

Journal of the House

Tuesday, January 23, 2024

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

Devotional Exercises

Devotional exercises were conducted by Rep. Peter Anthony of Barre City.

Pledge of Allegiance

Pages Gideon Kass of Montpelier and Brody Dussault of St. Johnsbury led the House in the Pledge of Allegiance.

House Bills Introduced

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

H. 835

By Reps. McFaun of Barre Town, Anthony of Barre City, Beck of St. Johnsbury, Black of Essex, Branagan of Georgia, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Campbell of St. Johnsbury, Carpenter of Hyde Park, Cina of Burlington, Clifford of Rutland City, Demar of Enosburgh, Dodge of Essex, Dolan of Waitsfield, Farlice-Rubio of Barnet, Galfetti of Barre Town, Garofano of Essex, Goldman of Rockingham, Goslant of Northfield, Graham of Williamstown, Hango of Berkshire, Houghton of Essex Junction, LaBounty of Lyndon, Maguire of Rutland City, Masland of Thetford, McGill of Bridport, Morrissey of Bennington, Mrowicki of Putney, Noyes of Wolcott, Oliver of Sheldon, Pajala of Londonderry, Peterson of Clarendon, Roberts of Halifax, Sibilia of Dover, Small of Winooski, Smith of Derby, Taylor of Milton, Troiano of Stannard, and Walker of Swanton,

House bill, entitled

An act relating to services for adults with an intellectual disability

To the Committee on Human Services.

H. 836

By Reps. Stone of Burlington, Toof of St. Albans Town, Krasnow of South Burlington, Berbeco of Winooski, Waters Evans of Charlotte, Dolan of Essex Junction, Headrick of Burlington, Boyden of Cambridge, Galfetti of Barre Town, Williams of Barre City, Hooper of Randolph, Mulvaney-Stanak of Burlington, Priestley of Bradford, Surprenant of Barnard, and Rice of Dorset,

House bill, entitled

An act relating to expanding earned time to include credit for higher education degrees

To the Committee on Corrections and Institutions.

H. 837

By Reps. Bos-Lun of Westminster, LaLonde of South Burlington, Arrison of Weathersfield, Casey of Montpelier, Headrick of Burlington, Rachelson of Burlington, and Troiano of Stannard,

House bill, entitled

An act relating to equalizing community service and incarceration requirements for offenses that permit such sentencing alternatives

To the Committee on Judiciary.

H. 838

By Reps. Lalley of Shelburne, Burke of Brattleboro, Campbell of St. Johnsbury, Demrow of Corinth, O'Brien of Tunbridge, and Pouech of Hinesburg,

House bill, entitled

An act relating to improved highway access for pedestrians and bicyclists

To the Committee on Transportation.

H. 839

By the Committee on Appropriations,

House bill, entitled

An act relating to fiscal year 2024 budget adjustments

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

Senate Bill Referred

S. 160

Senate bill, entitled

An act relating to State education property taxes and flood-related damage

Was read the first time and referred to the Committee on Ways and Means.

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

H. 549

Rep. Sheldon of Middlebury moved that the Committee on Environment and Energy be relieved of House bill, entitled

An act relating to the siting of outdoor cannabis cultivation

And that the bill be committed to the Committee on Government Operations and Military Affairs, which was agreed to.

Second Reading; Bill Amended; Third Reading Ordered

H. 518

Rep. Boyden of Cambridge, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to the approval of amendments to the charter of the Town of Essex

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. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the Town of Essex as set forth in this act. The voters approved the proposals of amendment on March 7, 2023.

Sec. 2. 24 App. V.S.A. chapter 117 is amended to read:

CHAPTER 117. TOWN OF ESSEX

* * *

§ 107. LICENSE FEES

In addition to powers otherwise conferred upon the Town by law and this charter, the Town is authorized to adopt and enforce ordinances for the purpose of regulating, licensing, and fixing reasonable and necessary fees for the following:

(1) places of public resort, accommodation, assemblage, or amusement, whether indoor or outdoor;

(2) places dispensing food and drink to the public, such as restaurants, bars, or inns;

(3) theaters;

- (4) displays of fireworks;
- (5) public dances and musical performances;
- (6) itinerant vendors;
- (7) the exclusive occupancy of any specified portion of a public street or right-of-way;
- (8) the keeping of dogs or other pets; and
- (9) other activities that the Town has the power to regulate or license by virtue of general law or this charter.

* * *

§ 210. RECALL OF SELECTBOARD MEMBERS

(a) A petition signed by 15 percent of the registered voters of the municipality, based upon the total number of registered voters at the last preceding municipal election, demanding the recall of the Selectboard member or members cited in the petition, shall be filed with the Town Clerk.

(b) Within 60 days after receiving a valid petition, the Selectboard shall call a special meeting or, if annual meeting is within 60 days, include a question on the annual Town meeting ballot to vote on whether the elected officer shall be removed. The vote shall be held by Australian ballot.

(c) The Selectboard member shall be removed only if at least as many registered voters of the Town vote as voted in the election wherein the officer was elected or at least one-third of the registered voters of the Town vote, whichever is greater, and a majority of that number vote for removal. The Selectboard member or members shall be removed from office immediately, and the Selectboard shall then name a successor in accordance with the replacement provisions of this charter.

(d) A recall petition shall not be brought against an individual more than once within 12 months.

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Subchapter 3. ~~Town Meeting—Amendment of Charter Ordinances~~

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Subchapter 4. ~~Planning~~ Town Manager

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Subchapter 5. ~~Department of Real Estate Appraisal~~ Personnel

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 Subchapter 6. Town Manager Meeting; Amendment of Charter

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§ 701. FISCAL YEAR

The fiscal year of the Town shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter. ~~In the event of a consolidation between the Essex Town School District and the Village of Essex Junction Graded School District, the consolidated entity shall adopt the same fiscal year as the Town.~~

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Subchapter 9. Personnel Planning

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Subchapter 10. ~~Amendment of Charter~~ Department of Real Estate Appraisal

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Subchapter 11. ~~Severability~~ Amendment of Charter

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Subchapter 12. Severability

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Sec. 3. REDESIGNATIONS

In 24 App. V.S.A. chapter 117, §§ 106 (introduction), 107 (Effective date), 108 (filing), 109 (annual Town report), 110 (reservation of powers to the Town), 203 (organization), 204 (meetings), 205 (record of proceedings), 207 (jurisdiction over other officers or employees), 208 (compensation of Selectboard), 209 (powers and duties), 301 (application of general law), 302 (time of holding), 303 (budget), 401 (Board established), 501 (creation of Department), 502 (appraisal of property), 503 (appraisal of business personal property), 504 (duties of Department), 505 (purpose), 601 (appointment of Manager), 602 (officials appointed by Manager), 703 (Town Meeting warning and budget), 901 (appointment and removal), 902 (personnel rules and regulations), 903 (prohibitions), 1001 (laws governing), and 1101 (severability) are redesignated to be §§ 301, 302, 303, 602, 105, 204, 205, 206, 209, 203, 207, 601, 604, 703, 901, 1001, 1003, 1004, 1005, 1002, 401, 402, 603, 501, 502, 503, 1101, and 1201 respectively.

Sec. 4. 24 App. V.S.A. chapter 117, § 105 is redesignated and amended to read:

§ ~~105~~ 106. ORDINANCES—METHOD OF ADOPTION AND ENFORCEMENT

(a) The Selectboard may provide penalties for the breach of any ordinance authorized by general law or this charter, may prosecute any person violating the same through the Town Grand Juror or police officers who for such purposes shall be informing officers, and may maintain actions to restrain actual or threatened violations of the same; the establishment of any fine or penalty shall be by ordinance.

(b) Ordinance-making authority granted to the Town by this charter and general law shall be exercised pursuant to the provisions of ~~sections 106 through 109~~ subchapter 3 of this charter.

Sec. 5. 24 App. V.S.A. chapter 117, § 206 is redesignated and amended to read:

§ ~~206~~ 208. APPOINTMENTS BY SELECTBOARD

(a) The Selectboard shall appoint the members of the following permanent Commissions and positions:

* * *

(4) Town Manager; and

(5) Development Review Board.

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Sec. 6. TRANSITIONAL PROVISION; ZONING BOARD OF ADJUSTMENT AND DEVELOPMENT REVIEW BOARD

On or before January 1, 2025, the Zoning Board of Adjustment in the Town of Essex shall be replaced by the Development Review Board appointed by the Town Selectboard pursuant to 24 App. V.S.A. chapter 117, § 208.

Sec. 7. REPEAL

24 App V.S.A. chapter 117, § 208(a)(1) (appointments by Selectboard; Zoning Board of Adjustment) is repealed on January 1, 2025.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Anthony of Barre City, for the Committee on Ways and Means, recommended the bill ought to pass when amended 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, the report of the Committee on Government Operations and Military Affairs agreed to, and third reading was ordered.

Second Reading; Bill Amended; Third Reading Ordered

H. 659

Rep. White of Bethel, for the Committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to captive insurance

Reported in favor of its passage when amended as follows:

First: In Sec. 2, 8 V.S.A. § 6034h, in the section heading, by striking out the word “GIFT” and inserting in lieu thereof the word “CELL”

Second: In Sec. 19, effective date, by striking out “July 1, 2024” and inserting in lieu thereof “passage”

Rep. Kornheiser of Brattleboro, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development.

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

Favorable Reports; Second Reading; Third Reading Ordered

H. 554

Rep. Morgan of Milton, for the Committee on Government Operations and Military Affairs, to which had been referred House bill, entitled

An act relating to approval of the adoption of the charter of the Town of South Hero

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.

Message from the Senate No. 9

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolutions of the following titles:

J.R.S. 38. Joint resolution providing for a Joint Assembly for the election of an Adjutant and Inspector General, and two legislative Trustees of the Vermont State Colleges Corporation.

J.R.S. 39. Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2024.

J.R.S. 40. Joint resolution relating to weekend adjournment on January 26, 2024.

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

Adjournment

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