

Journal of the House

Thursday, March 25, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 88

Senate bill, entitled

An act relating to insurance, banking, and securities

To the Committee on Commerce and Economic Development.

S. 114

Senate bill, entitled

An act relating to improving prekindergarten through grade 12 literacy within the State

To the Committee on Education.

Amendment Withdrawn; Read Third Time; Bill Passed

H. 152

House bill, entitled

An act relating to education property tax

Was taken up and pending third reading of the bill **Reps. Sibila of Dover, Colburn of Burlington, Pajala of Londonderry, Sims of Craftsbury, and Small of Winooski** moved to amend the bill as follows:

First: By striking out Sec. 2, capital project costs exclusion from excess spending penalty, and its reader assistance heading in their entirety and inserting in lieu thereof the following:

* * * Suspension of Excess Spending Penalty * * *

Sec. 2. SUSPENSION OF EXCESS SPENDING PENALTY

Notwithstanding any provision of law to the contrary, for fiscal year 2022, the excess spending penalty under 16 V.S.A. § 4001(6)(B) and 32 V.S.A. § 5401(12) is suspended.

Second: By striking out Sec. 5, effective dates, in its entirety and inserting in lieu thereof the following:

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 2–4 (suspension of excess spending penalty; 3.5 percent hold harmless; small schools grant) shall take effect on passage.

(b) Sec. 1 (yield and nonhomestead property tax rate) shall take effect on July 1, 2021.

Rep. Sibilia of Dover asked and was granted leave of the House to withdraw her amendment.

Thereupon, the bill was read the third time and passed.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time, and passed:

H. 153

House bill, entitled

An act relating to Medicaid reimbursement rates for home- and community-based service providers

H. 159

House bill, entitled

An act relating to creating the Better Places Program

H. 171

House bill, entitled

An act relating to the governance and financing of Vermont's child care system

Bill Amended; Read Third Time; Bill Passed

H. 183

House bill, entitled

An act relating to sexual violence

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

In Sec. 1, 13 V.S.A. § 3251, in subdivision (3), by striking out “or” and inserting in lieu thereof “and”

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

Third Reading; Bill Passed

H. 435

House bill, entitled

An act relating to miscellaneous Department of Corrections-related amendments

Was taken up, read the third time, and passed.

Rep. Long of Newfane presiding.

Committee Bill; Second Reading; Third Reading Ordered

H. 436

Rep. Ode of Burlington spoke for the Committee on Ways and Means.

House bill, entitled

An act relating to miscellaneous changes to Vermont’s tax laws

Having appeared on the Calendar one day for Notice and appearing on the Calendar for Action, was taken up, and read the second time.

Speaker Krowinski presiding.

Thereupon, third reading was ordered.

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

H. 437

Rep. Kornheiser of Brattleboro spoke for the Committee on Ways and Means.

House bill, entitled

An act relating to changes that affect the revenue of the State

Having appeared on the Calendar one day for Notice and appearing on the Calendar for Action, was taken up, and read the second time.

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

By striking out Secs. 1–3, property transfer tax surcharge, and their reader assistance headings in their entireties and by renumbering the remaining sections to be numerically correct.

Pending the question, Shall the bill be amended as offered by Rep. Scheuermann of Stowe? **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 bill be amended as offered by Rep. Scheuermann of Stowe? was decided in the negative. Yeas, 53. Nays, 94.

Those who voted in the affirmative are:

Achey of Middletown Springs	Harrison of Chittenden	Page of Newport City
Arrison of Weathersfield	Helm of Fair Haven	Pajala of Londonderry
Batchelor of Derby	Higley of Lowell	Palasik of Milton
Brennan of Colchester	Kimbell of Woodstock	Parsons of Newbury
Burditt of West Rutland	LaClair of Barre Town	Peterson of Clarendon
Canfield of Fair Haven	Lefebvre of Newark	Rosenquist of Georgia
Corcoran of Bennington	Lefebvre of Orange	Savage of Swanton
Cupoli of Rutland City	Leffler of Enosburgh	Scheuermann of Stowe
Dickinson of St. Albans Town	Marcotte of Coventry	Shaw of Pittsford
Donahue of Northfield	Martel of Waterford	Sibilia of Dover
Fagan of Rutland City	Martin of Franklin	Smith of Derby
Feltus of Lyndon	Mattos of Milton	Smith of New Haven
Gannon of Wilmington	McCoy of Poultney	Strong of Albany
Goslant of Northfield	McFaun of Barre Town	Sullivan of Dorset
Graham of Williamstown	Morgan, L. of Milton	Terenzini of Rutland Town
Gregoire of Fairfield	Morgan, M. of Milton	Toof of St. Albans Town
Hango of Berkshire	Morrissey of Bennington	Williams of Granby
	Murphy of Fairfax	
	Norris of Shoreham	

Those who voted in the negative are:

Ancel of Calais	Elder of Starksboro	Ode of Burlington
Anthony of Barre City	Emmons of Springfield	Partridge of Windham
Austin of Colchester	Goldman of Rockingham	Patt of Worcester
Bartholomew of Hartland	Grad of Moretown	Pearl of Danville
Beck of St. Johnsbury	Hooper of Montpelier	Pugh of South Burlington
Birong of Vergennes	Hooper of Randolph	Rachelson of Burlington
Black of Essex	Hooper of Burlington	Redmond of Essex
Bluemle of Burlington	Houghton of Essex	Rogers of Waterville
Bock of Chester	Howard of Rutland City	Satcowitz of Randolph
Bongartz of Manchester	James of Manchester	Scheu of Middlebury
Bos-Lun of Westminster	Jerome of Brandon	Seymour of Sutton
Brady of Williston	Jessup of Middlesex	Sheldon of Middlebury
Briglin of Thetford	Killacky of South Burlington	Sims of Craftsbury *
Brown of Richmond	Kitzmiller of Montpelier	Small of Winooski
Brownell of Pownal	Kornheiser of Brattleboro	Squirrell of Underhill

Brumsted of Shelburne	LaLonde of South	Stebbins of Burlington
Burke of Brattleboro	Burlington	Stevens of Waterbury
Burrows of West Windsor	Lanpher of Vergennes	Surprenant of Barnard
Campbell of St. Johnsbury	Lippert of Hinesburg	Taylor of Colchester
Chase of Colchester	Long of Newfane	Till of Jericho
Christie of Hartford	Masland of Thetford	Toleno of Brattleboro
Cina of Burlington	McCarthy of St. Albans City	Townsend of South
Coffey of Guilford	McCormack of Burlington	Burlington
Colburn of Burlington	McCullough of Williston	Troiano of Stannard
Colston of Winooski	Morris of Springfield	Vyhovsky of Essex
Conlon of Cornwall	Mrowicki of Putney	Walz of Barre City
Copeland Hanzas of	Mulvaney-Stanak of	Webb of Shelburne
Bradford	Burlington	White of Bethel
Cordes of Lincoln	Nicoll of Ludlow	White of Hartford
Dolan of Essex	Nigro of Bennington	Whitman of Bennington
Dolan of Waitsfield	Notte of Rutland City	Wood of Waterbury
Donnally of Hyde Park	Noyes of Wolcott	Yantachka of Charlotte
Durfee of Shaftsbury	O'Brien of Tunbridge	

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

Norris of Sheldon Yacovone of Morristown

Rep. Sims of Craftsbury explained her vote as follows:

“Madam Speaker:

H. 437 builds on a successful program that helps Vermonters purchase replacement homes. We’re all acutely aware that we have a significant shortage of housing opportunities in our community. I voted no so that we can move forward with this program to invest in the future of our housing stock, our communities, and our economy.”

Pending the question, Shall the bill be read a third time? **Rep. Burditt of West Rutland** 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, 95. Nays, 51.

Those who voted in the affirmative are:

Ancel of Calais	Emmons of Springfield	Ode of Burlington
Anthony of Barre City	Goldman of Rockingham	Partridge of Windham
Arrison of Weathersfield	Grad of Moretown	Patt of Worcester
Austin of Colchester	Hooper of Montpelier	Pearl of Danville
Bartholomew of Hartland	Hooper of Randolph	Pugh of South Burlington
Beck of St. Johnsbury	Hooper of Burlington	Rachelson of Burlington
Black of Essex	Houghton of Essex	Redmond of Essex
Bluemle of Burlington	Howard of Rutland City	Rogers of Waterville
Bock of Chester	James of Manchester	Satcowitz of Randolph
Bongartz of Manchester	Jerome of Brandon	Scheu of Middlebury

Bos-Lun of Westminster	Jessup of Middlesex	Sheldon of Middlebury
Brady of Williston	Killacky of South Burlington	Sims of Craftsbury
Briglin of Thetford	Kimbell of Woodstock	Small of Winooski
Brown of Richmond	Kitzmiller of Montpelier	Squirrell of Underhill
Brownell of Pownal	Kornheiser of Brattleboro *	Stebbins of Burlington
Brumsted of Shelburne	LaLonde of South	Stevens of Waterbury
Burke of Brattleboro	Burlington	Surprenant of Barnard
Burrows of West Windsor	Lanpher of Vergennes	Taylor of Colchester
Campbell of St. Johnsbury	Lefebvre of Newark	Till of Jericho *
Chase of Colchester	Lippert of Hinesburg	Toleno of Brattleboro
Christie of Hartford	Long of Newfane	Townsend of South
Cina of Burlington	Masland of Thetford	Burlington
Coffey of Guilford	McCarthy of St. Albans City	Troiano of Stannard
Colburn of Burlington	McCormack of Burlington	Vyhovsky of Essex
Colson of Winooski	McCullough of Williston	Walz of Barre City
Conlon of Cornwall	Morris of Springfield	Webb of Shelburne
Copeland Hanzas of	Mrowicki of Putney	White of Bethel
Bradford	Mulvaney-Stanak of	White of Hartford
Cordes of Lincoln	Burlington	Whitman of Bennington
Dolan of Essex	Nicoll of Ludlow	Wood of Waterbury
Dolan of Waitsfield	Nigro of Bennington	Yantachka of Charlotte
Donnally of Hyde Park	Notte of Rutland City	
Durfee of Shaftsbury	Noyes of Wolcott	
Elder of Starksboro	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown	Hango of Berkshire	Page of Newport City
Springs	Harrison of Chittenden	Pajala of Londonderry
Batchelor of Derby	Helm of Fair Haven	Palasik of Milton
Birong of Vergennes	Higley of Lowell	Parsons of Newbury
Brennan of Colchester	LaClair of Barre Town	Peterson of Clarendon
Burditt of West Rutland *	Lefebvre of Orange	Rosenquist of Georgia
Canfield of Fair Haven	Leffler of Enosburgh	Savage of Swanton
Corcoran of Bennington	Marcotte of Coventry	Scheuermann of Stowe
Cupoli of Rutland City	Martel of Waterford	Seymour of Sutton
Dickinson of St. Albans	Martin of Franklin *	Shaw of Pittsford
Town	Mattos of Milton	Sibilia of Dover
Donahue of Northfield	McCoy of Poultney	Smith of Derby
Fagan of Rutland City	McFaun of Barre Town	Strong of Albany
Feltus of Lyndon	Morgan, L. of Milton	Sullivan of Dorset
Gannon of Wilmington	Morgan, M. of Milton	Terenzini of Rutland Town
Goslant of Northfield	Morrissey of Bennington	Toof of St. Albans Town
Graham of Williamstown	Murphy of Fairfax	Williams of Granby
Gregoire of Fairfield *	Norris of Shoreham	

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

Norris of Sheldon	Smith of New Haven	Yacovone of Morristown
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Rep. Burditt of West Rutland explained his vote as follows:

“Madam Speaker:

A recent study has Vermont at 48th in the U.S. in total taxes per capita. I fear we are headed toward that not so coveted 50th position.”

Rep. Gregoire of Fairfield explained his vote as follows:

“Madam Speaker:

Despite how some would frame the issue- I doubt anyone opposes affordable housing or fails to recognize its need. It is probably an issue we can all agree on. As with many issues, it’s a matter of whether this is the right way to achieve those goals. I do not think it is.”

Rep. Kornheiser of Brattleboro explained her vote as follows:

“Madam Speaker:

I was proud to vote yes, to better to equalize the public burdens and build a Vermont that works for all of us.”

Rep. Martin of Franklin explained his vote as follows:

“Madam Speaker:

A vote of yes on this bill is a slap in the face to all of the industry workers that rely on tourists and second home owners for their income.”

Rep. Till of Jericho explained his vote as follows:

“Madam Speaker:

I vote yes. A no vote is a slap in the face to every manufacturer in Vermont. Our manufacturers desperately want the sales tax exemption for inputs which is contained in this bill.”

Recess

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

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

Committee Bill; Second Reading; Bill Amended; Third Reading Ordered

H. 438

Rep. Emmons of Springfield spoke for the Committee on Corrections and Institutions.

House bill, entitled

An act relating to capital construction and State bonding

Rep. Harrison of Chittenden for the Committee on Appropriations recommended the bill ought to pass.

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

Pending the question, Shall the bill be read a third time? **Reps. Donahue of Northfield and Cordes of Lincoln** moved to amend the bill as follows:

First: In Sec. 3, human services, in subsection (a), in subdivision (1), by striking out “Physically Secure Recovery Residence” and inserting in lieu thereof “Secure Residential Recovery Facility”

Second: In Sec. 3, human services, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) The amount appropriated in subdivision (a)(1) of this section shall be used to construct a 16-bed Secure Residential Recovery Facility on Parcel ID# 200-5-003-001 as designated on the Town of Essex’s Tax Parcel Maps for transitional support for individuals who are being discharged from inpatient psychiatric care. Through interior fit-up, versus building redesign, the 16-bed facility shall include two eight-bed wings designed with the capability to allow for separation of one wing from the main section of the facility, if necessary. Both wings shall be served by common clinical and activity spaces. Neither wing shall include a locked seclusion area, and the facility shall not use emergency involuntary procedures. Outdoor space shall be adequate for exercise and other activities but not less than 10,000 square feet.

Which was agreed to. Thereupon, third reading was ordered.

Committee Bill; Second Reading; Third Reading Ordered

H. 439

Rep. Hooper of Montpelier spoke for the Committee on Appropriations.

House bill, entitled

An act relating to making appropriations for the support of government

Having appeared on the Calendar one day for Notice and appearing on the Calendar for Action, was taken up, read the second time, and third reading ordered.

Action on Bill Postponed

H. 210

House bill, entitled

An act relating to addressing disparities and promoting equity in the health care system

Was taken up and, pending third reading, on motion of **Rep. Lippert of Hinesburg**, action on the bill was postponed until March 26, 2021.

Message from the Senate No. 33

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 3. An act relating to competency to stand trial and insanity as a defense.

S. 51. An act relating to the persons authorized to make contributions to candidates and political parties and to political committee names.

S. 60. An act relating to allowing municipal and cooperative utilities to offer innovative rates and services.

S. 62. An act relating to creating incentives for new remote and relocation workers.

S. 66. An act relating to electric bicycles.

S. 97. An act relating to miscellaneous judiciary procedures.

In the passage of which the concurrence of the House is requested.

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

H. 315. An act relating to COVID-19 relief.

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

Adjournment

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