Journal of the House

Wednesday, February 9, 2022

At three o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

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

Message from the Senate No. 21

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. 679. An act relating to fiscal year 2022 budget adjustments.

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

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

J.R.H. 14. Joint resolution authorizing the 2022 Green Mountain Girls State educational program to use the State House.

And has adopted the same in concurrence.

The Governor has informed the Senate that on the 8th day of February, 2022, he approved and signed a bill originating in the Senate of the following title:

S. 78. An act relating to binding interest arbitration for employees of the Vermont Judiciary.

House Bill Introduced

H. 707

By Rep. Austin of Colchester,

House bill, entitled

An act relating to requiring public schools to offer prekindergarten to
children four years of age and to children five years of age who are not yet enrolled in kindergarten

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

**Senate Bill Referred**

S. 184

Senate bill, entitled
An act relating to defense of others and justifiable homicide
Was read the first time and referred to the Committee on Judiciary.

**Joint Resolution Adopted in Concurrence**

J.R.S. 41

By Senator Balint,

J.R.S. 41. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 11, 2022, it be to meet again no later than Tuesday, February 15, 2022.

Was taken up, read, and adopted in concurrence.

**Amendment Offered Prior to Third Reading; Question Divided; First Instance of Amendment Disagreed to; Second Instance of Amendment Not Germaine; Amendment Offered and Withdrawn; Third Reading; Bill Passed**

H. 510

House bill, entitled
An act relating to creating a Vermont child tax credit
Was taken up and, pending third reading of the bill, **Rep. LaClair of Barre Town** moved to amend the bill as follows:

**First:** In Sec. 1, 32 V.S.A. § 5830f, in subsection (b), by striking out “$200,000.00” and inserting in lieu thereof “$100,000.00”

**Second:** By striking out Sec. 6, effective dates, and its reader assistance heading in their entireties and inserting in lieu thereof the following:

* * * Nurse or Nursing Assistant Credit * * *

Sec. 6. 32 V.S.A. § 5830g is added to read:
§ 5830g. CREDIT FOR VERMONT NURSES OR NURSING ASSISTANTS

(a) A resident of this State who qualifies as a Vermont nurse or nursing assistant shall be eligible for a refundable credit equal to $925.00 against the tax imposed under section 5822 of this title.

(b) As used in this section, “Vermont nurse or nursing assistant” means:

(A) a resident who is licensed under 26 V.S.A. § 1572(2), (3), or (4); 1641(2); or 1642 and received wages:

(i) directly from a Vermont health care provider for services constituting registered nursing, licensed practical nursing, advanced practice registered nursing; or

(ii) as a nursing assistant.

(B) “Vermont nurse or nursing assistant” also means nursing program faculty receiving wages from a Vermont nursing education program.

Sec. 7. 32 V.S.A. § 5813(z) is added to read:

(z) The statutory purpose of the Vermont nurse or nursing assistant credit in section 5830g of this title is to encourage and retain Vermonters who work as nurses or nursing assistants in this State.

* * * Effective Dates * * *

Sec. 8. 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), 5 (Social Security income exclusion), and 6–7 (nurse or nursing assistant credit) 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 the Vermont Child Tax Credit, the Vermont Social Security income exclusion, and the Vermont Nurse or Nursing Assistant Credit”

Thereupon, Rep. McCormack of Burlington asked that the question be divided by its two instances of amendment. The Speaker explained that the question can be divided into two, with the effective dates for the respective sections considered as part of each of the divided instances of amendment.
Pending the question, Shall the bill be amended as offered by Rep. LaClair in the first instance of amendment and its applicable effective dates?, **Rep. McCoy of Poultney** 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 offered by Rep. LaClair in the first instance of amendment and its applicable effective dates?, was decided in the negative. Yeas, 55. Nays, 88.

Those who voted in the affirmative are:

| Achey of Middletown Springs | Lefebvre of Newark Lefebvre of Orange | Pearl of Danville Peterson of Clarendon |
| Brennan of Colchester Medina | Marcotte of Coventry Rogers of Waterville |
| Brownell of Pownal | Martel of Waterford Rosenquist of Georgia |
| Burditt of West Rutland | Mattos of Milton Scheuermann of Stowe |
| Canfield of Fair Haven | McCormack of Burlington Shaw of Pittsford |
| Chase of Colchester | McCoy of Poultney Sibilia of Dover |
| Cupoli of Rutland City | McFaun of Barre Town Small of Winooski |
| Dickinson of St. Albans Town | Morgan, L. of Milton Smith of Derby |
| Donahue of Northfield | Morrisey of Bennington Smith of New Haven |
| Feltus of Lyndon | Murphy of Fairfax Strong of Albany |
| Gosslant of Northfield | Norris of Sheldon Surprenant of Barnard |
| Graham of Williamstown | Norris of Shoreham Terenzini of Rutland Town |
| Gregoire of Fairfield | Noyes of Wolcott Toof of St. Albans Town |
| Hango of Berkshire | Page of Newport City Whitman of Bennington |
| Harrison of Chittenden | Pajala of Londonderry Williams of Granby |
| Higley of Lowell | Palasik of Milton Wood of Waterbury |
| LaClair of Barre Town | Parsons of Newbury Yacovone of Morristown |

Those who voted in the negative are:

| Ancel of Calais | Donally of Hyde Park | Nicoll of Ludlow |
| Anthony of Barre City | Durfee of Shaftsbury | Nigro of Bennington |
| Arrison of Weathersfield | Elder of Starksboro | Notte of Rutland City |
| Austin of Colchester | Emmons of Springfield | O'Brien of Tunbridge |
| Bartholomew of Hartland | Gannon of Wilmington | Ode of Burlington |
| Beck of St. Johnsbury | Garofano of Essex | Partridge of Windham |
| Birong of Vergennes | Goldman of Rockingham | Patt of Worcester |
| Black of Essex | Grad of Moretown | Pugh of South Burlington |
| Bluemle of Burlington | Hooper of Randolph | Rachelson of Burlington |
| Bock of Chester | Hooper of Burlington | Satcowitz of Randolph |
| Bongartz of Manchester | Houghton of Essex | Scheu of Middlebury |
| Bos-Lun of Westminster | Howard of Rutland City | Sheldon of Middlebury |
| Brady of Williston | James of Manchester | Sims of Craftsbury |
| Briglin of Thetford | Jerome of Brandon | Squirrel of Underhill |
| Brown of Richmond | Jessup of Middlesex | Stebbins of Burlington |
| Brumsted of Shelburne | Killacky of South Burlington | Stevens of Waterbury |
| Burke of Brattleboro | Kimbell of Woodstock * | Sullivan of Dorset |
| Burrows of West Windsor | Kitzmiller of Montpelier | Taylor of Colchester |
Rep. Kimbell of Woodstock explained his vote as follows:

“Madam Speaker:

While I prefer the $100,000 income limitation, I trust the work of the committee in creating a tax credit to benefit most of the young Children in Vermont, so I vote ‘No’.”

Thereupon, pending the question, Shall the bill be amended as offered by Rep. LaClair of Barre Town in the second instance of amendment and its applicable effective dates?, Rep. Bartholomew of Hartland raised a Point of Order that the second instance of amendment was not germane to the bill. The Speaker ruled that the Point of Order was well taken because the proposed amendment introduced an independent question and topic, and expanded the subject matter of the bill, therefore, the second instance of amendment may not be considered.

Thereafter, Reps. Sibilia of Dover, Birong of Vergennes, and Hango of Berkshire moved to amend the bill as follows:

By striking out Sec. 6, effective dates, and its reader assistance heading in their entireties and inserting in lieu thereof the following:

* * * Military Retirement Pay Exemption * * *

Sec. 6. 32 V.S.A. § 5811(21)(B) is amended to read:

(B) decreased by the following items of income (to the extent such income is included in federal adjusted gross income):
(iv) the portion of federally taxable benefits received under the federal Social Security Act that is required to be excluded under section 5830e of this chapter; and

(vi) the first $30,000.00 of federally taxable U.S. military retirement pay and federally taxable U.S. military survivor benefit income received by the surviving spouse of a deceased service member; and

Sec. 7. 32 V.S.A. § 5813(z) is added to read:

(z) The statutory purpose of the exemption for the first $30,000.00 of federally taxable U.S. military retirement pay and federally taxable U.S. military survivor benefit income received by a surviving spouse in subdivision 5811(21)(B)(vi) of this title is to recognize the military service of Vermonters.

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), 5 (Social Security income exclusion), and 6–7 (military retirement and survivor benefit income exemption) 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 the Vermont Child Tax Credit, the Vermont Social Security income exclusion, and the U.S. military retirement and survivor benefit income exemption”

Thereupon, Rep. Sibilia of Dover asked and was granted leave of the House to withdraw her amendment.

Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 559

House bill, entitled
An act relating to workers’ compensation

Was taken up, read the third time, and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 477

Rep. Stevens of Waterbury, for the Committee on General, Housing, and Military Affairs, to which had been referred House bill, entitled

An act relating to leave for crime victims

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

Sec. 1. 21 V.S.A. § 472c is amended to read:

§ 472c. LEAVE; ALLEGED CRIME VICTIMS; RELIEF FROM STALKING OR ABUSE

(a) As used in this section:

(1)(A) “Alleged victim” means a person who is alleged in an affidavit filed by a law enforcement official with a prosecuting attorney of competent state or federal jurisdiction to have sustained physical, emotional, or financial injury or death as a direct result of the commission or attempted commission of a crime or act of delinquency. The term “alleged victim” also includes a family member of such a person if the person:

(i) is a minor;
(ii) has been found to be incompetent;
(iii) is alleged to have suffered physical or emotional injury as a result of the violent crime or act of delinquency; or
(iv) was killed as a result of the alleged crime or act of delinquency.

(B) As used in this subdivision (a)(1):

(i) “Family member” means an individual who is not identified in the affidavit as the defendant and is the alleged victim’s:

(I) child, foster child, or stepchild;
(II) ward who lives with the alleged victim;
(III) spouse, domestic partner, or civil union partner;
(IV) sibling;
(V) grandparent;
(VI) grandchild;
(VII) parent or a parent of the alleged victim’s spouse, domestic partner, or civil union partner;
(VIII) legal guardian; or
(IX) an individual for whom the alleged victim stands in loco parentis or who stood in loco parentis for the alleged victim when the alleged victim was a child.

(ii) “Domestic partner” has the same meaning as in 17 V.S.A. § 2414.
(iii) “In loco parentis” means an individual for whom the alleged victim has day-to-day responsibilities to care for and financially support, or, in the case of the alleged victim, an individual who had such responsibility for the alleged victim when the alleged victim was a child.
(iv) “Violent crime” means a “listed crime” as that term is defined in 13 V.S.A. § 5301(7) and any comparable offense in another jurisdiction.

(2) “Employer” means an individual, organization, governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within this State.

(2)(3) “Employee” means a person who is a crime victim as defined in section 495d of this chapter and, in consideration of direct or indirect gain or profit, has been continuously employed by the same employer for a period of six months for an average of at least 20 hours per week.

(b) In addition to the leave provided in section 472 of this title, an employee shall be entitled to take unpaid leave from employment for the purpose of attending a deposition or court proceeding related to:

(1) a criminal proceeding, when the employee is a an alleged victim as defined in 13 V.S.A. § 5301 and the employee has a right or obligation to appear at the proceeding;

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on General, Housing, and Military Affairs agreed to, and third reading ordered.
Action on Bill Postponed

S. 30

Senate bill, entitled

An act relating to prohibiting possession of firearms within hospital buildings

Was taken up, and pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment?, on motion of Rep. Notte of Rutland City, action on the bill was postponed until February 10, 2022.

Adjournment

At four o'clock and fourteen minutes in the afternoon, on motion of Rep. McCoy of Poultney, the House adjourned until tomorrow at one o'clock in the afternoon.