

Journal of the House

Friday, April 8, 2022

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

Devotional Exercises

Devotional exercises were conducted by Rep. McCoy of Poultney.

House Bill Introduced

H. 746

By Reps. Hooper of Burlington, Anthony of Barre City, Bluemle of Burlington, Cina of Burlington, Colston of Winooski, Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, Small of Winooski, Stebbins of Burlington, and Vyhovsky of Essex,

House bill, entitled

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

Was read the first time and referred to the Committee on Government Operations.

Ceremonial Readings

H.C.R. 112

House concurrent resolution honoring the Voices of St. Joseph's Orphanage

Offered by: Rep. Austin of Colchester

Having been adopted in concurrence on Friday, March 11, 2022 in accord with Joint Rule 16b, was read.

H.C.R. 132

House concurrent resolution recognizing April 2022 as National Donate Life Month in Vermont

Offered by: Reps. Rachelson of Burlington, Anthony of Barre City, Austin of Colchester, Black of Essex, Bluemle of Burlington, Brown of Richmond, Brownell of Pownal, Brumsted of Shelburne, Canfield of Fair Haven, Cina of Burlington, Copeland Hanzas of Bradford, Dolan of Waitsfield, Garofano of Essex, Gregoire of Fairfield, Hango of Berkshire, Harrison of Chittenden, Hooper of Burlington, Howard of Rutland City, Jerome of Brandon, LaClair of

Barre Town, Leffler of Enosburgh, Morrissey of Bennington, Mulvaney-Stanak of Burlington, Murphy of Fairfax, Nicoll of Ludlow, Ode of Burlington, Page of Newport City, Partridge of Windham, Pugh of South Burlington, Scheu of Middlebury, Sims of Craftsbury, Small of Winooski, Stebbins of Burlington, Till of Jericho, Vyhovsky of Essex, White of Bethel, Williams of Granby, Wood of Waterbury, and Yantachka of Charlotte

Having been adopted in concurrence on Friday, April 1, 2022 in accord with Joint Rule 16b, was read.

Third Reading; Bill Passed

H. 744

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

S. 113

Senate bill, entitled

An act relating to establishing a cause of action for medical monitoring expenses

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

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

S. 239

Senate bill, entitled

An act relating to enrollment in Medicare supplemental insurance policies

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

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 265

Rep. Notte of Rutland City, for the Committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to expanding criminal threatening to include threats to third persons

Reported in favor of its passage in concurrence with proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 1702 is amended to read:

§ 1702. CRIMINAL THREATENING

(a) A person shall not by words or conduct knowingly:

(1) threaten another person or a group of particular persons; and

(2) as a result of the threat, place the other person in reasonable apprehension of death, ~~or serious bodily injury, or sexual assault to the other person, a person in the group of particular persons, or any other person.~~

(b) A person who violates subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(c) A person who violates subsection (a) of this section with the intent to prevent another person from reporting to the Department for Children and Families the suspected abuse or neglect of a child shall be imprisoned not more than two years or fined not more than ~~\$1,000.00~~ \$2,000.00, or both.

(d) A person who violates subsection (a) of this section by making a threat that places any person in reasonable apprehension that death, serious bodily injury, or sexual assault will occur at a public or private school; postsecondary education institution; place of worship; polling place during election activities; the Vermont State House; or any federal, State, or municipal building shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(e) A person who violates subsection (a) of this section with the intent to terrify, intimidate, or unlawfully influence a person to prevent that person from complying with State laws or rules, State court or administrative orders, or State executive orders shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(f) A person who violates subsection (a) of this section with the intent to terrify, intimidate, or unlawfully influence the conduct of a candidate for public office, a public servant, an election official, or a public employee in any decision, opinion, recommendation, vote, or other exercise of discretion taken in capacity as a candidate for public office, a public servant, an election official, or a public employee, or with the intent to retaliate against a candidate for public office, a public servant, an election official, or a public employee for any previous action taken in capacity as a candidate for public office, a public

servant, an election official, or a public employee, shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(g) As used in this section:

(1) “Serious bodily injury” ~~shall have~~ has the same meaning as in section 1021 of this title.

(2) “Threat” and “threaten” ~~shall~~ do not include constitutionally protected activity.

(3) “Candidate” has the same meaning as in 17 V.S.A. § 2103.

(4) “Election official” has the same meaning as in 17 V.S.A. § 2455.

(5) “Public employee” means a classified employee within the Legislative, Executive, or Judicial Branch of the State and any of its political subdivisions and any employee within a county or local government and any of the county’s or local government’s political subdivisions.

(6) “Public servant” has the same meaning as in 17 V.S.A. § 2103.

(7) “Polling place” has the same meaning as described in 17 V.S.A. chapter 51, subchapter 4.

(8) “Sexual assault” has the same meaning as sexual assault as described in section 3252 of this title.

~~(e)(h)~~ Any person charged under this section who is ~~under 18 years of age younger than the age identified in 33 V.S.A. § 5201(d)~~ shall be ~~adjudicated as a juvenile delinquent~~ subject to a juvenile proceeding.

~~(f) It shall be an affirmative defense to a charge under this section that the person did not have the ability to carry out the threat. The burden shall be on the defendant to prove the affirmative defense by a preponderance of the evidence.~~

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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.

**Favorable Reports; Second Reading;
Proposal of Amendment Agreed to; Third Reading Ordered**

S. 72

Rep. Gregoire of Fairfield, for the Committee on Human Services, to which had been referred Senate bill, entitled

An act relating to the Interstate Compact on the Placement of Children

Reported in favor of its passage in concurrence.

Rep. Jessup of Middlesex, for the Committee on Appropriations, reported in favor of its passage in concurrence.

The bill, 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?, **Reps. Gregoire of Fairfield and Small of Winooski** moved to propose to the Senate to amend the bill as follows:

First: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5902(20), by striking out “he or she” and inserting in lieu thereof “the person”

Second: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5903(a)(3), by striking out “The” and inserting in lieu thereof “the”

Third: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5903(b)(4), by striking out “his or her” and inserting in lieu thereof “the child’s”

Fourth: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5903(b)(7), by striking out “his or her”

Fifth: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5904(d)(7), after the word “receiving”, by striking out “the”

Sixth: In Sec. 2, 33 V.S.A. chapter 59, in subdivision 5908(2)(D), by striking out “his or her” and inserting in lieu thereof “the”

Seventh: In Sec. 2, 33 V.S.A. chapter 59, in section 5924, by striking out “his or her” and inserting in lieu thereof “the child’s”

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

Adjournment

At ten o'clock and forty-two minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 12, 2022, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 49.

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 Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 135

House concurrent resolution designating April 27, 2022 as Alzheimer's Awareness Day at the State House

H.C.R. 136

House concurrent resolution congratulating the 2021 Bellows Falls Union High School Terriers Division II championship football team

H.C.R. 137

House concurrent resolution honoring Bellows Free Academy-St. Albans boys' ice hockey Head Coach Toby Ducolon for his outstanding achievements

H.C.R. 138

House concurrent resolution congratulating the Champlain Valley Union High School RoboHawks on winning the 2022 Vermont State FIRST Tech Challenge Robotics Championships

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2022 Adjourned Session.]