set forth in this resolution shall remain in effect through Tuesday, February 1, 2022.

Was read.

Recess

At ten o'clock and fifty-two minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven and thirty-seven minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed; Amendment Disagreed To; Resolution Adopted H.R. 14

Consideration resumed on House resolution, entitled

House resolution authorizing specified, time-limited remote operation of the House of Representatives and House committees

Pending the question, Shall the House adopt the resolution?, **Rep.** McCullough of Williston moved to amend the resolution as follows:

<u>First</u>: By striking out the second Whereas clause.

<u>Second</u>: By striking out all of the Resolved clauses and inserting in lieu thereof the following:

Resolved by the House of Representatives:

That the House of Representatives and its committees shall continue to operate remotely through Tuesday, February 1, 2022.

Pending the question, Shall the resolution be amended as offered by Rep. McCullough of Williston?, **Rep. McCullough of Williston** 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 resolution be

amended as offered by Rep. McCullough of Williston?, was decided in the negative. Yeas, 30. Nays, 112.

Those who voted in the affirmative are:

Anthony of Barre City Arrison of Weathersfield Bock of Chester Brady of Williston Brownell of Pownal Cina of Burlington Colburn of Burlington Howard of Rutland City Lefebvre of Newark Masland of Thetford McCullough of Williston McFaun of Barre Town Morris of Springfield Morrissey of Bennington Mulvaney-Stanak of Burlington O'Brien of Tunbridge Page of Newport City Rachelson of Burlington * Seymour of Sutton Sims of Craftsbury Sullivan of Dorset Surprenant of Barnard
Taylor of Colchester
Terenzini of Rutland Town
Till of Jericho
Vyhovsky of Essex
Walz of Barre City
White of Bethel
Yacovone of Morristown
Yantachka of Charlotte

Those who voted in the negative are:

Achey of Middletown **Springs** Ancel of Calais Austin of Colchester Bartholomew of Hartland Beck of St. Johnsbury Birong of Vergennes Black of Essex Bluemle of Burlington Bongartz of Manchester Bos-Lun of Westminster Brennan of Colchester Briglin of Thetford Brown of Richmond Burditt of West Rutland Burke of Brattleboro **Burrows of West Windsor** Campbell of St. Johnsbury Canfield of Fair Haven Chase of Colchester Christie of Hartford Coffey of Guilford Colston of Winooski Conlon of Cornwall Copeland Hanzas of Bradford Corcoran of Bennington Cordes of Lincoln Cupoli of Rutland City Dolan of Essex Dolan of Waitsfield Donahue of Northfield

Goldman of Rockingham Goslant of Northfield Grad of Moretown Graham of Williamstown Gregoire of Fairfield Hango of Berkshire Harrison of Chittenden Helm of Fair Haven Hooper of Montpelier Hooper of Randolph Hooper of Burlington Houghton of Essex James of Manchester Jerome of Brandon Jessup of Middlesex Killacky of South Burlington Kimbell of Woodstock Kornheiser of Brattleboro Labor of Morgan LaClair of Barre Town LaLonde of South Burlington Lanpher of Vergennes Lefebvre of Orange Leffler of Enosburgh Lippert of Hinesburg Long of Newfane Marcotte of Coventry Martel of Waterford Martin of Franklin Mattos of Milton

McCarthy of St. Albans City

Nigro of Bennington Norris of Sheldon Norris of Shoreham Notte of Rutland City Noyes of Wolcott Ode of Burlington Pajala of Londonderry Palasik of Milton Parsons of Newbury Partridge of Windham Patt of Worcester Pearl of Danville Peterson of Clarendon Pugh of South Burlington Rogers of Waterville Satcowitz of Randolph Scheu of Middlebury Scheuermann of Stowe Shaw of Pittsford Sheldon of Middlebury Sibilia of Dover Small of Winooski Smith of Derby Smith of New Haven Squirrell of Underhill Stebbins of Burlington Stevens of Waterbury Strong of Albany Toleno of Brattleboro Toof of St. Albans Town Townsend of South Burlington

Donnally of Hyde Park Troiano of Stannard McCormack of Burlington Durfee of Shaftsbury McCoy of Poultney Webb of Shelburne Elder of Starksboro White of Hartford Morgan, L. of Milton **Emmons of Springfield** Morgan, M. of Milton Whitman of Bennington Fagan of Rutland City Mrowicki of Putney Williams of Granby Feltus of Lyndon Murphy of Fairfax Wood of Waterbury Nicoll of Ludlow Gannon of Wilmington

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

Brumsted of Shelburne Town Kitzmiller of Montpelier Dickinson of St. Albans Higley of Lowell Rosenquist of Georgia

Rep. Rachelson of Burlington explained her vote as follows:

"Madam Speaker:

With all due respect and gratitude to you and the members of the House Rules Committee for your well thought out proposal. Having people make their own decision about coming in if they are "comfortable" doesn't unfortunately do anything to stop the spread of COVID. Comfortable and noncontagious do not go hand in hand. I cannot in good conscience, add one more burden to our health care system and our health care workers. The system is short staffed, and workers are exhausted from saving lives and treating people from everything they normally do, to treating COVID patients. I will continue to advocate for a statewide mask mandate, and other measures so that Vermont workers do not have to choose between their safety and their paycheck."

Thereupon, the resolution was adopted.

Bills Recommitted

H. 654

House bill, entitled

An act relating to extending COVID-19 health care regulatory flexibility

Pending appearance on the Notice Calendar, **Rep. Lippert of Hinesburg** moved to recommit the bill to the Committee on Health Care, which was agreed to.

H. 655

House bill, entitled

An act relating to establishing a telehealth licensure and registration system

Pending appearance on the Notice Calendar, **Rep. Lippert of Hinesburg** moved to recommit the bill to the Committee on Health Care, which was agreed to.

Action on Bill Postponed

H. 157

House bill, entitled

An act relating to registration of construction contractors

Was taken up, and pending consideration of the Senate proposal of amendment, on motion of **Rep. Troiano of Stannard**, action on the bill was postponed until January 18, 2022.

Recess

At twelve o'clock and forty-eight minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At one o'clock and twenty-three minutes in the afternoon, the Speaker called the House to order.

Committee Bill; Second Reading; Amendments Offered; Amendment Disagreed To; Bill Amended; Third Reading Ordered

H. 589

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

House bill, entitled

An act relating to reapportioning the initial districts of the House of Representatives

Having appeared on the Notice Calendar, was taken up, and read the second time.

Pending the question, Shall the bill be read a third time? **Rep. Toof of St. Albans Town and Rep. Scheuermann of Stowe** moved that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE FINDINGS

The General Assembly finds that:

(1) Pursuant to 17 V.S.A. § 1903, the State uses the U.S. decennial census data to reapportion the House of Representatives and the Senate.

- (2) On October 15, 2021, the Legislative Apportionment Board voted 4-3-0 to approve an all single-member district map for distribution to cities, towns, and boards of civil authority as the Board's tentative House proposal prepared pursuant to 17 V.S.A. § 1905 and 2021 Acts and Resolves No. 11.
- (3) On November 23, 2021, the Legislative Apportionment Board voted 4-3-0 to submit a revised all single-member district map to the General Assembly as the Board's recommended reapportionment map.
- (4) On November 30, 2021, the Legislative Apportionment Board submitted the revised all single-member district map to the Clerk of the House as the Board's proposed plan for reapportionment of the House of Representatives pursuant to 17 V.S.A. § 1906.

Sec. 2. REAPPORTIONMENT; INITIAL HOUSE DISTRICTS

Notwithstanding any provision of law to the contrary, the General Assembly shall propose the all single-member districts reapportionment proposal submitted by the Legislative Apportionment Board to the Clerk of the House on November 30, 2021, to cities, towns, and boards of civil authority for purposes of taking testimony and requesting feedback on the reapportionment of the House of Representatives prior to the enactment of final districts.

Sec. 3. REAPPORTIONMENT; TIMELINE

Notwithstanding 2021 Acts and Resolves No. 11 or any other provision of law to the contrary, cities, towns, and boards of civil authority shall submit any proposals regarding the reapportionment of the House of Representatives to the House Committee on Government Operations on or before February 15, 2022.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Which was disagreed to on a vote by division: Yeas, 32, Nays, 90.

Thereafter, **Rep. Gannon of Wilmington** moved to amend the bill as follows:

<u>First</u>: In Sec. 2, reapportionment; initial House districts plan, following the section header, by inserting:

"(a) Notwithstanding any provision of law to the contrary, the House Committee on Government Operations shall send the multi-member districts reapportionment proposal submitted by the Legislative Apportionment Board to the Clerk of the House on January 6, 2022, and the all single-member

districts reapportionment proposal submitted by the Legislative Apportionment Board to the Clerk of the House on November 30, 2021, to cities, towns, and boards of civil authority for purposes of taking testimony and requesting feedback on the reapportionment of the House of Representatives prior to the enactment of final districts.

(b)"

<u>Second</u>: In Sec. 2, reapportionment; initial House districts plan, following "<u>subdivision of districts under 17 V.S.A. §§ 1906b–1906c:</u>" by inserting

"District

Towns and Cities

Representatives"

<u>Third</u>: In Sec. 2, reapportionment; initial House districts plan, following "<u>FRANKLIN-4</u>" by striking out "<u>Fairfield</u>" and inserting in lieu thereof "Franklin"

<u>Fourth</u>: In Sec. 2, reapportionment; initial House districts plan, following "<u>FRANKLIN-5</u> <u>Bakersfield</u>, <u>Berkshire</u>, <u>Enosburgh</u>," by striking out "Franklin,"

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

Adjournment

At two o'clock and nine minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, January 18, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 35.

Communication from the Governor

"January 11, 2022

The Honorable Jill Krowinski Speaker of the House 115 State Street, Drawer 33 Montpelier, VT 05633-5301

Dear Speaker Krowinski:

I have the great honor to inform you that I have appointed Golrang (Rey) Garofano of Essex, Vermont to serve in the General Assembly representing House District Chittenden-8-1.

Sincerely, /s/Philip B. Scott Governor

PBS/tb

CC: James Condos, Secretary of State BetsyAnn Wrask, Clerk of the House"