

Journal of the House

Wednesday, May 10, 2023

At ten o'clock in the forenoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Justin Marsh, Cambridge.

Ceremonial Reading

H.C.R. 114

House concurrent resolution honoring Karen Horn of Moretown for her exemplary leadership representing and strengthening local government in Vermont

Offered by: All Members of the House

Whereas, Karen Horn's academic and professional journey, which led to her role as an informed municipal policy advocate at the Vermont State House, began when she earned her bachelor's and master's degrees in political science from McGill University and the University of Vermont, respectively, and

Whereas, earlier in her career, Karen Horn served as Director of the Executive Office of Housing and Economic Development in Massachusetts, and she was subsequently an economic and community development specialist in the Vermont Department of Housing and Community Affairs, and

Whereas, since joining the staff of the Vermont League of Cities and Towns (VLCT) in 1987, where she has served as Director of Public Policy and Advocacy, Karen Horn has advised U.S. Senators and Representatives, Governors, members of the General Assembly, and elected and appointed local officials on all aspects of municipal government, and

Whereas, Karen Horn's unique ability to track, prognosticate about, and guide legislation in every corner of the State House made the VLCT Weekly Legislative Report and every annual Legislative Preview and Wrap-Up must-read resources, and

Whereas, anyone who has worked with Karen Horn or heard her speak in a legislative forum knows that she approaches her advocacy work with dignity, honesty, and respect, and

Whereas, her tireless efforts on behalf of municipalities have resulted in the General Assembly's increasing transportation funding for local governments,

expanding local option tax authority, amending dozens of municipal charters, and ensuring a municipal voice in all pertinent State House deliberations, and

Whereas, to satisfy her insatiable interest in local government, Karen Horn has served on Moretown's energy committee and planning commission, as well as its school board, and she is concluding her illustrious VLCT career, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly honors Karen Horn of Moretown for her exemplary leadership representing and strengthening local government in Vermont and extends best wishes for the future, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Karen Horn and to the Vermont League of Cities and Towns.

Having been adopted in concurrence on Friday, May 5, 2023 in accord with Joint Rule 16b, was read.

**Second Reading; Question Divided; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 103

Rep. Burrows of West Windsor, for the Committee on General and Housing, to which had been referred Senate bill, entitled

An act relating to amending the prohibitions against discrimination

Recommended that the House propose to the Senate that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

(a) It shall be unlawful employment practice, except where a bona fide occupational qualification requires persons of a particular race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition:

(1) For any employer, employment agency, or labor organization to harass or discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability;

* * *

(3) For any employment agency to fail or refuse to classify properly or refer for employment or to otherwise harass or discriminate against any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability;

(4) For any labor organization, to limit, segregate, or qualify its membership with respect to any individual because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age ~~to discriminate against any individual or against a qualified individual with a disability or to limit, segregate, or qualify its membership;~~ or against a qualified individual with a disability.

* * *

(7) For any employer, employment agency, labor organization, or person seeking employees to discriminate between employees on the basis of sex, race, national origin, sexual orientation, or gender identity or against a qualified individual with a disability by paying wages to employees of one sex, race, national origin, sexual orientation, or gender identity or an employee who is a qualified individual with a disability at a rate less than the rate paid to employees of the other sex or a different race, national origin, sexual orientation, or gender identity or without the physical or mental condition of the qualified individual with a disability for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions. An employer who is paying wages in violation of this section shall not reduce the wage rate of any other employee in order to comply with this subsection.

(A) An employer may pay different wage rates under this subsection when the differential wages are made pursuant to:

* * *

(iv) A bona fide factor other than sex, race, national origin, sexual orientation, gender identity, or physical or mental condition. An employer asserting that differential wages are paid pursuant to this subdivision (7)(A)(iv) shall demonstrate that the factor does not perpetuate a ~~sex-based~~ differential in compensation, based on sex, race, national origin, sexual orientation, gender identity, or physical or mental condition; is job-related with respect to the position in question; and is based upon a legitimate business consideration.

* * *

(C) Nothing in this subdivision (a)(7) shall be construed to:

(i) create any new rights for an employer to inquire about a characteristic of an employee that is otherwise unknown to the employer upon which pay discrimination is prohibited pursuant to the provisions of this subdivision (a)(7); or

(ii) diminish an employee's right to privacy under any other law, or pursuant to an applicable contract or collective bargaining agreement.

~~(8) Retaliation prohibited.~~ An employer, employment agency, or labor organization shall not discharge or in any other manner discriminate against any employee because the employee:

* * *

(i) An agreement to settle a claim of a violation of subsection (a) of this section shall not prohibit, prevent, or otherwise restrict the employee from working for the employer or any parent company, subsidiary, division, or affiliate of the employer. Any provision of an agreement to settle a claim of a violation of subsection (a) of this section that violates this subsection shall be void and unenforceable with respect to the individual who made the claim.

(j) Except for claims alleging a violation of subdivision (a)(7) of this section or disparate impact discrimination an employee shall not be required to demonstrate the existence of another employee or individual to whom the employee's treatment can be compared to establish a violation of this section.

(k) Notwithstanding any State or federal judicial precedent to the contrary:

(1) harassment and discrimination need not be severe or pervasive to constitute a violation of this section; and

(2) behavior that a reasonable employee with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section.

Sec. 2. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

~~(13)~~(A) "Sexual harassment" is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical, written, auditory, or visual conduct of a sexual nature when:

~~(A)~~(i) submission to that conduct is made either explicitly or implicitly a term or condition of employment;

~~(B)(ii)~~ submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or

~~(C)(iii)~~ the conduct has the purpose or effect of ~~substantially~~ interfering with an individual's work ~~performance~~ or creating an intimidating, hostile, or offensive work environment.

(B) Sexual harassment need not be severe or pervasive in order to be unlawful pursuant to this subchapter.

* * *

(16) "Harass" means to engage in unwelcome conduct based on an employee's race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition that interferes with the employee's work or creates a work environment that is intimidating, hostile, or offensive. In determining whether conduct constitutes harassment:

(A) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

(B) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality rather than in isolation.

(C) Conduct may constitute harassment, regardless of whether:

(i) the complaining employee is the individual being harassed;

(ii) the complaining employee acquiesced or otherwise submitted to or participated in the conduct;

(iii) the conduct is also experienced by others outside the protected class involved in the conduct;

(iv) the complaining employee was able to continue carrying out the employee's job duties and responsibilities despite the conduct;

(v) the conduct resulted in a physical or psychological injury; or

(vi) the conduct occurred outside the workplace.

Sec. 3. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

* * *

(12)(A) “Harass” means to engage in unwelcome conduct that detracts from, undermines, or interferes with a person’s:

(i) use of a place of public accommodation or any of the accommodations, advantages, facilities, or privileges of a place of public accommodation because of the person’s race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability; or

(ii) terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person’s race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.

(B) Notwithstanding any judicial precedent to the contrary, harassing conduct need not be severe or pervasive to be unlawful pursuant to the provisions of this chapter. In determining whether conduct constitutes unlawful harassment:

(i) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.

(ii) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality rather than in isolation.

(iii) Conduct may constitute unlawful harassment, regardless of whether:

(I) the complaining person is the person being harassed;

(II) the complaining person acquiesced or otherwise submitted to or participated in the conduct;

(III) the conduct is also experienced by others outside the protected class involved in the conduct;

(IV) despite the conduct, the complaining person was able to:

(aa) use the place of public accommodation or any of the accommodations, advantages, facilities, or privileges of the place of public accommodation; or

(bb) enjoy the benefit of applicable terms, conditions, privileges, or protections in the sale or rental of the dwelling or other real

estate, or to obtain services or facilities in connection with the dwelling or other real estate;

(V) the conduct resulted in a physical or psychological injury;
or

(VI) the conduct occurred outside the place of public accommodation or the dwelling or other real estate.

(C) Behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this chapter.

(D) The provisions of this subdivision (12) shall not apply to any action brought under this chapter pursuant to the provisions of 16 V.S.A. § 570f.

Sec. 4. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

* * *

~~(d)(1) As used in this section, “harass” means to engage in unwelcome conduct that detracts from, undermines, or interferes with the person’s terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person’s race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.~~

~~(2) Notwithstanding any judicial precedent to the contrary, harassing conduct need not be severe or pervasive to be unlawful pursuant to the provisions of this section. In determining whether conduct constitutes unlawful harassment:~~

~~(A) The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.~~

~~(B) Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality, rather than in isolation.~~

~~(C) Conduct may constitute unlawful harassment, regardless of whether:~~

- ~~(i) the complaining person is the person being harassed;~~
 - ~~(ii) the complaining person acquiesced or otherwise submitted to or participated in the conduct;~~
 - ~~(iii) the conduct is also experienced by others outside the protected class involved in the conduct;~~
 - ~~(iv) the complaining person was able to enjoy the benefit of applicable terms, conditions, privileges, or protections in the sale or rental of the dwelling or other real estate, or to obtain services or facilities in connection with the dwelling or other real estate, despite the conduct;~~
 - ~~(v) the conduct resulted in a physical or psychological injury; or~~
 - ~~(vi) the conduct occurred outside the dwelling or other real estate.~~
- ~~(3) behavior that a reasonable person with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination pursuant to this section. [Repealed.]~~

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

The bill, having appeared on the Notice Calendar, was taken up and read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on General and Housing?, **Rep. Donahue of Northfield** asked that the question be divided to first consider Sec. 1's 21 V.S.A. § 495(i), and to thereafter consider the remainder of the Committee report.

Thereafter, the question, Shall the House propose to the Senate to amend the bill in the first division of the report of the Committee on General and Housing, which is Sec. 1's 21 V.S.A. 495(i)?, was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill in the second division of the question, which is the remainder of the report of the Committee on General and Housing (excluding Sec. 1, 21 V.S.A. § 495(i))?, **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 propose to the Senate to amend the bill in the second division of the question, which is the remainder of the report of the Committee on General and Housing (excluding Sec. 1, 21 V.S.A. § 495(i))?, was decided in the affirmative. Yeas, 125. Nays, 21.

Those who voted in the affirmative are:

Andrews of Westford	Emmons of Springfield	Mulvaney-Stanak of Burlington
Andriano of Orwell	Farlice-Rubio of Barnet	Nicoll of Ludlow
Anthony of Barre City	Galfetti of Barre Town	Notte of Rutland City
Arrison of Weathersfield	Garofano of Essex	Noyes of Wolcott
Arsenault of Williston	Goldman of Rockingham	Nugent of South Burlington
Austin of Colchester	Goslant of Northfield	O'Brien of Tunbridge
Bartholomew of Hartland	Graning of Jericho	Ode of Burlington
Beck of St. Johnsbury	Gregoire of Fairfield	Oliver of Sheldon
Berbeco of Winooski	Headrick of Burlington	Pajala of Londonderry
Birong of Vergennes	Holcombe of Norwich	Patt of Worcester
Black of Essex	Hooper of Randolph	Pearl of Danville
Bluemle of Burlington	Hooper of Burlington	Pouech of Hinesburg
Bongartz of Manchester	Houghton of Essex Junction	Priestley of Bradford
Bos-Lun of Westminster	Howard of Rutland City	Rachelson of Burlington
Boyden of Cambridge	Hyman of South Burlington	Rice of Dorset
Brady of Williston	James of Manchester	Roberts of Halifax
Brown of Richmond	Jerome of Brandon	Sammis of Castleton
Brumsted of Shelburne	Kornheiser of Brattleboro	Satcowitz of Randolph
Burrows of West Windsor	Krasnow of South Burlington	Scheu of Middlebury
Buss of Woodstock	LaBounty of Lyndon	Shaw of Pittsford
Campbell of St. Johnsbury	Lalley of Shelburne	Sheldon of Middlebury
Carpenter of Hyde Park	LaLonde of South Burlington	Sibilia of Dover
Carroll of Bennington	LaMont of Morristown	Sims of Craftsbury
Casey of Montpelier	Lanpher of Vergennes	Small of Winooski
Chapin of East Montpelier	Leavitt of Grand Isle	Squirrell of Underhill
Chase of Chester	Lipsky of Stowe	Stebbins of Burlington
Chase of Colchester	Logan of Burlington	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Long of Newfane	Stone of Burlington
Christie of Hartford	Maguire of Rutland City	Surprenant of Barnard
Cina of Burlington	Marcotte of Coventry	Taylor of Milton
Coffey of Guilford	Masland of Thetford	Taylor of Colchester
Cole of Hartford	Mattos of Milton	Templeman of Brownington
Conlon of Cornwall	McCann of Montpelier	Toleno of Brattleboro
Corcoran of Bennington	McCarthy of St. Albans City	Torre of Moretown
Cordes of Lincoln	McFaun of Barre Town	Troiano of Stannard
Demrow of Corinth	McGill of Bridport	Waters Evans of Charlotte
Dodge of Essex	Mihaly of Calais	White of Bethel
Dolan of Essex Junction	Minier of South Burlington	Whitman of Bennington
Dolan of Waitsfield	Morgan of Milton	Williams of Barre City
Donahue of Northfield *	Morris of Springfield	Williams of Granby
Durfee of Shaftsbury	Morrissey of Bennington	Wood of Waterbury
Elder of Starksboro	Mrowicki of Putney	

Those who voted in the negative are:

Bartley of Fairfax *	Graham of Williamstown	Parsons of Newbury
Branagan of Georgia	Hango of Berkshire	Peterson of Clarendon
Brennan of Colchester	Harrison of Chittenden	Smith of Derby

Canfield of Fair Haven	Higley of Lowell	Toof of St. Albans Town
Clifford of Rutland City	Labor of Morgan	Walker of Swanton
Demar of Enosburgh	Laroche of Franklin	Wilson of Lyndon
Dickinson of St. Albans Town	McCoy of Poultney	
	Page of Newport City	

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

Brownell of Pownal	Burditt of West Rutland	Burke of Brattleboro
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Rep. Bartley of Fairfax explained her vote as follows:

“Madam Speaker:

We are talking about what is unlawful. We all agree that discrimination and harassment are abhorrent but making something unlawful is a significant shift and will have serious consequences. When the standard is completely abandoned, employees will be the ones who suffer. As a human resource professional, I know this to be true.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

I am voting yes on this segment of the bill and what it contains. I cannot and will not support the bill as a whole with the inclusion of (i), which disrespects and disempowers the people we claim to be protecting.”

Thereafter, third reading was ordered.

Senate Proposal of Amendment Concurred in

H. 165

The Senate proposed to the House to amend House bill, entitled

An act relating to school food programs and universal school meals

The Senate proposed to the House to amend the bill by adding a reader assistance heading and new section to be Sec. 3a to read as follows:

* * * Appropriation * * *

Sec. 3a. APPROPRIATION; SCHOOL MEALS

The sum of \$29,000,000.00 is appropriated from the Education Fund to the Agency of Education for fiscal year 2024 to provide reimbursement for school meals under 16 V.S.A. § 4017.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Rep. Carroll of Bennington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House concur in the Senate proposal of amendment?, was decided in the affirmative. Yeas, 122. Nays, 25.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Waitsfield	Mrowicki of Putney
Andriano of Orwell	Donahue of Northfield	Nicoll of Ludlow
Anthony of Barre City	Durfee of Shaftsbury	Notte of Rutland City
Arrison of Weathersfield	Elder of Starksboro	Noyes of Wolcott
Arsenault of Williston *	Emmons of Springfield	Nugent of South Burlington
Austin of Colchester	Farlice-Rubio of Barnet	O'Brien of Tunbridge
Bartholomew of Hartland	Garofano of Essex	Ode of Burlington
Bartley of Fairfax	Goldman of Rockingham	Pajala of Londonderry
Berbeco of Winooski	Goslant of Northfield	Parsons of Newbury
Birong of Vergennes	Graham of Williamstown	Patt of Worcester
Black of Essex	Graning of Jericho	Pearl of Danville
Bluemle of Burlington	Headrick of Burlington	Pouech of Hinesburg
Bongartz of Manchester	Holcombe of Norwich	Priestley of Bradford
Bos-Lun of Westminster	Hooper of Randolph	Rachelson of Burlington
Boyden of Cambridge	Hooper of Burlington	Rice of Dorset
Brady of Williston *	Houghton of Essex Junction	Roberts of Halifax
Branagan of Georgia	Howard of Rutland City	Sammis of Castleton *
Brown of Richmond	Hyman of South Burlington*	Satcowitz of Randolph
Brumsted of Shelburne	James of Manchester *	Scheu of Middlebury
Burke of Brattleboro	Jerome of Brandon	Shaw of Pittsford
Burrows of West Windsor	Kornheiser of Brattleboro	Sheldon of Middlebury
Buss of Woodstock	Krasnow of South	Sibilia of Dover
Campbell of St. Johnsbury	Burlington	Sims of Craftsbury
Carpenter of Hyde Park	LaBounty of Lyndon	Small of Winooski
Carroll of Bennington	Lalley of Shelburne	Squirrell of Underhill
Casey of Montpelier	LaLonde of South	Stebbins of Burlington
Chapin of East Montpelier	Burlington	Stevens of Waterbury
Chase of Chester	LaMont of Morristown	Stone of Burlington
Chase of Colchester	Lanpher of Vergennes	Surprenant of Barnard
Chesnut-Tangerman of	Leavitt of Grand Isle	Taylor of Milton
Middletown Springs	Lipsky of Stowe	Taylor of Colchester
Christie of Hartford	Logan of Burlington	Templeman of Brownington
Cina of Burlington	Long of Newfane	Toleno of Brattleboro
Coffey of Guilford	Masland of Thetford	Torre of Moretown
Cole of Hartford *	McCann of Montpelier	Troiano of Stannard
Conlon of Cornwall	McCarthy of St. Albans City	Waters Evans of Charlotte
Corcoran of Bennington	McGill of Bridport	White of Bethel
Cordes of Lincoln	Mihaly of Calais	Whitman of Bennington
Demar of Enosburgh	Minier of South Burlington	Williams of Barre City
Demrow of Corinth	Morgan of Milton	Wood of Waterbury
Dodge of Essex	Morris of Springfield	

Dolan of Essex Junction Morrissey of Bennington
 Mulvaney-Stanak of
 Burlington

Those who voted in the negative are:

Beck of St. Johnsbury *	Harrison of Chittenden	Oliver of Sheldon
Brennan of Colchester	Higley of Lowell	Page of Newport City
Canfield of Fair Haven	Labor of Morgan	Peterson of Clarendon
Clifford of Rutland City	Laroche of Franklin	Smith of Derby *
Dickinson of St. Albans Town	Maguire of Rutland City	Toof of St. Albans Town *
Galfetti of Barre Town *	Marcotte of Coventry	Walker of Swanton
Gregoire of Fairfield	Mattos of Milton	Williams of Granby
Hango of Berkshire *	McCoy of Poultney	Wilson of Lyndon
	McFaun of Barre Town	

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

Brownell of Pownal Burditt of West Rutland

Rep. Arsenault of Williston explained her vote as follows:

“Madam Speaker:

I voted yes for H.165 because I recognize that school nutrition is an essential element in every child’s education. Thankfully, we do not question a student’s need for such things as instructional materials, transportation, afterschool activities, Chromebooks, or iPads. We provide these things equally to all students as vital parts of their educational experience. School nutrition is no different.”

Rep. Beck of St. Johnsbury explained his vote as follows:

“Madam Speaker:

When constituents ask who pays for Universal School Meals, make sure to tell them it will be on their property tax bill.”

Rep. Brady of Williston explained her vote as follows:

“Madam Speaker:

I am proud to vote for H. 165. No matter how anonymous a system may be for students who qualify for free and reduced priced lunch, damaging stigma remains. Across all income levels, children are attuned to distinctions between themselves and other students - that's a basic tenet of child development. When meals are not universally free for all students, the students who qualify often skip the meal to avoid any sense of labeling, particularly as they get older. School nutrition staff told us that they used to routinely see students in their schools who don’t access free/reduced meals because of the stigma felt

by students and as a public-school teacher for 17 years, I know this to be true. With a universal school meal program more students share the same meal, eliminating differences and shifting the school culture.”

Rep. Cole of Hartford explained her vote as follows:

“Madam Speaker:

I am proud of our State for leading the nation in taking a systemic approach to the fight against hunger – one which simultaneously supports the dignity of students, increases opportunities for institutional purchasing from local farms, and maximizes the efficacy of our tax dollars through the drawdown of federal funds.”

Rep. Galfetti of Barre Town explained her vote as follows:

“Madam Speaker:

I voted no on this amendment because stigma is in the shoes. Social class can be determined simply by looking at the number and type of shoes a kid has. I know this because I had one pair and a single working mother to provide them. Folks that can afford to, should pay. Rather than implement a regressive tax that will penalize the very people we are trying to help.”

Rep. Hango of Berkshire explained her vote as follows:

“Madam Speaker:

I voted no because technology and resources exist to both identify students in need and compensate the food service organization, in conjunction with school officials so that no student who suffers from food insecurity goes hungry.”

Rep. Hyman of South Burlington explained his vote as follows:

“Madam Speaker:

I vote yes today on H.165 to feed our children. I vote yes today to acknowledge all the work my son Lucius Hyman, his class, and his teacher Becca Auritt, did on H.165. My son visited the People’s House with his class to participate in the legislative process. I am very proud of him, his teacher, and his class. As well as all of Vermont’s children and parents for the work they’ve done. I thank you for your committee’s hard work.

Rep. James of Manchester explained her vote as follows:

“Madam Speaker:

We do not question a child’s family income to attend class, play on a school sports team, sing in the choir, or ride a school bus. Why would we means-test

a nutritious meal? Voting yes for H.165 is the right thing for students, families, and for our schools.”

Rep. Sammis of Castleton explained his vote as follows:

“Madam Speaker:

I rise today to support this bill, because I was one of those kids who would not have qualified. Even though both my parents worked hard in their businesses, I was one of four kids. There were tough times where we often had to stretch to make ends meet. My siblings and I would not have qualified due to my parents’ businesses. We should give all children the ability to eat – not based on their parents’ income, but because it’s what’s right.”

Rep. Smith of Derby explained his vote as follows:

“Madam Speaker:

While I fully support helping families with a need, I don’t think that a family with an income of \$100,000 or \$200,000, or half a million a year should be getting free lunches. We don’t like their tax breaks so why should we like this freebee program for the wealthy?”

Rep. Toof of St. Albans Town explained his vote as follows:

“Madam Speaker:

I vote no today because this \$29 million bill is included in over \$80 million in new property taxes on Vermonters this year. I made a promise to make Vermont more affordable and I intend to keep that promise.”

Senate Proposal of Amendment Concurred in

H. 492

The Senate proposed to the House to amend House bill, entitled

An act relating to setting the homestead property tax yields and the nonhomestead property tax rate

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

First: In Sec. 1, property dollar equivalent yield, income dollar equivalent yield, and nonhomestead property tax rate for fiscal year 2024, in subdivision (1) (property dollar equivalent yield), by striking out “\$15,477.00” and inserting in lieu thereof \$15,443.00

Second: In Sec. 1, property dollar equivalent yield, income dollar equivalent yield, and nonhomestead property tax rate for fiscal year 2024, in subdivision (2) (income dollar equivalent yield), by striking out “\$17,577.00” and inserting in lieu thereof \$17,537.00

Third: In Sec. 1, property dollar equivalent yield, income dollar equivalent yield, and nonhomestead property tax rate for fiscal year 2024, in subdivision (3) (nonhomestead property tax rate), by striking out “\$1.388” and inserting in lieu thereof \$1.391

Fourth: In Sec. 2, education fund reserve; property tax rate offset, by striking out both instances of “\$22,000,000.00” and inserting in lieu thereof \$13,000,000.00

Which proposal of amendment was considered and concurred in.

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

S. 17

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

An act relating to sheriff reforms

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

First: By striking out Sec. 2, 24 V.S.A. § 290, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 24 V.S.A. § 290 is amended to read:

§ 290. COUNTY SHERIFF’S DEPARTMENT

* * *

(d)(1) Upon the election of a sheriff-elect who is not the incumbent sheriff, or upon notice of the resignation of the sheriff, an announcement that the incumbent sheriff will not seek reelection, or an announcement that the incumbent sheriff intends to resign, whichever occurs earliest, all financial disbursements from the accounts of the department, including the transfer of real or personal property, or other assets, of the department, shall be co-signed by the sheriff and the at least one assistant judges judge in that county, and the sheriff shall, within two weeks, provide the Department of State’s Attorneys and Sheriffs, the Auditor of Accounts, and the assistant judges of that county with a written list of all transfers of departmental assets and financial disbursements to a single source, in aggregate, greater than \$10,000.00 anticipated to occur before the sheriff leaves office. Assistant judges shall consult with the Director of Sheriffs’ Operations when considering whether to co-sign any transfers of departmental assets or financial disbursements to a single source, in aggregate, greater than \$10,000.00. The assistant judges shall not unreasonably refuse to co-sign any disbursements or transfer of sheriff’s

department assets.

(2) A report of all financial disbursements ~~or~~ and transfers made pursuant to this subsection shall be forwarded by the assistant judges to the Auditor of Accounts within 15 days ~~of completion of the out-going sheriff's duties~~ following the sheriff leaving office.

Second: By striking out Sec. 5a, sheriff's departments compensation and benefits model policy, in its entirety and inserting in lieu thereof a new Sec. 5a to read as follows:

Sec. 5a. SHERIFF'S DEPARTMENTS COMPENSATION AND BENEFITS
MODEL POLICY

(a) On or before January 1, 2024, the Department of State's Attorneys and Sheriffs, after receiving input from the sheriffs and the Auditor of Accounts, shall develop the Sheriff's Departments Compensation and Benefits Model Policy and submit it for review and approval to the Department of Human Resources and the Vermont Criminal Justice Council. The Department of Human Resources and the Vermont Criminal Justice Council together may, in consultation with the Department of State's Attorneys and Sheriffs, subsequently alter and update the Model Policy.

(b) The Sheriff's Departments Compensation and Benefits Model Policy shall address the structure and use of funds for compensation, bonuses, salary supplements, retirement contributions, and employment benefits for sheriffs, sheriff's deputies, and other departmental employees.

(c) On or before July 1, 2024, each sheriff's department shall adopt the model Sheriff's Departments Compensation and Benefits Model Policy. A sheriff's department may include additional provisions to the Model Policy in its own policy, provided that none of these provisions contradict any provisions of the Model Policy.

(d) Notwithstanding 24 V.S.A. § 291a(c), prior to a sheriff's department adopting the Sheriff's Departments Compensation and Benefits Model Policy, a sheriff's department may use funds derived from contract administrative overhead fees to make supplemental salary payments to a sheriff of not more than 50 percent of the annual compensation for a sheriff, provided that the sheriff has been in office at least two years, and to any employee of a sheriff's department or a sheriff that has been in office less than two years of not more than 10 percent of the annual compensation for the employee. Funds derived from contract administrative overhead fees shall not be used for any other bonus or supplemental employment benefit payment.

Third: In Sec. 5b, 24 V.S.A. § 367, subdivision (e)(1), by striking out the words ", in consultation with the Sheriff's Executive Committee,"

Fourth: By adding a new sections to be Sec. 6a to read as follows:

Sec. 6c. 24 V.S.A. § 293(d) is added to read:

(d) A sheriff shall provide law enforcement and security services for each county and State courthouse within the sheriff's county of jurisdiction in accordance with section 291a of this title.

Fifth: By striking out Sec. 10, sheriff's departments reform; report, in its entirety and inserting in lieu thereof a new Sec. 10 to read as follows:

Sec. 10. SHERIFF'S DEPARTMENTS REFORM; REPORT

On or before November 15, 2023, the Department of State's Attorneys and Sheriffs and the Vermont Criminal Justice Council, in consultation with the Auditor of Accounts, the Department of Human Resources, the Vermont Association of County Judges, the Chief Superior Court Judge, the Vermont Sheriffs' Association, and organizations focused on law enforcement reform, shall report to the House Committee on Government Operations and Military Affairs and the Senate Committee on Government Operations on the following:

(1) recommended policies and best practices to be included in standard operating procedures, manuals and policy manuals;

(2) increasing efficiency and equity in the delivery of public safety services by sheriff's departments;

(3) recommendations for the compensation structure and levels of sheriffs, deputies, and departmental staff, including salaries, overtime, retirement, and benefits;

(4) the duties of sheriffs, including law enforcement and administration of sheriff's departments;

(5) recommended membership and duties of an advisory commission for sheriffs comparable to, or combined with, the Vermont State Police Advisory Commission, as related to both conduct and administration of sheriff's departments;

(6) the creation of a sustainable funding model for sheriff's departments, including the consolidation or reorganization of sheriff's departments;

(7) recommendations for the Department of State's Attorneys and Sheriffs to better provide oversight and support for State's Attorneys and sheriffs; and

(8) recommendations for the scope and timing of public sector management training that sheriffs should receive upon election and on a continuing basis to ensure departmental operations and management of public

funds are consistent with generally accepted standards.

Sixth: By striking out Sec. 11, effective dates, in its entirety and inserting in lieu thereof a new Sec. 11 to read as follows:

Sec. 11. EFFECTIVE DATES

This act shall take effect on passage, except that Secs. 5 (amending 24 V.S.A. § 291a) and 6c (adding 24 V.S.A. § 291a(d)) shall take effect on January 1, 2024.

Which proposal of amendment was considered and concurred in

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

S. 99

The Senate concurred in House proposal of amendment with further proposal of amendment 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. 34, reports on amount paid by State for towing abandoned motor vehicles from public property, and 35, towing working group; report, in their entireties and inserting in lieu thereof the following:

Sec. 34. [Deleted.]

Sec. 35. TOWING PRACTICES; REPORT

(a) The Office of the Attorney General shall study motor vehicle towing practices, including practices related to abandonment or suspected abandonment of motor vehicles, such as the use of liens and bonds to ensure the recoupment of costs borne by towing companies; storage practices; and pricing.

(b) In conducting the study, the Office of the Attorney General shall:

(1) consult with the Department of Financial Regulation, the Department of Motor Vehicles, the Department of Public Safety, the Office of Professional Regulation, and the Office of the Vermont State Treasurer; and

(2) solicit input and public comment from interested persons and hold at least one public hearing.

(c) The study shall, at a minimum, address:

-
- (1) pricing of pleasure car and commercial vehicle towing and recovery, including from State and town highways that are restricted based on motor vehicle size;
 - (2) crash site remediation, including costs borne by towing companies;
 - (3) storage practices, including:
 - (A) pricing;
 - (B) vehicle access for removal of personal belongings; and
 - (C) vehicle access for removal of cargo;
 - (4) practices relating to abandonment or suspected abandonment when necessary or appropriate;
 - (5) best practices from other states, including:
 - (A) a comprehensive survey of the following from other states, with a focus on states neighboring Vermont:
 - (i) motor vehicle lien laws;
 - (ii) laws related to access to towed motor vehicles for purposes of removal of personal belongings and cargo; and
 - (iii) laws related to pricing, including for towing and recovery, remediation, and storage;
 - (B) the use of statutory liens when a motor vehicle has been towed at the request of the owner or the motor vehicle has been abandoned, as defined in 23 V.S.A. § 2151(1), in order to secure payment of a towing business's towing and recovery, storage, and remediation charges;
 - (C) the retention of the motor vehicle and the contents of the motor vehicle until a towing business's towing and recovery, storage, and remediation charges have been paid; and
 - (D) the use of a surety bond in lieu of the payment of a towing business's towing and recovery, storage, and remediation charges in order to secure the release of a motor vehicle that is being retained until a towing business's towing and recovery, storage, and remediation charges have been paid;
 - (6) any applicable recommendations for amendments to State statute; and
 - (7) any other information that the Office of the Attorney General deems pertinent to the study.

(d)(1) The Attorney General shall file a written report on the study, including any recommendations it deems appropriate, with the House Committees on Commerce and Economic Development, on Government Operations and Military Affairs, and on Transportation and the Senate Committees on Economic Development, Housing and General Affairs, on Finance, on Government Operations, and on Transportation on or before December 15, 2023.

(2) The recommendations in the written report shall balance consumer protections and the needs of towing businesses, reflecting the necessary role towing businesses serve in maintaining the health, safety, and welfare of Vermonters.

Which proposal of amendment was considered and concurred in

Recess

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

At three o'clock and twenty-one minutes in the afternoon, **Rep. Long of Newfane** called the House to order.

Message from the Governor

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

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 10th day of May 2023, he signed a bill originating in the House of the following title:

H. 89 An act relating to civil and criminal procedures concerning legally protected health care activity

Message from the Senate No. 56

A message was received from the Senate by Ms. Kucserik, 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. 31. An act relating to aquatic nuisance control.

H. 62. An act relating to the interstate Counseling Compact.

H. 67. An act relating to household products containing hazardous substances.

H. 77. An act relating to Vermont's adoption of the Physical Therapy Licensure Compact.

H. 86. An act relating to Vermont's adoption of the Audiology and Speech-Language Pathology Interstate Compact.

H. 126. An act relating to community resilience and biodiversity protection.

H. 171. An act relating to adult protective services.

H. 461. An act relating to making miscellaneous changes in education laws.

H. 476. An act relating to miscellaneous changes to law enforcement officer training laws.

H. 488. An act relating to approval of the adoption of the charter of the Town of Ludlow.

H. 490. An act relating to approving the merger of the Village of Lyndonville with the Town of Lyndon.

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 bills originating in the House of the following titles:

H. 282. An act relating to the Psychology Interjurisdictional Compact.

H. 452. An act relating to expanding apprenticeship and other workforce opportunities.

And has passed the same in concurrence.

The Governor has informed the Senate that on the 10th day of May, he approved and signed bill originating in the Senate of the following title:

S. 37. An act relating to access to legally protected health care activity and regulation of health care providers.

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

H. 45

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

An act relating to abusive litigation filed against survivors of domestic abuse, stalking, or sexual assault

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 15 V.S.A. chapter 21, subchapter 5 is added to read:

Subchapter 5. Abusive Litigation

§ 1181. DEFINITIONS

As used in this subchapter:

(1) “Abusive litigation” means litigation where the criteria set forth below in each of subdivisions (A)–(D) are found to have been established:

(A) The opposing parties have a current or former family or household member relationship or there has been a civil order or criminal conviction determining that one of the parties stalked or sexually assaulted the other party.

(B) The party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have abused, stalked, or sexually assaulted the other party pursuant to:

(i) a final order issued pursuant to subchapter 1 of this chapter (abuse prevention orders);

(ii) a final order issued pursuant to 12 V.S.A. chapter 178 (orders against stalking or sexual assault);

(iii) a final foreign abuse prevention order;

(iv) an order under section 665a of this title (conditions of parent-child contact in cases involving domestic violence);

(v) a conviction for domestic assault pursuant to 13 V.S.A. chapter 19, subchapter 6; stalking pursuant to 13 V.S.A. chapter 19, subchapter 7; or sexual assault pursuant to 13 V.S.A. chapter 72; or

(vi) a court determination of probable cause for a charge of domestic assault and the court imposed criminal conditions of release pertaining to the safety of the victim, which include distance restrictions or restrictions on contact with the victim.

(C) The litigation is being initiated, advanced, or continued primarily for the purpose of abusing, harassing, intimidating, threatening, or maintaining contact with the other party.

(D) At least one of the following applies:

(i) the claims, allegations, or other legal contentions made in the litigation are not warranted by existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law; or

(ii) the allegations and other factual contentions made in the litigation are without adequate evidentiary support or are unlikely to have evidentiary support after a reasonable opportunity for further investigation; or

(iii) an issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.

(2) “Foreign abuse prevention order” means any protection order issued by the court of any other state that contains provisions similar to relief provisions authorized under this chapter, the Vermont Rules for Family Proceedings, or 12 V.S.A. chapter 178. “Other state” and “issuing state” mean any state other than Vermont and any federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(3) “Litigation” means any kind of legal action or proceeding, including:

(A) filing a summons, complaint, or petition;

(B) serving a summons, complaint, or petition, regardless of whether it has been filed;

(C) filing a motion, notice of court date, or order to appear;

(D) serving a motion, notice of court date, or order to appear, regardless of whether it has been filed or scheduled;

(E) filing a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request; or

(F) serving a subpoena, subpoena duces tecum, request for interrogatories, request for production, notice of deposition, or other discovery request.

(4) “Perpetrator of abusive litigation” means a person who files, initiates, advances, or continues litigation in violation of an order restricting abusive litigation.

§ 1182. ORDER RESTRICTING ABUSIVE LITIGATION

(a) A party who meets the requirements of subdivision 1181(1) of this title may request an order restricting abusive litigation:

(1) in any answer or response to the litigation being filed, initiated, advanced, or continued;

(2) by motion made at any time during any open or ongoing case;

(3) in an answer or response to any motion or request for an order; or

(4) orally in any hearing.

(b) Any court of competent jurisdiction may, on its own motion or on motion of a party, determine that a hearing is necessary to determine if a party is engaging in abusive litigation.

(c) Proceedings pursuant to this subchapter may be initiated by petition instituting a new case or by motion in a pending case.

(d) The Court Administrator shall create forms for a petition or motion for an order restricting abusive litigation and an order restricting abusive litigation, and the forms shall be maintained by the clerks of the courts.

(e) No filing fee shall be charged to the unrestricted party for proceedings pursuant to this subchapter, regardless of whether it is filed pursuant to this subchapter.

(f) The provisions of this subchapter are nonexclusive and shall not affect any other remedy available.

§ 1183. HEARING; PROCEDURE

At the hearing, evidence of any of the following shall create a rebuttable presumption that litigation is being initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party:

(1) The same or substantially similar issues between the same or substantially similar parties have been litigated within the past five years in the same court or any other court of competent jurisdiction.

(2) The same or substantially similar issues between the same or substantially similar parties have been raised, pled, or alleged in the past five years and were decided on the merits or dismissed.

(3) Within the last 10 years, the party allegedly engaging in abusive litigation has been sanctioned by any court for filing one or more cases, petitions, motions, or other filings that were found to have been frivolous, vexatious, intransigent, or brought in bad faith involving the same opposing party.

(4) Any court has determined that the party allegedly engaging in abusive litigation has previously engaged in abusive litigation or similar conduct and has been subject to a court order imposing prefiling restrictions.

§ 1184. BURDEN OF PROOF

(a) If the court finds by a preponderance of the evidence that a party is engaging in abusive litigation and that any or all of the motions or actions pending before the court are abusive litigation, the litigation shall be dismissed, denied, stricken, or resolved by other disposition with prejudice.

(b) After providing the parties an opportunity to be heard on any order or sanctions to be issued, the court may enter an order restricting abusive litigation that may include conditions deemed necessary and appropriate including:

(1) awarding the other party reasonable attorney's fees and costs of responding to the abusive litigation, including the cost of seeking the order restricting abusive litigation; and

(2) identifying the party protected by the order and imposing prefiling restrictions upon the party found to have engaged in abusive litigation that pertains to any future litigation against the protected party or the protected party's dependents.

(c) If the court finds that the litigation does not constitute abusive litigation, the court shall enter written or oral findings and the litigation shall proceed. Nothing in this section or chapter shall be construed as limiting the court's inherent authority to control the proceedings and litigants before it.

§ 1185. FILING OF A NEW CASE BY A PERSON SUBJECT TO AN ORDER RESTRICTING ABUSIVE LITIGATION

(a) Except as otherwise provided in this section, a person who is subject to an order restricting abusive litigation is prohibited from filing, initiating, advancing, or continuing the litigation against the protected party for the period of time that the filing restrictions are in effect.

(b) A person who is subject to an order restricting litigation against whom prefiling restrictions have been imposed pursuant to this subchapter who wishes to initiate a new case or file a motion in an existing case during the time the person is under filing restrictions shall make an application to a judicial officer. A judicial officer shall review such application and determine whether the proposed litigation is abusive litigation or if there are reasonable and legitimate grounds upon which the litigation is based. The judicial officer shall determine whether a hearing is necessary.

(c)(1) If the judicial officer determines the proposed litigation is abusive litigation based on reviewing the files, records, and pleadings, it is not necessary for the person protected by the order to appear or participate in any way. If the judicial officer is unable to determine whether the proposed litigation is abusive without hearing from the person protected by the order, then the court shall issue an order scheduling a hearing and notifying the protected party of the party's right to appear or participate in the hearing. The order shall specify whether the protected party is expected to submit a written response. When possible, the protected party shall be permitted to appear remotely.

(2) If the judicial officer believes the litigation that the party who is subject to the prefiling order is making application to file will constitute abusive litigation, the application shall be denied, dismissed, or otherwise disposed of with prejudice.

(3) If the judicial officer believes that the litigation the party who is subject to the prefiling order is making application to file will not be abusive litigation, the judicial officer may grant the application and issue an order permitting the filing of the case, motion, or pleading. The order shall be attached to the front of the pleading to be filed with the clerk. The party who is protected by the order shall be served with a copy of the order at the same time as the underlying pleading.

(d) The judicial officer shall make findings and issue a written order supporting the ruling. If the party who is subject to the order disputes the finding of the judicial officer, the party may seek review of the decision as provided by the applicable court rules.

(e) If the application for the filing of a pleading is granted pursuant to this section, the period of time commencing with the filing of the application requesting permission to file the action and ending with the issuance of an order permitting filing of the action shall not be computed as a part of any applicable period of limitations within which the matter must be instituted.

(f) If, after a party who is subject to prefiling restrictions has made application and been granted permission to file or advance a case pursuant to this section, any judicial officer hearing or presiding over the case, or any part thereof, determines that the person is attempting to add parties, amend the complaint, or is otherwise attempting to alter the parties and issues involved in the litigation in a manner that the judicial officer reasonably believes would constitute abusive litigation, the judicial officer shall stay the proceedings and refer the case back to the judicial officer who granted the application to file, for further disposition.

(g)(1) If a party who is protected by an order restricting abusive litigation is served with a pleading filed by the person who is subject to the order, and the pleading does not have an attached order allowing the pleading, the protected party may respond to the case by filing a copy of the order restricting abusive litigation.

(2) If it is brought to the attention of the court that a person against whom prefiling restrictions have been imposed has filed a new case or is continuing an existing case without having been granted permission pursuant to this section, the court shall dismiss, deny, or otherwise dispose of the matter. This action may be taken by the court on the court's own motion or initiative. The court may take whatever action against the perpetrator of abusive litigation deemed necessary and appropriate for a violation of the order restricting abusive litigation.

Sec. 2. EFFECTIVE DATE

This act shall take effect on September 1, 2023.

Which proposal of amendment was considered and concurred in.

Rules Suspended; Immediate Consideration; Senate Proposal of Amendment Concurred in

H. 157

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

An act relating to the Vermont basic needs budget

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill in Sec. 1, Basic Needs Budget Technical Advisory Committee; report, in subdivision (e)(2), preceding the word "members", by inserting the word legislative

Which proposal of amendment was considered and concurred in.

**Second Reading; Proposal of Amendment Agreed to; Proposal of
Amendment Amended; Third Reading Ordered**

S. 39

Rep. Nugent of South Burlington, for the Committee on Government Operations and Military Affairs, to which had been referred Senate bill, entitled

An act relating to compensation and benefits for members of the Vermont General Assembly

Recommended that the House propose to the Senate that the bill be amended as follows:

First: In Sec. 4, 32 V.S.A. § 1052, in subdivision (a)(3), by striking out “is entitled to” and inserting in lieu thereof “may claim”

Second: In Sec. 4, 32 V.S.A. § 1052, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Expenses. During any session of the General Assembly, each member is entitled to receive an allowance for or reimbursement of expenses as follows: set forth in this subsection.

(1) Mileage reimbursement. ~~Reimbursement~~ Each member shall receive reimbursement in an amount equal to the actual mileage traveled for each day of session in which the member travels between Montpelier and the member’s home or from Montpelier or from the member’s home to another site on officially sanctioned legislative business. Reimbursement of actual mileage traveled under this subdivision shall be at the rate per mile determined by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session.

(2) Meals and lodging allowance. ~~Each member shall receive either a meals allowance or reimbursement of actual meals expenses. A member shall be presumed to have elected to receive the meals allowance unless the member informs the Office of Legislative Operations prior to the convening of the regular or adjourned session that the member wishes to receive reimbursement of actual meals expenses. A member’s election to receive reimbursement of actual meals expenses shall remain in effect through the remainder of that session unless the member notifies the Office, in writing, that the member needs to change to the meals allowance due to a change in circumstances or for another compelling reason.~~

(A) Meals allowance. ~~At~~ A member who elects to receive a meals allowance in shall receive an amount equal to the daily amount for meals ~~and lodging~~ determined for Montpelier, Vermont, by the federal Office of

Government-wide Policy and published in the Federal Register for the year of the session, for each day the House in which the member serves shall sit.

(B) Meals reimbursement. A member who elects to receive reimbursement of expenses shall receive reimbursement equal to the actual amounts expended by the member for meals for each day that the House in which the member serves shall sit, as well as meals for the night preceding the first legislative day of each week during the legislative session; provided, however, that the total amount of the weekly reimbursement available pursuant to this subdivision shall not exceed the amount the member would have received for the same week if the member had elected the meals allowance pursuant to subdivision (A) of this subdivision (2). The member shall provide meal receipts or otherwise substantiate the amounts expended to the Office of Legislative Operations in the form and manner prescribed by the Director of Legislative Operations.

(3) Lodging. Each member shall receive either a lodging allowance or reimbursement of actual lodging expenses. A member shall be presumed to have elected to receive the lodging allowance unless the member informs the Office of Legislative Operations prior to the convening of the regular or adjourned session that the member wishes to receive reimbursement of actual lodging expenses. A member's election to receive reimbursement of actual lodging expenses shall remain in effect through the remainder of that session unless the member notifies the Office, in writing, that the member needs to change to the lodging allowance due to a change in circumstances or for another compelling reason.

(A) Lodging allowance. A member who elects to receive a lodging allowance shall receive an amount equal to the daily amount for lodging determined for Montpelier, Vermont, by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session for each day the House in which the member serves shall sit.

(B) Lodging reimbursement. A member who elects to receive reimbursement of expenses shall receive reimbursement equal to the actual amounts expended by the member for lodging for each day that the House in which the member serves shall sit, as well as lodging for the night preceding the first legislative day of each week during the legislative session; provided, however, that the total amount of the weekly reimbursement available pursuant to this subdivision for each week shall not exceed the amount the member would have received for the same week if the member had elected the lodging allowance pursuant to subdivision (A) of this subdivision (3). The member shall provide lodging receipts or otherwise substantiate the amounts expended to the Office of Legislative Operations in the form and manner prescribed by

the Director of Legislative Operations.

(4) Absences. If a member is absent for reasons other than sickness or legislative business for one or more entire days while the house in which the member sits is in session, the member shall notify the Office of Legislative Operations of that absence, and ~~expenses received shall not include the amount that the legislator specifies was not incurred~~ the member shall not receive or be reimbursed for mileage, meals, or lodging expenses incurred during the period of that absence.

Third: In Sec. 6, Legislative Service Working Group, in subdivision (c)(1), by adding a new subdivision to be subdivision (C) to read as follows:

(C) the impact of making members eligible for the State employees' health plan as set forth in Sec. 1 of this act on members of different income levels;

and by relettering the remaining subdivisions in subdivision (c)(1) to be alphabetically correct

Fourth: In Sec. 6, Legislative Service Working Group, in subsection (g), by striking out “eight” preceding “meetings” in the first sentence and inserting in lieu thereof “six”

Fifth: By striking out Sec. 7, appropriation, and its reader assistance heading in their entireties and inserting in lieu thereof the following:

Sec. 7. [Deleted.]

Sixth: In Sec. 8, effective dates, by striking out subsections (b) and (c) in their entireties and inserting in lieu thereof the following:

(b) Secs. 3(b)(3) (expenses for Speaker and President Pro Tempore) and 4(b)–(d) (legislator expenses) shall take effect on January 1, 2024.

and by relettering the remaining subsections to be alphabetically correct

Rep. Bluemle of Burlington, for the Committee on Appropriations, recommended that the House propose to the Senate to amend the bill as recommended by the Committee on Government Operations and Military Affairs.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, and the report of the Committee on Government Operations and Military Affairs agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Peterson of Clarendon** moved to amend the House proposal of amendment by adding a reader assistance heading and a new section to be Sec. 5a to read as follows:

* * * Length of Legislative Session * * *

Sec. 5a. 2 V.S.A. § 24 is added to read:

§ 24. LENGTH OF LEGISLATIVE SESSION

(a) The General Assembly shall convene on the first Wednesday next after the first Monday of January in odd-numbered years, in accordance with Chapter II, Section 7 of the Vermont Constitution, and on the first Tuesday next after the first Monday of January in even-numbered years. The session shall run for a total of not more than 12 weeks annually, not including the week containing Town Meeting Day if the General Assembly elects not to meet during that week, and not including the days of any veto session or of any special session called by the Governor pursuant to Chapter II, Section 20 of the Vermont Constitution.

(b) Notwithstanding the limit on the legislative session in subsection (a) of this section, the General Assembly may meet for more than 12 weeks in a calendar year in the event of unusual and unforeseen circumstances, such as a state of emergency proclaimed by the Governor pursuant to 20 V.S.A. § 9. In the event of such unforeseen circumstances, the legislative session may be extended beyond 12 weeks as necessary to address the needs of the State and of Vermont residents upon a vote of the majority of each chamber on a joint resolution introduced by the Joint Committee on Rules for that purpose.

Speaker presiding.

Pending the question, Shall the House amend its proposal of amendment as offered by Rep. Peterson of Clarendon?, **Rep. Peterson of Clarendon** 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 amend its proposal of amendment as offered by Rep. Peterson of Clarendon?, was decided in the negative. Yeas, 34. Nays, 112.

Those who voted in the affirmative are:

Beck of St. Johnsbury	Gregoire of Fairfield	Oliver of Sheldon
Branagan of Georgia	Hango of Berkshire	Page of Newport City
Brennan of Colchester	Harrison of Chittenden	Parsons of Newbury
Burditt of West Rutland	Higley of Lowell	Peterson of Clarendon
Canfield of Fair Haven	Labor of Morgan	Shaw of Pittsford
Clifford of Rutland City	Laroche of Franklin	Smith of Derby
Demar of Enosburgh	Maguire of Rutland City	Taylor of Milton
Dickinson of St. Albans	Mattos of Milton	Toof of St. Albans Town
Town	McCoy of Poultney	Walker of Swanton
Galfetti of Barre Town	McFaun of Barre Town	Williams of Granby
Goslant of Northfield	Morgan of Milton	Wilson of Lyndon
Graham of Williamstown	Morrissey of Bennington	

Those who voted in the negative are:

Andriano of Orwell	Dolan of Waitsfield	Mrowicki of Putney *
Anthony of Barre City	Donahue of Northfield	Mulvaney-Stanak of Burlington
Arrison of Weathersfield *	Durfee of Shaftsbury	Nicoll of Ludlow
Arsenault of Williston	Elder of Starksboro	Notte of Rutland City
Austin of Colchester	Emmons of Springfield	Noyes of Wolcott
Bartholomew of Hartland	Farlice-Rubio of Barnet	Nugent of South Burlington
Berbeco of Winooski	Garofano of Essex	O'Brien of Tunbridge
Birong of Vergennes	Goldman of Rockingham	Ode of Burlington
Black of Essex	Graning of Jericho	Pajala of Londonderry
Bluemle of Burlington	Headrick of Burlington	Patt of Worcester
Bongartz of Manchester	Holcombe of Norwich	Pearl of Danville
Bos-Lun of Westminster	Hooper of Randolph	Pouech of Hinesburg
Boyden of Cambridge	Hooper of Burlington	Priestley of Bradford
Brady of Williston	Houghton of Essex Junction	Rachelson of Burlington *
Brown of Richmond	Howard of Rutland City	Rice of Dorset
Brumsted of Shelburne	Hyman of South Burlington	Roberts of Halifax
Burke of Brattleboro	James of Manchester	Sammis of Castleton
Burrows of West Windsor	Jerome of Brandon	Satcowitz of Randolph
Buss of Woodstock	Kornheiser of Brattleboro	Scheu of Middlebury
Campbell of St. Johnsbury	Krasnow of South Burlington	Sheldon of Middlebury
Carpenter of Hyde Park	LaBounty of Lyndon	Sibilia of Dover
Carroll of Bennington	Lalley of Shelburne	Sims of Craftsbury
Casey of Montpelier	LaLonde of South Burlington	Small of Winooski
Chapin of East Montpelier	LaMont of Morristown	Squirrell of Underhill
Chase of Chester	Lanpher of Vergennes	Stebbins of Burlington
Chase of Colchester	Leavitt of Grand Isle	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Lipsky of Stowe	Stone of Burlington
Christie of Hartford	Logan of Burlington	Surprenant of Barnard
Cina of Burlington	Long of Newfane	Taylor of Colchester
Coffey of Guilford	Marcotte of Coventry	Templeman of Brownington
Cole of Hartford	Masland of Thetford	Toleno of Brattleboro
Conlon of Cornwall	McCann of Montpelier	Torre of Moretown
Corcoran of Bennington	McCarthy of St. Albans City	Troiano of Stannard
Cordes of Lincoln	McGill of Bridport	Waters Evans of Charlotte
Demrow of Corinth	Mihaly of Calais	White of Bethel
Dodge of Essex	Minier of South Burlington	Whitman of Bennington
Dolan of Essex Junction	Morris of Springfield	Williams of Barre City
		Wood of Waterbury

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

Andrews of Westford	Bartley of Fairfax	Brownell of Pownal
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Rep. Arrison of Weathersfield explained his vote as follows:

“Madam Speaker:

I voted no because 12 weeks may not be the right number. However, I urge the body to explore the right number. We are considering a pay and benefit increase to encourage more to serve; perhaps a shorter session with a definitive end might accomplish the same.”

Rep. Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

I support your House Committee on Government Operations and oppose this amendment. In a more complex world, with regular expressions in this body and committees that we’re moving too fast, this amendment pushes us backward instead of moving us forward into the 21st century.”

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker,

I cannot in good faith vote for an amendment that significantly shortens Vermont’s legislative session. Even if we eliminated announcements, resolutions, vote explanations, and worked Mondays and holidays, we cannot possibly do the work that needs to be done in 12 weeks. This is not the way to cut costs. These are laws we are talking about and they affect the people of Vermont.”

Pending the question, Shall the bill be read a third time?, **Rep. Harrison of Chittenden** moved to amend the House proposal of amendment as follows:

First: By striking out Secs. 2–4 (legislator compensation and expenses) and their reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Legislator Expenses * * *

Sec. 2. [Deleted.]

Sec. 3. [Deleted.]

Sec. 4. 32 V.S.A. § 1052 is amended to read:

§ 1052. MEMBERS OF THE GENERAL ASSEMBLY; COMPENSATION
AND EXPENSE REIMBURSEMENT

* * *

(b) Expenses. During any session of the General Assembly, each member is entitled to receive an allowance for or reimbursement of expenses as

follows: set forth in this subsection.

(1) Mileage reimbursement. ~~Reimbursement~~ Each member shall receive reimbursement in an amount equal to the actual mileage traveled for each day of session in which the member travels between Montpelier and the member's home or from Montpelier or from the member's home to another site on officially sanctioned legislative business. Reimbursement of actual mileage traveled under this subdivision shall be at the rate per mile determined by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session.

(2) Meals and lodging allowance. ~~Each member shall receive either a meals allowance or reimbursement of actual meals expenses. A member shall be presumed to have elected to receive the meals allowance unless the member informs the Office of Legislative Operations prior to the convening of the regular or adjourned session that the member wishes to receive reimbursement of actual meals expenses. A member's election to receive reimbursement of actual meals expenses shall remain in effect through the remainder of that session unless the member notifies the Office, in writing, that the member needs to change to the meals allowance due to a change in circumstances or for another compelling reason.~~

(A) Meals allowance. ~~A~~ A member who elects to receive a meals allowance in shall receive an amount equal to the daily amount for meals and lodging determined for Montpelier, Vermont, by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session; for each day the House in which the member serves shall sit.

(B) Meals reimbursement. A member who elects to receive reimbursement of expenses shall receive reimbursement equal to the actual amounts expended by the member for meals for each day that the House in which the member serves shall sit, as well as meals for the night preceding the first legislative day of each week during the legislative session; provided, however, that the total amount of the weekly reimbursement available pursuant to this subdivision shall not exceed the amount the member would have received for the same week if the member had elected the meals allowance pursuant to subdivision (A) of this subdivision (2). The member shall provide meal receipts or otherwise substantiate the amounts expended to the Office of Legislative Operations in the form and manner prescribed by the Director of Legislative Operations.

(3) Lodging. Each member shall receive either a lodging allowance or reimbursement of actual lodging expenses. A member shall be presumed to have elected to receive the lodging allowance unless the member informs the Office of Legislative Operations prior to the convening of the regular or

adjourned session that the member wishes to receive reimbursement of actual lodging expenses. A member's election to receive reimbursement of actual lodging expenses shall remain in effect through the remainder of that session unless the member notifies the Office, in writing, that the member needs to change to the lodging allowance due to a change in circumstances or for another compelling reason.

(A) Lodging allowance. A member who elects to receive a lodging allowance shall receive an amount equal to the daily amount for lodging determined for Montpelier, Vermont, by the federal Office of Government-wide Policy and published in the Federal Register for the year of the session for each day the House in which the member serves shall sit.

(B) Lodging reimbursement. A member who elects to receive reimbursement of expenses shall receive reimbursement equal to the actual amounts expended by the member for lodging for each day that the House in which the member serves shall sit, as well as lodging for the night preceding the first legislative day of each week during the legislative session; provided, however, that the total amount of the weekly reimbursement available pursuant to this subdivision for each week shall not exceed the amount the member would have received for the same week if the member had elected the lodging allowance pursuant to subdivision (A) of this subdivision (3). The member shall provide lodging receipts or otherwise substantiate the amounts expended to the Office of Legislative Operations in the form and manner prescribed by the Director of Legislative Operations.

(4) Absences. If a member is absent for reasons other than sickness or legislative business for one or more entire days while the house in which the member sits is in session, the member shall notify the Office of Legislative Operations of that absence, and expenses received shall not include the amount that the legislator specifies was not incurred the member shall not receive or be reimbursed for mileage, meals, or lodging expenses incurred during the period of that absence.

(c) For attending a meeting of the Joint Fiscal Committee when a member is not receiving compensation as a member of the General Assembly, a member of the Joint Fiscal Committee shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of the General Assembly for attendance at sessions of the General Assembly. Members-elect; stipend. Each member-elect of the General Assembly who is not an incumbent shall receive a stipend in an amount equal to one-fifth of the annually adjusted weekly compensation set forth in subdivision (a)(1) of this section, rounded up to the nearest dollar, for each day of attendance at an orientation program for new legislators organized by the General Assembly

and its staff.

(d) Death of a member. If a member of the General Assembly dies while the General Assembly is in session, the estate of the deceased member shall be entitled to receive compensation for the entire pay period in which the death occurred.

Second: In Sec. 8, effective dates, by striking out relettered subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Sec. 4 (legislator expenses) shall take effect on January 1, 2024.

Third: In Sec. 8, effective dates, by striking out relettered subsection (c), the effective date for Sec. 2, in its entirety and relettering the remaining subsection to be alphabetically correct

Pending the question, Shall the House amend its proposal of amendment as offered by Rep. Harrison of Chittenden?, **Rep. Harrison of Chittenden** 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 amend its proposal of amendment as offered by Rep. Harrison of Chittenden?, was decided in the negative. Yeas, 40. Nays, 104.

Those who voted in the affirmative are:

Arrison of Weathersfield	Goslant of Northfield	Morgan of Milton
Bartley of Fairfax	Graham of Williamstown	Morris of Springfield
Beck of St. Johnsbury	Gregoire of Fairfield	Morrissey of Bennington
Branagan of Georgia	Hango of Berkshire	Oliver of Sheldon
Brennan of Colchester	Harrison of Chittenden	Page of Newport City
Burditt of West Rutland	Higley of Lowell	Parsons of Newbury
Canfield of Fair Haven	Labor of Morgan	Peterson of Clarendon
Clifford of Rutland City	Laroche of Franklin	Shaw of Pittsford
Demar of Enosburgh	Lipsky of Stowe	Smith of Derby
Dickinson of St. Albans Town	Maguire of Rutland City	Taylor of Milton
Donahue of Northfield	Marcotte of Coventry	Toof of St. Albans Town
Galfetti of Barre Town *	Mattos of Milton	Walker of Swanton
	McCoy of Poultney	Williams of Granby
	McFaun of Barre Town	Wilson of Lyndon

Those who voted in the negative are:

Andriano of Orwell	Dolan of Essex Junction	Mulvaney-Stanak of Burlington
Anthony of Barre City	Dolan of Waitsfield	Nicoll of Ludlow
Arsenault of Williston	Durfee of Shaftsbury	Notte of Rutland City
Austin of Colchester	Emmons of Springfield	Noyes of Wolcott
Bartholomew of Hartland	Farlice-Rubio of Barnet	Nugent of South Burlington
Berbeco of Winooski	Garofano of Essex	O'Brien of Tunbridge
Birong of Vergennes	Goldman of Rockingham	

Black of Essex	Graning of Jericho	Ode of Burlington
Bluemle of Burlington	Headrick of Burlington	Pajala of Londonderry
Bongartz of Manchester	Holcombe of Norwich	Patt of Worcester
Bos-Lun of Westminster	Hooper of Randolph	Pouech of Hinesburg
Boyden of Cambridge	Hooper of Burlington	Priestley of Bradford
Brady of Williston	Houghton of Essex Junction	Rachelson of Burlington
Brown of Richmond	Howard of Rutland City	Rice of Dorset
Brumsted of Shelburne	Hyman of South Burlington	Roberts of Halifax
Burke of Brattleboro	James of Manchester	Satcowitz of Randolph
Burrows of West Windsor	Jerome of Brandon	Scheu of Middlebury
Buss of Woodstock	Kornheiser of Brattleboro	Sheldon of Middlebury
Campbell of St. Johnsbury	Krasnow of South Burlington	Sibilia of Dover
Carpenter of Hyde Park	LaBounty of Lyndon	Sims of Craftsbury
Carroll of Bennington	Lalley of Shelburne	Small of Winooski
Casey of Montpelier	LaLonde of South Burlington	Squirrell of Underhill
Chapin of East Montpelier	LaMont of Morristown	Stebbins of Burlington
Chase of Chester	Lanpher of Vergennes	Stevens of Waterbury
Chase of Colchester	Leavitt of Grand Isle	Stone of Burlington
Chesnut-Tangerman of Middletown Springs	Logan of Burlington	Surprenant of Barnard
Christie of Hartford	Long of Newfane	Taylor of Colchester
Cina of Burlington	Masland of Thetford	Templeman of Brownington
Coffey of Guilford	McCann of Montpelier	Toleno of Brattleboro
Cole of Hartford	McCarthy of St. Albans City	Torre of Moretown
Conlon of Cornwall	McGill of Bridport	Troiano of Stannard
Corcoran of Bennington	Mihaly of Calais	Waters Evans of Charlotte
Cordes of Lincoln	Minier of South Burlington	White of Bethel
Demrow of Corinth	Mrowicki of Putney	Whitman of Bennington
Dodge of Essex		Williams of Barre City
		Wood of Waterbury

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

Andrews of Westford	Elder of Starksboro	Sammis of Castleton
Brownell of Pownal	Pearl of Danville	

Rep. Galfetti of Barre Town explained her vote as follows:

“Madam Speaker:

So often in this chamber amendments are struck down for a lack of study. Today we have an amendment that proposes to study before we implement policy but alas it came from the wrong side.”

Pending the question, Shall the bill be read a third time?, **Rep. Harrison of Chittenden** moved to amend the House proposal of amendment in Sec. 6, Legislative Service Working Group, in subdivision (c)(1), by adding a new subdivision to be subdivision (E) to read as follows:

(E) options for establishing or engaging an independent entity to make adjustments to legislative compensation and benefits;

and by relettering the remaining subdivisions to be alphabetically correct

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Harrison of Chittenden** moved to amend the House proposal of amendment in Sec. 1, 3 V.S.A. § 631, in subdivision (a)(2)(B), by striking out subdivision (ii) in its entirety and inserting in lieu thereof a new subdivision (ii) to read as follows:

(ii)(I) Beginning in January of each year and for each consecutive month in which the General Assembly meets until its adjournment, including the month of adjournment, members of the General Assembly shall be required to pay the same portion of the premium for group hospital-surgical-medical expense insurance as is required of employees of the Executive Branch.

(II) For the months during which the General Assembly is adjourned, including any month in which the General Assembly may reconvene to reconsider bills vetoed by the Governor, members of the General Assembly shall be required to pay the full cost of the premium for group hospital-surgical-medical expense insurance.

Which was disagreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Logan 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 bill be read a third time?, was decided in the affirmative. Yeas, 102. Nays, 44.

Those who voted in the affirmative are:

Andriano of Orwell	Dolan of Essex Junction	Mulvaney-Stanak of Burlington
Anthony of Barre City	Dolan of Waitsfield	Nicoll of Ludlow
Arrison of Weathersfield	Durfee of Shaftsbury	Notte of Rutland City *
Arsenault of Williston	Elder of Starksboro	Noyes of Wolcott
Austin of Colchester	Emmons of Springfield	Nugent of South Burlington
Bartholomew of Hartland	Farlice-Rubio of Barnet	O'Brien of Tunbridge
Berbeco of Winooski	Garofano of Essex	Ode of Burlington
Birong of Vergennes *	Goldman of Rockingham *	Pajala of Londonderry
Black of Essex	Graning of Jericho	Patt of Worcester
Bluemle of Burlington *	Headrick of Burlington	Pouech of Hinesburg *
Bongartz of Manchester	Holcombe of Norwich	Priestley of Bradford
Bos-Lun of Westminster	Hooper of Burlington	Rachelson of Burlington *
Boyden of Cambridge *	Houghton of Essex Junction	Rice of Dorset
Brady of Williston	Howard of Rutland City	Satcowitz of Randolph
Brown of Richmond *	Hyman of South Burlington	Scheu of Middlebury
Brumsted of Shelburne	James of Manchester	Sheldon of Middlebury
Burke of Brattleboro	Jerome of Brandon	Sibilia of Dover
Burrows of West Windsor	Kornheiser of Brattleboro	

Buss of Woodstock	Krasnow of South	Sims of Craftsbury
Campbell of St. Johnsbury	Burlington	Small of Winooski
Carpenter of Hyde Park	LaBounty of Lyndon	Squirrell of Underhill
Carroll of Bennington	Lalley of Shelburne	Stebbins of Burlington
Casey of Montpelier	LaLonde of South	Stevens of Waterbury
Chapin of East Montpelier	Burlington	Stone of Burlington *
Chase of Chester *	LaMont of Morristown	Surprenant of Barnard
Chase of Colchester	Lanpher of Vergennes	Taylor of Colchester
Chesnut-Tangerman of	Logan of Burlington	Templeman of Brownington
Middletown Springs *	Long of Newfane	Toleno of Brattleboro
Christie of Hartford	Masland of Thetford	Torre of Moretown
Cina of Burlington	McCann of Montpelier	Troiano of Stannard
Coffey of Guilford	McCarthy of St. Albans City	Waters Evans of Charlotte
Cole of Hartford	McGill of Bridport	White of Bethel
Conlon of Cornwall	Mihaly of Calais	Whitman of Bennington *
Cordes of Lincoln	Minier of South Burlington	Williams of Barre City *
Dodge of Essex	Morris of Springfield	Wood of Waterbury
	Mrowicki of Putney	

Those who voted in the negative are:

Andrews of Westford	Goslant of Northfield	McFaun of Barre Town
Bartley of Fairfax	Graham of Williamstown	Morgan of Milton
Beck of St. Johnsbury	Gregoire of Fairfield	Morrissey of Bennington
Branagan of Georgia	Hango of Berkshire	Oliver of Sheldon
Brennan of Colchester	Harrison of Chittenden	Page of Newport City
Burditt of West Rutland	Higley of Lowell	Parsons of Newbury *
Canfield of Fair Haven	Hooper of Randolph	Peterson of Clarendon
Clifford of Rutland City	Labor of Morgan	Roberts of Halifax
Corcoran of Bennington	Laroche of Franklin	Shaw of Pittsford
Demar of Enosburgh	Leavitt of Grand Isle	Smith of Derby *
Demrow of Corinth	Lipsky of Stowe	Taylor of Milton
Dickinson of St. Albans	Maguire of Rutland City	Toof of St. Albans Town *
Town	Marcotte of Coventry	Walker of Swanton
Donahue of Northfield *	Mattos of Milton	Williams of Granby
Galfetti of Barre Town	McCoy of Poultney	Wilson of Lyndon

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

Brownell of Pownal	Pearl of Danville	Sammis of Castleton
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Rep. Birong of Vergennes explained his vote as follows:

“Madam Speaker:

My yes vote today is on behalf of past members who found this role to be too financially burdensome to continue serving. These friends and colleagues, who, as they moved on from this body, most of them in their 20s, 30s, and 40s, most with tears in their eyes, pleaded with us to make serving in the Legislature financially possible.”

Rep. Bluemle of Burlington explained her vote as follows:

“Madam Speaker:

There will never be a good time to address the issue of legislative compensation. The topic will always be understood, by some, as self-serving. I am voting yes because it is the necessary thing to do, for this body, and for the next waves of legislators who will take our places in these wildly uncomfortable seats.”

Rep. Boyden of Cambridge explained her vote as follows:

“Madam Speaker:

No matter how strong the passion for service, pay and benefits make the Legislature inaccessible to many Vermonters who are not retired or independently wealthy. Our legislative structure must modernize if we want a truly representative government that Vermonters deserve.”

Rep. Brown of Richmond explained her vote as follows:

“Madam Speaker:

I voted yes in strong support of this bill. For this body to truly function as the People’s House, it needs to reflect the diversity of Vermonters we represent and be accessible to those who want to serve regardless of their economic circumstances.”

Rep. Chase of Chester explained her vote as follows:

“Madam Speaker:

The General Assembly of Vermont is an integral part of our history and democracy. There is a strong commitment and universal sacrifice that each one of us makes to be here to represent our communities. I understand that I am a steward of seat 42 and my vote today is for the future occupants of this seat. It is my hope that this body will be rich with diversity. S.39 is an investment in future legislatures and is a step toward fully acknowledging and valuing the vital work that is done under the dome by the General Assembly of Vermont.”

Rep. Chesnut-Tangerman of Middletown Springs explained his vote as follows:

“Madam Speaker:

It is a privilege to serve in this body. It is also out of reach for too many. I vote ‘Yes’ to provide others the possibility of this service.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

Rushing to raise pay and benefits in statute to ‘make progress’ for 2025, prior to hearing from a study due back in 2024 that may propose yet further pay and benefit increases, is disingenuous to the extreme.”

Rep. Goldman of Rockingham explained her vote as follows:

“Madam Speaker:

It has been an honor and a privilege to represent my constituents in this House for the last three years. Being a legislator confers respect because of what the position means. This position means working for constituents and Vermonters to make their lives better. These responsibilities occur throughout the year, but this position is not accessible to many due to the structure of the partial year schedule, inadequate compensation, and lack of access to healthcare. I voted yes for S.39 because I want a legislature that is much more accessible to a more diverse group of Vermonters, younger people, people with lower incomes, and people with different backgrounds. Fair compensation for the important work we do representing Vermonters in Montpelier, as well as the year round support we give to constituents, is a step in acknowledging the importance of the position and supporting those who come after us.”

Rep. Notte of Rutland City explained his vote as follows:

“Madam Speaker:

In my five years here, I have been disappointed to watch several representatives – from multiple parties – arrive, begin to make an impact for their communities, but then decide they couldn’t remain in office because they simply could not afford to do so. These representatives were primarily younger – working age, raising families. Without an increase in legislative pay we silence the voices of thousands of Vermonters – we essentially lock the doors of the State House to people whose voices would be extremely valuable as we work to best serve all Vermonters.”

Rep. Parsons of Newbury explained his vote as follows:

“Madam Speaker:

Morally I cannot support this bill. To offset the burden of this session’s tax and fee increases, we are raising salaries...for ourselves. Better luck next time Vermonters.”

Rep. Pouech of Hinesburg explained his vote as follows:

“Madam Speaker:

When I was considering running for the Legislature, I did not have to contend with the limited salary and potential loss of family income, only because I had reached my retirement. This fact highlights the privilege I have which allowed me to enter the election. Economic privilege should not be a primary qualification for those who consider service in this body. I supported this bill so that our State House doors will be opened wider and enable more of our fellow citizens, who have a desire, to serve. This bill will help bring back the original intent of our State Constitution; to have our State government truly represented by all our citizens.”

Rep. Rachelson of Burlington explained her vote as follow:

“Madam Speaker:

Public Service shouldn't equate to poverty. We don't pay the Governor or other State public servants, so poorly or fail to give them any benefits. Being a State representative and holding a job or jobs isn't easy, as I, and so many other current and former legislators have experienced. Seeking a job is equally difficult when the potential employer notes that you are a legislator, and either asks 'how that is going to work' or simply doesn't pursue your application. This bill isn't going to pay legislators wildly high salaries, but it will make a difference.”

Rep. Smith of Derby explained his vote as follows:

“Madam Speaker:

I truly hope that the voters of Vermont will remember this day. I hope they remember who gave themselves a full-time job and a raise at their expense! This is an embarrassment! Shame on all of you!”

Rep. Stone of Burlington explained her vote as follows:

“Madam Speaker:

I voted yes because I pledged to myself and to my constituents that I would step into places of vulnerability to speak truth, to improve access, and, most importantly, to uplift and make room for those who are usually not heard.”

Rep. Toof of St. Albans Town explained his vote as follows:

“Madam Speaker:

I vote no because the audacity it takes to raise our pay by 50% while simultaneously raising our budget by 13% and numerous taxes and fees is unconscionable.”

Rep. Whitman of Bennington explained his vote as follows:

“Madam Speaker:

A Vermonter’s service in elected office should be determined by their ability to be elected by their constituents, not their personal finances. Too many Vermonters are excluded from serving in the Legislature because of their inability to afford being a State Representative. This is a bad design for participant democracy. I vote yes.”

Rep. Williams of Barre City explained his vote as follows:

“Madam Speaker:

I vote yes on S.39 for those who we barred by privileges from these halls. Let us enable those who come after us the capacity to serve where otherwise they could not afford to do so. Let them knock down that door.”

Action on Bill Postponed

H. 493

House bill, entitled

An act relating to capital construction and State bonding

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. Emmons of Springfield**, action on the bill was postponed until May 11, 2023.

Rules Suspended; Immediate Consideration; Second Reading; Resolution Amended; Third Reading Ordered

H.R. 11

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House resolution, entitled

House resolution relating to establishing the Special Committee on Impeachment Inquiry and granting it investigatory powers

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

Rep. McCarthy of St. Albans City, for the Committee on Government Operations and Military Affairs, to which had been referred the resolution, recommended that the resolution be amended in the third Resolved clause, following “adjournment thereof.” by inserting “shall adopt rules of procedure.”

Rep. Harrison of Chittenden, for the Committee on Appropriations, reported in favor of its adoption when amended as recommended by the Committee on Government Operations and Military Affairs.

The resolution, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Government Operations and Military Affairs agreed to, and third reading ordered.

Rules Suspended; Bills Messaged to Senate Forthwith

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

S. 17

Senate bill, entitled

An act relating to sheriff reforms

S. 99

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles

**Pending Entry on the Notice Calendar
Bill Referred to Committee on Ways and Means**

H. 517

House bill, entitled

An act relating to approval of the dissolution of Duxbury-Moretown Fire District No. 1

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), materially affecting the revenue of one or more municipalities, was referred to the Committee on Ways and Means.

Message from the Senate No. 57

A message was received from the Senate by Ms. Kucserik, 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. 489. An act relating to approval of an amendment to the charter of the Town of Shelburne.

H. 504. An act relating to approval of amendments to the charter of the Town of Berlin.

H. 505. An act relating to approval of an amendment to the charter of the City of Rutland.

H. 506. An act relating to approval of amendments to the election boundary provisions of the charter of the City of Burlington.

H. 507. An act relating to approval of amendments to the polling place provisions of the charter of the City of Burlington.

And has passed the same in concurrence.

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

S. 4. An act relating to reducing crimes of violence associated with juveniles and dangerous weapons.

S. 47. An act relating to the transport of individuals requiring psychiatric care.

S. 95. An act relating to banking and insurance.

And has concurred therein.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 89. An act relating to establishing a forensic facility.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate bill entitled:

S. 6. An act relating to law enforcement interrogation policies.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Sears
Senator Hashim
Senator Norris

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. 479. An act relating to the Transportation Program and miscellaneous changes to laws related to transportation.

And has accepted and adopted the same on its part.

Adjournment

At six o'clock and twenty-six minutes in the evening, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at ten o'clock in the forenoon.