Journal of the House

Friday, February 25, 2022

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

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

Committee Bill Introduced; Referred to Appropriations
H. 715

By the Committee on Energy and Technology
House bill, entitled
An act relating to the Clean Heat Standard

Was read the first time and, pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Committee Bill Introduced; Referred to Ways and Means
H. 716

By the Committee on Education
House bill, entitled
An act relating to making miscellaneous changes in education law

Was read the first time 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.

Bill Referred to Committee on Ways and Means
H. 492

House bill, entitled
An act relating to the structure of the Natural Resources Board

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.

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Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Notice Calendar, carrying appropriations, under House Rule 35(a), were referred to the Committee on Appropriations:

H. 533
House bill, entitled
An act relating to converting civil forfeiture of property in drug-related prosecutions into a criminal process

H. 534
House bill, entitled
An act relating to sealing criminal history records

Ceremonial Reading
H.C.R. 81
House concurrent resolution in memory and recognition of Henry A. LaGue Jr. of Berlin
Offered by: Donahue of Northfield and Goslant of Northfield
Having been adopted in concurrence on Wednesday, January 12, 2022 in accord with Joint Rule 16b, was read.

Third Reading; Bill Passed
H. 501
House bill, entitled
An act relating to physical contaminant standards for residual waste, digestate, and soil amendments
Was taken up, read the third time, and passed.

Committee Bill; Second Reading;
Bill Amended; Motion to Commit Disagreed to; Third Reading Ordered
H. 697
Rep. Bongartz of Manchester spoke for the Committee on Natural Resources, Fish, and Wildlife.
House bill, entitled
An act relating to eligibility of reserve forestland for enrollment in the Use Value Appraisal Program

Rep. Masland of Thetford for the Committee on Ways and Means recommended that the bill ought to pass when amended as follows:

First: In Sec. 2, 32 V.S.A. chapter 124, subchapter 1, in section 3750, after “working landscape” and before the period by striking out “and the rural character of Vermont” and inserting in lieu thereof “...preserve the rural character of Vermont, and protect the natural ecological systems and natural resources of the forestland of Vermont”

Second: By striking out Sec. 3, Department of Forests, Parks and Recreation; Management Standards for Reserve Forestland; Implementation, in its entirety and inserting in lieu thereof two new sections to read as follows:

Sec. 3. DEPARTMENT OF FORESTS, PARKS AND RECREATION;

REPORT ON ENROLLMENT OF RESERVE FORESTLAND

IN USE VALUE APPRAISAL

(a) On or before December 31, 2022, the Commissioner of Forests, Parks and Recreation, after consultation with the Division of Property Valuation and Review and the Current Use Advisory Board, shall submit to the House Committees on Natural Resources, Fish, and Wildlife, on Agriculture and Forestry, and on Ways and Means and the Senate Committees on Natural Resources and Energy, on Agriculture, and on Finance a report regarding the enrollment of reserve forestland in the Use Value Appraisal Program. The report shall include the following:

(1) The standards for the management of reserve forestland eligible for participation in the Use Value Appraisal Program under 32 V.S.A. § 3752(9)(A)(ii). The standards established by the Commissioner of Forests, Parks and Recreation shall be the same or substantially similar to the standards set forth in the Department of Forests, Parks and Recreation report on Considerations for a Reserve Forestland Subcategory in Vermont’s Use Value Appraisal Program, dated October 15, 2021.

(2) A summary of how a property owner of land already enrolled in the Use Value Appraisal Program as productive forestland would enroll land as reserve forestland and how a property owner of land enrolled in the Use Value Appraisal Program as reserve forestland would transition to enrollment as productive forestland.

(b) On or before December 31, 2024, the Commissioner of Taxes, after consultation with the Commissioner of Forests, Parks and Recreation, the Secretary of Agriculture, Food, And Markets, and the Current Use Advisory
Board, shall submit to the House Committees on Natural Resources, Fish, and Wildlife, on Agriculture and Forestry, and on Ways and Means and the Senate Committees on Natural Resources and Energy, on Agriculture, and on Finance a report that examines the strategies and rates for the valuation of all land enrolled in the Use Value Appraisal Program and that recommends whether and how to ensure that the fiscal return to landowners and the State is consistent among use values and uses of the different categories of enrolled land.

Sec. 3a. IMPLEMENTATION

Beginning on July 1, 2023 and pursuant to 32 V.S.A. § 3755, managed forestland shall be eligible for enrollment in the Use Value Appraisal Program as reserve forestland in accordance with the minimum acceptable standards and administrative requirements established by the Commissioner of Forests, Parks and Recreation.

Third: By striking out Sec. 5, effective dates, in its entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 1 (findings), 3 (report on enrollment for reserve forestland), 3a (implementation), and 4 (report on enrollment) shall take effect on passage.

(b) Sec. 2 (Use Value Appraisal Program) shall take effect on July 1, 2023.

Having appeared on the Notice Calendar, the bill was taken up, read the second time, and the report of the Committee on Ways and Means was agreed to.

Thereupon, Rep. Lefebvre of Orange moved to commit the bill to the Committee on Agriculture and Forestry, which was disagreed to.

Pending the question, Shall the bill be read a third time?, Rep. Higley of Lowell 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 read a third time?, was decided in the affirmative. Yeas, 83. Nays, 43.

Those who voted in the affirmative are:

Ancel of Calais          Gannon of Wilmington          Ode of Burlington
Anthony of Barre City   Grad of Moretown            Pajala of Londonderry
Arrison of Weathersfield Harrison of Chittenden    Partridge of Windham
Austin of Colchester    Hooper of Montpelier          Pugh of South Burlington
Bartholomew of Hartland  Hooper of Burlington          Rogers of Waterville
Those who voted in the negative are:

Bock of Chester          Labor of Morgan          Page of Newport City
Brennan of Colchester    LaClair of Barre Town   Palasik of Milton
Canfield of Fair Haven   Laroche of Franklin    Parsons of Newbury *
Cupoli of Rutland City   Lefebvre of Orange     Pearl of Danville
Dickinson of St. Albans  Leffler of Enosburgh    Peterson of Clarendon
Town                     Marcotte of Coventry    Rosenquist of Georgia
Donahue of Northfield    Martel of Waterford     Smith of Derby
Fagan of Rutland City    Mattos of Milton       Smith of New Haven
Feltus of Lyndon         McCoy of Poultney       Strong of Albany
Goslant of Northfield    McFaun of Barre Town   Sullivan of Dorset
Graham of Williamstown   Morgan, L. of Milton    Terenzini of Rutland Town
Gregoire of Fairfield    Morgan, M. of Milton    Toof of St. Albans Town
Hango of Berkshire       Morrissey of Bennington  Walker of Swanton
Helm of Fair Haven       Norris of Sheldon       Williams of Granby
Higley of Lowell         Norris of Shoreham

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

Ache of Middletown       Donnally of Hyde Park    Patt of Worcester
Springs                  Garofano of Essex       Rachelson of Burlington
Brady of Williston       Goldman of Rockingham  Scheuermann of Stowe
Burditt of West Rutland  Hooper of Randolph     Sims of Craftsbury
Chase of Colchester      Howard of Rutland City  Stebbins of Burlington
Rep. Parsons of Newbury explained his vote as follows:

“Madam Speaker:

I voted 'No' on this bill specifically dealing with our current use system and the goals of our forests. We however did not seek the input of the current use advisory board or send it to our forestry committee. I cannot support the process.”

Rep. Sheldon of Middlebury explained her vote as follows:

“Madam Speaker:

Old forests play a critical role in addressing climate change and reviving the loss of biodiversity. They sequester and store more carbon and provide necessary habitat for all species.

This bill is one small step towards increasing the amount of old forest in Vermont.”

House Resolution Adopted

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

Was taken up.

Pending the question, Shall the House adopt the resolution?, Rep. Kitzmiller of Montpelier 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 resolution?, was decided in the affirmative. Yeas, 108. Nays, 17.

Those who voted in the affirmative are:

Ancel of Calais            Gregoire of Fairfield            Norris of Shoreham
Arrison of Weathersfield  Hango of Berkshire                 Notte of Rutland City
Austin of Colchester      Harrison of Chittenden             Noyes of Wolcott
Bartholomew of Hartland   Higley of Lowell                  Ode of Burlington
Birong of Vergennes       Hooper of Montpelier               Pajala of Londonderry
Black of Essex            Houghton of Essex                 Palasik of Milton
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<td>Bluemle of Burlington</td>
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<td>Parsons of Newbury</td>
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<td>Jerome of Brandon</td>
<td>Partridge of Windham</td>
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<td>Jessup of Middlesex</td>
<td>Peterson of Clarendon</td>
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<td>Kimbell of Woodstock</td>
<td>Pugh of South Burlington</td>
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<td>Brennan of Colchester</td>
<td>Kornheiser of Brattleboro</td>
<td>Rogers of Waterville</td>
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<td>Briglin of Thetford</td>
<td>Labor of Morgan</td>
<td>Rosenquist of Georgia</td>
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<td>Brown of Richmond</td>
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<td>Sheldon of Middlebury</td>
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<td>Burrows of West Windsor</td>
<td>Laroche of Franklin</td>
<td>Sibilia of Dover</td>
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<td>Campbell of St. Johnsbury</td>
<td>Lefebvre of Orange</td>
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<td>Coffey of Guilford</td>
<td>Lippert of Hinesburg</td>
<td>Squirrel of Underhill</td>
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<td>Colston of Winooski</td>
<td>Long of Newfane</td>
<td>Stevens of Waterbury</td>
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<td>Conlon of Cornwall</td>
<td>Marcotte of Coventry</td>
<td>Sullivan of Dorset</td>
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<td>Martel of Waterford</td>
<td>Taylor of Colchester</td>
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<td>Bradford</td>
<td>Masland of Winooski</td>
<td>Terenzini of Rutland Town</td>
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<td>Corcoran of Bennington</td>
<td>Matthews of Milton</td>
<td>Toleno of Brattleboro</td>
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<td>Cupoli of Rutland City</td>
<td>McCarthy of St. Albans City</td>
<td>Toof of St. Albans Town</td>
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<td>McCormack of Burlington</td>
<td>Troiano of Stannard</td>
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<td>Walker of Swanton</td>
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<td>Donahue of Northfield</td>
<td>McFaun of Barre Town</td>
<td>White of Bethel</td>
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<td>Durfee of Shaftsbury</td>
<td>Morgan, L. of Milton</td>
<td>White of Hartford</td>
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<td>Murphy of Fairfax</td>
<td>Yantachka of Charlotte *</td>
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<td>Gosland of Northfield</td>
<td>Nicoll of Ludlow</td>
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<td>Grad of Moretown</td>
<td>Nigro of Bennington</td>
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<td>Graham of Williamstown</td>
<td>Norris of Sheldon</td>
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Those who voted in the negative are:

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<tr>
<td>Anthony of Barre City *</td>
<td>Kitzmiller of Montpelier</td>
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<td>Beck of St. Johnsbury</td>
<td>Lefebvre of Newark</td>
<td>Strong of Albany</td>
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<td>Christie of Hartford</td>
<td>Mulvaney-Stanak of</td>
<td>Surprenant of Barnard</td>
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<td>Cordes of Lincoln</td>
<td>Burlington</td>
<td>Till of Jericho</td>
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<tr>
<td>Elder of Starksboro</td>
<td>O'Brien of Tunbridge</td>
<td>Walz of Barre City</td>
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<td>Hooper of Burlington</td>
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<td>Yacovone of Morristown</td>
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<td>Killacky of South Burlington</td>
<td>Burlington</td>
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<tr>
<td>Colburn of Burlington</td>
<td>Mrowicki of Putney</td>
<td>Vykovsky of Essex</td>
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Rep. Anthony of Barre City explained his vote as follows:

“Madam Speaker:

The proposed rule is inconsistent with the bedrock value of mutual and equal respect between and among all members.”

Rep. Bos-Lun of Westminster explained her vote as follows:

“Madam Speaker:

I voted to support this resolution to preserve the option of hybrid legislation. We need a flexible policy which allows legislators to participate in the legislative process remotely for varied reasons. We must keep working on this issue.”

Rep. McCullough of Williston explained his vote as follows:

“Madam Speaker:

I vote 'Yes.' This resolution is the best of two bad choices. A no vote outcome returns the Body to its historic pre-COVID rules, putting the Members and their families at an even greater risk.”

Rep. Yantachka of Charlotte explained his vote as follows:

“Madam Speaker:

I voted 'Yes' because there was no practical alternative. However, I feel that the terms of this rule are much too restrictive based on our experience with remote participation during the last two years.”

Joint Resolution Adopted; Rules Suspended;
Resolution Messaged to Senate Forthwith

J.R.H. 17

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

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

Thereupon, on motion of Rep. McCoy of Poultney, the rules were suspended and the resolution was ordered messaged to the Senate forthwith.
Message from the Senate No. 31

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. 367. An act relating to the management of perpetual care funds by cemetery associations.

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


H.C.R. 107. House concurrent resolution designating March 10, 2022, as Social Worker Advocacy Day at the State House.

H.C.R. 108. House concurrent resolution designating the legislative week of March 8–11, 2022 as Early Childhood Week at the General Assembly.

Adjournment

At twelve o'clock and thirty-four minutes in the afternoon, on motion of Rep. McCoy of Poultney, the House adjourned until Tuesday, March 8, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 33.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 106

House concurrent resolution in memory of Robert William Kirkbride

H.C.R. 107

House concurrent resolution designating March 10, 2022, as Social Worker Advocacy Day at the State House
H.C.R. 108

House concurrent resolution designating the legislative week of March 8–11, 2022 as Early Childhood Week at the General Assembly

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2022 Adjourned Session.]