

Journal of the House

Thursday, February 24, 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. 30

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 the report of the Committee of Conference upon the disagreeing votes of the two Houses upon House bill of the following title:

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

And has accepted and adopted the same on its part.

Communication from Rep. Seymour of Sutton

February 24, 2022
Representative Patrick Seymour
3185 Underpass Rd
Sutton, Vt 05867

BetsyAnn Wrask
Clerk of the House of Representatives
Vermont Legislature

Dear BetsyAnn,

I am writing this letter to inform you and the body that I am resigning my seat in the Vermont Legislature.

The Legislature has been an incredible institution to be a part of. I entered the House as a fresh college graduate and am leaving with a small but growing family.

I have been so blessed and honored to have served the people of Sutton, Burke, and Lyndon over these past three and a half years. However, the pandemic reinforced my belief that family is the most important thing in my life, and now I wish to spend the majority of my time with my newborn and my wife.

It has been my pleasure to have worked with you all. Thank you so much for all you do.

Patrick Seymour-Caledonia 4

Bill Referred to Committee on Appropriations

H. 546

House bill, entitled

An act relating to racial justice statistics

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

Joint Resolution Placed on Calendar

J.R.H. 17

Joint resolution authorizing remote participation in joint committees under restricted, COVID-19-related circumstances through the remainder of 2022

Offered by: Committee on Rules

Resolved by the Senate and House of Representatives:

That Temporary Joint Rule 22A is amended to read as follows:

Rule 22A. Temporary Rule Regarding Joint Committee Meetings

(a)(1) A Joint committees shall return to in-person legislating, except that a member of a joint committee may debate and vote remotely in that committee if the member ~~confirms with~~ notifies the committee's chair or ~~co-chairs a~~ co-chair, as applicable, that the member ~~must be absent from committee due to symptomatic illness or direct COVID-19-related circumstances~~ meets one of the following conditions:

(A) the member has tested positive for COVID-19 and is within a required period of isolation;

(B) the member has been exposed to COVID-19 as a close contact and is within a required term of quarantine;

(C) the member has COVID-19 symptoms and is awaiting the results of a PCR test;

(D) the member has a household member who relies on the member for caregiving and the household member is required to be home due to one of the reasons set forth in subdivisions (A)–(C) of this subdivision (1) or because such a household member’s daycare or school program has a short-term closure due to COVID-19; or

(E) the member provides to the joint committee chair or a co-chair, as applicable, written documentation from a health care provider indicating that the ongoing COVID-19 pandemic requires the member to participate remotely due to the member’s health condition.

(2) The definitions, required time periods, and testing referenced in subdivision (1) of this subsection are those provided by Vermont Department of Health guidelines, including any revisions or updates

(b) The Joint Rules Committee is authorized to meet remotely as necessary to address COVID-19-related matters that may impact the operation of the General Assembly and joint committees.

(c) The remote authority set forth in this rule shall remain in effect through Tuesday, March 8, December 31, 2022.

(d) Notwithstanding the provisions of subsection (c) of this rule, if the Governor thereafter reissues capacity restrictions at gatherings and events or requires masks and physical distancing in response to COVID-19, the Joint Rules Committee is authorized to meet remotely and to permit any joint committees of the Legislature to meet and vote electronically as the Joint Rules Committee determines appropriate.

Was read and, in the Speaker’s discretion, placed on the Action Calendar on the next legislative day, pursuant to House Rule 52.

House Resolution Placed on Calendar

H.R. 20

House resolution authorizing remote participation in House sessions and committees under restricted, COVID-19-related circumstances through the remainder of 2022 and 2023-24 alternative procedure convening and organizing authority

Offered by: Committee on Rules

Whereas, 2022, H.R. 17 authorized through Tuesday, March 8, 2022 the ability of a House member to participate remotely in House sessions and

House committees if the member had “symptomatic illness or direct COVID-19 related circumstances,” 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 and to allow remote member participation if a member is specifically impacted by COVID-19, *now therefore be it*

Resolved by the House of Representatives:

That the House of Representatives and House committees shall return to in-person legislating, except that a member may debate and vote remotely in a House session or House committee if the member notifies the Speaker of the House that the member meets one of the following conditions:

(1) the member has tested positive for COVID-19 and is within a required period of isolation;

(2) the member has been exposed to COVID-19 as a close contact and is within a required term of quarantine;

(3) the member has COVID-19 symptoms and is awaiting the results of a PCR test;

(4) the member has a household member who relies on the member for caregiving and the household member is required to be home due to one of the reasons set forth in subdivisions (1)–(3) of this Resolved Clause or because such a household member’s daycare or school program has a short-term closure due to COVID-19; or

(5) the member provides to the Speaker of the House written documentation from a health care provider indicating that the ongoing COVID-19 pandemic requires the member to participate remotely due to the member’s health condition, *and be it further*

Resolved: That the definitions, required time periods, and testing referenced in the preceding Resolved Clause are those provided by Vermont Department of Health guidelines, including any revisions or updates, *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 remote authority set forth in this resolution shall remain in effect through December 31, 2022, *and be it further*

Resolved: If necessary due to the COVID-19 pandemic, the 2022 Committee on Rules may adopt alternative procedures to allow for the safe and orderly convening and organizing of the House of Representatives for the 2023-2024 legislative biennium, including the authority to allow the House of Representatives to convene and organize that biennium in a remote manner.

Was read and, in the Speaker's discretion, placed on the Action Calendar on the next legislative day, pursuant to House Rule 52.

Second Reading; Bill Amended; Third Reading Ordered

H. 501

Rep. McCullough of Williston, for the Committee on Natural Resources, Fish, and Wildlife, to which had been referred House bill, entitled

An act relating to physical contaminant standards for residual waste, digestate, and soil amendments

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

Sec. 1. MORATORIUM ON ISSUANCE OF SOLID WASTE FACILITY

CERTIFICATIONS FOR FOOD DEPACKAGING FACILITIES

Beginning on March 1, 2022, the Secretary of Natural Resources shall not issue a new or amended solid waste facility certification under 10 V.S.A. chapter 159 for the operation of food depackaging equipment until the rules required under Sec. 3 of this act are adopted and in effect, provided that the Secretary of Natural Resources may issue an amended certification to a facility certified to conduct food depackaging on or before March 1, 2022 if the amendment authorized by the Secretary is intended to result in fewer contaminants in material produced from food depackaging and shall not allow for increased production of food depackaging materials at the facility.

Sec. 2. AGENCY OF NATURAL RESOURCES REPORT ON FOOD

DEPACKAGING FACILITIES

(a) On or before January 15, 2023, the Secretary of Natural Resources shall submit to the Senate Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife a report regarding the management of materials produced by food depackaging facilities certified for operation in the State. The report shall be developed through a collaborative stakeholder process that shall include the Chair of the House Committee on Natural Resources, Fish, and Wildlife or designee; the Chair of the Senate Committee on Natural Resources, and Energy or designee; a

representative of the Agency of Agriculture, Food, and Markets; and a representative from each of the following: composters, anerobic digestors, producers of food residuals, municipalities, haulers, depackagers, and environmental organizations.

(b) The report shall include:

(1) a list of the food depackaging facilities certified in the State under 10 V.S.A. chapter 159;

(2) a summary of the chain of custody of materials processed by food depackaging facilities, including the original supplier of food residuals and transporters of food residuals;

(3) the sites or facilities of final disposition of the materials processed by food depackaging facilities, including whether the materials were disposed of in landfills; transferred to composting facilities, farms, or farm fields; or introduced into foods for animal or human consumption;

(4) a summary of how the materials produced from food depackaging facilities or equipment may be used in the State, including any existing standards in statute or rule for the management of the materials;

(5) the amount of microplastics, plastics, or other contamination present in the material produced from food depackaging facilities in the State, including whether the materials have detectable levels of perfluoroalkyl and polyfluoroalkyl substances;

(6) a memorandum of understanding between the Agency of Natural Resources and the Agency of Agriculture, Food and Markets to coordinate and cooperate on the adoption of standards or rules for the materials produced from food depackaging facilities in order to provide for consistency in regulation by the two agencies;

(7) an evaluation of the practicability of implementing the food residuals hierarchy set forth in 10 V.S.A. § 6605k in a more stringent manner; and

(8) the methods used domestically and internationally by jurisdictions with physical contamination standards to evaluate the percentage by weight of physical contamination present in the material produced by depackaging facilities, residual waste, digestate, compost, and soil amendments.

Sec. 3. RULEMAKING

(a) The Secretary of Natural Resources shall adopt by rule requirements for the operation of food depackaging facilities certified to operate in the State. The rules shall establish standards for materials that may be accepted for

depackaging and standards for the amount of contamination, including microplastics, allowed to be present in material produced by food depackaging facilities. The Secretary of Natural Resources shall not adopt rules under this section or authorize the issuance of permits under the rules adopted under this section that restrain agricultural activities without the consent of the Secretary of Agriculture, Food and Markets.

(b) The Secretary of Natural Resource shall not initiate rulemaking under this section until the report required by Sec. 2 of this act is submitted to the Vermont General Assembly.

Sec. 4. REPEAL

Sec. 1 (moratorium on food depackaging facilities) of this act shall be repealed on the date that the rules required under Sec. 3 of this act are adopted and in effect.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to the regulation of food depackaging facilities”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Natural Resources, Fish, and Wildlife agreed to, and third reading ordered.

House Resolution Amended; Adopted

H.R. 19

House resolution amending the Rules and Orders of the House of Representatives related to House ethics

Was taken up.

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

In the first Resolved Clause (amending House Rule 90(b)), in subdivision (2)(A) (House Ethics Panel; procedures), in the last sentence, following “The Panel may meet remotely” by striking out “to debate and vote on issues designated confidential under its adopted procedures” and inserting in lieu thereof “during adjournment to consider complaints as set forth in the Panel Procedure for Handling Ethics Complaints”

Which was agreed to. Thereupon, the resolution, as amended, was adopted.

Joint Resolution Adopted**J.R.H. 16**

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House

Offered by: Representative Marcotte of Coventry

Whereas, the American Legion Department of Vermont sponsors the Green Mountain Boys State educational program, providing a group of boys entering the 12th grade a special opportunity to study the workings of State government, including conducting a mock legislative session at the State House, and

Whereas, the COVID-19 pandemic has forced the temporary closure of the State House to the public, and the extent of permitted public access to the building on June 23, 2022 will be dependent on the prevailing public health situation, now therefore be it

Resolved by the Senate and House of Representatives:

That the Green Mountain Boys State educational program is authorized to use the chambers and committee rooms of the State House on Thursday, June 23, 2022, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont.

Was taken up and adopted on the part of the House.

Adjournment

At three o'clock and forty-five 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.