

Journal of the House

Thursday, February 2, 2023

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

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

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee or placed on the Notice Calendar as follows:

H. 160

By Reps. Christie of Hartford, Goslant of Northfield, LaBounty of Lyndon, Smith of Derby, and Troiano of Stannard,

House bill, entitled

An act relating to minimum reimbursement rates for labor related to automobile insurance claims

To the Committee on Commerce and Economic Development.

H. 161

By the Committee on Agriculture, Food Resiliency, and Forestry,

House bill, entitled

An act relating to issuance of burning permits

Was read the first time, and pursuant to House Rule 48, placed on the Notice Calendar.

H. 162

By Rep. Burke of Brattleboro,

House bill, entitled

An act relating to operation of motor vehicles with studded snow tires

To the Committee on Transportation.

H. 163

By Reps. Burke of Brattleboro, Gregoire of Fairfield, and Boyden of Cambridge,

House bill, entitled

An act relating to eco-sanitation systems

To the Committee on Environment and Energy.

H. 164

By Rep. Burke of Brattleboro,

House bill, entitled

An act relating to the permitting of low-impact wastewater systems

To the Committee on Environment and Energy.

Bill Amended; Third Reading; Bill Passed

H. 45

House bill, entitled

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

Was taken up and, pending third reading of the bill, **Rep. Rachelson of Burlington** moved to amend the bill as follows:

In Sec. 1, 15 V.S.A. chapter 21, subchapter 5, in subsection 1185(d), in the second sentence, by striking out “judge” and inserting in lieu thereof “judicial officer”

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

**Committee Bill; Second Reading;
Bill Amended; Amendment Offered; Third Reading Ordered**

H. 145

Rep. Lanpher of Vergennes spoke for the Committee on Appropriations.

House bill, entitled

An act relating to fiscal year 2023 budget adjustments

Having appeared on the Notice Calendar, was taken up, and read the second time.

Pending the question, Shall the bill be read a third time?, **Reps. McCarthy of St. Albans City, Marcotte of Coventry and Durfee of Shaftsbury** moved to amend the bill as follows:

First: In Sec. 45, 2022 Acts and Resolves No. 185, Sec. B.1100, in subdivision (a)(7)(H), by striking out the final sentence in its entirety and inserting in lieu thereof a new sentence to read: “The plan shall be submitted not later than March 15, 2023 and shall be reviewed by the committees of jurisdiction and enacted into law by the General Assembly prior to implementation.”

Second: In Sec. 45, 2022 Acts and Resolves No. 185, Sec. B.1100, in subsection (a), by striking out subdivision (24) in its entirety and inserting in lieu thereof a new subdivision (24) to read:

(24) \$3,000,000 to the Secretary of Administration to provide funding for municipal technical assistance and related services pursuant to Sec. 87a of this act.

Third: By adding a Sec. 87a to read:

Sec. 87a. MUNICIPAL TECHNICAL ASSISTANCE TO ACCESS STATE
AND FEDERAL FUNDING

(a) Expanding municipal access to State and federal funding. The Agency of Administration, consistent with the provisions of this section, shall design and implement a process to provide expanded technical and administrative assistance to municipalities with high need that may be eligible for State or federal funding for the following activities:

(1) Community needs assessment. Conducting a review of community assets and needs, strategic planning, and identifying potential eligible projects, including in the following categories:

(A) water supply and wastewater infrastructure;

(B) housing;

(C) community recovery, workforce development, and business support;

(D) climate change mitigation and resilience; and

(E) other community economic development projects identified by a municipality and approved by the Agency of Administration.

(2) Opportunity assessment. Assessing the technical assistance and funding available from State, federal, and private sources; evaluating eligibility and compliance requirements; and conducting a feasibility analysis

of whether the municipality has, or can develop, the capacity to complete a project and meet applicable requirements.

(3) Application and permit assistance. Providing technical and administrative assistance with completing funding applications, permit applications, and satisfying initial regulatory requirements.

(4) Project management and implementation. Providing ongoing support to successful grant recipients with project management, funding program implementation, funding program compliance, and administrative and regulatory compliance through project completion.

(5) Other capacity-building activities. Providing additional assistance, subject to approval by the Agency, to advance priority projects identified by municipalities.

(b) Eligible service providers; service delivery.

(1) Eligibility.

(A) The Agency shall develop eligibility criteria, issue a request for proposals, and implement an approval process for service providers within each region to provide the technical assistance and services specified in subsection (a) of this section.

(B) The Agency may exercise its discretion in structuring the terms of service and payments, provided that the Agency shall adopt a set of minimum standards, duties, and performance requirements applicable to all service providers.

(2) Providers; mode of delivery. The Agency may:

(A) award a grant or contract for services to a regional planning commission, regional development corporation, or other similar instrumentality; to a private for-profit or nonprofit contractor; or to a combination of these;

(B) award funding to two or more municipalities to create a shared full-time, part-time, or limited-service position; or

(C) authorize an eligible municipality to directly contract for services from one or more providers approved by the Agency, subject to terms approved by the Agency.

(3) Regional collaboration. In approving service providers, the Agency shall give priority to applicants that demonstrate a commitment and ability to promote regional collaboration and maximize the efficient use of resources.

(c) Eligible municipalities; communities index.

(1) The Agency shall develop an index that ranks Vermont municipalities based on their relative administrative capacity to access and maximize the benefits of technical assistance and funding that is available from State, federal, and other sources.

(2) In developing the index, for each municipality in this State, the Agency shall consider its demographic profile, geographic location, and economic resources; the current size and administrative capacity of the municipal government; the availability of regional partners and supports; and other factors the Agency determines to be relevant in assessing the municipality's capacity to fully access available funding and related assistance.

(d) Eligible municipalities; priority.

(1) The Agency shall approve funding on a first-come, first-served basis to municipalities that rank in the top 25th percentile on the index developed pursuant to subsection (c) of this section.

(2) Notwithstanding subdivision (1) of this subsection, the Agency may adopt a process to consider and approve funding for a municipality that ranks below the top 25th percentile but demonstrates exceptional circumstances.

(3) If funds remain available after meeting the funding requirements of municipalities that qualify under subdivisions (1)–(2) of this subsection, the Agency may award funding to other municipalities according to index ranking.

(e) Outreach; implementation.

(1) The Agency, in coordination with the Vermont League of Cities and Towns, shall conduct a general public engagement campaign to make municipalities aware of the potential opportunity for services and funding pursuant to this section.

(2) The Agency, the Vermont League of Cities and Towns, and each regional planning commission and regional development corporation that serves a municipality that is eligible for funding priority under subdivision (d)(1) of this section shall work collaboratively to ensure that individual outreach to each eligible municipality occurs:

(A) to inform the municipality that it is eligible for funding for technical assistance and related services based on its index ranking;

(B) to educate the municipality on the process for identifying the types of services and assistance available, identifying eligible service providers, and accessing funding pursuant to this section; and

(C) to determine whether the municipality intends to further pursue funding for technical assistance and related services or waives its priority for funding.

(f) Reporting.

(1) The Agency shall report to the House and Senate Committees on Appropriations, the Senate Committee on Government Operations, the House Committee on Government Operations and Military Affairs, the House Committee on Commerce and Economic Development, and the Senate Committee on Economic Development, Housing and General Affairs on or before the following dates:

(A) April 1, 2023;

(B) July 1, 2023; and

(C) January 15, 2024.

(2) The Agency shall address in its reports the design and implementation of the process for providing municipal technical assistance pursuant to this section, including information addressing:

(A) the activities specified in subsection (a) of this section for which the Agency provided funding and the type and amount of State, federal, or other funds that were leveraged for each activity;

(B) the eligibility criteria, request for proposals, and approval process for service providers; the standards, duties, and performance requirements applicable to service providers; and the identity and scope of services performed by approved service providers;

(C) the mode of delivery, amount, and purpose of funding awarded to municipalities;

(D) the design, methodology, and efficacy of the index; the effectiveness of the index in identifying relative priority and capacity of municipalities; and, if applicable, the basis of any funding awards made due to exceptional circumstances pursuant to subdivision (d)(3) of this section; and

(E) the design, implementation, and effectiveness of outreach efforts undertaken pursuant to subsection (e) of this section.

Which was agreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Clifford of Rutland City** moved to amend the bill as follows:

In Sec. 45, 2022 Acts and Resolves No. 185, Sec. B.1100, in subsection (a), by striking out subdivision (34) in its entirety and inserting a new subdivision (34) to read as follows:

(34) \$13,424,710 to the Department for Children and Families to extend the General Assistance Temporary Housing program between March 15, 2023 and July 1, 2023 for households that are otherwise eligible for GA housing pursuant to section 2652.3 of DCF's General Assistance rule (13-170-260) and that have an individual who is either 60 years of age or older, are in receipt of SSI or SSDI, or have a child who is 18 years of age or younger. These households shall be eligible for temporary housing independent of maximum nights received or weather forecasts or conditions.

Which was disagreed to.

Pending the question, Shall the bill be read a third time?, **Rep. Lanpher of Vergennes** 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, 107. Nays, 33.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Essex Junction	Morrissey of Bennington
Andriano of Orwell	Dolan of Waitsfield	Mrowicki of Putney
Anthony of Barre City	Durfee of Shaftsbury	Mulvaney-Stanak of Burlington
Arrison of Weathersfield	Elder of Starksboro	Nicoll of Ludlow
Arsenault of Williston	Emmons of Springfield	Notte of Rutland City
Austin of Colchester	Garofano of Essex	Noyes of Wolcott
Bartholomew of Hartland	Goldman of Rockingham	Nugent of South Burlington
Berbeco of Winooski	Graham of Williamstown	Ode of Burlington
Birong of Vergennes	Graning of Jericho	Pajala of Londonderry
Black of Essex	Headrick of Burlington	Patt of Worcester
Bluemle of Burlington	Holcombe of Norwich	Pearl of Danville
Bongartz of Manchester	Hooper of Randolph	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	Roberts of Halifax
Brown of Richmond	Hyman of South Burlington	Satcowitz of Randolph
Brownell of Pownal	James of Manchester *	Scheu of Middlebury
Brumsted of Shelburne	Jerome of Brandon	Sheldon of Middlebury
Burke of Brattleboro	Kornheiser of Brattleboro	Sibilia of Dover
Burrows of West Windsor	Krasnow of South Burlington	Sims of Craftsbury
Buss of Woodstock	LaBounty of Lyndon	Small of Winooski
Campbell of St. Johnsbury	Lalley of Shelburne	Squirrell of Underhill
Carroll of Bennington		Stebbins of Burlington
Casey of Montpelier		

Chapin of East Montpelier	LaLonde of South	Stevens of Waterbury
Chase of Chester	Burlington	Stone of Burlington
Chase of Colchester	LaMont of Morristown	Surprenant of Barnard
Chesnut-Tangerman of Middletown Springs	Lanpher of Vergennes	Taylor of Colchester
Christie of Hartford	Leavitt of Grand Isle	Templeman of Brownington
Cina of Burlington	Lipsky of Stowe	Toleno of Brattleboro
Coffey of Guilford	Logan of Burlington	Torre of Moretown
Cole of Hartford	Long of Newfane	Troiano of Stannard
Conlon of Cornwall	McCann of Montpelier	Waters Evans of Charlotte
Corcoran of Bennington	McCarthy of St. Albans City	White of Bethel
Cordes of Lincoln	McGill of Bridport	Whitman of Bennington
Demrow of Corinth	Mihaly of Calais	Williams of Barre City
	Minier of South Burlington	Wood of Waterbury
	Morris of Springfield	

Those who voted in the negative are:

Bartley of Fairfax	Goslant of Northfield	Oliver of Sheldon
Beck of St. Johnsbury	Gregoire of Fairfield	Page of Newport City
Branagan of Georgia	Hango of Berkshire	Parsons of Newbury
Brennan of Colchester	Harrison of Chittenden	Peterson of Clarendon
Burditt of West Rutland	Higley of Lowell	Sammis of Castleton *
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 Town	Marcotte of Coventry	Toof of St. Albans Town
Donahue of Northfield	McCoy of Poultney *	Williams of Granby
Galfetti of Barre Town	McFaun of Barre Town	
	Morgan of Milton	

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

Dodge of Essex	Mattos of Milton	Walker of Swanton
Farlice-Rubio of Barnet	O'Brien of Tunbridge	Wilson of Lyndon
Masland of Thetford	Pouech of Hinesburg	

Rep. James of Manchester explained her vote as follows:

“Madam Speaker:

I was proud today to vote yes for H.145, the mid-year Budget Adjustment Act. Budgets are moral documents — they reflect our deepest values and priorities. In this document, we make thoughtful investments in state government — in the agencies, partners and programs that help people and lift up communities in every single corner of our state. Notably, we support housing that will provide shelter — in both the short- and long-term — for our fellow Vermonters who are the most vulnerable.”

Rep. McCoy of Poultney explained her vote as follows:

“Madam Speaker:

While I applaud the House Committee on Appropriations for the heavy lift in preparing and presenting the FY23 Budget Adjustment, there are a few items in this FY23 Budget Adjustment of concern. Due to a lack of a plan going forward for our Emergency Housing Program, the appropriation of \$9.2 Million to the Organic Dairy Industry, without any policy or plan and, the additional \$50 Million added to the bottom line of VHCB without assurances of regional equity give me great pause. It is for these reasons that I cannot support the FY23 Budget Adjustment Bill as presented.”

Rep. Sammis of Castleton explained his vote as follows:

“Madam Speaker:

Neither side of the aisle has addressed the cause of homelessness – addiction, mental health, substance abuse disorder, or other issues, and how to create solutions for these issues, and how to transition individuals out of homelessness in this budget.”

Adjournment

At five o'clock and thirteen minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.