

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Amendment Not Germane; Amendment Offered and Withdrawn;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 entirety 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	Pearl of Danville
Brennan of Colchester	Lefebvre of Orange	Peterson of Clarendon
Brownell of Pownal	Marcotte of Coventry	Rogers of Waterville
Burditt of West Rutland	Martel of Waterford	Rosenquist of Georgia
Canfield of Fair Haven	Mattos of Milton	Scheuermann of Stowe
Chase of Colchester	McCormack of Burlington	Shaw of Pittsford
Cupoli of Rutland City	McCoy of Poultney	Sibilia of Dover
Dickinson of St. Albans Town	McFaun of Barre Town	Small of Winooski
Donahue of Northfield	Morgan, L. of Milton	Smith of Derby
Feltus of Lyndon	Morgan, M. of Milton	Smith of New Haven
Goslant of Northfield	Morrissey of Bennington	Strong of Albany
Graham of Williamstown	Murphy of Fairfax	Surprenant of Barnard
Gregoire of Fairfield	Norris of Sheldon	Terenzini of Rutland Town
Hango of Berkshire	Norris of Shoreham	Toof of St. Albans Town
Harrison of Chittenden	Noyes of Wolcott	Walker of Swanton
Higley of Lowell	Page of Newport City	Whitman of Bennington
LaClair of Barre Town	Pajala of Londonderry	Williams of Granby
	Palasik of Milton	Wood of Waterbury
	Parsons of Newbury	Yacovone of Morristown

Those who voted in the negative are:

Ancel of Calais	Donnally 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	Squirrell 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

Campbell of St. Johnsbury	Kornheiser of Brattleboro	Till of Jericho
Christie of Hartford	Labor of Morgan	Toleno of Brattleboro
Cina of Burlington	LaLonde of South	Townsend of South
Coffey of Guilford	Burlington	Burlington
Colburn of Burlington	Lanpher of Vergennes	Troiano of Stannard
Colston of Winooski	Lippert of Hinesburg	Vyhovsky of Essex
Conlon of Cornwall	Long of Newfane	Walz of Barre City
Copeland Hanzas of Bradford	Masland of Thetford	Webb of Shelburne
Corcoran of Bennington	McCarthy of St. Albans City	White of Bethel
Cordes of Lincoln	McCullough of Williston	White of Hartford
Dolan of Essex	Morris of Springfield	Yantachka of Charlotte
Dolan of Waitsfield	Mrowicki of Putney	
	Mulvaney-Stanak of Burlington	

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

Fagan of Rutland City	Hooper of Montpelier	Martin of Franklin
Helm of Fair Haven	Leffler of Enosburgh	Seymour of Sutton

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 entirety 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 * * *

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 (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.