

Journal of the House

Tuesday, February 8, 2022

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

Devotional Exercises

A moment of silence was observed in lieu of a devotion.

Pledge of Allegiance

Page Mia Dolan of Barre led the House in the Pledge of Allegiance.

Message from the Senate No. 19

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 on its part passed Senate bill of the following title:

S. 113. An act relating to establishing a cause of action for medical monitoring expenses.

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

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

S. 30. An act relating to prohibiting possession of firearms within hospital buildings.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

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

H.C.R. 96. House concurrent resolution recognizing July 2022 as Park and Recreation Month in Vermont and designating July 15, 2022, as Vermont Park and Recreation Professionals Day in Vermont..

H.C.R. 97. House concurrent resolution congratulating Alicia Dana on winning the Women's Road Race H1-4 cycling bronze medal at the 2020 Paralympics in Tokyo.

House Bill Introduced**H. 706**

By Reps. Mulvaney-Stanak of Burlington, Cina of Burlington, Colburn of Burlington, Donnally of Hyde Park, Lippert of Hinesburg, Small of Winooski, Surprenant of Barnard, and Vyhovsky of Essex,

House bill, entitled

An act relating to inclusive data collection policies for insurers and health care providers

Was read the first time and referred to the Committee on Commerce and Economic Development.

Senate Bill Referred**S. 113**

Senate bill, entitled

An act relating to establishing a cause of action for medical monitoring expenses

Was read the first time and referred to the Committee on Judiciary.

Bill Referred to Committee on Ways and Means**H. 655**

House bill, entitled

An act relating to establishing a telehealth licensure and registration system

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State or materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

**Proposed Amendment to the Constitution of the State of Vermont
Adopted in Concurrence****Proposal 5**

Rep. Pugh of South Burlington, for the Committee on Human Services, to which had been referred Proposal 5, which is printed in full below, reported in favor of its adoption in concurrence.

Proposal 5, having appeared on the Calendar for five legislative days pursuant to House Rule 51a, was taken up.

PROPOSED AMENDMENT TO THE CONSTITUTION
OF THE STATE OF VERMONT

Subject: Declaration of rights; right to personal reproductive liberty

PROPOSAL 5

Sec. 1. PURPOSE

(a) This proposal would amend the Constitution of the State of Vermont to ensure that every Vermonter is afforded personal reproductive liberty. The Constitution is our founding legal document stating the overarching values of our society. This amendment is in keeping with the values espoused by the current Vermont Constitution. Chapter I, Article 1 declares “That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights.” Chapter I, Article 7 states “That government is, or ought to be, instituted for the common benefit, protection, and security of the people.” The core value reflected in Article 7 is that all people should be afforded all the benefits and protections bestowed by the government, and that the government should not confer special advantages upon the privileged. This amendment would reassert the principles of equality and personal liberty reflected in Articles 1 and 7 and ensure that government does not create or perpetuate the legal, social, or economic inferiority of any class of people. This proposed constitutional amendment is not intended to limit the scope of rights and protections afforded by Article 7 or any other provision in the Vermont Constitution.

(b) The right to reproductive liberty is central to the exercise of personal autonomy and involves decisions people should be able to make free from compulsion of the State. Enshrining this right in the Constitution is critical to ensuring equal protection and treatment under the law and upholding the right of all people to health, dignity, independence, and freedom.

Sec. 2. Article 22 of Chapter I of the Vermont Constitution is added to read:

Article 22. [Personal reproductive liberty]

That an individual’s right to personal reproductive autonomy is central to the liberty and dignity to determine one’s own life course and shall not be denied or infringed unless justified by a compelling State interest achieved by the least restrictive means.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in

accordance with the provisions of 17 V.S.A. chapter 32.

Pending the question, Shall the House adopt the Constitutional proposal in concurrence, **Rep. Pugh of South 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 House adopt the Constitutional proposal in concurrence?, was decided in the affirmative. Yeas, 107. Nays, 41.

Those who voted in the affirmative are:

Ancel of Calais	Garofano of Essex	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
Beck of St. Johnsbury	Hooper of Burlington	Pugh of South Burlington
Birong of Vergennes	Houghton of Essex	Rachelson of Burlington
Black of Essex	Howard of Rutland City	Rogers of Waterville
Bluemle of Burlington	James of Manchester	Satcowitz of Randolph
Bock of Chester	Jerome of Brandon	Scheu of Middlebury
Bongartz of Manchester	Jessup of Middlesex	Scheuermann of Stowe
Bos-Lun of Westminster	Killacky of South Burlington	Sheldon of Middlebury
Brady of Williston	Kimbell of Woodstock	Sibilia of Dover
Briglin of Thetford	Kitzmiller of Montpelier	Sims of Craftsbury
Brown of Richmond	Kornheiser of Brattleboro	Small of Winooski
Brownell of Pownal	LaLonde of South	Squirrell of Underhill
Brumsted of Shelburne	Burlington	Stebbins of Burlington
Burke of Brattleboro	Lanpher of Vergennes	Stevens of Waterbury
Burrows of West Windsor	Lefebvre of Newark	Sullivan of Dorset
Campbell of St. Johnsbury	Leffler of Enosburgh	Surprenant of Barnard
Chase of Colchester	Lippert of Hinesburg	Taylor of Colchester
Christie of Hartford	Long of Newfane *	Till of Jericho
Cina of Burlington	Martin of Franklin	Toleno of Brattleboro
Coffey of Guilford	Masland of Thetford	Townsend of South
Colburn of Burlington	McCarthy of St. Albans City	Burlington
Colston of Winooski	McCormack of Burlington	Troiano of Stannard
Conlon of Cornwall	McCullough of Williston	Vyhovsky of Essex
Copeland Hanzas of	Morris of Springfield	Walker of Swanton
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	Norris of Shoreham	Yacovone of Morristown
Elder of Starksboro	Notte of Rutland City	
Emmons of Springfield	Noyes of Wolcott	
Gannon of Wilmington	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown Springs	Harrison of Chittenden *	Page of Newport City
Brennan of Colchester	Helm of Fair Haven	Palasik of Milton
Burditt of West Rutland	Higley of Lowell	Parsons of Newbury
Canfield of Fair Haven	Labor of Morgan	Peterson of Clarendon
Cupoli of Rutland City	LaClair of Barre Town	Rosenquist of Georgia
Dickinson of St. Albans Town	Lefebvre of Orange	Shaw of Pittsford
Donahue of Northfield	Marcotte of Coventry	Smith of Derby
Fagan of Rutland City	Martel of Waterford	Smith of New Haven
Feltus of Lyndon	Mattos of Milton	Strong of Albany
Goslant of Northfield	McCoy of Poultney	Terenzini of Rutland Town
Graham of Williamstown	McFaun of Barre Town	Toof of St. Albans Town
Gregoire of Fairfield	Morgan, L. of Milton	Williams of Granby
Hango of Berkshire	Morgan, M. of Milton	Yantachka of Charlotte
	Morrissey of Bennington	
	Norris of Sheldon	

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

Seymour of Sutton

Rep. Harrison of Chittenden explained his vote as follows:

“Madam Speaker:

The Vermont Constitution belongs to all Vermonters, and I would normally default to vote for the opportunity for everyone to make a decision on this amendment as I did in the last biennium. However, as we know, the constitution amendment process puts this body in an important gatekeeper role with passage in two successive bienniums. As I listened to the discussion and explanations today, there are perhaps more questions than answers on what this amendment means so I feel compelled to vote no.”

Rep. Long of Newfane explained her vote as follows:

“Madam Speaker:

Vermonters have valued the right to have access to personal reproductive freedom for nearly half a century. Today, we have taken a fundamental step in ensure that reproductive liberty will be a guaranteed right for future generations. I voted in support of Proposition 5 to give Vermont voters a voice in preserving that right in our Constitution, for Vermonters today and for all who come after us.”

Recess

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

Message from the Senate No. 20

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 on its part passed Senate bill of the following title:

S. 184. An act relating to defense of others and justifiable homicide.

In the passage 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. 41. Joint resolution relating to weekend adjournment.

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

House Called to Order

At twelve o'clock and fifty-four minutes in the afternoon, the Speaker called the House to order.

**Second Reading; Motion to Commit Disagreed to; Bill Amended;
Third Reading Ordered****H. 510**

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, to which had been referred House bill, entitled

An act relating to creating a Vermont child tax credit

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

* * * Child Tax Credit * * *

Sec. 1. 32 V.S.A. § 5830f is added to read:

§ 5830f. VERMONT CHILD TAX CREDIT

(a) A resident individual or part-year resident individual who is entitled to a child tax credit under the laws of the United States shall be entitled to a refundable credit against the tax imposed by section 5822 of this title for the taxable year. The total credit per taxable year shall be in the amount of \$1,200.00 per qualifying child, as defined under 26 U.S.C. § 152(c), who is six years of age or younger as of the close of the calendar year in which the taxable year of the taxpayer begins. For a part-year resident individual, the amount of the credit shall be multiplied by the percentage that the individual's

income that is earned or received during the period of the individual's residency in this State bears to the individual's total income.

(b) Notwithstanding subsection (a) of this section, the amount of the credit under this section shall be reduced, but not below zero, by \$50.00 for each \$1,000.00, or fraction thereof, by which the individual's adjusted gross income exceeds \$200,000.00, irrespective of the individual's filing status. For purposes of this subsection, spouses filing jointly shall be considered an individual.

(c) Notwithstanding any provision of law to the contrary, the refundable credit and its payment authorized under this section shall be treated in the same manner as the federal Earned Income Tax Credit and shall not be considered as assets, income, or resources to the same extent the credit and its payment would be disregarded pursuant to 26 U.S.C. § 6409 and the general welfare doctrine for purposes of determining eligibility for benefits or assistance, or the amount or extent of those benefits or assistance, under any State or local program, including programs established under 33 V.S.A. § 3512 and chapters 11, 17, 21, 25, and 26, for a period of 12 months from receipt. This subsection shall only apply to the extent that it does not conflict with federal law relating to the benefit or assistance program and that any required federal approval or waiver is first obtained for that program.

Sec. 2. 32 V.S.A. § 5830f(d) is added to read:

(d) The Commissioner shall determine and pay 50 percent of the credit allowed to each individual under this section on or before September 1 of the taxable year, unless the individual elects not to receive the payment. The remaining credit allowed to each individual under this section shall be determined at the time of filing a Vermont personal income tax return for the taxable year pursuant to section 5861 of this title.

Sec. 3. 32 V.S.A. § 5813(y) is added to read:

(y) The statutory purpose of the Vermont child tax credit in section 5830f of this title is to provide financial support to families with young children.

Sec. 4. REPORT ON MONTHLY CHILD TAX CREDIT PAYMENTS

On or before January 15, 2023, the Commissioner of Taxes, in consultation with the Commissioner for Children and Families, shall report to the House Committees on Human Services and on Ways and Means and the Senate Committees on Finance and on Health and Welfare recommendations and considerations for making advance monthly payments of the child tax credit under 32 V.S.A. § 5830f, including:

(1) options for administering advance monthly payments during the taxable year;

(2) structuring the advance monthly payments or requesting preliminary approvals or waivers from federal benefit and assistance programs in a manner that will exclude the advance monthly payments from income, assets, or resources used in making benefit and assistance determinations; and

(3) any proposed legislative action.

* * * Social Security Income Exclusion * * *

Sec. 5. 32 V.S.A. § 5830e is amended to read:

§ 5830e. SOCIAL SECURITY INCOME

The portion of federally taxable Social Security benefits excluded from taxable income under subdivision 5811(21)(B)(iv) of this chapter shall be as follows:

(1) For taxpayers whose filing status is single, married filing separately, head of household, or ~~qualifying widow or widower~~ surviving spouse:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to ~~\$45,000.00~~ \$50,000.00, all federally taxable benefits received under the federal Social Security Act shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than ~~\$45,000.00~~ \$50,000.00 but less than ~~\$55,000.00~~ \$60,000.00, the percentage of federally taxable benefits received under the Social Security Act to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over ~~\$45,000.00~~ \$50,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from ~~\$55,000.00~~ \$60,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the federally taxable benefits received under the Social Security Act.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than ~~\$55,000.00~~ \$60,000.00, no amount of the federally taxable benefits received under the Social Security Act shall be excluded under this section.

(2) For taxpayers whose filing status is married filing jointly:

(A) If the federal adjusted gross income of the taxpayer is less than or equal to ~~\$60,000.00~~ \$65,000.00, all federally taxable benefits received under the Social Security Act shall be excluded.

(B) If the federal adjusted gross income of the taxpayer is greater than ~~\$60,000.00~~ \$65,000.00 but less than ~~\$70,000.00~~ \$75,000.00, the percentage of federally taxable benefits received under the Social Security Act to be excluded shall be proportional to the amount of the taxpayer's federal adjusted gross income over ~~\$60,000.00~~ \$65,000.00, determined by:

(i) subtracting the federal adjusted gross income of the taxpayer from ~~\$70,000.00~~ \$75,000.00;

(ii) dividing the value under subdivision (i) of this subdivision (B) by \$10,000.00; and

(iii) multiplying the value under subdivision (ii) of this subdivision (B) by the federally taxable benefits received under the Social Security Act.

(C) If the federal adjusted gross income of the taxpayer is equal to or greater than ~~\$70,000.00~~ \$75,000.00, no amount of the federally taxable benefits received under the Social Security Act shall be excluded under this section.

* * * Effective Dates * * *

Sec. 6. EFFECTIVE DATES

(a) This section and Sec. 4 (report on monthly child tax credit payments) shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Secs. 1 (child tax credit), 3 (child tax credit statutory purpose), and 5 (Social Security income exclusion) shall take effect retroactively on January 1, 2022 and shall apply to taxable years beginning on and after January 1, 2022.

(c) Sec. 2 (advance payment of child tax credit) shall take effect on January 1, 2023 and shall apply to taxable years beginning on and after January 1, 2023.

and that after passage the title of the bill be amended to read: "An act relating to a Vermont Child Tax Credit and the Vermont Social Security income exclusion"

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Ways and Means was presented.

Pending the question, Shall the bill be amended as recommended by the Committee on Ways and Means?, **Rep. Toof of St. Albans Town** moved that the bill be committed to the Committee on Appropriations, which was disagreed to in a vote by division: Yeas, 54; Nays, 93.

Pending the question, Shall the bill be amended as recommended by the Committee on Ways and Means?, **Rep. Ancel of Calais** 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 amended as recommended by the Committee on Ways and Means?, was decided in the affirmative. Yeas, 102. Nays, 46.

Those who voted in the affirmative are:

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

Those who voted in the negative are:

Achey of Middletown Springs	Labor of Morgan	Palasik of Milton
Brennan of Colchester	LaClair of Barre Town	Parsons of Newbury
Burditt of West Rutland	Lefebvre of Orange	Peterson of Clarendon
Canfield of Fair Haven	Leffler of Enosburgh	Rosenquist of Georgia
Cupoli of Rutland City	Martel of Waterford	Scheuermann of Stowe
Dickinson of St. Albans Town	Martin of Franklin	Shaw of Pittsford
Fagan of Rutland City	Mattos of Milton	Sibilia of Dover
Feltus of Lyndon	McCoy of Poultney	Small of Winooski
Goslant of Northfield *	Morgan, L. of Milton	Smith of Derby
Graham of Williamstown	Morgan, M. of Milton	Smith of New Haven
Gregoire of Fairfield	Morrissey of Bennington	Strong of Albany
Hango of Berkshire	Murphy of Fairfax	Terenzini of Rutland Town
Helm of Fair Haven	Norris of Sheldon	Toof of St. Albans Town
Higley of Lowell	Noyes of Wolcott	Walker of Swanton
	Page of Newport City	Williams of Granby
	Pajala of Londonderry	Wood of Waterbury

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

Seymour of Sutton

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

I am voting yes at this point so that a tax relief initiative moves forward, because I believe we do need to return some of our added revenues to struggling Vermonters. I hope it will eventually include more balanced supports that focus on the greatest needs. If it does not, I will not support the final bill.”

Rep. Goslant of Northfield explained his vote as follows:

“Madam Speaker:

Today I voted against this bill, not because I am opposed to tax relief to young families and expanding the Social Security income tax exemption. In fact, I am thrilled that we are discussing returning nearly \$50M to Vermonters...and are FINALLY talking about ways to attract more people to the State.

However, I voted NO...because...I believe other tax relief proposals should be vetted and discussed before moving something of this magnitude. It is time that we pay attention to our seniors...and I believe that we can do much more on Social Security than a \$5000 increase.

I hope that we can continue the conversation on how to provide tax relief to as many Vermonters as possible...including military retirees...those with

student loan debt...nurses...childcare workers...those with not just children but adult dependents...and more.”

Thereupon, third reading was ordered.

**Favorable Reports; Second Reading;
Third Reading Ordered**

H. 559

Rep. Mulvaney-Stanak of Burlington, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to workers' compensation

Reported in favor of its passage.

Rep. Durfee of Shaftsbury, for the Committee on Ways and Means, reported in favor of its passage.

The bill having appeared on the Notice Calendar, was taken up, read the second time, and third reading ordered.

Adjournment

At two o'clock and seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at three o'clock in the afternoon.