

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.

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

Beck of St. Johnsbury	Houghton of Essex	Satcowitz of Randolph
Birong of Vergennes	James of Manchester	Scheu of Middlebury
Black of Essex	Jerome of Brandon	Shaw of Pittsford
Bluemle of Burlington	Jessup of Middlesex	Sheldon of Middlebury *
Bongartz of Manchester	Kimbell of Woodstock	Sibilia of Dover
Bos-Lun of Westminster	Kornheiser of Brattleboro	Small of Winooski
Briglin of Thetford	LaLonde of South	Squirrell of Underhill
Brown of Richmond	Burlington	Stevens of Waterbury
Brownell of Pownal	Lanpher of Vergennes	Surprenant of Barnard
Brumsted of Shelburne	Lefebvre of Newark	Taylor of Colchester
Burke of Brattleboro	Lippert of Hinesburg	Till of Jericho
Burrows of West Windsor	Long of Newfane	Toleno of Brattleboro
Campbell of St. Johnsbury	Masland of Thetford	Townsend of South
Christie of Hartford	McCarthy of St. Albans City	Burlington
Coffey of Guilford	McCormack of Burlington	Walz of Barre City
Colston of Winooski	McCullough of Williston	Webb of Shelburne
Conlon of Cornwall	Morris of Springfield	White of Bethel
Copeland Hanzas of	Mulvaney-Stanak of	White of Hartford
Bradford	Burlington	Whitman of Bennington
Corcoran of Bennington	Murphy of Fairfax	Wood of Waterbury
Cordes of Lincoln	Nicoll of Ludlow	Yacovone of Morristown
Dolan of Essex	Nigro of Bennington	Yantachka of Charlotte
Durfee of Shaftsbury	Notte of Rutland City	
Elder of Starksboro	Noyes of Wolcott	
Emmons of Springfield	O'Brien of Tunbridge	

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:

Achey 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

Cina of Burlington
Colburn of Burlington
Dolan of Waitsfield

Killacky of South Burlington
Kitzmiller of Montpelier
Mrowicki of Putney

Troiano of Stannard
Vyhovsky of Essex

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
Arrison of Weathersfield
Austin of Colchester
Bartholomew of Hartland
Birong of Vergennes
Black of Essex

Gregoire of Fairfield
Hango of Berkshire
Harrison of Chittenden
Higley of Lowell
Hooper of Montpelier
Houghton of Essex

Norris of Shoreham
Notte of Rutland City
Noyes of Wolcott
Ode of Burlington
Pajala of Londonderry
Palasik of Milton

Bluemle of Burlington	James of Manchester	Parsons of Newbury
Bock of Chester	Jerome of Brandon	Partridge of Windham
Bongartz of Manchester	Jessup of Middlesex	Peterson of Clarendon
Bos-Lun of Westminster *	Kimbell of Woodstock	Pugh of South Burlington
Brennan of Colchester	Kornheiser of Brattleboro	Rogers of Waterville
Briglin of Thetford	Labor of Morgan	Rosenquist of Georgia
Brown of Richmond	LaClair of Barre Town	Satcowitz of Randolph
Brownell of Pownal	LaLonde of South	Scheu of Middlebury
Brumsted of Shelburne	Burlington	Shaw of Pittsford
Burke of Brattleboro	Lanpher of Vergennes	Sheldon of Middlebury
Burrows of West Windsor	Laroche of Franklin	Sibilia of Dover
Campbell of St. Johnsbury	Lefebvre of Orange	Smith of Derby
Canfield of Fair Haven	Leffler of Enosburgh	Smith of New Haven
Coffey of Guilford	Lippert of Hinesburg	Squirrell of Underhill
Colston of Winooski	Long of Newfane	Stevens of Waterbury
Conlon of Cornwall	Marcotte of Coventry	Sullivan of Dorset
Copeland Hanzas of	Martel of Waterford	Taylor of Colchester
Bradford	Masland of Thetford	Terenzini of Rutland Town
Corcoran of Bennington	Mattos of Milton	Toleno of Brattleboro
Cupoli of Rutland City	McCarthy of St. Albans City	Toof of St. Albans Town
Dickinson of St. Albans	McCormack of Burlington	Troiano of Stannard
Town	McCoy of Poultney	Walker of Swanton
Dolan of Essex	McCullough of Williston *	Webb of Shelburne
Donahue of Northfield	McFaun of Barre Town	White of Bethel
Durfee of Shaftsbury	Morgan, L. of Milton	White of Hartford
Emmons of Springfield	Morgan, M. of Milton	Whitman of Bennington
Fagan of Rutland City	Morris of Springfield	Williams of Granby
Feltus of Lyndon	Morrissey of Bennington	Wood of Waterbury
Gannon of Wilmington	Murphy of Fairfax	Yantachka of Charlotte *
Goslant of Northfield	Nicoll of Ludlow	
Grad of Moretown	Nigro of Bennington	
Graham of Williamstown	Norris of Sheldon	

Those who voted in the negative are:

Anthony of Barre City *	Kitzmiller of Montpelier	Small of Winooski
Beck of St. Johnsbury	Lefebvre of Newark	Strong of Albany
Christie of Hartford	Mulvaney-Stanak of	Surprenant of Barnard
Cordes of Lincoln	Burlington	Till of Jericho
Elder of Starksboro	O'Brien of Tunbridge	Walz of Barre City
Hooper of Burlington	Page of Newport City	Yacovone of Morristown

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

Achey of Middletown	Garofano of Essex	Rachelson of Burlington
Springs	Goldman of Rockingham	Scheuermann of Stowe
Brady of Williston	Helm of Fair Haven	Sims of Craftsbury
Burditt of West Rutland	Hooper of Randolph	Stebbins of Burlington
Chase of Colchester	Howard of Rutland City	Townsend of South
Cina of Burlington	Killacky of South Burlington	Burlington
Colburn of Burlington	Mrowicki of Putney	Vyhovsky of Essex

Dolan of Waitsfield
Donnally of Hyde Park

Patt of Worcester
Pearl of Danville

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. 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.

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.]