

Journal of the House

Thursday, February 4, 2021

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

Devotional Exercises

Devotional exercises were conducted by Rep. Kornheiser of Brattleboro.

House Bills Introduced

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

H. 187

By Rep. Kornheiser of Brattleboro,

House bill, entitled

An act relating to agreements not to compete;

To the Committee on Commerce and Economic Development.

H. 188

By Reps. Canfield of Fair Haven, Hango of Berkshire, Morrissey of Bennington, Palasik of Milton, Savage of Swanton, and Shaw of Pittsford,

House bill, entitled

An act relating to the appointment of the Adjutant General and creating a tax exemption for military retirement pay;

To the Committee on General, Housing, and Military Affairs.

H. 189

By Reps. Beck of St. Johnsbury, Mattos of Milton, and Ode of Burlington,

House bill, entitled

An act relating to corporate income tax;

To the Committee on Ways and Means.

H. 190

By Reps. Rachelson of Burlington, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Cina of Burlington, Colston of Winooski, Cordes of Lincoln, Donnally of Hyde Park, Hooper of Burlington, Howard of

Rutland City, Satcowitz of Randolph, Stebbins of Burlington, Surprenant of Barnard, Troiano of Stannard, Vyhovsky of Essex, and White of Bethel,

House bill, entitled

An act relating to prohibiting State contracts with for-profit correctional facilities;

To the Committee on Corrections and Institutions.

H. 191

By Reps. Rachelson of Burlington, Anthony of Barre City, Bluemle of Burlington, Bos-Lun of Westminster, Cina of Burlington, Colston of Winooski, Cordes of Lincoln, Donnally of Hyde Park, Howard of Rutland City, Satcowitz of Randolph, Stebbins of Burlington, Surprenant of Barnard, Troiano of Stannard, Vyhovsky of Essex, and White of Bethel,

House bill, entitled

An act relating to prohibition on the transfer of Vermont inmates to an out-of-state correctional facility;

To the Committee on Corrections and Institutions.

H. 192

By Reps. Rachelson of Burlington, Bluemle of Burlington, Bos-Lun of Westminster, Colston of Winooski, Cordes of Lincoln, Donnally of Hyde Park, Killacky of South Burlington, Mulvaney-Stanak of Burlington, Pugh of South Burlington, and Toleno of Brattleboro,

House bill, entitled

An act relating to creating a public school bill of rights for transgender and gender nonconforming students;

To the Committee on Education.

H. 193

By Reps. Sullivan of Dorset, Beck of St. Johnsbury, Brumsted of Shelburne, Killacky of South Burlington, McCoy of Poultney, and Notte of Rutland City,

House bill, entitled

An act relating to permitting out-of-court statement by victims of human trafficking;

To the Committee on Judiciary.

House Resolution Placed on Calendar**H.R. 7**

House resolution, entitled

House resolution disapproving Executive Order 01-21

Offered by: Committee on Government Operations

Whereas, on January 14, 2021, the Governor signed Executive Order 01-21 providing for the creation of “the Agency of Public Safety,” and

Whereas, according to the Executive Order, effective April 15, 2021, the Agency of Public Safety shall be created and shall assume all duties, responsibilities, and authority of the Department of Public Safety, the Vermont Criminal Justice Council, the Vermont Enhanced 911 Board, and the Department of Motor Vehicles Enforcement Division on or before July 1, 2022, and

Whereas, the Committee on Government Operations has taken testimony and public comment concerning this Executive Order, and

Whereas, the House of Representatives agrees with the Governor’s goals of “law enforcement modernization and reform and optimal government efficacy,” and

Whereas, the House of Representatives supports improving the organization of State law enforcement operations; modernizing the State’s data collection and reporting technology; expanding alternative crisis response methodologies; providing enhanced statewide model policies in key areas; modernizing hiring practices, training, and supervisor selection; and developing community oversight models, and

Whereas, the House of Representatives wishes to ensure that the Governor’s reorganization achieves these goals without leading to unintended consequences, and

Whereas, the House of Representatives is concerned that the Department of Public Safety does not have the capacity to ensure the success of the Governor’s reorganization plan given that Vermont is in the midst of a state of emergency related to the COVID-19 pandemic and recently reached the highest level of threat alert achieved since the 9/11 terrorist attacks in 2001, and

Whereas, the House of Representatives envisioned the Vermont Criminal Justice Council to be an independent entity with public oversight over law enforcement and is concerned that moving the Vermont Criminal Justice Council under the control of a State law enforcement agency could undermine

the public's confidence in the Council's professional regulation of law enforcement and jeopardize the Council's ability to execute its mission free from undue political influence, and

Whereas, given the complexity of reorganizing the Department of Public Safety and other law enforcement and emergency response services, the appropriate mechanism to pursue this reorganization is the legislative process with the resulting opportunity for enhanced research, analysis, and public participation, and

Whereas, as part of the legislative process, the House Committee on Government Operations looks forward to reviewing and taking testimony on the Administration's complete proposal to create the Agency of Public Safety, now therefore be it

Resolved by the House of Representatives:

That this legislative body, pursuant to 3 V.S.A. § 2002, disapproves of Executive Order 01-21, and be it further

Resolved: That the House of Representatives invites the Administration to bring forward draft legislation for the reorganization of public safety services, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to Governor Philip B. Scott.

Which was read and, in the Speaker's discretion, placed on the Calendar for Action tomorrow under Rule 52.

Ceremonial Reading

H.C.R. 9

House concurrent resolution recognizing the unwavering dedication of Vermont's health care workforce during the COVID-19 pandemic

Offered by: All House Members

Having been adopted in concurrence on Friday, January 29, 2021 in accord with Joint Rule 16b, was read.

Second Reading; Bill Amended; Third Reading Ordered

H. 18

Rep. Burditt of West Rutland, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to sexual exploitation of children

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

Sec. 1. 13 V.S.A. § 2821 is amended to read:

§ 2821. DEFINITIONS

As used in this chapter:

(1) “Child” means any person under 16 years of age.

(2) “Sexual conduct” means any of the following:

(A) any conduct involving contact between the penis and the vulva, the penis and the penis, the penis and the anus, the mouth and the penis, the mouth and the anus, the vulva and the vulva, or the mouth and the vulva;

(B) any intrusion, however slight, by any part of a person’s body or any object into the genital or anal opening of another with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desire of any person;

(C) any intentional touching, not through the clothing, of the genitals, anus, or breasts of another with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desire of any person;

(D) masturbation;

(E) bestiality; ~~or~~

(F) sadomasochistic abuse for sexual purposes; or

(G) any simulation of the conduct described in subdivisions (2)(A)–(F) of this section.

* * *

(7)(A) “Simulation” means the explicit depiction of any conduct described in subdivisions (2)(A)–(F) of this section that:

(i) involves a child as defined in subdivision (1) of this section;

(ii) creates the appearance of such conduct; and

(iii) exhibits naked genitals, buttocks, or breasts below the top of the areola.

(B) “Simulation” does not include paintings, drawings, or nonvisual or written descriptions of sexual conduct.

(C) “Simulation” applies to conduct, not to a simulated child.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

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

Message from the Senate No. 15

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 adopted joint resolutions of the following titles:

J.R.S. 13. Joint resolution providing for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

J.R.S. 14. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2021.

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

The Governor has informed the Senate that on the third day of February, 2021, he approved and signed a bill originating in the Senate of the following title:

S. 9. An act relating to extending certain workers' compensation amendments related to COVID-19.

Adjournment

At one o'clock and forty-three 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.