

Journal of the House

Friday, April 30, 2021

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

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

House Bill Introduced

H. 452

By Reps. Strong of Albany, Batchelor of Derby, Higley of Lowell, and LaClair of Barre Town,

House bill, entitled

An act relating to prohibiting the use of COVID-19 vaccine passports

Was read the first time and referred to the Committee on Health Care.

Bill Referred to Committee on Ways and Means

S. 13

Senate bill, entitled

An act relating to the implementation of the Pupil Weighting Factors Report

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

Third Reading; Bills Passed

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

H. 140

House bill, entitled

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

H. 361

House bill, entitled

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

**Third Reading; Bills Passed in Concurrence
With Proposals of Amendment**

Senate bills of the following titles were taken up, read the third time, and passed in concurrence with proposals of amendment.

S. 107

Senate bill, entitled

An act relating to confidential information concerning the initial arrest and charge of a juvenile

S. 1

Senate bill, entitled

An act relating to extending the baseload renewable power portfolio requirement

S. 86

Senate bill, entitled

An act relating to miscellaneous changes to laws related to vehicles and vessels

Third Reading; Bill Passed in Concurrence

S. 99

Senate bill, entitled

An act relating to repealing the statute of limitations for civil actions based on childhood physical abuse

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

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

S. 102

Senate bill, entitled

An act relating to the regulation of agricultural inputs for farming

Was taken up, and pending third reading of the bill, **Rep. Partridge of Windham** moved to amend the House proposal of amendment as follows:

First: In Sec. 9, 6 V.S.A. chapter 26, in section 324, in subsection (c), in subdivision (1), by striking out “365(e)(f)” and inserting in lieu thereof “364(e)(f)”

Second: In Sec. 9, 6 V.S.A. chapter 26, in section 331, in subsection (b), by striking out “365(e)(f)” and inserting in lieu thereof “364(e)(f)”

Third: In Sec. 10, 6 V.S.A. chapter 28, in section 366, in subsection (g), in subdivision (1), by striking out “365(e)(f)” and inserting in lieu thereof “364(e)(f)”

Fourth: In Sec. 10, 6 V.S.A. chapter 28, in section 374, in subsection (c), by striking out “365(e)(f)” and inserting in lieu thereof “364(e)(f)”

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

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

S. 39

Rep. Lefebvre of Orange, for the Committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to the Judicial Branch fee report and electronic filing fees

Reported in favor of its passage in concurrence.

Rep. Mattos of Milton, for the Committee on Ways and Means, reported in favor of its passage in concurrence.

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

Senate Proposal of Amendment Concurred in

H. 18

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

An act relating to sexual exploitation of children

The Senate proposes 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. § 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 only to conduct.

Sec. 2. 13 V.S.A. § 2638 is added to read:

§ 2638. IMMUNITY FROM LIABILITY

(a) As used in this section:

(1) "Human trafficking" has the same meaning as in section 2651 of this title.

(2) "Prostitution" has the same meaning as in section 2631 of this title.

(b) A person who, in good faith and in a timely manner, reports to law enforcement that the person is a victim of or a witness to a crime that arose from the person's involvement in prostitution or human trafficking shall not be cited, arrested, or prosecuted for a violation of the following offenses:

- (1) section 2632 of this title (prostitution);
- (2) section 2601a of this title (prohibited conduct);
- (3) 18 V.S.A. § 4230(a)(1)–(3) (cannabis possession);
- (4) 18 V.S.A. § 4231(a)(1) and (2) (cocaine possession);
- (5) 18 V.S.A. § 4232(a)(1) and (2) (LSD possession);
- (6) 18 V.S.A. § 4233(a)(1) and (2) (heroin possession);
- (7) 18 V.S.A. § 4234(a)(1) and (2) (depressant, stimulant, and narcotic drugs possession);
- (8) 18 V.S.A. § 4234a(a)(1) and (2) (methamphetamine possession);
- (9) 18 V.S.A. § 4235(b)(1) (hallucinogenic drugs possession); and
- (10) 18 V.S.A. § 4235a(a)(1) (Ecstasy possession).

(c) The immunity provisions of this section apply only to the use and derivative use of evidence gained as a proximate result of the person reporting to law enforcement that the person is a victim of or a witness to a crime that arose from the person's involvement in prostitution or human trafficking and do not preclude prosecution of the person on the basis of evidence obtained from an independent source.

(d) A person who qualifies for immunity pursuant to subsection (b) or (c) of this section shall not be subject to the provisions of 18 V.S.A. chapter 84, subchapter 2 concerning property subject to forfeiture, except that prima facie contraband shall be subject to forfeiture.

(e) Except in cases of reckless or intentional misconduct, law enforcement shall be immune from liability for citing or arresting a person who is later determined to qualify for immunity under this section.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2021.

And that after passage the title of the bill be amended to read:

An act relating to sexual exploitation of children and limited immunity from liability for a person reporting a crime.

Proposal of amendment was considered and concurred in.

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

S. 88

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

An act relating to insurance, banking, and securities

The Senate has concurred in the House proposal of amendment with further proposal of amendment as follows:

First: By striking out Sec. 33 in its entirety and inserting in lieu thereof a new Sec. 33 to read as follows:

Sec. 33. REPORT; MINIMUM NONFORFEITURE INTEREST RATE

On or before January 15, 2022, the Commissioner of Financial Regulation shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Finance a report containing his or her findings and recommendations on whether to decrease the statutory minimum nonforfeiture interest rate applicable to individual deferred annuities under 8 V.S.A. § 3750(d)(1)(C)(iii) from one percent to 0.15 percent.

Second: By striking out Sec. 33a in its entirety and inserting the following:

Sec. 33a. [Deleted]

Third: By striking out Sec. 35 in its entirety and inserting in lieu thereof a new section Sec. 35 to read as follows:

Sec. 35. EFFECTIVE DATES; APPLICATION

This act shall take effect on passage, except that:

(1) Sec. 31 (8 V.S.A. chapter 110; dental insurance) shall take effect on January 1, 2022 and shall apply to all contracts and participating provider agreements between a dental insurer or third-party administrator and a dentist that are entered into on or after that date and to all dental insurance plans issued on and after January 1, 2022 on such date as a dental insurer offers, issues, or renews the plan, but in no event later than January 1, 2023; and

(2) Sec. 32 (18 V.S.A. § 9422; credit card payments optional for providers) shall take effect on January 1, 2022.

Proposal of amendment was considered and concurred in.

Adjournment

At ten o'clock and twenty-two minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Monday, May 3, 2021, at two o'clock in the afternoon, pursuant to the provisions of J.R.S 26.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 52

House concurrent resolution congratulating the Champlain Valley Union High School Redhawks girls' cross-country team on winning a 12th consecutive Division 1 championship

H.C.R. 53

House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks boys' golf team on winning its third consecutive Division I championship

H.C.R. 54

House concurrent resolution congratulating the 2020 Champlain Valley Union High School Redhawks Division I boys' cross-country championship team

H.C.R. 55

House concurrent resolution honoring the Cystic Fibrosis Lifestyle Foundation for its achievements on behalf of persons with cystic fibrosis

H.C.R. 56

House concurrent resolution honoring Elaine Pinckney for her illustrious career in public education

H.C.R. 57

House concurrent resolution honoring former Arlington Selectboard Chair Keith Squires and former Arlington School Board Chair Donna Squires for their dedicated municipal civic service

S.C.R. 5

Senate concurrent resolution designating May 2021 as Mental Health Awareness Month in Vermont

[The full text of the concurrent resolutions appeared in the House and Senate Calendar Addendums on the preceding legislative day and will appear in the Public Acts and Resolves of the 2021, seventy-sixth Biennial session.]