

# Journal of the House

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**Tuesday, May 10, 2022**

At ten o'clock in the forenoon 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. 70**

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 House proposals of amendment to Senate bill of the following title:

**S. 161.** An act relating to extending the baseload renewable power portfolio requirement.

And has concurred therein.

The Senate has considered a bill originating in the House of the following title:

**H. 738.** An act relating to technical and administrative changes to Vermont's tax laws.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

## **Ceremonial Reading**

### **H.C.R. 160**

House concurrent resolution honoring the General Assembly's venerable head doorkeeper, Cornelius F. Reed Jr. of Wolcott

Offered by: All Members of the House

Having been adopted in concurrence on Friday, April 29, 2022 in accord with Joint Rule 16b, was read.

**Vote on Governor's Veto****H. 708**

An act relating to the approval of an amendment to the charter of the City of Burlington

Pursuant to Chapter II, Section 11, of the Vermont Constitution, the Clerk proceeded to call the roll and the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, was decided in the negative. Yeas, 99. Nays, 51.

Those who voted in the affirmative are:

Ancel of Calais	Garofano of Essex	Pajala of Londonderry
Anthony of Barre City	Goldman of Rockingham	Partridge of Windham
Arrison of Weathersfield	Grad of Moretown	Patt of Worcester
Austin of Colchester	Hooper of Montpelier	Pearl of Danville
Bartholomew of Hartland	Hooper of Randolph	Pugh of South Burlington
Birong of Vergennes	Hooper of Burlington	Rachelson of Burlington
Black of Essex	Houghton of Essex	Rogers of Waterville
Bluemle of Burlington	Howard of Rutland City	Satcowitz of Randolph
Bock of Chester	James of Manchester	Scheu of Middlebury
Bongartz of Manchester	Jerome of Brandon	Sheldon of Middlebury
Bos-Lun of Westminster	Jessup of Middlesex	Sibilia of Dover
Brady of Williston	Killackey of South Burlington	Sims of Craftsbury
Briglin of Thetford	Kimbell of Woodstock	Small of Winooski
Brown of Richmond	Kitzmiller of Montpelier	Squirrell of Underhill
Brumsted of Shelburne	Kornheiser of Brattleboro	Stebbins of Burlington
Burke of Brattleboro	Krowinski of Burlington	Stevens of Waterbury
Burrows of West Windsor	LaLonde of South	Sullivan of Dorset
Campbell of St. Johnsbury	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
Colburn of Burlington	McCarthy of St. Albans City	Burlington
Colston of Winooski	McCormack of Burlington	Troiano of Stannard
Conlon of Cornwall	McCullough of Williston	Vyhovsky of Essex
Copeland Hanzas of	Morris of Springfield	Walz of Barre City
Bradford	Mrowicki of Putney	Webb of Shelburne
Cordes of Lincoln	Mulvaney-Stanak of	White of Bethel
Dolan of Essex	Burlington	White of Hartford
Dolan of Waitsfield	Nicoll of Ludlow	Whitman of Bennington
Donnally of Hyde Park	Nigro of Bennington	Wood of Waterbury
Durfee of Shaftsbury	Notte of Rutland City	Yacovone of Morristown
Elder of Starksboro	Noyes of Wolcott	Yantachka of Charlotte
Emmons of Springfield	O'Brien of Tunbridge	
Gannon of Wilmington	Ode of Burlington	

Those who voted in the negative are:

Achey of Middletown Springs	Harrison of Chittenden	Murphy of Fairfax
Beck of St. Johnsbury	Helm of Fair Haven	Norris of Sheldon
Brennan of Colchester	Higley of Lowell	Norris of Shoreham
Brownell of Pownal	Kascenska of Burke	Page of Newport City
Burditt of West Rutland	Labor of Morgan	Palasik of Milton
Canfield of Fair Haven	LaClair of Barre Town	Parsons of Newbury
Corcoran of Bennington	Laroche of Franklin	Peterson of Clarendon
Cupoli of Rutland City	Lefebvre of Newark	Rosenquist of Georgia
Dickinson of St. Albans Town	Lefebvre of Orange	Scheuermann of Stowe
Donahue of Northfield	Leffler of Enosburgh	Shaw of Pittsford
Fagan of Rutland City	Marcotte of Coventry	Smith of Derby
Feltus of Lyndon	Martel of Waterford	Smith of New Haven
Goslant of Northfield	Mattos of Milton	Strong of Albany
Graham of Williamstown	McCoy of Poultney	Terenzini of Rutland Town
Gregoire of Fairfield	McFaun of Barre Town	Toof of St. Albans Town
Hango of Berkshire	Morgan, L. of Milton	Walker of Swanton
	Morgan, M. of Milton	Williams of Granby
	Morrissey of Bennington	

Those members absent with leave of the House and not voting are: none

[For text of the Governor's veto letter, see House Journal of May 3, 2022.]

**Amendment to Proposal of Amendment Agreed to; Third Reading;  
Motion to Commit Bill Disagreed to; Bill Passed in Concurrence with  
Proposal of Amendment**

**S. 281**

Senate bill, entitled

An act relating to hunting coyotes with dogs

Was taken up, and pending third reading of the bill, **Rep. Notte of Rutland City**, for the Committee on Judiciary, to which was referred the bill, recommended that the House proposal of amendment be amended as follows:

By striking out Sec. 4, effective dates, in its entirety and inserting in lieu thereof the following:

Sec. 4. 13 V.S.A. § 4010 is amended to read:

§ 4010. GUN SUPPRESSORS

(a) As used in this section:

(1) “Gun suppressor” means any device for ~~silencing~~, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a gun suppressor, and any part intended only for use in such assembly or fabrication.

(2) “Sport shooting range” shall have the same meaning as used in 10 V.S.A. § 5227(a).

(b) A person shall not manufacture, make, or import a gun suppressor, except for:

(1) a licensed manufacturer, as defined in 18 U.S.C. § 921, who is registered as a manufacturer pursuant to 26 U.S.C. § 5802;

(2) a licensed importer, as defined in 18 U.S.C. § 921, who is registered as an importer pursuant to 26 U.S.C. § 5802; or

(3) a person who makes a gun suppressor in compliance with the requirements of 26 U.S.C. § 5822.

(c) A person shall not use a gun suppressor in the State, except for use by:

(1) a Level III certified law enforcement officer or Department of Fish and Wildlife employee in connection with ~~his or her~~ the officer’s or employee’s duties and responsibilities and in accordance with the policies and procedures of that officer’s or employee’s agency or department;

(2) the Vermont National Guard in connection with its duties and responsibilities;

(3) a licensed manufacturer or a licensed importer, as defined in 18 U.S.C. § 921, who is also registered as a manufacturer or an importer pursuant to 26 U.S.C. § 5802, who in the ordinary course of ~~his or her~~ the manufacturer’s or importer’s business as a manufacturer or as an importer tests the operation of the gun suppressor; ~~or~~

(4) a person lawfully using a sport shooting range; or

(5) a person taking game as authorized under 10 V.S.A. § 4701.

(d)(1) A person who violates subsection (b) of this section shall be fined not less than \$500.00 for each offense.

(2) A person who violates subsection (c) of this section shall be fined \$50.00 for each offense.

Sec. 5. 10 V.S.A. § 4701 is amended to read:

§ 4701. USE OF GUN, BOW AND ARROW, AND CROSSBOW; LEGAL DAY; DOGS

(a) Unless otherwise provided by statute, a person shall not take game except with:

- (1) a gun fired at arm's length;
- (2) a bow and arrow; or
- (3) a crossbow as authorized by the rules of the Board.

(b) A person shall not take game between one-half hour after sunset and one-half hour before sunrise unless otherwise provided by statute or by the rules of the Board.

(c) A person may take game and fur-bearing animals during the open season therefor, with the aid of a dog, unless otherwise prohibited by statute or by the rules of the Board.

(d) A person taking game with a gun may possess, carry, or use a gun suppressor in the act of taking game.

Sec. 6. 10 V.S.A. § 4704 is amended to read:

§ 4704. USE OF MACHINE GUNS, AND AUTOLOADING RIFLES, AND GUN SUPPRESSORS

(a) A person engaged in hunting for wild animals shall not use, carry, or have in ~~his or her~~ the person's possession:

- (1) a machine gun of any kind or description; or
- (2) an autoloading rifle with a magazine capacity of over six cartridges, except a .22 caliber rifle using rim fire cartridges; or
- (3) ~~a gun suppressor.~~

(b) ~~As used in this section, "gun suppressor" means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a gun suppressor, and any part intended only for use in such assembly or fabrication. [Repealed.]~~

Sec. 7. 10 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

Words and phrases used in this part, unless otherwise provided, shall be construed to mean as follows:

\* \* \*

(9) Game: game birds or game quadrupeds, or both.

(10) Game birds: quail, partridge, woodcock, pheasant, plover of any kind, Wilson snipe, other shore birds, rail, coot, gallinule, wild ducks, wild geese, and wild turkey.

\* \* \*

(15) Wild animals or wildlife: all animals, including birds, fish, amphibians, and reptiles, other than domestic animals, domestic fowl, or domestic pets.

\* \* \*

(23) Take and taking: pursuing, shooting, hunting, killing, capturing, trapping, snaring, and netting fish, birds, and quadrupeds and all lesser acts, such as disturbing, harrying, worrying, or wounding or placing, setting, drawing, or using any net or other device commonly used to take fish or wild animals, whether they result in the taking or not; and shall include every attempt to take and every act of assistance to every other person in taking or attempting to take fish or wild animals, provided that when taking is allowed by law, reference is had to taking by lawful means and in a lawful manner.

\* \* \*

(41) Gun suppressor: any device for muffling or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a gun suppressor, and any part intended only for use in such assembly or fabrication.

Sec. 8. 13 V.S.A. § 4010(c) is amended to read:

(c) A person shall not use a gun suppressor in the State, except for use by:

\* \* \*

(3) a licensed manufacturer or a licensed importer, as defined in 18 U.S.C. § 921, who is also registered as a manufacturer or an importer pursuant to 26 U.S.C. § 5802, who in the ordinary course of the manufacturer's or importer's business as a manufacturer or as an importer tests the operation of the gun suppressor; or

(4) a person lawfully using a sport shooting range; ~~or~~

~~(5) a person taking game as authorized under 10 V.S.A. § 4701.~~

Sec. 9. 10 V.S.A. § 4701(d) is amended to read:

~~(d) A person taking game with a gun may possess, carry, or use a gun suppressor in the act of taking game. [Repealed.]~~

Sec. 10. 10 V.S.A. § 4704 is amended to read:

§ 4704. USE OF MACHINE GUNS AND AUTOLOADING RIFLES, AND  
GUN SUPPRESSORS

~~(a)~~ A person engaged in hunting for wild animals shall not use, carry, or have in the person's possession:

(1) a machine gun of any kind or description; ~~or~~

(2) an autoloading rifle with a magazine capacity of over six cartridges, except a .22 caliber rifle using rim fire cartridges; or

(3) a gun suppressor.

Sec. 11. EFFECTIVE DATES

(a) This section and Sec. 3 (Fish and Wildlife Board rules) shall take effect on passage.

(b) Secs. 2 (moratorium on hunting coyote with aid of dogs) and 4-7 (gun suppressors) shall take effect on July 1, 2022.

(c) Sec. 1 (permit requirement and prohibition on pursuing coyote with aid of dogs) shall take effect on the effective date of the Fish and Wildlife Board rules required under Sec. 3 of this act.

(d) Secs. 8-10 (repeal of authority to use gun suppressors while hunting) shall take effect on July 1, 2024.

Which was agreed to. Thereupon, the bill was read the third time.

Thereafter, **Rep. Higley of Lowell** moved to commit the bill to the Committee on Judiciary, which was disagreed to.

Thereupon, the bill was passed in concurrence with proposal of amendment.

**Third Readings; Bills Passed in Concurrence**  
**With Proposal of Amendment**

The following bills were severally taken up, read the third time, and passed in concurrence with proposal of amendment:

**S. 173**

Senate bill, entitled

An act relating to the State House art collection

**S. 181**

Senate bill, entitled

An act relating to authorizing miscellaneous regulatory authority for municipal governments

**S. 201**

Senate bill, entitled

An act relating to best management practices for trapping

**Senate Proposal of Amendment to House Proposal of Amendment  
Concurred in with Further Amendment Thereto**

**S. 280**

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

An act relating to miscellaneous changes to laws related to vehicles

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

By striking out Secs. 12, report on increasing gross weight limits on highways; 13, distracted driving; report; 14, idling; public outreach campaign; 15, 19 V.S.A. § 10b; 16, 19 V.S.A. § 10i; and 17, effective dates, and their corresponding reader assistance headings in their entireties and inserting in lieu thereof the following:

\* \* \* General Statement of Policy; Transportation Planning \* \* \*

Sec. 12. 19 V.S.A. § 10b is amended to read:

§ 10b. STATEMENT OF POLICY; GENERAL

(a) The Agency shall be the responsible agency of the State for the development of transportation policy. It shall develop a mission statement to reflect:

(1) that State transportation policy shall be to encompass, coordinate, and integrate all modes of transportation and to consider “complete streets” principles, which are principles of safety and accommodation of all transportation system users, regardless of age, ability, or modal preference; and



(2) the need for transportation projects that will improve the State's economic infrastructure, as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound ways, and that will be consistent with the recommendations of the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b, the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592, and any rules adopted in accordance with 10 V.S.A. § 593.

(b) The Agency shall coordinate planning and education efforts with ~~those of the Vermont Climate Change Oversight Committee and~~ those of local and regional planning entities to:

(1) ~~to~~ ensure that the transportation system as a whole is integrated, that access to the transportation system as a whole is integrated, and that statewide, local, and regional conservation and efficiency opportunities and practices are integrated; and

(2) ~~to~~ support employer-led or local or regional government-led conservation, efficiency, rideshare, and bicycle programs and other innovative transportation advances, especially employer-based incentives.

(c) In developing the State's annual Transportation Program, the Agency shall, consistent with the planning goals listed in 24 V.S.A. § 4302 ~~as amended by 1988 Acts and Resolves No. 200~~ and with appropriate consideration to local, regional, and State agency plans:

(1) Develop or incorporate designs that provide integrated, safe, and efficient transportation and that are consistent with the recommendations of the CEP and the CAP.

\* \* \*

Sec. 13. 19 V.S.A. § 10i is amended to read:

#### § 10i. TRANSPORTATION PLANNING PROCESS

(a) Long-range systems plan. The Agency shall establish and implement a planning process through the adoption of a long-range ~~multi-modal~~ multimodal systems plan integrating all modes of transportation. The long-range ~~multi-modal~~ multimodal systems plan shall be based upon Agency transportation policy developed under section 10b of this title; ~~other policies approved by the General Assembly;~~ Agency goals, mission, and objectives; ~~and demographic and travel forecasts, design standards, performance criteria, and funding availability.~~ The long-range systems plan shall be developed with participation of the public and local and regional governmental entities and pursuant to the planning goals and processes set forth in 1988 Acts and Resolves No. 200. The plan shall be consistent with the Comprehensive

Energy Plan (CEP) issued under 30 V.S.A. § 202b and the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

\* \* \*

(c) Transportation Program. The Transportation Program shall be developed in a fiscally responsible manner to accomplish the following objectives:

(1) managing, maintaining, and improving the State's existing transportation infrastructure to provide capacity, safety, and flexibility, and resiliency in the most cost-effective and efficient manner;

(2) developing an integrated transportation system that provides Vermonters with transportation choices;

(3) strengthening the economy, protecting the quality of the natural environment, and improving Vermonters' quality of life; and

(4) achieving the recommendations of the CEP and the CAP.

\* \* \*

\* \* \* Effective Dates \* \* \*

#### Sec. 14. EFFECTIVE DATES

(a) This section and Secs. 1 (new motor vehicle arbitration; 9 V.S.A. § 4173(d)), 3 (current Total Abstinence Program participants), 8 and 9 (abandoned vehicles; 23 V.S.A. §§ 2151 and 2153(a)), and 10 (transportation network companies regulation preemption; 23 V.S.A. § 754(b)) shall take effect on passage.

(b) Sec. 2 (Total Abstinence Program; 23 V.S.A. § 1209a) shall take effect on passage and apply to all individuals participating in or in the process of applying to participate in the Total Abstinence Program as of the effective date of this section without regard to when the individual's license was reinstated under the Total Abstinence Program.

(c) All other sections shall take effect on July 1, 2022.

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment?, **Rep. Lanpher of Vergennes** moved that the House concur in the Senate proposal of amendment to the House proposal of amendment with further proposal of amendment as follows:

By striking out Secs. 10, 23 V.S.A. § 754; 11, transportation network companies (TNC) report; 12, 19 V.S.A. § 10b; 13, 19 V.S.A. § 10i; and 14,

effective dates, and their corresponding reader assistance headings in their entirety and inserting in lieu thereof the following:

\* \* \* Gross Weight Limits on Highways; Permit Portal; Report \* \* \*

Sec. 10. REPORT ON INCREASING GROSS WEIGHT LIMITS ON  
HIGHWAYS THROUGH SPECIAL ANNUAL PERMIT AND  
STATUS OF PERMIT PORTAL

(a) The Secretary of Transportation or designee, in collaboration with the Commissioner of Forests, Parks and Recreation or designee, the Executive Director of the Vermont League of Cities and Towns or designee, and the President of the Vermont Forest Products Association or designee and with the assistance of the Commissioner of Motor Vehicles or designee, shall examine adding one or more additional special annual permits to 23 V.S.A. § 1392 to allow for the operation of motor vehicles at a gross vehicle weight over 99,000 pounds and shall file a written report on the examination and any recommendations with the House and Senate Committees on Transportation on or before January 15, 2023.

(b) At a minimum, the examination shall address:

(1) allowing for a truck trailer combination or truck tractor, semi-trailer combination transporting cargo of legal dimensions that can be separated into units of legal weight without affecting the physical integrity of the load to bear a maximum of 107,000 pounds on six axles or a maximum of 117,000 pounds on seven axles by special annual permit;

(2) limitations for any additional special annual gross vehicle weight permits based on highway type, including limited access State highway, non-limited access State highway, class 1 town highway, and class 2 town highway;

(3) limitations for any additional special annual gross vehicle weight permits based on axle spacing and axle-weight provisions;

(4) reciprocity treatment for foreign trucks from a state or province that recognizes Vermont vehicles permitted at increased gross weights;

(5) permit fees for any additional special annual gross vehicle weight permits;

(6) additional penalties, including civil penalties and permit revocation, for gross vehicle weight violations; and

(7) impacts of any additional special annual gross vehicle permits on the forest economy and on the management and forest cover of Vermont's landscape.

(c) The Secretary of Transportation or designee, in consultation with the Commissioner of Motor Vehicles or designee, shall also include an update on the development and implementation of the centralized online permitting system that the Commissioner of Motor Vehicles was authorized to initiate the design and development of pursuant to 2021 Acts and Resolves No. 149, Sec. 26(a) in the report required under subsection (a) of this section.

\* \* \* Distracted Driving; Report \* \* \*

#### Sec. 11. DISTRACTED DRIVING; REPORT

(a) Findings. The General Assembly finds that:

(1) Distracted driving is any activity that diverts attention from driving, including talking or texting on a portable electronic device.

(2) Sending or reading a text could take an individual's eyes off the road for five seconds or more. At 55 miles per hour, that is like an operator driving the length of an entire football field with closed eyes.

(3) In 2020, 113 individuals were convicted under 23 V.S.A. § 1095a, 1095b, or 1099 (Vermont statutes that prohibit a non-commercial driver's license holder from using a portable electronic device or texting while operating a motor vehicle).

(4) In 2020, 3,142 individuals were killed by distracted driving in the United States.

(b) Recommendations.

(1) The Vermont State Highway Safety Office, in consultation with the Departments of Motor Vehicles and of Public Safety, the Vermont Sheriffs' Association, the Vermont League of Cities and Towns, the Vermont Department of State's Attorneys and Sheriffs, the Vermont Association of Court Diversion and Pretrial Services, and the Vermont Judiciary, shall file written recommendations on how, if at all, the State should modify its approach to the education, enforcement, and conviction of the non-commercial driver's license distracted driving violations under 23 V.S.A. §§ 1095a, 1095b, and 1099 with the House and Senate Committees on Judiciary and on Transportation on or before January 15, 2023.

(2) As part of making any recommendations, the Vermont State Highway Safety Office shall review what is and what is not working to minimize distracted driving in Vermont and other states, especially amongst operators under 18 years of age, and examine:

(A) the use of monetary penalties, points, suspensions, revocations, and recalls, including escalations based on the number and location of distracted driving violations;

(B) the use of diversion programs and other mandated education; and

(C) how to balance education, enforcement, and conviction.

\* \* \* Idling; Public Outreach \* \* \*

#### Sec. 12. IDLING; PUBLIC OUTREACH CAMPAIGN

(a) The Department of Environmental Conservation, Air Quality and Climate Division, in consultation with the Departments of Motor Vehicles and of Public Safety, shall implement a public outreach campaign on idling that, at a minimum, addresses that:

(1) in most cases, idling violates 23 V.S.A. § 1110;

(2) unnecessary idling harms human health, pollutes the air, wastes fuel and money, and causes excess engine wear;

(3) based on estimates, if every motor vehicle in Vermont reduced unnecessary idling by just one minute per day, over the course of a year Vermonters would save over 1,000,000 gallons of fuel and over \$2,000,000.00 in fuel costs, and Vermont would reduce CO2 emissions by more than 10,000 metric tons; and

(4) while individual actions may be small, the cumulative impacts of idling are large.

(b) The public outreach campaign shall disseminate information on idling through e-mail; a dedicated web page on idling that is linked through the websites for the Agency of Natural Resources and the Departments of Environmental Conservation, of Motor Vehicles, and of Public Safety; social media platforms; community posting websites; radio; television; and printed written materials.

\* \* \* General Statement of Policy; Transportation Planning \* \* \*

#### Sec. 13. 19 V.S.A. § 10b is amended to read:

##### § 10b. STATEMENT OF POLICY; GENERAL

(a) The Agency shall be the responsible agency of the State for the development of transportation policy. It shall develop a mission statement to reflect:

(1) that State transportation policy shall be to encompass, coordinate, and integrate all modes of transportation and to consider “complete streets”

principles, which are principles of safety and accommodation of all transportation system users, regardless of age, ability, or modal preference; and

(2) the need for transportation projects that will improve the State's economic infrastructure, as well as the use of resources in efficient, coordinated, integrated, cost-effective, and environmentally sound ways, and that will be consistent with the recommendations of the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b, the recommendations of the Climate Action Plan (CAP) issued under 10 V.S.A. § 592, and any rules adopted in accordance with 10 V.S.A. § 593;

(3) the need for the Agency to lead, assist, and partner in the transformation of the transportation sector to meet the emissions reduction requirements of the Global Warming Solutions Act, codified at 10 V.S.A. § 578, and ensure that there is an environmentally clean, efficient, multimodal system that will have economic, environmental, equity, and public health benefits for all Vermonters; and

(4) the importance of transportation infrastructure resilience and strategies to construct or retrofit, or both, transportation infrastructure to prepare for and adapt to changes in the climate, add redundancy and efficiency to the transportation network, and use maintenance and operational strategies to address transportation disruptions.

(b) The Agency shall coordinate planning and education efforts with those of the Vermont ~~Climate Change Oversight Committee~~ Council, established under 10 V.S.A. § 591, and those of local and regional planning entities to:

(1) ~~to ensure that the transportation system as a whole is integrated, that access to the transportation system as a whole is integrated, and that statewide, local, and regional conservation and efficiency opportunities and practices are integrated; and~~

(2) ~~to support employer-led or local or regional government-led conservation, efficiency, rideshare, and bicycle programs and other innovative transportation advances, especially employer-based incentives.~~

(c) In developing the State's annual Transportation Program, the Agency shall, consistent with the planning goals listed in 24 V.S.A. § 4302 ~~as amended by 1988 Acts and Resolves No. 200~~ and with appropriate consideration to local, regional, and State agency plans:

(1) Develop or incorporate designs that provide integrated, safe, and efficient transportation and that are consistent with the recommendations of the CEP and the CAP.

\* \* \*

Sec. 14. 19 V.S.A. § 10i is amended to read:

§ 10i. TRANSPORTATION PLANNING PROCESS

(a) Long-range systems plan. The Agency shall establish and implement a planning process through the adoption of a long-range ~~multi-modal~~ multimodal systems plan integrating all modes of transportation. The long-range ~~multi-modal~~ multimodal systems plan shall be based upon Agency transportation policy developed under section 10b of this title; other policies approved by the General Assembly; Agency goals, mission, and objectives; and demographic and travel forecasts, design standards, performance criteria, and funding availability. The long-range systems plan shall be developed with participation of the public and local and regional governmental entities and pursuant to the planning goals and processes set forth in 1988 Acts and Resolves No. 200. The plan shall be consistent with the Comprehensive Energy Plan (CEP) issued under 30 V.S.A. § 202b and the Climate Action Plan (CAP) issued under 10 V.S.A. § 592.

\* \* \*

(c) Transportation Program. The Transportation Program shall be developed in a fiscally responsible manner to accomplish the following objectives:

(1) managing, maintaining, and improving the State's existing transportation infrastructure to provide capacity, safety, ~~and flexibility,~~ and resiliency in the most cost-effective and efficient manner;

(2) developing an integrated transportation system that provides Vermonters with transportation choices;

(3) strengthening the economy, protecting the quality of the natural environment, and improving Vermonters' quality of life; ~~and~~

(4) achieving the recommendations of the CEP and the CAP; and

(5) transforming the transportation sector to meet the State's emissions reduction requirements and ensure that there is an environmentally clean, efficient, multimodal system that will have economic, environmental, equity, and public health benefits for all Vermonters.

\* \* \*

(f) Emissions modeling.

(1) The Agency of Natural Resources shall coordinate with the Agency of Transportation to consider and incorporate relevant elements of the proposed Transportation Program and the effectiveness of those elements in

reducing greenhouse gas emissions when developing and updating the Tracking and Measuring Progress Tool pursuant to 10 V.S.A. § 591(b)(3).

(2) The following shall be included in the reports required pursuant to section 10g of this chapter:

(A) the portion of the Tracking and Measuring Progress Tool related to the Transportation Program;

(B) a qualitative estimation of how effective the relevant elements of the proposed Transportation Program for the upcoming fiscal year will be in reducing greenhouse gas emissions and a quantitative estimation, based on the emission projections published in the Greenhouse Gas Inventory, if available, of how much more the greenhouse gas emissions from the transportation sector need to be reduced for the State to achieve its emissions reductions requirements; and

(C) a strategy and plan for how to reduce the greenhouse gas emissions from the transportation sector to achieve the recommendations in the CEP and the CAP during fiscal years beyond the upcoming fiscal year, with the expectation that the strategy and plan shall be used in the Agency of Transportation's ongoing planning.

\* \* \* Effective Dates \* \* \*

#### Sec. 15. EFFECTIVE DATES

(a) This section and Secs. 1 (new motor vehicle arbitration; 9 V.S.A. § 4173(d)), 3 (current Total Abstinence Program participants), and 8 and 9 (abandoned vehicles; 23 V.S.A. §§ 2151 and 2153(a)) shall take effect on passage.

(b) Sec. 2 (Total Abstinence Program; 23 V.S.A. § 1209a) shall take effect on passage and apply to all individuals participating in or in the process of applying to participate in the Total Abstinence Program as of the effective date of this section without regard to when the individual's license was reinstated under the Total Abstinence Program.

(c) All other sections shall take effect on July 1, 2022.

Which was agreed to.

#### **Recess**

At eleven o'clock and nine minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At eleven o'clock and forty-two minutes in the forenoon, the Speaker called the House to order.



**Vote on Governor's Veto****H. 715**

House bill, entitled

An act relating to the Clean Heat Standard

Pursuant to Chapter II, Section 11, of the Vermont Constitution, the Clerk proceeded to call the roll and the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, was decided in the negative. Yeas, 99. Nays, 51.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	O'Brien of Tunbridge
Anthony of Barre City	Gannon of Wilmington	Ode of Burlington
Arrison of Weathersfield	Garofano of Essex	Pajala of Londonderry
Austin of Colchester	Goldman of Rockingham	Partridge of Windham
Bartholomew of Hartland	Grad of Moretown	Patt of Worcester *
Birong of Vergennes	Hooper of Montpelier	Pearl of Danville
Black of Essex	Hooper of Randolph	Pugh of South Burlington
Bluemle of Burlington	Hooper of Burlington	Rachelson of Burlington
Bongartz of Manchester	Houghton of Essex	Rogers of Waterville
Bos-Lun of Westminster	Howard of Rutland City	Satcowitz of Randolph
Brady of Williston	James of Manchester	Scheu of Middlebury
Briglin of Thetford	Jerome of Brandon	Sheldon of Middlebury
Brown of Richmond	Jessup of Middlesex	Sibilia of Dover
Brumsted of Shelburne	Killackey of South Burlington	Sims of Craftsbury *
Burke of Brattleboro	Kimbell of Woodstock	Small of Winooski *
Burrows of West Windsor	Kitzmiller of Montpelier	Squirrell of Underhill
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Stebbins of Burlington
Chase of Colchester	Krowinski of Burlington	Stevens of Waterbury
Christie of Hartford	LaLonde of South Burlington	Surprenant of Barnard
Cina of Burlington	Lanpher of Vergennes	Taylor of Colchester
Coffey of Guilford	Lippert of Hinesburg	Till of Jericho
Colburn of Burlington	Long of Newfane	Toleno of Brattleboro
Colston of Winooski	Masland of Thetford	Townsend of South Burlington
Conlon of Cornwall	McCarthy of St. Albans City	Troiano of Stannard
Copeland Hanzas of Bradford *	McCormack of Burlington	Vyhovsky of Essex *
Corcoran of Bennington	McCullough of Williston *	Walz of Barre City
Cordes of Lincoln	Morris of Springfield	Webb of Shelburne
Dolan of Essex	Mrowicki of Putney	White of Bethel
Dolan of Waitsfield	Mulvaney-Stanak of Burlington *	White of Hartford
Donahue of Northfield	Nicoll of Ludlow	Whitman of Bennington
Donnally of Hyde Park	Nigro of Bennington	Wood of Waterbury
Durfee of Shaftsbury	Notte of Rutland City	Yacovone of Morristown
Elder of Starksboro	Noyes of Wolcott	Yantachka of Charlotte *

Those who voted in the negative are:

Achey of Middletown Springs	Helm of Fair Haven	Norris of Sheldon
Beck of St. Johnsbury	Higley of Lowell	Norris of Shoreham
Bock of Chester	Kascenska of Burke	Page of Newport City
Brennan of Colchester	Labor of Morgan	Palasik of Milton
Brownell of Pownal	LaClair of Barre Town	Parsons of Newbury
Burditt of West Rutland	Laroche of Franklin	Peterson of Clarendon
Canfield of Fair Haven	Lefebvre of Newark	Rosenquist of Georgia
Cupoli of Rutland City	Lefebvre of Orange	Scheuermann of Stowe
Dickinson of St. Albans Town	Leffler of Enosburgh	Shaw of Pittsford
Fagan of Rutland City	Marcotte of Coventry	Smith of Derby *
Feltus of Lyndon	Martel of Waterford	Smith of New Haven
Goslant of Northfield	Mattos of Milton	Strong of Albany
Graham of Williamstown	McCoy of Poultney	Sullivan of Dorset
Gregoire of Fairfield	McFaun of Barre Town	Terenzini of Rutland Town
Hango of Berkshire	Morgan, L. of Milton	Toof of St. Albans Town
Harrison of Chittenden *	Morgan, M. of Milton	Walker of Swanton
	Morrissey of Bennington	Williams of Granby
	Murphy of Fairfax	

Those members absent with leave of the House and not voting are: none

**Rep. Copeland Hanzas of Bradford** explained her vote as follows:

“Madam Speaker:

The time to act on climate is now. May our children’s children forgive us for our failure to act with the urgency they expected of us.”

**Rep. Harrison of Chittenden** explained his vote as follows:

“Madam Speaker:

While important improvements were made as this bill came back from the Senate, which I appreciate. However, important legislation such as this needs to be done in collaboration with the Executive Branch, not just the Legislature.”

**Rep. McCullough of Williston** explained his vote as follows:

“Madam Speaker:

I vote yes.  
Two perilous paths  
Produced in the woods;  
I took them...  
Everything being better than nothing.”

**Rep. Mulvaney-Stanak of Burlington** explained her vote as follows:

“Madam Speaker:

Voting to override the veto on H.715 is one of my most difficult decisions so far as a legislator. This bill does not go far enough. Yet, I feel an urgency to act on this policy today, as we are out of time with our climate crisis. I voted to override the veto because the most regressive thing we could do for our planet and for working Vermonters is to continue our reliance on fossil fuels without creating viable alternatives.”

**Rep. Patt of Worcester** explained his vote as follows:

“Madam Speaker:

I voted yes. It is so very frustrating that the Governor vetoed the Clean Heat Standard without understanding what the bill does, and what it does not do. He was wrong to do so.”

**Rep. Sims of Craftsbury** explained her vote as follows:

“Madam Speaker:

The only long-term solution to high heating costs is to reduce our dependency on fossil fuels. The CHS will help Vermonters transition to a cleaner, more predictable, more affordable energy future. I vote yes today to advance the public engagement process and bring the standard back to the Legislature for final approval.”

**Rep. Small of Winooski** explained her vote as follows:

“Madam Speaker:

The topic of biofuels within the Clean Heat Standard is one of the most important, yet concerning, issues before us. I still worry about the sustainability of our State’s small and organic farms in a market that preferences the reduction of biodiversity. I voted yes today as a commitment to address these concerns next year.”

**Rep. Smith of Derby** explained his vote as follows:

“Madam Speaker:

There is not enough lipstick in the State of Vermont that will make this pig look any better! I hope I do not have to apologize to my constituents for H.715.”

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

“Madam Speaker:

This bill is certainly flawed. I wish it was not reliant on biofuels, I wish it

had a stronger definition of sustainability, and I wish it did even more for low- and middle-income Vermonters. I vote yes today in spite of the many flaws to move us one step forward in addressing the climate crisis so that we may build stronger and better policy rather than starting over next year.”

**Rep. Yantachka of Charlotte** explained his vote as follows:

“Madam Speaker:

The climate crisis is real, it's here, and it is costing Vermonters money. The Clean Heat Standard would help Vermonters save money by reducing their dependence on fossil fuels for heating, a major source of our greenhouse gas emissions. The only negative effect will be on the oil companies that are siphoning off out-of-state 80 cents of every dollar Vermonters spend to heat their homes with oil, gas, or propane. I vote yes to override the Governor's veto because it will save Vermonters money in the long run.”

[For text of the Governor's veto letter, see House Journal of May 6, 2022.]

**Senate Proposal of Amendment to House Proposal of Amendment  
Concurred in with Further Amendment Thereto**

**S. 188**

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

An act relating to regulating licensed small cannabis cultivation as farming

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

In Sec. 2, 7 V.S.A. § 869, by striking out subsection (f) in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

(f) Notwithstanding subsection (a) of this section, a small cultivator licensed under this chapter who initiates cultivation of cannabis outdoors on a parcel of land that was subject to the Required Agricultural Practices prior to licensed cultivation of cannabis shall:

(1) be regulated in the same manner as “farming” and not as “development” on the tract of land where cultivation occurs for the purposes of permitting under 10 V.S.A. chapter 151;

(2) not be regulated by a municipal bylaw adopted under 24 V.S.A. chapter 117 in the same manner that Required Agricultural Practices are not regulated by a municipal bylaw under 24 V.S.A. § 4413(d)(1)(A);

(3) be eligible to enroll in the Use Value Appraisal Program under 32 V.S.A. chapter 124 for the cultivation of cannabis, provided that the agricultural land or farm building on the parcel where cannabis cultivation occurs was enrolled in the Use Value Appraisal Program prior to commencement of licensed cannabis cultivation and the parcel continues to qualify for enrollment; and

(4) be exempt under 32 V.S.A. § 9741(3), (25), and (50) from the tax on retail sales imposed under 32 V.S.A. § 9771.

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment?, **Reps. O'Brien of Tunbridge and Partridge of Windham** moved that the House concur in the Senate proposal of amendment to the House proposal of amendment with further amendment thereto as follows:

First: By striking out Sec.1 in its entirety and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 861 is amended to read:

§ 861. DEFINITIONS

As used in this chapter:

\* \* \*

(16) “Child-deterrent packaging” means tear-resistant packaging that can be sealed in a manner that would deter children under five years of age from easily accessing the contents of the package within a reasonable time and not difficult for normal adults to use properly.

(17) “Child-resistant packaging” means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance in the container within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging that all children under five years of age cannot open or obtain a toxic or harmful amount of the substance in the container within a reasonable time.

(17)(18) “Controls,” “is controlled by,” and “under common control” mean the power to direct, or cause the direction or management and policies of a person, whether through the direct or beneficial ownership of voting securities, by contract, or otherwise. A person who directly or beneficially owns 10 percent or more equity interest, or the equivalent thereof, of another person shall be deemed to control the person.

(18)(19) “Dispensary” means a business organization licensed pursuant

to chapter 37 of this title or 18 V.S.A. chapter 86.

~~(19)(20) “Enclosed, locked facility” means a building, room, greenhouse, outdoor fenced-in area, or other location that is enclosed on all sides and prevents cannabis from easily being viewed by the public. The facility shall be equipped with locks or other security devices that permit access only by:~~

~~(A) Employees, agents, or owners of the cultivator, all of whom shall be 21 years of age or older.~~

~~(B) Government employees performing their official duties.~~

~~(C) Contractors performing labor that does not include cannabis cultivation, packaging, or processing. Contractors shall be accompanied by an employee, agent, or owner of the cultivator when they are in areas where cannabis is being grown, processed, packaged, or stored.~~

~~(D) Registered employees of other cultivators, members of the media, elected officials, and other individuals 21 years of age or older visiting the facility, provided they are accompanied by an employee, agent, or owner of the cultivator. [Repealed.]~~

~~(20)(21) “Flavored oil cannabis product” means any oil cannabis product that contains an additive to give it a characterizing flavor.~~

~~(22) “Hemp” means the plant Cannabis sativa L. and any part of the plant, including the seeds and all derivatives, extracts, cannabinoids, acids, salts, isomers, and salts of isomers, whether growing or not, with the federally defined tetrahydrocannabinol concentration level of hemp.~~

~~(23) “Hemp products” or “hemp-infused products” means all products with the federally defined tetrahydrocannabinol concentration level for hemp derived from, or made by, processing hemp plants or plant parts that are prepared in a form available for commercial sale, including cosmetics, personal care products, food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, construction materials, plastics, and any product containing one or more hemp-derived cannabinoids, such as cannabidiol.~~

~~(21)(24) “Integrated licensee” means a person licensed by the Board to engage in the activities of a cultivator, wholesaler, product manufacturer, retailer, and testing laboratory in accordance with this chapter.~~

~~(22)(25) “Municipality” means a town, city, or incorporated village.~~

~~(26) “Owner” means a natural person who controls, or shares control of, a Cannabis Establishment.~~

(23)(27) “Person” shall include any natural person; corporation; municipality; the State of Vermont or any department, agency, or subdivision of the State; and any partnership, unincorporated association, or other legal entity.

(24)(28) “Plant canopy” means the square footage dedicated to live plant production and does not include areas such as office space or areas used for the storage of fertilizers, pesticides, or other products.

(25)(29) “Principal” means ~~an individual vested with the authority to conduct, manage, or supervise the business affairs of a person, and may include the president, vice president, secretary, treasurer, manager, or similar executive officer of a business; a director of a corporation, nonprofit corporation, or mutual benefit enterprise; a member of a nonprofit corporation, cooperative, or member-managed limited liability company; and a partner of a partnership~~ one of the following:

(A) the president, vice president, secretary, treasurer, manager, or similar officer of a corporation as provided for by 11A V.S.A. § 8.40, nonprofit corporation as provided for by 11B V.S.A. § 8.40, mutual benefit enterprise as provided for by 11C V.S.A. § 822, cooperative as provided for by 11 V.S.A. § 1013, or worker cooperative corporation as provided for by 11 V.S.A. § 1089;

(B) a director of a corporation as provided for by 11A V.S.A. § 8.01, nonprofit corporation as provided for by 11B V.S.A. § 8.01, mutual benefit enterprise as provided for by 11C V.S.A. § 801, cooperative as provided for by 11 V.S.A. § 1006, or worker cooperative corporation as provided for by 11 V.S.A. § 1089;

(C) a member of a member-managed limited liability company as provided for by 11 V.S.A. § 4054;

(D) manager of a manager-managed limited liability company as provided for by 11 V.S.A. § 4054; or

(E) a partner of a partnership as provided for by 11 V.S.A. § 3212 or a general partner of a limited partnership as provided for by 11 V.S.A. chapter 23.

(26)(30) “Small cultivator” means a cultivator with a plant canopy or space for cultivating plants for breeding stock of not more than 1,000 square feet.

Second: By adding Secs. 10–22 to read as follows:

Sec. 10. 7 V.S.A. § 862a is added to read:

§ 862a. SYNTHETIC AND HEMP-DERIVED CANNABINOIDS

The Board shall have the authority to regulate synthetic cannabinoids and hemp-derived cannabinoids, including delta-8 and delta-10 tetrahydrocannabinol.

Sec. 11. 7 V.S.A. § 868 is amended to read:

§ 868. PROHIBITED PRODUCTS

(a) The following are prohibited products and may not be cultivated, produced, or sold pursuant to a license issued under this chapter:

- (1) cannabis flower with greater than 30 percent tetrahydrocannabinol;
- (2) ~~solid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol;~~
- (3) ~~oil cannabis products except for those that are sold prepackaged for use with battery-powered devices;~~
- (4) flavored oil cannabis products sold prepackaged for use with battery-powered devices and any cannabis flower that contains characterizing flavor that is not naturally occurring in the cannabis;
- (5)(3) cannabis products that contain delta-9 tetrahydrocannabinol and nicotine or alcoholic beverages; and
- (6)(4) any cannabis, cannabis products, or packaging of such items that are designed to make the product more appealing to persons under 21 years of age.

(b)(1) Except as provided by subdivision (2) of this subsection, solid and liquid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol may be produced by a licensee and sold to another licensee in accordance with subchapter 3 of this chapter but shall not be sold to the public by a licensed retailer or integrated licensee.

(2) Liquid concentrate cannabis products with greater than 60 percent tetrahydrocannabinol that are prepackaged for use with battery-powered devices shall be permitted to be sold to the public by a licensed retailer or integrated licensee.

Sec. 12. 7 V.S.A. § 881 is amended to read:

§ 881. RULEMAKING; CANNABIS ESTABLISHMENTS

(a) The Board shall adopt rules to implement and administer this chapter in



accordance with subdivisions (1)–(7) of this subsection.

(1) Rules concerning any cannabis establishment shall include:

\* \* \*

(I) regulation of additives to cannabis and cannabis products, including ~~those~~ cannabidiol derived from hemp and substances that are toxic or designed to make the product more addictive, more appealing to persons under 21 years of age, or to mislead consumers;

\* \* \*

(3) Rules concerning product manufacturers shall include:

(A) requirements that a single package of a cannabis product shall not contain more than 50 milligrams of THC, except in the case of:

(i) cannabis products that are not consumable, including topical preparations; ~~and~~

(ii) solid concentrates, oils, and tinctures; and

(iii) cannabis products sold to a dispensary pursuant to 18 V.S.A. chapter 86 and regulations issued pursuant to that chapter;

\* \* \*

(5) Rules concerning retailers shall include:

\* \* \*

(C) requirements that if the retailer sells hemp or hemp products, the hemp and hemp products are clearly labeled as such ~~and displayed separately from cannabis and cannabis products;~~

(D) requirements for opaque, child-resistant packaging of ~~cannabis~~ and cannabis products and child-deterrent packaging for cannabis at point of sale to customer; and

\* \* \*

Sec. 13. 7 V.S.A. § 883 is amended to read:

§ 883. CRIMINAL BACKGROUND RECORD CHECKS; APPLICANTS

(a) The Board shall obtain from the Vermont Crime Information Center a copy of a ~~license applicant's~~ fingerprint-based Vermont criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation for each license applicant, principal of an applicant, and person who controls an applicant who is a natural person.

(b) The Board shall adopt rules that set forth standards for determining

whether an applicant should be denied a cannabis establishment license because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

(c) Notwithstanding subsection (a) of this section, the Board may accept third-party criminal background checks submitted by an applicant for a cannabis establishment license or renewal in lieu of obtaining the records from the Vermont Crime Information Center a copy of the person's Vermont fingerprint-based criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation. Any such third-party background check shall:

(1) be conducted by a third-party consumer reporting agency or background screening company that is in compliance with the federal Fair Credit Reporting Act; and

(2) include a multistate and multi-jurisdiction criminal record locator.

Sec. 14. 7 V.S.A. § 884 is amended to read:

#### § 884. CANNABIS ESTABLISHMENT IDENTIFICATION CARD

(a) Every owner, principal, and employee of a cannabis establishment shall obtain an identification card issued by the Board. A person may apply for an identification card prior to obtaining employment with a licensee. An employee identification card shall authorize the person to work for any licensee.

(b)(1)(A) Prior to issuing the identification card to an owner or principal of a cannabis establishment, the Board shall obtain from the Vermont Crime Information Center a copy of the person's Vermont fingerprint-based criminal history records, out-of-state criminal history records, and criminal history records from the Federal Bureau of Investigation.

(B) Prior to issuing the identification card to an employee of a cannabis establishment, the Board shall obtain a copy of a fingerprint-based identity history summary record from the Federal Bureau of Investigation.

(2) The Board shall adopt rules that set forth standards for determining whether a person should be denied a cannabis establishment identification card because of his or her criminal history record based on factors that demonstrate whether the applicant presently poses a threat to public safety or the proper functioning of the regulated market. Nonviolent drug offenses shall not automatically disqualify an applicant.

(c) Once an identification card application has been submitted, a person

may serve as an employee of a cannabis establishment pending the background check, provided the person is supervised in his or her duties by someone who is a cardholder. The Board shall issue a temporary permit to the person for this purpose, which shall expire upon the issuance of the identification card or disqualification of the person in accordance with this section.

(d) An identification card shall expire one year after its issuance or, in the case of owners and principals, upon the expiration of the cannabis establishment's license, whichever occurs first.

Sec. 15. 7 V.S.A. § 901(d)(3) is amended to read:

(3)(A) Except as provided in ~~subdivision~~ subdivisions (B) and (C) of this subdivision (3), an applicant and its affiliates may obtain a maximum of one type of each type of license as provided in subdivisions (1)(A)–(E) of this subsection (d). Each license shall permit only one location of the establishment.

(B) An applicant and its affiliates that are control a dispensary registered ~~pursuant to 18 V.S.A. chapter 86 on April 1, 2022~~ may obtain one integrated license provided in subdivision (1)(F) of this subsection (d) or a maximum of one of each type of license provided in subdivisions (1)(A)–(E) of this subsection (d). An integrated licensee may not hold a separate cultivator, wholesaler, product manufacturer, retailer, or testing laboratory license, and no applicant or its affiliates that control a dispensary shall hold more than one integrated license. An integrated license shall permit only one location for each of the types of activities permitted by the license: cultivation, wholesale operations, product manufacturing, retail sales, and testing.

(C) An applicant and its affiliates may obtain multiple testing laboratory licenses.

Sec. 16. PURPOSE; LEGISLATIVE INTENT

The purpose of the amendment to 7 V.S.A. § 901(d)(3)(B) in Sec. 7 of this act is solely to make the language consistent with the defined terms used throughout 7 V.S.A. chapter 33. The amendment should not be construed to alter the meaning of the provision as it was originally enacted in 2019 Acts and Resolves No. 164, Sec. 7.

Sec. 17. 7 V.S.A. § 907 is amended to read:

§ 907. RETAILER LICENSE

(a) A retailer licensed under this chapter may:

(1) purchase cannabis from a licensed cultivator, wholesaler, or

integrated licensee, and cannabis products from a licensed wholesaler, product manufacturer, integrated licensee, and dispensary; and

(2) transport, possess, package, and sell cannabis and cannabis products to the public for consumption off the registered premises.

\* \* \*

(e) ~~Internet ordering and delivery~~ Delivery of cannabis to customers ~~are~~ is prohibited.

Sec. 18. 7 V.S.A. § 909(c) is added to read:

(c) An integrated licensee shall comply with the provisions of subsection 908(f) of this title and have its cannabis or cannabis products tested by an independent licensed testing laboratory.

Sec. 19. 7 V.S.A. § 910(8) is amended to read:

(8) Products. ~~Retailers and integrated licensees~~ Cannabis establishments licensed by the Board shall be assessed an annual product licensing fee of \$50.00 for every type of cannabis and cannabis product that is sold in accordance with this chapter.

Sec. 20. 18 V.S.A. § 4230h is amended to read:

§ 4230h. CHEMICAL EXTRACTION VIA BUTANE OR HEXANE  
PROHIBITED

(a) No person shall manufacture concentrated cannabis by chemical extraction or chemical synthesis using butane or hexane ~~unless authorized as a dispensary pursuant to a registration issued by the Department of Public Safety pursuant to chapter 86 of this title.~~

\* \* \*

Sec. 21. 2019 Acts and Resolves No. 164, Sec. 8(a)(1) is amended to read:

(a)(1) The cannabis plant, cannabis product, and useable cannabis possession limits for a registered dispensary set forth in 18 V.S.A. chapter 86 shall no longer apply on and after February 1, 2022. A dispensary shall be permitted to cultivate cannabis and manufacture cannabis products for the purpose of transferring or selling such products to an integrated licensee on or after April 1, 2022 until October 1, 2022 and engaging in the activities permitted by 7 V.S.A. chapter 33.

Sec. 22. CANNABIS CONTROL BOARD; REPORT CANNABIS  
CONCENTRATES

On or before December 1, 2022, the Cannabis Control Board shall report to the General Assembly with a summary of the regulated market share for solid concentrates above 60% THC and the status of the illicit market for those products in other states with a regulated adult-use cannabis market.

and by renumbering the remaining section to be numerically correct.

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment with a further amendment thereto?, **Rep. Gannon of Wilmington** moved to amend the proposal of amendment offered by Reps. O'Brien of Tunbridge and Partridge of Windham as follows:

In the first instance of amendment, Sec. 1, 7 V.S.A. § 861, in subdivision (16), by striking out the word "normal", and in subdivision (17), by striking out the word "normal" and inserting in lieu thereof "~~normal~~"

Which was agreed to. Thereupon, the Senate proposal of amendment to the House proposal of amendment was concurred in with further amendment thereto.

**Recess**

At twelve o'clock and twenty-seven minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

**Message from the Senate No. 71**

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 bills originating in the House of the following titles:

**H. 742.** An act relating to approval of amendments to the charter of the Town of Milton.

**H. 745.** An act relating to the approval of the adoption of the charter of the Town of Montgomery.

**H. 746.** An act relating to an amendment to the charter of the City of Burlington.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

**H. 353.** An act relating to pharmacy benefit management.

**H. 446.** An act relating to miscellaneous natural resources and development subjects.

**H. 518.** An act relating to municipal energy resilience initiatives.

**H. 572.** An act relating to the retirement allowance for interim educators.

**H. 626.** An act relating to the sale, use, or application of neonicotinoid pesticides.

**H. 697.** An act relating to eligibility of reserve forestland for enrollment in the Use Value Appraisal Program.

**H. 709.** An act relating to miscellaneous agricultural subjects.

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 House proposals of amendment to Senate bills of the following titles:

**S. 140.** An act relating to prohibiting civil arrests at courthouses.

**S. 224.** An act relating to juvenile proceedings.

And has concurred therein.

The Senate has considered House proposals of amendment to Senate proposals of amendment to House bills of the following titles:

**H. 489.** An act relating to miscellaneous provisions affecting health insurance regulation.

**H. 729.** An act relating to miscellaneous judiciary procedures.

And has concurred therein.

The Senate has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses upon Senate bill of the following title:

**S. 53.** An act relating to exempting feminine hygiene products from the Vermont Sales and Use Tax.

And has accepted and adopted the same on its part.

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. 720.** An act relating to the system of care for individuals with developmental disabilities.

And has accepted and adopted the same on its part.

### **Called to Order**

At one o'clock and twenty-five minutes in the afternoon, the Speaker called the House to order.

### **House Resolution Adopted**

#### **H.R. 27**

House resolution, entitled

House resolution requiring the House to apply the requirements of the federal Americans with Disabilities Act in regulating its procedure

Was taken up and adopted.

### **Joint Resolution Adopted in Concurrence**

#### **J.R.S. 53**

Joint Senate resolution, entitled

Joint resolution supporting transgender youth and their parents who seek essential medical care for the treatment of gender dysphoria

Was taken up.

Pending the question, Shall the House adopt the resolution in concurrence?, **Rep. Mulvaney-Stanak of Burlington** 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 in concurrence?, was decided in the affirmative. Yeas, 134. Nays, 5.

Those who voted in the affirmative are:

Achey of Middletown Springs	Goslant of Northfield	Nigro of Bennington
Ancel of Calais	Grad of Moretown	Norris of Sheldon
Anthony of Barre City	Graham of Williamstown	Notte of Rutland City
Austin of Colchester	Gregoire of Fairfield	Noyes of Wolcott
Bartholomew of Hartland	Harrison of Chittenden	O'Brien of Tunbridge
Beck of St. Johnsbury	Helm of Fair Haven	Ode of Burlington
Black of Essex	Higley of Lowell	Pajala of Londonderry
Bluemle of Burlington	Hooper of Montpelier	Palasik of Milton
	Hooper of Randolph	Partridge of Windham

Bock of Chester	Hooper of Burlington	Patt of Worcester
Bongartz of Manchester	Houghton of Essex	Pugh of South Burlington
Bos-Lun of Westminster	Howard of Rutland City	Rachelson of Burlington
Brady of Williston	James of Manchester	Rogers of Waterville
Brennan of Colchester	Jerome of Brandon	Satcowitz of Randolph
Briglin of Thetford	Jessup of Middlesex	Scheu of Middlebury
Brown of Richmond	Kascenska of Burke	Scheuermann of Stowe
Brownell of Pownal	Killacky of South Burlington	Shaw of Pittsford
Brumsted of Shelburne	Kimbell of Woodstock	Sheldon of Middlebury
Burditt of West Rutland	Kitzmiller of Montpelier	Sibilia of Dover
Burke of Brattleboro	Kornheiser of Brattleboro	Sims of Craftsbury
Burrows of West Windsor *	Labor of Morgan	Small of Winooski *
Campbell of St. Johnsbury	LaLonde of South	Smith of New Haven
Canfield of Fair Haven	Burlington	Squirrell of Underhill
Chase of Colchester	Lanpher of Vergennes	Stebbins of Burlington
Christie of Hartford	Laroche of Franklin	Stevens of Waterbury
Cina of Burlington	Lefebvre of Newark	Strong of Albany
Coffey of Guilford	Lefebvre of Orange	Taylor of Colchester
Colburn of Burlington	Leffler of Enosburgh	Terenzini of Rutland Town
Colston of Winooski	Lippert of Hinesburg	Till of Jericho
Conlon of Cornwall	Long of Newfane	Toleno of Brattleboro
Copeland Hanzas of	Marcotte of Coventry	Toof of St. Albans Town
Bradford	Martel of Waterford	Townsend of South
Corcoran of Bennington	Mattos of Milton	Burlington
Cordes of Lincoln	McCarthy of St. Albans City	Troiano of Stannard
Cupoli of Rutland City	McCormack of Burlington	Vyhovsky of Essex *
Dolan of Essex	McCoy of Poultney	Walker of Swanton
Dolan of Waitsfield	McCullough of Williston	Walz of Barre City
Donahue of Northfield	McFaun of Barre Town	Webb of Shelburne
Donnally of Hyde Park	Morgan, L. of Milton	White of Bethel
Durfee of Shaftsbury	Morgan, M. of Milton	White of Hartford
Elder of Starksboro	Morris of Springfield	Whitman of Bennington
Emmons of Springfield	Morrissey of Bennington	Williams of Granby
Fagan of Rutland City	Mrowicki of Putney	Wood of Waterbury
Feltus of Lyndon	Mulvaney-Stanak of	Yacovone of Morristown
Gannon of Wilmington	Burlington	Yantachka of Charlotte
Garofano of Essex	Murphy of Fairfax	
Goldman of Rockingham	Nicoll of Ludlow	

Those who voted in the negative are:

LaClair of Barre Town	Peterson of Clarendon	Smith of Derby
Page of Newport City	Rosenquist of Georgia	

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

Arrison of Weathersfield	Hango of Berkshire	Pearl of Danville
Birong of Vergennes	Masland of Thetford	Sullivan of Dorset
Dickinson of St. Albans	Norris of Shoreham	Surprenant of Barnard
Town	Parsons of Newbury	



**Rep. Burrows of West Windsor** explained her vote as follows:

“Madam Speaker:

I strongly support this resolution. I support the parents who are trying to do the right thing to support their transgender children. And, ultimately, I want transgender youth to know they are seen, that they are loved, and that we as a body, and I as an individual, commit to support them. As Vermonters, they are us.”

**Rep. Small of Winooski** explained her vote as follows:

“Madam Speaker:

I voted yes today to underscore my unwavering commitment to support trans-, non-binary, and gender queer youth, as well as highlighting the importance and life-saving impacts of supportive families for LGBTQ youth nationwide. Healthcare decisions should always be made by the patient, informed by healthcare practitioners and their guardians.”

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

“Madam Speaker:

The Vermont youth risk behavior study clearly shows that transgender youth are at significantly higher risk of suicide, substance use, anxiety, and depression. We know that youth who are able to access gender affirming care and spaces are at lower risk. I work with transgender youth in my social work practice and I have seen the heartbroken and despair-filled faces of young people trying only to live as their authentic selves. I know that strengthening supports for transgender youth will save lives. I vote yes today for every transgender Vermont youth and for each of the youth I have supported. I vote yes to show my support and commitment to all Vermont’s LGBTQIA+ youth.”

**Rules Suspended; Immediate Consideration; Second Reading;  
Proposal of Amendment Agreed to;  
Third Reading Ordered; Rules Suspended; Third Reading; Bill Passed in  
Concurrence with Proposal of Amendment**

**S. 91**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and Senate bill, entitled

An act relating to the Parent Child Center Network

Appearing on the Notice Calendar, was taken up for immediate consideration.

**Rep. Brumsted of Shelburne**, for the Committee on Human Services, reported in favor of its passage in concurrence with proposal of amendment by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. chapter 37 is amended to read:

CHAPTER 37. ~~PARENT-CHILD~~ PARENT CHILD CENTER PROGRAM  
NETWORK

§ 3701. ~~PARENT-CHILD~~ PARENT CHILD CENTER PROGRAM  
NETWORK; ELIGIBILITY

(a) ~~For purposes of~~ As used in this chapter, ~~“parent-child center”~~:

(1) “Concrete supports” means community services and resources to address the immediate needs of the family or contribute to the long-term well-being of the family, or both.

(2) “Parent child center” means a community-based organization established for the purpose of providing prevention and early intervention services such as parenting education, support, training, referral, and related services to prospective parents and families with young children including those whose children are medically, socially, or educationally at risk through the core services listed in subsection (d) of this section on behalf of the State.

(3) “Parent Child Center Network” or “Network” means an Agency of Human Services’ community partner composed of authorized parent child centers that ensures accountability and collaboration among authorized parent child centers.

(4) “Secretary” means the Secretary of Human Services or designee.

(b) ~~The Secretary of Human Services shall:~~

(1) ~~upon applications made annually, award grants to eligible parent-child centers; and~~

(2) ~~establish, by rule, a formula for determining the amount of grants awarded under this chapter and minimum eligibility standards for such awards~~

The Secretary shall authorize a parent child center in accordance with this chapter.

(2) The Secretary shall conduct a reauthorization review of each authorized parent child center at least every six years.

(3) The Parent Child Center Network may recommend to the Secretary of Human Services one or more new parent child centers for authorization. Upon receipt of the Network’s recommendations, the Secretary shall review each parent child center recommended for authorization to ensure it meets the

criteria set forth in subsection (c) of this section. A parent child center recommended by the Network and determined to meet the criteria in subsection (c) of this section by the Secretary may be deemed an authorized parent child center.

(c) ~~In order to be eligible for a grant under this chapter, a parent-child center~~ authorization pursuant to subsection (b) of this section, a parent child center shall:

(1) Receive some funding from one or more private, local, or federal source. Contributions in kind, whether material, commodities, transportation, or office space, may be used to satisfy the contribution requirement of this subdivision.

(2) Qualify for tax exempt status under the provisions of Section 501(c) of the Internal Revenue Code.

(3) ~~Have parent representation on its~~ a board of directors:

(A) whose membership reflects the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color, as well as with regard to socioeconomic status, geographic location, gender, sexual identity, and disability status; and

(B) that has parent representation.

(4) Represent a designated geographic catchment area.

(5) Complete a peer review every three years, which shall be conducted by the Parent Child Center Network.

(6) Provide each of the eight core services set forth in subsection (d) of this section.

(7) Indicate an intention to participate in the Parent Child Center Network as a member.

(8) Work to achieve population-level quality-of-life outcomes related to children and families pursuant to 3 V.S.A. § 2311.

~~(d) A parent-child center funded under this chapter shall:~~

~~(1) provide leadership in the coordination of services for families with other community service providers;~~

~~(2) provide such financial or programmatic information as may be necessary to enable the Secretary of Human Services to evaluate the services provided through grant funds, the effect of such services on consumers of these services, and an accounting of the expenditure of grant funds; and~~

~~(3) — participate in an annual peer review process conducted by the parent-child-center network and the Agency of Human Services~~ An authorized parent child center shall provide, either directly or indirectly through formal community partnerships, the following eight core services:

- (1) home visits;
- (2) early childhood services;
- (3) parent education;
- (4) playgroups;
- (5) parent support groups;
- (6) concrete supports;
- (7) community development; and
- (8) resources and referrals.

#### § 3702. FUNDING

(a) The Secretary of Human Services shall disperse a joint allocation for all parent child center services to the Parent Child Center Network, which shall distribute funding to each authorized parent child center.

(b) The Agency shall consult with the Parent Child Center Network to develop appropriate measures and methods of accountability for authorized members of the Network. The Network and authorized parent child centers shall provide any previously agreed upon information to enable the Secretary to evaluate the services provided through grant funds, the effect of services on consumers, and an accounting of the expenditure of grant funds.

Sec. 2. 33 V.S.A. § 3701 is amended to read:

#### § 3701. PARENT CHILD CENTER NETWORK; ELIGIBILITY

\* \* \*

(c) In order to be eligible for authorization pursuant to subsection (b) of this section, a parent child center shall:

\* \* \*

(9) Have an advisory committee that meets regularly and provides input, guidance, and feedback to the board of directors on programs and services provided by the parent child center.

\* \* \*

**Sec. 3. TEMPORARY AUTHORIZATION STATUS**

Any parent child center in existence on July 1, 2022 shall be deemed to have met the authorization criteria in 33 V.S.A. § 3701(c) through the time period of the parent child center's next reauthorization review pursuant to 33 V.S.A. § 3701(b)(2).

**Sec. 4. EFFECTIVE DATES**

This act shall take effect on July 1, 2022, except that Sec. 2 (Parent Child Center Network; eligibility) shall take effect on July 1, 2024.

**Rep. Jessup of Middlesex**, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Human Services.

Thereupon, the bill was read the second time, the report of the Committee on Human Services was agreed to, and third reading was ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill placed in all remaining stages of passage. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

**Rules Suspended; Bills Messaged to Senate Forthwith**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House actions on the following Senate bills were ordered messaged to the Senate forthwith:

**S. 91**

Senate bill, entitled

An act relating to the Parent Child Center Network

**S. 173**

Senate bill, entitled

An act relating to the State House art collection

**S. 181**

Senate bill, entitled

An act relating to authorizing miscellaneous regulatory authority for municipal governments

**S. 188**

Senate bill, entitled

An act relating to regulating licensed small cannabis cultivation as farming

**S. 201**

Senate bill, entitled

An act relating to best management practices for trapping

**S. 280**

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles

**S. 281**

Senate bill, entitled

An act relating to hunting coyotes with dogs

**Recess**

At two o'clock and nine minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At four o'clock and twenty-six minutes in the afternoon, the Speaker called the House to order.

**Rules Suspended; Immediate Consideration; Senate Proposal of  
Amendment Concurred in****H. 697**

Pending entry on the Notice Calendar, on motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to eligibility of reserve forestland for enrollment in the Use Value Appraisal Program

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill as follows:

First: In Sec. 2, 32 V.S.A. chapter 124, section 3752, by striking out subdivision (17) in its entirety and inserting in lieu thereof a new subdivision (17) to read as follows:

(17) "Reserve forestland" means land that is managed for the purpose of attaining old forest values and functions in accordance with minimum acceptable standards for forest management and as approved by the Commissioner of Forests, Parks and Recreation. On parcels of up to 100 acres, 50 percent or more of the enrolled parcel acres shall be composed of significant and sensitive conditions in accordance with the minimum acceptable standards established by the Commissioner. On parcels of 100

acres or more, 30 percent of the enrolled parcel acres shall be composed of significant and sensitive conditions in accordance with the minimum acceptable standards established by the Commissioner.

Second: By striking out Secs. 4, report on enrollment of reserve forestland, and 5, effective dates, in their entirety and inserting in lieu thereof three new sections to be Secs. 4–6 to read as follows:

#### Sec. 4. REPORT ON ENROLLMENT OF RESERVE FORESTLAND

On or before January 15, 2026, the Commissioner of Forests, Parks and Recreation, after consultation with the Director of Property Valuation and Review, shall report to the House Committees on Natural Resources, Fish, and Wildlife and on Ways and Means and the Senate Committees on Natural Resources and Energy and on Finance regarding enrollment of managed forestland under the Use Value Appraisal Program. The report shall include:

(1) a summary of how enrollment of managed forestland in the Use Value Appraisal Program has changed since passage of this act, including whether owners of managed forestland changed the status of enrollment of their land to reserve forestland or ecologically significant treatment areas;

(2) the number of persons enrolling land in the Use Value Appraisal Program as reserve forestland;

(3) any other information that the Commissioner determines is relevant to the ongoing enrollment of reserve forestland in the Use Value Appraisal Program, including any relevant information regarding any impacts to the overall managed forestland category;

(4) recommendations on how to promote the long-term enrollment of land in the reserve forestland category of enrolled land in order to attain old forest conditions or functions and values; and

(5) a recommendation on how to protect or conserve the functions and values of significant and sensitive acres enrolled as reserve forestland when the owner of the land wishes to amend the category or subcategory of enrollment.

#### Sec. 5. ANNUAL REPORT; DIVISION OF PROPERTY VALUATION AND REVIEW

As part of the annual report required under 32 V.S.A. § 3412, the Director of the Division of Property Valuation and Review shall include an assessment of how enrollment of managed forestland in the Use Value Appraisal Program has changed since reserve forestland was approved as eligible managed forestland, including whether owners of managed forestland changed the status of enrollment of their land to reserve forestland or ecologically significant treatment areas.

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Sec. 6. EFFECTIVE DATES

(a) This section and Secs. 1 (findings), 3 (report on enrollment of reserve forestland), 3a (implementation), 4 (report on enrollment), and 5 (Division of Property Valuation and Review report) shall take effect on passage.

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

Which proposal of amendment was considered and concurred in.

**Adjournment**

At four o'clock and thirty-two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at ten o'clock in the forenoon.