

Journal of the House

Thursday, April 25, 2024

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

Devotional Exercises

Devotional exercises were conducted by Reps. Kathleen James of Manchester, Tiff Bluemle of Burlington, and Tesha Buss of Woodstock.

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 25th day of April 2024, he signed bills originating in the House of the following titles:

H. 363 An act relating to prohibiting discrimination based on certain hair types and styles

H. 603 An act relating to the poultry slaughter exception to inspection

H. 621 An act relating to health insurance coverage for diagnostic breast imaging

H. 741 An act relating to health insurance coverage for colorectal cancer screening

Proposed Amendment to the Constitution Referred to Committee

Proposal 4

Subject: Declaration of rights; government for the people; equality of rights

Sec. 1. PURPOSE

(a) This proposal would amend the Constitution of the State of Vermont to specify that the government must not deny equal treatment and respect under the law on account of a person's race, ethnicity, sex, disability, sexual orientation, gender identity, gender expression, or national origin. The Constitution is our founding legal document stating the overarching values of our society. This amendment is in keeping with the values espoused by the current Vermont Constitution. Chapter I, Article 1 declares "That all persons are born equally free and independent, and have certain natural, inherent, and

unalienable rights.” Chapter I, Article 7 states “That government is, or ought to be, instituted for the common benefit, protection, and security of the people.” The core value reflected in Article 7 is that all people should be afforded all the benefits and protections bestowed by the government, and that the government should not confer special advantages upon the privileged. This amendment would expand upon the principles of equality and liberty by ensuring that the government does not create or perpetuate the legal, social, or economic inferiority of any class of people. This proposed constitutional amendment is not intended to limit the scope of rights and protections afforded by any other provision in the Vermont Constitution.

(b) Providing for equality of rights as a fundamental principle in the Constitution would serve as a foundation for protecting the rights and dignity of historically marginalized populations and addressing existing inequalities. This amendment would reassert the broad principles of personal liberty and equality reflected in the Constitution of the State of Vermont with authoritative force, longevity, and symbolic importance.

Sec. 2. Article 7 of Chapter I of the Vermont Constitution is amended to read:

Article 7. [Government for the people; they may change it]

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community; that the government shall not deny equal treatment and respect under the law on account of a person’s race, ethnicity, sex, disability, sexual orientation, gender identity, gender expression, or national origin; and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2026 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

Was introduced and referred to the Committee on Judiciary.

**Pending Entry on the Notice Calendar
Bill Referred to the Committee on Appropriations**

S. 213

Senate bill, entitled

An act relating to the regulation of wetlands, river corridor development, and dam safety

Pending entry on the Notice Calendar, and pursuant to House Rule 35(a), carry an appropriation, was referred to the Committee on Appropriations.

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

S. 301

Senate bill, entitled

An act relating to miscellaneous agricultural subjects

Pending entry 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.

House Resolution Placed on Calendar

H.R. 20

House resolution, entitled

House resolution reaffirming the importance of the friendship and strong bilateral relations between the United States and the Republic of China (Taiwan) and between the State of Vermont and the Republic of China (Taiwan) and supporting Taiwan's greater participation in multinational organizations

Offered by: Representatives Jerome of Brandon, Marcotte of Coventry, Bos-Lun of Westminster, Carroll of Bennington, Chase of Chester, Graning of Jericho, Priestley of Bradford, Sammis of Castleton, White of Bethel, and Williams of Barre City

Whereas, the United States and the Republic of China (Taiwan) share a vibrant, mutually beneficial bilateral relationship based on our commonly held values of freedom, democracy, the rule of law, and a free market economy, and the relationship is as strong as ever, and

Whereas, the January 2024 election of Dr. Lai Ching-te as the new President of Taiwan demonstrates the vibrancy of Taiwan's democracy, and

Whereas, according to the latest data, the United States is Taiwan's second-largest trading partner, and Taiwan is the United States' eighth-largest trading partner, and

Whereas, in 2023, Taiwan was the seventh-largest consumer of U.S. agricultural goods, totaling \$3.7 billion, and the overall two-way trade in

goods between the United States and Taiwan totaled an estimated \$127.5 billion, and

Whereas, 2024 marks the 45th Anniversary of the Taiwan Relations Act, Pub. L. No. 96-8, which has acted as the cornerstone of U.S.-Taiwan relations, and

Whereas, the Government of Taiwan desires to enter into Bilateral Trade and Avoidance of Double Taxation agreements with the United States, and

Whereas, Vermont and Taiwan have long enjoyed productive bilateral relations: in 2023, Taiwan was the second largest export destination for Vermont goods worth approximately \$218 million, and Vermont imported an estimated \$71.2 million in goods from Taiwan; and, in 2020, the establishment of a driver's license reciprocity agreement was an important incentive for travel between the two jurisdictions, and

Whereas, Taiwan also wishes to enter into a memorandum of understanding with the State of Vermont to increase the scope of educational exchanges and cooperation between the two jurisdictions, and

Whereas, Taiwan seeks to participate in international bodies such as the International Civil Aviation Organization, the World Health Organization, the United Nations Framework Convention on Climate Change, and the International Criminal Police Organization (INTERPOL), now therefore be it

Resolved by the House of Representatives:

That this legislative body reaffirms the importance of the friendship and strong bilateral relations between the United States and the Republic of China (Taiwan) and between the State of Vermont and the Republic of China (Taiwan) and supports Taiwan's participation in multinational organizations, and be it further

Resolved: That this legislative body supports the establishment of a memorandum of understanding between the Republic of China (Taiwan) and the State of Vermont for educational exchanges and cooperation, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to President Joseph R. Biden, President Lai Ching-te of the Republic of China (Taiwan), Director-General Charles Liao of the Taipei Economic and Cultural Office in Boston, Governor Philip B. Scott, and to the Vermont Congressional Delegation.

Was read by title and placed on the Action Calendar on the next legislative day pursuant to House Rule 52.

Ceremonial Reading**H.C.R. 220**

House concurrent resolution congratulating the 2023 North Country Union High School Falcons Division II championship football team

Offered by: Representatives Page of Newport City, Smith of Derby, Higley of Lowell, Labor of Morgan, Marcotte of Coventry, and Templeman of Brownington

Offered by: Senators Ingalls and Starr

Whereas, on a glorious Veterans Day in Rutland, the second-seeded North Country Falcons and the fourth-ranked Colchester Lakers met to determine ownership of the 2023 Division II football crown, and

Whereas, both teams' equally polished defensive prowess was on display during the scoreless first period, and, slightly more than four minutes into the second quarter, the Falcons scored the first touchdown, and

Whereas, although the Lakers opened the third period scoring and creating an early second half 7–6 lead, by early in the fourth quarter, the excited crowd was viewing the tied-at-14–all squads battling for gridiron supremacy, and

Whereas, with merely two minutes remaining, the Falcons ended the suspense with a touchdown and extra point to seal North Country's 21–14 victory and the school's first divisional football championship in 26 years, and

Whereas, the celebrating Falcons were Justin Young, Dakoda Clark, Cooper Wheeler, Wyatt Descheneau, Tate Parker, Spencer Marquette, Watson Laffoon, Jason Pelletier, Aspen Perrault-Guyette, Hayden Boivin, Koyle Dennis, Ryder Descheneau, Spencer Wheeler, Will Hathaway, Evan Sherlaw, Jacob Gregoire, Chris Haefs, Evan Ballinger, Gabe Gardner, Derek Guillette, Sam Sherlaw, Luke Nielsen, Colton Lacasse, Devon Birch, Jacob Ashman, Adrien Lantagne, Nolan Myers, Dylan Martin, Gage Beaumont, Andrew Fletcher, Jake Baker, Kace Laffoon, and Mark Guebara, and

Whereas, Head Coach Lonnie Wade; assistant coaches John Guebara, Ethan Hill, Adam Thurston, David Orszagh, and Tello Young; and team managers Emily Willis and Zeke Guebara were each thrilled, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2023 North Country Union High School Falcons Division II championship football team, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to North Country Union High School.

Having been adopted in concurrence on Friday, April 19, 2024 in accord with Joint Rule 16b, was read.

**Senate Proposal of Amendment Concurred in
With Further Proposal of Amendment Thereto**

H. 563

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

An act relating to criminal motor vehicle offenses involving unlawful trespass, theft, or unauthorized operation

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. 13 V.S.A. § 3705 is amended to read:

§ 3705. UNLAWFUL TRESPASS

(a)(1) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, if, without legal authority or the consent of the person in lawful possession, ~~he or she~~ the person enters or remains on any land or in any place as to which notice against trespass is given by:

(A) actual communication by the person in lawful possession or ~~his or her~~ the person's agent or by a law enforcement officer acting on behalf of such person or ~~his or her~~ the person's agent;

(B) signs or placards so designed and situated as to give reasonable notice; or

(C) in the case of abandoned property:

(i) signs or placards, posted by the owner, the owner's agent, or a law enforcement officer, and so designed and situated as to give reasonable notice; or

(ii) actual communication by a law enforcement officer.

(2) As used in this subsection, "abandoned property" means:

(A) real property on which there is a vacant structure that for the previous 60 days has been continuously unoccupied by a person with the legal right to occupy it and with respect to which the municipality has by first-class mail to the owner's last known address provided the owner with notice and an opportunity to be heard; and

(i) property taxes have been delinquent for six months or more; or

(ii) one or more utility services have been disconnected; or

(B) a railroad car that for the previous 60 days has been unremoved and unoccupied by a person with the legal right to occupy it.

(b) Prosecutions for offenses under subsection (a) of this section shall be commenced within 60 days following the commission of the offense and not thereafter.

(c) A person who enters the motor vehicle of another and knows that the person does not have legal authority or the consent of the person in lawful possession of the motor vehicle to do so shall be imprisoned not more than three months or fined not more than \$500.00, or both. For a second or subsequent offense, a person who violates this subsection shall be imprisoned not more than one year or fined not more than \$500.00, or both. Notice against trespass shall not be required under this subsection.

(d) A person who enters a building other than a residence, whose access is normally locked, whether or not the access is actually locked, or a residence in violation of an order of any court of competent jurisdiction in this State shall be imprisoned for not more than one year or fined not more than \$500.00, or both.

~~(d)~~(e) A person who enters a dwelling house, whether or not a person is actually present, knowing that ~~he or she~~ the person is not licensed or privileged to do so shall be imprisoned for not more than three years or fined not more than \$2,000.00, or both.

~~(e)~~(f) A law enforcement officer shall not be prosecuted under subsection (a) of this section if ~~he or she~~ the law enforcement officer is authorized to serve civil or criminal process, including citations, summons, subpoenas, warrants, and other court orders, and the scope of ~~his or her~~ the law enforcement officer's entrance onto the land or place of another is ~~no~~ not more than necessary to effectuate the service of process.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Reps. Burditt of West Rutland and LaLonde of South Burlington** moved that the House concur the Senate proposal of amendment with further proposal of amendment thereto by adding a new section to be Sec. 1a to read as follows:

Sec. 1a. 23 V.S.A. § 1094 is amended to read:

§ 1094. OPERATION WITHOUT CONSENT OF OWNER;

AGGRAVATED OPERATION WITHOUT CONSENT OF OWNER

(a) A person commits the crime of operation without consent of the owner if:

(1) the person takes, obtains, operates, uses, or continues to operate the motor vehicle of another when the person recklessly disregards that the person did not have the consent of the owner to do so; or

(2) the person, without the consent of the owner, knowingly takes, obtains, operates, uses, or continues to operate the motor vehicle of another when the person knows that the person did not have the consent of the owner to do so.

* * *

(c) A person convicted under subdivision (a)(1) of this section shall be imprisoned not more than three months or fined not more than \$500.00, or both. A person convicted under ~~subsection~~ subdivision (a)(2) of this section ~~of operation without consent of the owner~~ shall be imprisoned not more than two years or fined not more than \$1,000.00, or both.

* * *

Which was agreed to.

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

H. 659

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

An act relating to captive insurance

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

In Sec. 48, 8 V.S.A. chapter 79, subchapter 10, section 2577, by striking out subsections (f) and (g) in their entirety and inserting in lieu thereof new subsections (f) and (g) to read as follows:

(f) Moratorium. To protect the public safety and welfare and safeguard the rights of consumers, virtual-currency kiosks shall not be permitted to operate

in Vermont prior to July 1, 2025. This moratorium shall not apply to a virtual-currency kiosk that was operational in Vermont on or before June 30, 2024.

(g) Report. On or before January 15, 2025, the Commissioner of Financial Regulation shall report to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on whether the requirements of this section coupled with relevant federal requirements are sufficient to protect customers in Vermont from fraudulent activity. If deemed necessary and appropriate by the Commissioner, the Commissioner may make recommendations for additional statutory or regulatory safeguards. In addition, the Commissioner shall make recommendations for enhanced oversight and monitoring of virtual-currency kiosks for the purpose of minimizing their use for illicit activities as described in the U.S. Government Accountability Office report on virtual currencies, GAO-22-105462, dated December 2021.

Which proposal of amendment was considered and concurred in.

Third Reading; Bill Passed

H. 881

House bill, entitled

An act relating to approval of an amendment to the charter of the City of Burlington

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

**Third Reading;
Bill Passed in Concurrence with Proposal of Amendment**

S. 191

Senate bill, entitled

An act relating to New American educational grant opportunities

Was taken up, read the third time, and passed in concurrence with proposal of amendment.

Bill Committed Pending Second Reading

S. 195

Senate bill, entitled

An act relating to how a defendant's criminal record is considered in imposing conditions of release

Was taken up and, pending second reading, on motion of **Rep. LaLonde of South Burlington**, the bill was committed to the Committee on Corrections and Institutions.

Action on Bill Postponed

H. 629

House bill, entitled

An act relating to changes to property tax abatement and tax sales

Was taken up and, pending consideration of the Senate proposal of amendment, on motion of **Rep. Demrow of Corinth**, action on the bill was postponed until April 30, 2024.

Message from the Senate No. 52

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 considered a bill originating in the House of the following title:

H. 883. An act relating to making appropriations for the support of government.

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 one o'clock and forty-two 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.