

# Journal of the House

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Thursday, February 10, 2022

At one 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 Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives that on the 10th day of February, 2022, he returned without signature and *vetoed* a bill originating in the House of Representatives of the following title:

**H. 157 An act relating to registration of construction contractors**

## Governor's Veto Letter

“February 10, 2022

The Honorable BetsyAnn Wrask  
Clerk of the Vermont House of Representatives  
115 State Street  
Montpelier, VT 05633

Dear Ms. Wrask:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning H. 157, *An act relating to registration of contractors*, without my signature because of my objections described herein.

As I have previously said, I strongly support protecting the interests of consumers, who are already facing a crisis of affordability. I also support policy that helps Vermont's small businesses succeed and grow. These small, local businesses are the heart and soul of our communities and the backbone of our economy.

The fact is the findings of the Legislature in support of this bill are flawed.

This bill has the potential to undermine and weaken a large number of Vermont's small businesses – small, local residential contractors – at a time when we all agree we must prioritize new and revitalized housing.

More specifically, this bill favors larger and more established businesses at the expense of small entry-level businesses by imposing, by law, specific contract and insurance requirements that many of the smaller businesses will not be able to meet. Such specific requirements are rarely, if ever imposed on other professions. Ultimately, these provisions harm small businesses – which could lead to closures – and they harm consumers through higher costs and fewer options for making needed repairs.

There are multiple ways of finding residential contractors in one's community and for holding contractors accountable without creating this new regulatory system. One can find directories maintained by trades associations, as well as commercial listings, social media, consumer sites, references, and, of course, word of mouth.

Importantly, there are existing avenues for determining and adjudicating complaints already, as well as an existing Home Improvement Fraud Registry. Current law clearly authorizes the Attorney General to pursue both civil and criminal complaints against contractors for unfair or deceptive acts or practices. The Criminal Law provisions relating to home improvement fraud apply to oral and written contracts for \$500 or more; convictions for home improvement fraud require notice to the Attorney General; and the Attorney General maintains the Home Improvement Fraud Registry (although it is important to note successfully completed deferred sentences will be expunged).

Finally, the Legislature concedes in its findings that registration confers no assurance of competence. Given this concession, we should not risk the economic harm of this legislation when we already have tools in the toolbox to protect consumers and perhaps those tools should be sharpened.

I would agree there is room to improve existing processes already designed to protect consumers, but not necessarily through Legislative action, and certainly not action that could advantage larger established entities over small, local mom-and-pop businesses; reduce our contracting workforce and increase costs for already over-burdened consumers – not to mention the \$250 fee that will be charged to get on this registry.

As legislators are well aware, I have been willing to work with you to find a path forward, but based on the objections outlined above, I cannot support this piece of legislation and must return it without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

Sincerely,

/s/Philip B. Scott

Philip B. Scott  
Governor  
PBS/kp”

**Communication from Rep. Paul Martin**

Received February 9, 2022

“To:

House Speaker Jill Krowinski  
115 State Street  
Montpelier, VT 05633

Governor Phil Scott  
109 State Street Pavilion  
Montpelier, VT 05609

From:

Representative Paul Martin  
172 Square Road  
Franklin, VT 05457

Dear Governor Scott & House Speaker Krowinski,

It is with great sadness that I must tender this resignation of my seat in the Vermont House of Representatives. Serving the people of my district for the short time that I have been able to has been a great honor and an experience that I will never forget.

I pursued this position with great intentions of working to make Vermont a better place not only for my district but for all Vermonters. The workload and level of commitment required to effectively serve has proven to be far too much for me to balance while running my real estate company in the beautiful City of St. Albans. It has occurred to me in recent weeks that I simply must prioritize my career and the 17 real estate professionals that I lead daily in their successes. I am proud to run a real estate office that employs 12 women and helps Vermonters buy and sell their own slice of our beautiful state. I must remain committed to them, my clients, and my community.

I appreciate the opportunity to serve in the House and hope one day in the future I can pursue a seat within the body when I am much better equipped to handle the commitments required.

Respectfully,  
/s/ Paul Martin  
Representative Paul Martin”

### **House Resolution Adopted**

#### **H.R. 17**

House resolution, entitled

House resolution relating to extending the time-limited hybrid operation of the House of Representatives and House committees and to House Rules Committee meeting authority

Offered by: Committee on Rules

Whereas, 2022, H.R. 16 authorized through Tuesday, February 15, 2022 the hybrid operation of the House of Representatives and House committees and the remote operation of the House Rules Committee, and

Whereas, the ongoing COVID-19 pandemic continues to pose a risk to the health and safety of House members, legislative staff, and members of the public, and

Whereas, the House of Representatives wants to ensure a safe process in returning to in-person legislating, *now therefore be it*

Resolved by the House of Representatives:

That the House of Representatives shall continue to operate in a hybrid manner, whereby House members shall debate and vote in the House chamber but may do so through remote participation if the member must be absent from the chamber due to symptomatic illness or direct COVID-19-related circumstances, *and be it further*

Resolved: That House committees shall continue to operate in a hybrid manner, such that a member of a House committee may 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*

Resolved: 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*

Resolved: That the hybrid and remote authority set forth in this resolution shall remain in effect through Tuesday, March 8, 2022.

Was read and adopted.

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**H. 635**

**Rep. Grad of Moretown** moved that the Committee on Judiciary be relieved of House bill, entitled

An act relating to secondary enforcement of minor traffic offenses

And that the bill be committed to the Committee on Government Operations, which was agreed to.

**Senate Proposal of Amendment to House Proposal of Amendment  
Concurred in**

**S. 30**

The Senate concurred in the House proposal of amendment with further amendment thereto on Senate bill, entitled

An act relating to prohibiting possession of firearms within hospital buildings

The Senate concurred in the House proposal of amendment with the following proposal of amendment thereto:

In Sec. 2, 13 V.S.A. § 4019, by striking out subsection (d) in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

(d) A person shall not transfer a firearm to another person if:

(1) the transfer requires a background check under this section or under federal law; and

(2) the licensed dealer facilitating the transfer has not been provided with a unique identification number for the transfer by the National Instant Criminal Background Check System.

Which proposal of amendment was considered.

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment?, **Rep. Brennan of Colchester** 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 concur in the Senate proposal of amendment to the House proposal of amendment?, was decided in the affirmative. Yeas, 91. Nays, 53.

Those who voted in the affirmative are:

Ancel of Calais

Anthony of Barre City

Elder of Starksboro

Emmons of Springfield

O'Brien of Tunbridge

Ode of Burlington

|                                |                                  |                                 |
|--------------------------------|----------------------------------|---------------------------------|
| Arrison of Weathersfield       | Fagan of Rutland City            | Partridge of Windham            |
| Austin of Colchester           | Garofano of Essex                | Patt of Worcester               |
| Bartholomew of Hartland        | Goldman of Rockingham            | Pugh of South Burlington        |
| Black of Essex *               | Grad of Moretown                 | Rachelson of Burlington         |
| Bluemle of Burlington          | Hooper of Burlington             | Rogers of Waterville            |
| Bock of Chester                | Houghton of Essex                | Satcowitz of Randolph           |
| Bongartz of Manchester         | Howard of Rutland City           | Scheu of Middlebury             |
| Bos-Lun of Westminster         | James of Manchester              | Sheldon of Middlebury           |
| Brady of Williston             | Jerome of Brandon                | Sims of Craftsbury              |
| Briglin of Thetford            | Jessup of Middlesex              | Small of Winooski               |
| Brown of Richmond              | 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<br>Burlington   | Surprenant of Barnard           |
| Chase of Colchester            | Lanpher of Vergennes             | Taylor of Colchester            |
| Christie of Hartford           | Lippert of Hinesburg             | Till of Jericho                 |
| Cina of Burlington             | Long of Newfane                  | Toleno of Brattleboro           |
| Coffey of Guilford             | Masland of Thetford              | Townsend of South<br>Burlington |
| Colburn of Burlington          | McCarthy of St. Albans City      | Troiano of Stannard             |
| Colston of Winooski            | McCormack of Burlington          | Walz of Barre City              |
| Conlon of Cornwall             | McCullough of Williston          | Webb of Shelburne               |
| Copeland Hanzas of<br>Bradford | Morris of Springfield            | White of Bethel                 |
| Corcoran of Bennington         | Mrowicki of Putney               | White of Hartford               |
| Cordes of Lincoln              | Mulvaney-Stanak of<br>Burlington | Whitman of Bennington           |
| Dolan of Essex                 | Nicoll of Ludlow                 | Wood of Waterbury               |
| Dolan of Waitsfield            | Nigro of Bennington              | Yacovone of Morristown          |
| Donnally of Hyde Park          | Notte of Rutland City            | Yantachka of Charlotte          |
| Durfee of Shaftsbury           |                                  |                                 |

Those who voted in the negative are:

|                                 |                         |                         |
|---------------------------------|-------------------------|-------------------------|
| Achey of Middletown<br>Springs  | Higley of Lowell        | Page of Newport City    |
| Beck of St. Johnsbury           | Hooper of Randolph      | Pajala of Londonderry   |
| Brennan of Colchester           | Labor of Morgan         | Palasik of Milton       |
| Brownell of Pownal              | LaClair of Barre Town   | Parsons of Newbury      |
| Burditt of West Rutland         | Lefebvre of Newark      | Pearl of Danville       |
| Canfield of Fair Haven          | Lefebvre of Orange      | Peterson of Clarendon   |
| Cupoli of Rutland City          | Leffler of Enosburgh    | Rosenquist of Georgia   |
| Dickinson of St. Albans<br>Town | Marcotte of Coventry    | Scheuermann of Stowe    |
| Donahue of Northfield           | Martel of Waterford     | Seymour of Sutton       |
| Feltus of Lyndon                | Mattos of Milton        | Shaw of Pittsford       |
| Gannon of Wilmington            | McCoy of Poultney       | Sibilia of Dover        |
| Goslant of Northfield           | McFaun of Barre Town    | Smith of Derby          |
| Graham of Williamstown          | Morgan, L. of Milton    | Smith of New Haven      |
| Gregoire of Fairfield           | Morgan, M. of Milton    | Strong of Albany        |
| Hango of Berkshire              | Morrissey of Bennington | Toof of St. Albans Town |
| Harrison of Chittenden          | Murphy of Fairfax       | Walker of Swanton       |
|                                 | Norris of Sheldon       | Williams of Granby      |
|                                 | Norris of Shoreham      |                         |

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Helm of Fair Haven

Noyes of Wolcott

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

Birong of Vergennes  
Hooper of Montpelier

Terenzini of Rutland Town  
Vyhovsky of Essex

**Rep. Black of Essex** explained her vote as follows:

“Madam Speaker:

Until it is established that you are not prohibited from possessing a firearm, you should not have one. There are some things that are far more important than the inconvenience of taking a little bit of extra time. And this amendment ensures that.”

### **Third Reading; Bill Passed**

#### **H. 477**

House bill, entitled

An act relating to leave for crime victims

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

### **Message from the Senate No. 22**

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. 280.** An act relating to miscellaneous changes to laws related to vehicles.

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

### **Adjournment**

At one o'clock and forty-seven minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.