

# Journal of the House

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Thursday, March 2, 2023

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

## Devotional Exercises

Devotional exercises were conducted by Rev. Kevin Goldenbogen, Charlotte Congregational Church.

## 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. 461

By the Committee on Education,

House bill, entitled

An act relating to making miscellaneous changes in education laws

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

### H. 462

By LaLonde of South Burlington,

House bill, entitled

An act relating to the evidentiary rules governing proceedings concerning a child who is a victim of an offense involving serious bodily injury

Was read the first time and referred to the Committee on Judiciary.

## Bill Referred to Committee on Ways and Means

### H. 158

House bill, entitled

An act relating to the beverage container redemption system

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), affecting the revenue of the State, was referred to the Committee on Ways and Means.

**Committee Relieved of Consideration and  
Bill Committed to Other Committee**

**H. 72**

**Rep. LaLonde of South Burlington** moved that the Committee on Judiciary be relieved of House bill, entitled

An act relating to a harm-reduction criminal justice response to drug use

And that the bill be committed to the Committee on Human Services, which was agreed to.

**Third Reading; Bills Passed**

**H. 53**

House bill, entitled

An act relating to driver's license suspensions

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

**H. 67**

House bill, entitled

An act relating to household products containing hazardous substances

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

**H. 148**

House bill, entitled

An act relating to raising the age of eligibility to marry

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

**Action on Bill Postponed**

**H. 227**

House bill, entitled

An act relating to the Vermont Uniform Power of Attorney Act

Was taken up and, pending third reading, on motion of **Rep. LaLonde of South Burlington**, action on the bill was postponed until March 3, 2023.

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

**H. 411**

**Rep. Houghton of Essex Junction** spoke for the Committee on Health Care.

House bill, entitled

An act relating to extending COVID-19 health care regulatory flexibility

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

**Committee Bill; Second Reading; Amendments Offered;  
Recess; Bill Amended; Third Reading Ordered**

**H. 429**

**Rep. McCarthy of St. Albans City** spoke for the Committee on Government Operations and Military Affairs.

House bill, entitled

An act relating to miscellaneous changes to election laws

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?, **Rep. Sibia of Dover** moved to amend the bill as follows:

First: By striking out Secs. 1, 17 V.S.A. § 2381(c), and 2, 17 V.S.A. § 2401, and their reader assistance heading in their entireties and inserting in lieu thereof the following:

Sec. 1. [Deleted.]

Sec. 2. [Deleted.]

Second: By adding a new section to be Sec. 2a and its accompanying reader assistance heading to read as follows:

\* \* \* Independent Candidate Filing Deadline \* \* \*

Sec. 2a. 17 V.S.A. § 2402(d) is amended to read:

(d)(1) A statement of nomination and a completed and signed consent form shall be filed:

\* \* \*

(C) in the case of any other independent candidate, not earlier than the fourth Monday in April and not later than 5:00 p.m. on the ~~Thursday preceding~~ second Friday following the primary election prescribed by section 2351 of this chapter, and not later than 5:00 p.m. of the ~~third day prior to~~ second Friday following the day of a special primary election.

Thereupon, **Rep. Elder of Starksboro** asked that the question be divided so that the first instance of amendment be voted separate from the second instance of amendment, and the Speaker ruled that the question was divisible in that manner.

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

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

Pending the question, Shall the bill be amended as offered by Rep. Sibia of Dover in the first instance of amendment?, **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 amended as offered by Rep. Sibia of Dover in the first instance of amendment?, was decided in the negative. Yeas, 59. Nays, 78.

Those who voted in the affirmative are:

Andriano of Orwell	Elder of Starksboro	Nicoll of Ludlow
Arsenault of Williston	Galfetti of Barre Town	Oliver of Sheldon
Bartley of Fairfax	Goslant of Northfield	Pajala of Londonderry
Bos-Lun of Westminster	Graham of Williamstown	Parsons of Newbury
Brennan of Colchester	Gregoire of Fairfield	Peterson of Clarendon
Brownell of Pownal	Hango of Berkshire	Pouech of Hinesburg
Burditt of West Rutland	Headrick of Burlington	Rachelson of Burlington
Canfield of Fair Haven	Higley of Lowell	Roberts of Halifax
Carroll of Bennington	Labor of Morgan	Shaw of Pittsford
Chapin of East Montpelier	LaMont of Morristown	Sibia of Dover
Chesnut-Tangerman of Middletown Springs	Laroche of Franklin	Sims of Craftsbury
Cina of Burlington	Lipsky of Stowe	Small of Winooski
Clifford of Rutland City	Logan of Burlington	Smith of Derby
Cole of Hartford	Maguire of Rutland City	Stone of Burlington
Corcoran of Bennington	McCann of Montpelier	Surprenant of Barnard
Cordes of Lincoln	McCoy of Poultney	Taylor of Milton
Demar of Enosburgh	McGill of Bridport	Toof of St. Albans Town
Dickinson of St. Albans Town	Morgan of Milton	Walker of Swanton
Donahue of Northfield	Morrissey of Bennington	Williams of Granby
	Mulvaney-Stanak of Burlington	Wilson of Lyndon

Those who voted in the negative are:

Andrews of Westford	Durfee of Shaftsbury	Morris of Springfield
Anthony of Barre City	Emmons of Springfield	Mrowicki of Putney
Arrison of Weathersfield	Farlice-Rubio of Barnet	Notte of Rutland City
Austin of Colchester	Garofano of Essex	Noyes of Wolcott
Bartholomew of Hartland	Goldman of Rockingham	Nugent of South Burlington
Beck of St. Johnsbury	Graning of Jericho	O'Brien of Tunbridge

Berbeco of Winooski	Holcombe of Norwich	Ode of Burlington
Birong of Vergennes	Hooper of Randolph	Patt of Worcester
Black of Essex	Houghton of Essex Junction	Priestley of Bradford
Bluemle of Burlington	Howard of Rutland City	Rice of Dorset
Bongartz of Manchester	Hyman of South Burlington	Satcowitz of Randolph
Boyden of Cambridge	James of Manchester	Scheu of Middlebury
Brown of Richmond	Jerome of Brandon	Sheldon of Middlebury
Brumsted of Shelburne	Kornheiser of Brattleboro	Squirrell of Underhill
Burke of Brattleboro	Krasnow of South	Stebbins of Burlington
Burrows of West Windsor	Burlington	Stevens of Waterbury
Buss of Woodstock	LaBounty of Lyndon	Taylor of Colchester
Casey of Montpelier	Lalley of Shelburne	Templeman of Brownington
Chase of Chester	LaLonde of South	Toleno of Brattleboro
Chase of Colchester	Burlington	Torre of Moretown
Christie of Hartford	Lanpher of Vergennes	Troiano of Stannard
Coffey of Guilford	Leavitt of Grand Isle	Waters Evans of Charlotte
Conlon of Cornwall	Long of Newfane	White of Bethel
Demrow of Corinth	Marcotte of Coventry	Whitman of Bennington
Dodge of Essex	Masland of Thetford	Williams of Barre City
Dolan of Essex Junction	Mattos of Milton	Wood of Waterbury
	McCarthy of St. Albans City	
	Minier of South Burlington	

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

Brady of Williston	Harrison of Chittenden	Page of Newport City
Branagan of Georgia	Hooper of Burlington	Pearl of Danville
Campbell of St. Johnsbury	McFaun of Barre Town	Sammis of Castleton
Dolan of Waitsfield	Mihaly of Calais	

Pending the question, Shall the bill be amended as offered by Rep. Sibia of Dover in the second instance of amendment?, **Rep. Sibia of Dover** requested the vote be by division.

Thereupon, the amendment was disagreed to: Yeas, 38. Nays, 96.

Pending the question, Shall the bill be read a third time?, **Reps. McCarthy of St. Albans City, Birong of Vergennes, Krasnow of South Burlington, and Small of Winooski** moved to amend the bill as follows:

First: By striking out Sec. 3, 17 V.S.A. § 2941(a), in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. 17 V.S.A. § 2941(a) is amended to read:

§ 2941. LIMITATIONS OF CONTRIBUTIONS

(a) In any election cycle:

\* \* \*

(5)(A) A political party shall not accept contributions totaling more than:

- (A)(i) \$10,000.00 from a single source;
- (B)(ii) \$10,000.00 from a political committee; or
- (C)(iii) \$60,000.00 from a political party.

(B) Notwithstanding subdivision (A) of this subdivision, a political party may accept not more than \$60,000.00 from a candidate for State office.

\* \* \*

Second: By striking out Sec. 5, 17 V.S.A. § 2474, and its reader assistance heading in their entirety and inserting in lieu thereof a new Sec. 5 to read as follows:

Sec. 5. [Deleted.]

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

**Second Reading; Bill Amended; Third Reading Ordered**

#### H. 40

**Rep. Rachelson of Burlington**, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to nonconsensual removal of or tampering with a sexually protective device

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 3251 is amended to read:

§ 3251. DEFINITIONS

As used in this chapter:

(1) A “sexual act” means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person’s body or any object into the genital or anal opening of another.

(2) “Sexual conduct” means any conduct or behavior relating to sexual activities of the complaining witness, including ~~but not limited to~~ prior experience of sexual acts, use of contraceptives, living arrangement, and mode of living.

(3) “Consent” means the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time.

\* \* \*

Sec. 2. 13 V.S.A. § 3260 is added to read:

§ 3260. NONCONSENSUAL REMOVAL OR TAMPERING WITH A  
CONDOM

(a) No person shall engage in a sexual act with another person when consent to the sexual act is made with the explicit understanding that a condom would be used and intentionally and without consent remove or tamper with the condom prior to or during the sexual act in a manner likely to render it ineffective for its common purpose.

(b) A person harmed by a violation of subsection (a) of this section may bring an action in the Civil Division of the Superior Court for compensatory damages, punitive damages, and reasonable costs and attorney's fees.

(c) An action under subsection (b) of this section shall be subject to the statute of limitations in 12 V.S.A. § 511.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

and that after passage the title of the bill be amended to read: "An act relating to nonconsensual removal or tampering with a condom"

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Judiciary agreed to, and third reading ordered.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 94**

**Rep. McGill of Bridport**, for the Committee on Human Services, to which had been referred House bill, entitled

An act relating to removing the Reach Up ratable reduction

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. REPORT; REACH UP; RATABLE REDUCTION

On or before January 15, 2024, the Department for Children and Families shall submit a report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare containing an actionable, phased plan that estimates the amount needed to remove the ratable reduction in the Reach Up program. The

plan shall be designed to be phased in over a period not greater than five fiscal years and shall:

(1) address the financial implications posed by removing the ratable reduction;

(2) address any anticipated changes to the Reach Up caseload as a result of removing the ratable reduction; and

(3) identify any federal and State resources that may be utilized to remove the ratable reduction.

#### Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Human Services agreed to, and third reading ordered.

#### **Favorable Reports; Second Reading; Third Reading Ordered**

##### **H. 217**

**Rep. Williams of Barre City**, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to miscellaneous workers' compensation amendments

Reported in favor of its passage.

**Rep. Anthony of Barre City**, for the Committee on Ways and Means, reported in favor of its passage.

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

#### **House Resolution Adopted**

##### **H.R. 7**

**Rep. Bartholomew of Hartland** spoke for the Committee on Rules.

House resolution, entitled

House resolution authorizing limited remote committee voting through the first Friday of the 2024 Adjourned Session

Was taken up and adopted.

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**Joint Resolution Adopted in Concurrence**

**J.R.S. 16**

Joint resolution, entitled

Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and four Associate Justices of the Supreme Court and eight Superior Court Judges

Was taken up and adopted in concurrence.

**Message from the Senate No. 24**

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

**S. 45.** An act relating to an elective pass-through entity income tax and credit.

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

**Adjournment**

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