

# Journal of the House

Monday, June 17, 2024

## VETO SESSION

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

### Devotional Exercises

The Speaker led the House in a moment of silence.

### Pledge of Allegiance

The Speaker led the House in the Pledge of Allegiance.

### House Bill Introduced

#### H. 890

By Reps. Houghton of Essex Junction, McFaun of Barre Town, and Black of Essex,

House bill, entitled

An act relating to delaying implementation of certain health insurance claims editing requirements

Having been approved for introduction by the Committee on Rules pursuant to House Rule 40(b), was read the first time and referred to the Committee on Health Care.

### Building Energy Code Working Group Appointment

Pursuant to 2024, Act No. 151 (S.253), Sec. 2, the Speaker appointed the following member to the Building Energy Code Working Group:

**Rep. Campbell of St. Johnsbury**

### Message from the Senate No. 77

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 resolution of the following title:

**J.R.S. 57.** Joint resolution relating to compensation of Members of the General Assembly during the remainder of the 2024 Adjourned Session.

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

**Rules Suspended, Immediate Consideration;  
Governor's Veto Overridden**

**H. 687**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to community resilience and biodiversity protection through land use

Appearing on the Calendar for Notice, was taken up for immediate consideration.

Pursuant to Chapter II, Section 11 of the Vermont Constitution, the Clerk proceeded to call the roll and the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, was decided in the affirmative. Yeas, 107. Nays, 38.

Those who voted in the affirmative are:

Andrews of Westford	Demrow of Corinth	McGill of Bridport
Andriano of Orwell	Dodge of Essex	Mihaly of Calais
Anthony of Barre City	Dolan of Waitsfield	Minier of South Burlington
Arrison of Weathersfield	Duke of Burlington	Morris of Springfield
Arsenault of Williston	Durfee of Shaftsbury	Mrowicki of Putney
Austin of Colchester	Elder of Starksboro	Nicoll of Ludlow
Berbeco of Winooski	Emmons of Springfield	Notte of Rutland City
Birong of Vergennes	Farlice-Rubio of Barnet	Nugent of South Burlington
Black of Essex	Garofano of Essex	O'Brien of Tunbridge
Bluemle of Burlington	Goldman of Rockingham	Ode of Burlington
Bongartz of Manchester	Graning of Jericho	Pajala of Londonderry
Bos-Lun of Westminster	Headrick of Burlington	Patt of Worcester
Boyden of Cambridge	Holcombe of Norwich	Pouech of Hinesburg
Brady of Williston	Hooper of Randolph	Priestley of Bradford
Brown of Richmond	Hooper of Burlington	Rachelson of Burlington
Brownell of Pownal	Houghton of Essex Junction	Rice of Dorset
Brumsted of Shelburne	Howard of Rutland City	Roberts of Halifax
Burke of Brattleboro	Hyman of South Burlington	Satcowitz of Randolph
Burrows of West Windsor	James of Manchester	Scheu of Middlebury
Buss of Woodstock	Jerome of Brandon	Sheldon of Middlebury
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Sims of Craftsbury
Carpenter of Hyde Park	Krasnow of South	Small of Winooski
Carroll of Bennington	Burlington	Squirrell of Underhill
Casey of Montpelier	Krowinski of Burlington	Stebbins of Burlington
Chapin of East Montpelier	LaBounty of Lyndon	Stevens of Waterbury
Chase of Chester	Lalley of Shelburne	Surprenant of Barnard
Chase of Colchester	LaLonde of South	Taylor of Colchester
Chesnut-Tangerman of	Burlington	Templeman of Brownington
Middletown Springs	LaMont of Morristown	Toleno of Brattleboro

Christie of Hartford	Lanpher of Vergennes	Torre of Moretown
Cina of Burlington	Leavitt of Grand Isle	Troiano of Stannard
Clifford of Rutland City	Logan of Burlington	Waters Evans of Charlotte
Coffey of Guilford	Long of Newfane	White of Bethel
Cole of Hartford	Maguire of Rutland City	Whitman of Bennington
Conlon of Cornwall	Masland of Thetford	Williams of Barre City
Corcoran of Bennington	McCann of Montpelier	Wood of Waterbury
Cordes of Lincoln	McCarthy of St. Albans City	

Those who voted in the negative are:

Bartley of Fairfax	Gregoire of Fairfield	Oliver of Sheldon
Beck of St. Johnsbury	Hango of Berkshire	Page of Newport City
Branagan of Georgia	Harrison of Chittenden	Parsons of Newbury
Brennan of Colchester	Higley of Lowell	Pearl of Danville
Burditt of West Rutland	Labor of Morgan	Peterson of Clarendon
Canfield of Fair Haven	Laroche of Franklin	Quimby of Lyndon
Demar of Enosburgh	Lipsky of Stowe	Sammis of Castleton
Dickinson of St. Albans Town	Marcotte of Coventry	Shaw of Pittsford
Donahue of Northfield	Mattos of Milton	Sibilia of Dover
Galfetti of Barre Town	McCoy of Poultney	Taylor of Milton
Goslant of Northfield	McFaun of Barre Town	Toof of St. Albans Town
Graham of Williamstown	Morgan of Milton	Walker of Swanton
	Morrissey of Bennington	Williams of Granby *

Those members absent with leave of the House and not voting are:

Bartholomew of Hartland	Noyes of Wolcott	Stone of Burlington
Dolan of Essex Junction	Smith of Derby	

**Rep. Williams of Granby** explained her vote as follows:

“Madam Speaker:

In case you are not aware, I am from Essex County. This bill is a perfect example of how you legislators don’t care about us. You should be ashamed of yourselves for excluding/minimizing any part of the State. Don’t come up to me today and ask how I am. The answer is – I am sick and afraid and defeated and angry and sad. There you have it. Don’t ask because you have no idea or care about what you are doing to my county and the rest of the other 70% of Vermont.”

**Rules Suspended, Immediate Consideration;  
Governor's Veto Overridden**

**H. 72**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to a harm-reduction criminal justice response to drug use

Appearing on the Calendar for Notice, was taken up for immediate consideration.

Pursuant to Chapter II, Section 11 of the Vermont Constitution, the Clerk proceeded to call the roll and the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, was decided in the affirmative. Yeas, 104. Nays, 41.

Those who voted in the affirmative are:

Andrews of Westford	Duke of Burlington	Mihaly of Calais
Andriano of Orwell	Durfee of Shaftsbury	Minier of South Burlington
Anthony of Barre City	Elder of Starksboro	Mrowicki of Putney
Arsenault of Williston	Emmons of Springfield	Nicoll of Ludlow
Austin of Colchester	Farlice-Rubio of Barnet	Notte of Rutland City
Berbeco of Winooski	Garfano of Essex	Nugent of South Burlington
Birong of Vergennes	Goldman of Rockingham	O'Brien of Tunbridge
Black of Essex	Graning of Jericho	Ode of Burlington
Bluemle of Burlington	Headrick of Burlington	Pajala of Londonderry
Bongartz of Manchester	Holcombe of Norwich	Patt of Worcester
Bos-Lun of Westminster	Hooper of Randolph	Pouech of Hinesburg
Boyden of Cambridge	Hooper of Burlington	Priestley of Bradford
Brady of Williston	Houghton of Essex Junction	Rachelson of Burlington
Brown of Richmond	Howard of Rutland City	Rice of Dorset
Brumsted of Shelburne	Hyman of South Burlington	Roberts of Halifax *
Burke of Brattleboro	James of Manchester	Sammis of Castleton *
Burrows of West Windsor	Jerome of Brandon	Satcowitz of Randolph
Buss of Woodstock	Kornheiser of Brattleboro	Scheu of Middlebury
Campbell of St. Johnsbury	Krasnow of South Burlington	Sheldon of Middlebury
Carpenter of Hyde Park	Krowinski of Burlington	Sibilia of Dover
Carroll of Bennington	LaBounty of Lyndon	Sims of Craftsbury
Casey of Montpelier	Lalley of Shelburne	Small of Winooski
Chapin of East Montpelier	LaLonde of South Burlington	Squirrell of Underhill
Chase of Chester	LaMont of Morristown	Stebbins of Burlington
Chase of Colchester	Lanpher of Vergennes	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Leavitt of Grand Isle	Surprenant of Barnard
Christie of Hartford	Lipsky of Stowe	Taylor of Colchester
Cina of Burlington *	Logan of Burlington	Templeman of Brownington
Coffey of Guilford	Long of Newfane	Toleno of Brattleboro
Cole of Hartford	Masland of Thetford	Torre of Moretown
Conlon of Cornwall	McCann of Montpelier	Troiano of Stannard
Cordes of Lincoln	McCarthy of St. Albans City	Waters Evans of Charlotte
Demrow of Corinth	McGill of Bridport	White of Bethel
Dodge of Essex		Whitman of Bennington
Dolan of Waitsfield		Williams of Barre City
		Wood of Waterbury

Those who voted in the negative are:

Arrison of Weathersfield	Galfetti of Barre Town	Morgan of Milton *
Bartley of Fairfax	Goslant of Northfield	Morris of Springfield

Beck of St. Johnsbury	Graham of Williamstown	Morrissey of Bennington
Branagan of Georgia	Gregoire of Fairfield	Oliver of Sheldon
Brennan of Colchester	Hango of Berkshire	Page of Newport City
Brownell of Pownal	Harrison of Chittenden	Parsons of Newbury
Burditt of West Rutland	Higley of Lowell	Pearl of Danville
Canfield of Fair Haven	Labor of Morgan	Peterson of Clarendon
Clifford of Rutland City	Laroche of Franklin	Quimby of Lyndon
Corcoran of Bennington	Maguire of Rutland City *	Shaw of Pittsford
Demar of Enosburgh	Marcotte of Coventry	Taylor of Milton
Dickinson of St. Albans Town	Mattos of Milton	Toof of St. Albans Town
Donahue of Northfield	McCoy of Poultney	Walker of Swanton
	McFaun of Barre Town	Williams of Granby

Those members absent with leave of the House and not voting are:

Bartholomew of Hartland	Noyes of Wolcott	Stone of Burlington
Dolan of Essex Junction	Smith of Derby	

**Rep. Cina of Burlington** explained his vote as follows:

“Madam Speaker:

I vote yes in honor of all of our family, friends, and neighbors who have died from overdoses. I vote yes in the spirit of hope and with love for those struggling now. Don’t give up. Every day you stay alive is another day that recovery is possible.”

**Rep. Maguire of Rutland City** explained his vote as follows:

“Madam Speaker:

To invest into an unknown harm reduction model is an injustice to the underfunded proven practices that save lives and bring our loved one’s home to us.”

**Rep. Morgan of Milton** explained his vote as follows:

“Madam Speaker:

Constituents in my district have vehemently opposed this bill. In fact, the State’s Attorney in five of my six towns has stated his displeasure with this bill and its implications. I vote no.”

**Rep. Roberts of Halifax** explained his vote as follows:

“Madam Speaker:

I was reluctant to support a ‘safe injection site’ in Burlington. Then I visited OnPoint in New York City and I saw regular people who have a very difficult disease being met with love, in a safe environment, an ‘overdose prevention site’ with group supports like pancake breakfasts, laundry and

medical care. I vote yes to meeting people where they are – not in a dangerous alley, but in a safe environment, with love.”

**Rep. Sammis of Castleton** explained his vote as follows:

“Madam Speaker:

My vote today was made in honor of those lost along the way, and for their families and communities that wear the scars and pain of loss. You are in our thoughts, and today we take action.”

### **Message from the Senate No. 78**

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 House proposal of amendment to Senate proposal of amendment to House bill of the following title:

**H. 55.** An act relating to miscellaneous unemployment insurance amendments.

And has concurred therein.

### **Rules Suspended, Immediate Consideration; Governor's Veto Overridden**

#### **H. 887**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to homestead property tax yields, nonhomestead rates, and policy changes to education finance and taxation

Appearing on the Calendar for Notice, was taken up for immediate consideration.

Pursuant to Chapter II, Section 11 of the Vermont Constitution, the Clerk proceeded to call the roll and the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, was decided in the affirmative. Yeas, 103. Nays, 42.

Those who voted in the affirmative are:

Andrews of Westford  
Andriano of Orwell  
Anthony of Barre City  
Arrison of Weathersfield

Dodge of Essex  
Dolan of Waitsfield  
Duke of Burlington  
Durfee of Shaftsbury

Mihaly of Calais  
Minier of South Burlington  
Morris of Springfield  
Mrowicki of Putney

Arsenault of Williston	Elder of Starksboro	Nicoll of Ludlow
Austin of Colchester	Emmons of Springfield	Notte of Rutland City
Berbeco of Winooski	Farlice-Rubio of Barnet	Nugent of South Burlington
Birong of Vergennes	Garofano of Essex	O'Brien of Tunbridge
Black of Essex	Goldman of Rockingham	Ode of Burlington
Bluemle of Burlington	Graning of Jericho	Pajala of Londonderry
Bongartz of Manchester	Headrick of Burlington	Patt of Worcester
Bos-Lun of Westminster	Holcombe of Norwich	Pouech of Hinesburg
Boyden of Cambridge	Hooper of Burlington	Priestley of Bradford
Brady of Williston *	Houghton of Essex Junction	Rachelson of Burlington *
Brown of Richmond	Howard of Rutland City	Rice of Dorset
Brumsted of Shelburne	Hyman of South Burlington	Roberts of Halifax
Burke of Brattleboro	James of Manchester	Satcowitz of Randolph
Burrows of West Windsor	Jerome of Brandon	Scheu of Middlebury
Buss of Woodstock	Kornheiser of Brattleboro	Sheldon of Middlebury
Campbell of St. Johnsbury	Krasnow of South Burlington	Sibilia of Dover
Carpenter of Hyde Park	Krowinski of Burlington	Small of Winooski
Carroll of Bennington	LaBounty of Lyndon	Squirrell of Underhill
Casey of Montpelier	Lalley of Shelburne	Stebbins of Burlington
Chapin of East Montpelier	LaLonde of South Burlington	Stevens of Waterbury
Chase of Chester	LaMont of Morristown	Surprenant of Barnard
Chase of Colchester	Lanpher of Vergennes	Taylor of Colchester
Chesnut-Tangerman of Middletown Springs	Leavitt of Grand Isle	Templeman of Brownington
Christie of Hartford	Logan of Burlington	Toleno of Brattleboro
Cina of Burlington	Long of Newfane	Torre of Moretown
Coffey of Guilford	Masland of Thetford	Troiano of Stannard
Cole of Hartford	McCann of Montpelier	Waters Evans of Charlotte
Conlon of Cornwall	McCarthy of St. Albans City	White of Bethel
Corcoran of Bennington	McGill of Bridport	Whitman of Bennington
Cordes of Lincoln		Williams of Barre City
Demrow of Corinth		Wood of Waterbury

Those who voted in the negative are:

Bartley of Fairfax *	Gregoire of Fairfield	Oliver of Sheldon
Beck of St. Johnsbury	Hango of Berkshire	Page of Newport City
Branagan of Georgia	Harrison of Chittenden	Parsons of Newbury
Brennan of Colchester	Higley of Lowell	Pearl of Danville
Brownell of Pownal	Hooper of Randolph	Peterson of Clarendon
Burditt of West Rutland	Labor of Morgan	Quimby of Lyndon
Canfield of Fair Haven	Laroche of Franklin	Sammis of Castleton
Clifford of Rutland City	Lipsky of Stowe	Shaw of Pittsford
Demar of Enosburgh	Maguire of Rutland City	Sims of Craftsbury
Dickinson of St. Albans Town	Marcotte of Coventry	Taylor of Milton *
Donahue of Northfield	Mattos of Milton	Toof of St. Albans Town *
Galfetti of Barre Town	McCoy of Poultney	Walker of Swanton
Goslant of Northfield	McFaun of Barre Town	Williams of Granby
Graham of Williamstown	Morgan of Milton *	
	Morrissey of Bennington	

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Those members absent with leave of the House and not voting are:

Bartholomew of Hartland  
Dolan of Essex Junction

Noyes of Wolcott  
Smith of Derby

Stone of Burlington

**Rep. Bartley of Fairfax** explained her vote as follows:

“Madam Speaker:

I heard my constituents not just one time but both times when our school budgets were voted down. We need structural reform, not just more excuses with both sides at the table, not just the majority.”

**Rep. Brady of Williston** explained her vote as follows:

“Madam Speaker:

I voted to override the veto of H 887. This bill funds locally decided school budgets and I hardly consider school budgets beasts that we are feeding. Rather, schools are an essential service to kids and families. They may be expensive, but they are also the most important investment we make as a society. We have hard work ahead to bend the cost curve, but we must do it in a coherent way with a view of the whole forest and not just our individual trees. Students must be at the center of our work. We must transform our system in Vermont into a right-sized, strong public education system that supports all students and uses our precious statewide resources sustainably and efficiently. Our system is over 200 years in the making and while many of us might want to move faster, coherent change that truly supports students and schools with a common vision and much needed financial predictability will take time and extraordinarily political will by all of us. I voted yes to commit to that work.”

**Rep. Morgan of Milton** explained his vote as follows:

“Madam Speaker:

Sadly, this bill will saddle the taxpayer with double digit education property tax increases. With all of the towns that I represent having extreme difficulty passing budgets due to these looming increases it has at best been chaotic for them. Contrary to what is publicly being said, the Governor and his administration did have a plan that could have made this bill much, much more palatable to the taxpayer, which includes all of us in this room! My constituents, as a whole, have reached out begging for relief in this arena. Why we would not want a solution, now, for change is beyond my comprehension. Doing this bill as it sits simply, proverbially, kicks the can down the road without proper relief to the citizens of Vermont.”

**Rep. Rachelson of Burlington** explained her vote as follows:

“Madam Speaker:

I voted yes. We are between a rock and a hard place. Vermont’s current law requires the Legislature to set a tax rate to raise enough money to fund the budgets that passed the will of our local voters. Currently this is a \$2.8 billion price tag that gets no additional scrutiny and has no other checks and balances. Our current law of how we fund education doesn’t work and is not sustainable. It’s not easy to figure out, especially for part-time citizen legislatures, who have limited staffing, to sort out a new path forward. It’s no wonder there have been so many studies done. The Governor’s short-term options were unacceptable. I am not willing to take away free meals from school children and using our reserve funds to buy down the tax rate further this year is an expensive band-aid with long-term financial consequences.”

**Rep. Taylor of Milton** explained his vote as follows:

“Madam Speaker:

I voted to sustain the Governor’s veto. The taxpayers of my district and the Milton Town School District itself deserve better. This school budget season the Milton Town School District went to three votes and was on the verge of having to borrow money to continue to operate. The town became extremely divided, and emotions were high. The failure to pass substantial change this session leaves the path open for the same scenario or worse to play out next budget season. This will be devastating to Milton and I cannot sit back and support that possibility.”

**Rep. Toof of St. Albans Town** explained his vote as follows:

“Madam Speaker:

Our constituents deserve better than this historic double-digit 13.8% increase in property tax bills. We owe it to Vermonters to lessen this financial burden and make more structural changes to our broken system.”

### **Rules Suspended, Bills Messaged to Senate Forthwith**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

#### **H. 687**

House bill, entitled

An act relating to community resilience and biodiversity protection through land use

**H. 72**

House bill, entitled

An act relating to a harm-reduction criminal justice response to drug use

**H. 887**

House bill, entitled

An act relating to homestead property tax yields, nonhomestead rates, and policy changes to education finance and taxation

**Rules Suspended, Immediate Consideration;  
Governor's Veto Overridden; Rules Suspended,  
Messaged to Senate Forthwith**

**H. 289**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to the Renewable Energy Standard

Appearing on the Calendar for Notice, was taken up for immediate consideration.

Pursuant to Chapter II, Section 11 of the Vermont Constitution, the Clerk proceeded to call the roll and the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, was decided in the affirmative. Yeas, 102. Nays, 43.

Those who voted in the affirmative are:

Andrews of Westford	Dolan of Waitsfield	Mihaly of Calais
Andriano of Orwell	Duke of Burlington	Minier of South Burlington
Anthony of Barre City	Durfee of Shaftsbury	Morris of Springfield
Arrison of Weathersfield	Elder of Starksboro	Mrowicki of Putney
Arsenault of Williston	Emmons of Springfield	Nicoll of Ludlow
Austin of Colchester	Farlice-Rubio of Barnet	Notte of Rutland City
Berbeco of Winooski	Garofano of Essex	Nugent of South Burlington
Birong of Vergennes	Goldman of Rockingham	O'Brien of Tunbridge
Black of Essex	Graning of Jericho	Ode of Burlington
Bluemle of Burlington	Headrick of Burlington	Pajala of Londonderry
Bongartz of Manchester	Holcombe of Norwich	Patt of Worcester *
Bos-Lun of Westminster	Hooper of Burlington	Pouech of Hinesburg
Boyden of Cambridge	Houghton of Essex Junction	Priestley of Bradford
Brady of Williston	Howard of Rutland City	Rachelson of Burlington
Brown of Richmond	Hyman of South Burlington	Rice of Dorset
Brumsted of Shelburne	James of Manchester	Roberts of Halifax
Burke of Brattleboro	Jerome of Brandon	Satcowitz of Randolph
Burrows of West Windsor	Kornheiser of Brattleboro	Scheu of Middlebury
Buss of Woodstock		Sheldon of Middlebury

Campbell of St. Johnsbury	Krasnow of South Burlington	Sibilia of Dover
Carpenter of Hyde Park		Small of Winooski
Carroll of Bennington	Krowinski of Burlington	Squirrell of Underhill
Casey of Montpelier	LaBounty of Lyndon	Stebbins of Burlington
Chapin of East Montpelier	Lalley of Shelburne	Stevens of Waterbury
Chase of Chester	LaLonde of South Burlington	Surprenant of Barnard
Chase of Colchester		Taylor of Colchester
Chesnut-Tangerman of Middletown Springs	LaMont of Morristown	Templeman of Brownington
Christie of Hartford	Lanpher of Vergennes	Toleno of Brattleboro
Cina of Burlington	Leavitt of Grand Isle	Torre of Moretown
Coffey of Guilford	Logan of Burlington	Troiano of Stannard
Cole of Hartford	Long of Newfane	Waters Evans of Charlotte
Conlon of Cornwall	Masland of Thetford	White of Bethel
Cordes of Lincoln	McCann of Montpelier	Whitman of Bennington
Demrow of Corinth	McCarthy of St. Albans City	Williams of Barre City
Dodge of Essex	McGill of Bridport	Wood of Waterbury

Those who voted in the negative are:

Bartley of Fairfax	Graham of Williamstown	Morrissey of Bennington
Beck of St. Johnsbury	Gregoire of Fairfield	Oliver of Sheldon
Branagan of Georgia	Hango of Berkshire	Page of Newport City
Brennan of Colchester	Harrison of Chittenden	Parsons of Newbury
Brownell of Pownal	Higley of Lowell	Pearl of Danville
Burditt of West Rutland	Hooper of Randolph	Peterson of Clarendon *
Canfield of Fair Haven	Labor of Morgan	Quimby of Lyndon
Clifford of Rutland City	Laroche of Franklin	Sammis of Castleton
Corcoran of Bennington	Lipsky of Stowe	Shaw of Pittsford
Demar of Enosburgh	Maguire of Rutland City	Sims of Craftsbury
Dickinson of St. Albans Town	Marcotte of Coventry	Taylor of Milton
Donahue of Northfield	Mattos of Milton	Toof of St. Albans Town
Galfetti of Barre Town *	McCoy of Poultney	Walker of Swanton
Goslant of Northfield	McFaun of Barre Town	Williams of Granby *
	Morgan of Milton	

Those members absent with leave of the House and not voting are:

Bartholomew of Hartland	Noyes of Wolcott	Stone of Burlington
Dolan of Essex Junction	Smith of Derby	

**Rep. Galfetti of Barre Town** explained her vote as follows:

“Madam Speaker:

I voted no to stop the punitive exploitation of Vermonters. The Renewable Energy Standard, like the unaffordable Heat Act of last session, is a vehicle for a carbon tax. Proponents of H.289 have stated publicly that an alternative cost-effective proposal to H.289 would not go far enough to enrich renewable energy producers. This plan will force Vermonters to absorb the cost of the required, expensive, and volatile carbon credits. The environmental impacts

on our hillsides and open spaces to make way for wind and solar have been completely ignored. This bill will drive up the cost of electricity for struggling Vermonters that cannot afford another carbon tax.”

**Rep. Patt of Worcester** explained his vote as follows:

“Madam Speaker:

When the Environment and Energy Committee first began taking testimony on H.289, I was astounded by the degree of agreement and consensus that went into this bill before it was formally introduced. I was disappointed and troubled by the Department of Public Service’s cost analysis and counterproposal. Neither the PDS’s nor the Joint Fiscal Offices’ cost analysis considers what financial benefits Vermonters may also see going forward. H.289 does recognize that different utilities are in different situations, that some have already reached 100% renewable, for example. And, lastly, some of the PSD’s supposedly ‘clean’ energy alternatives are not clean at all, based on my own knowledge and experience.”

**Rep. Peterson of Clarendon** explained his vote as follows:

“Madam Speaker:

I’ll vote no to any bill associated with the global warming money grab.”

**Rep. Williams of Granby** explained her vote as follows:

“Madam Speaker:

The most underserved, lowest income, oldest population in Vermont – yes, my district is getting shafted again. May I remind you, two towns in my district didn’t even get electricity until 1963. We can’t afford to live here anymore. Our children are leaving the State. Instead of helping us help ourselves, you are destroying our very existence. I have reminded you several times, leave us alone, stop putting these financial burdens on us and we can survive. You are not listening. The Vermont we grew up in no longer exists. I think a more fitting name for the new Vermont is CaliConnChusetts.”

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the House's actions on the bill were ordered messaged to the Senate forthwith.

### **Recess**

At twelve o'clock and fourteen minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

### **Called to Order**

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

**Rules Suspended, Immediate Consideration; Favorable Report;  
Second Reading; Third Reading Ordered; Rules Suspended,  
All Remaining Stages of Passage; Third Reading; Bill Passed;  
Rules Suspended, Messaged to the Senate Forthwith**

**H. 890**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to delaying implementation of certain health insurance claims editing requirements

Pending entry on the Notice Calendar, was taken up for immediate consideration.

**Rep. Black of Essex**, for the Committee on Health Care, reported in favor of its passage.

The bill was read the second time, and third reading ordered.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill placed in all remaining stages of passage. The bill was read the third time and passed.

Thereupon, on motion of **Rep. McCoy of Poultney** the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended, Immediate Consideration;  
Governor's Veto Overridden**

**H. 645**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to the expansion of approaches to restorative justice

Appearing on the Calendar for Notice, was taken up for immediate consideration.

Pursuant to Chapter II, Section 11 of the Vermont Constitution, the Clerk proceeded to call the roll and the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, was decided in the affirmative. Yeas, 110. Nays, 35.

Those who voted in the affirmative are:

Andrews of Westford  
Andriano of Orwell  
Anthony of Barre City  
Arrison of Weathersfield

Dolan of Waitsfield  
Duke of Burlington  
Durfee of Shaftsbury  
Elder of Starksboro

Minier of South Burlington  
Morris of Springfield  
Morrissey of Bennington  
Mrowicki of Putney

Arsenault of Williston	Emmons of Springfield	Nicoll of Ludlow
Austin of Colchester	Farlice-Rubio of Barnet	Notte of Rutland City
Berbeco of Winooski	Garofano of Essex	Nugent of South Burlington
Birong of Vergennes	Goldman of Rockingham	O'Brien of Tunbridge
Black of Essex	Graning of Jericho	Ode of Burlington
Bluemle of Burlington	Headrick of Burlington	Pajala of Londonderry
Bongartz of Manchester	Holcombe of Norwich	Patt of Worcester
Bos-Lun of Westminster	Hooper of Randolph	Pearl of Danville
Boyden of Cambridge	Hooper of Burlington	Pouech of Hinesburg
Brady of Williston	Houghton of Essex Junction	Priestley of Bradford
Brown of Richmond	Howard of Rutland City	Rachelson of Burlington
Brownell of Pownal	Hyman of South Burlington	Rice of Dorset
Brumsted of Shelburne	James of Manchester	Roberts of Halifax
Burke of Brattleboro	Jerome of Brandon	Sammis of Castleton
Burrows of West Windsor	Kornheiser of Brattleboro	Satcowitz of Randolph
Buss of Woodstock	Krasnow of South Burlington	Scheu of Middlebury
Campbell of St. Johnsbury	Krowinski of Burlington	Sheldon of Middlebury
Carpenter of Hyde Park	LaBounty of Lyndon	Sibilia of Dover
Carroll of Bennington	Lalley of Shelburne	Sims of Craftsbury
Casey of Montpelier	LaLonde of South Burlington	Small of Winooski
Chapin of East Montpelier	LaMont of Morristown	Squirrell of Underhill
Chase of Chester	Lanpher of Vergennes	Stebbins of Burlington
Chase of Colchester	Leavitt of Grand Isle	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Lipsky of Stowe	Surprenant of Barnard
Christie of Hartford	Logan of Burlington	Taylor of Colchester
Cina of Burlington	Long of Newfane	Templeman of Brownington
Coffey of Guilford	Masland of Thetford	Toleno of Brattleboro
Cole of Hartford	McCann of Montpelier	Torre of Moretown
Conlon of Cornwall	McCarthy of St. Albans City	Troiano of Stannard
Corcoran of Bennington	McGill of Bridport	Waters Evans of Charlotte
Cordes of Lincoln	Mihaly of Calais	White of Bethel
Demrow of Corinth		Whitman of Bennington
Dodge of Essex		Williams of Barre City
		Wood of Waterbury

Those who voted in the negative are:

Bartley of Fairfax	Goslant of Northfield	McFaun of Barre Town
Beck of St. Johnsbury	Graham of Williamstown	Morgan of Milton
Branagan of Georgia	Gregoire of Fairfield	Oliver of Sheldon
Brennan of Colchester	Hango of Berkshire	Page of Newport City
Burditt of West Rutland	Harrison of Chittenden	Parsons of Newbury
Canfield of Fair Haven	Higley of Lowell	Peterson of Clarendon
Clifford of Rutland City	Labor of Morgan	Quimby of Lyndon
Demar of Enosburgh	Laroche of Franklin	Shaw of Pittsford
Dickinson of St. Albans Town	Maguire of Rutland City	Taylor of Milton
Donahue of Northfield	Marcotte of Coventry	Toof of St. Albans Town
Galfetti of Barre Town	Mattos of Milton	Walker of Swanton
	McCoy of Poultney	Williams of Granby

Those members absent with leave of the House and not voting are:

Bartholomew of Hartland	Noyes of Wolcott	Stone of Burlington
Dolan of Essex Junction	Smith of Derby	

**Rules Suspended, Immediate Consideration;  
Governor's Veto Overridden**

**H. 706**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to banning the use of neonicotinoid pesticides

Appearing on the Calendar for Notice, was taken up for immediate consideration.

Pursuant to Chapter II, Section 11 of the Vermont Constitution, the Clerk proceeded to call the roll and the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, was decided in the affirmative. Yeas, 114. Nays, 31.

Those who voted in the affirmative are:

Andrews of Westford	Durfee of Shaftsbury	Mihaly of Calais
Andriano of Orwell	Elder of Starksboro	Minier of South Burlington
Anthony of Barre City	Emmons of Springfield	Morris of Springfield
Arrison of Weathersfield	Farlice-Rubio of Barnet	Morrissey of Bennington
Arsenault of Williston	Galfetti of Barre Town	Mrowicki of Putney
Austin of Colchester	Garofano of Essex	Nicoll of Ludlow
Berbeco of Winooski	Goldman of Rockingham	Notte of Rutland City
Birong of Vergennes	Goslant of Northfield	Nugent of South Burlington
Black of Essex	Graning of Jericho	O'Brien of Tunbridge
Bluemle of Burlington	Harrison of Chittenden	Ode of Burlington
Bongartz of Manchester	Headrick of Burlington	Page of Newport City
Bos-Lun of Westminster	Holcombe of Norwich	Pajala of Londonderry
Brady of Williston	Hooper of Randolph	Parsons of Newbury
Brown of Richmond	Hooper of Burlington	Patt of Worcester
Brumsted of Shelburne	Houghton of Essex Junction	Pouech of Hinesburg
Burke of Brattleboro	Howard of Rutland City	Priestley of Bradford
Burrows of West Windsor	Hyman of South Burlington	Rachelson of Burlington
Buss of Woodstock	James of Manchester	Rice of Dorset
Campbell of St. Johnsbury	Jerome of Brandon	Roberts of Halifax
Carpenter of Hyde Park	Kornheiser of Brattleboro	Samms of Castleton *
Carroll of Bennington	Krasnow of South Burlington	Satcowitz of Randolph
Casey of Montpelier	Krowinski of Burlington	Scheu of Middlebury
Chapin of East Montpelier	LaBounty of Lyndon	Sheldon of Middlebury
Chase of Chester	Lalley of Shelburne	Small of Winooski
Chase of Colchester	LaLonde of South Burlington	Squirrell of Underhill
Chesnut-Tangerman of Middletown Springs		Stebbins of Burlington
		Stevens of Waterbury

Christie of Hartford	LaMont of Morristown	Surprenant of Barnard
Cina of Burlington	Lanpher of Vergennes	Taylor of Colchester
Coffey of Guilford	Leavitt of Grand Isle	Templeman of Brownington
Cole of Hartford	Lipsky of Stowe	Toleno of Brattleboro
Conlon of Cornwall	Logan of Burlington	Torre of Moretown
Corcoran of Bennington	Long of Newfane	Troiano of Stannard *
Cordes of Lincoln	Marcotte of Coventry	Waters Evans of Charlotte
Demar of Enosburgh	Masland of Thetford	White of Bethel
Demrow of Corinth	McCann of Montpelier	Whitman of Bennington
Dodge of Essex	McCarthy of St. Albans	Williams of Barre City
Dolan of Waitsfield	City	Wood of Waterbury
Donahue of Northfield	McFaun of Barre Town	
Duke of Burlington	McGill of Bridport	

Those who voted in the negative are:

Bartley of Fairfax	Graham of Williamstown	Pearl of Danville
Beck of St. Johnsbury	Gregoire of Fairfield	Peterson of Clarendon
Boyden of Cambridge	Hango of Berkshire	Quimby of Lyndon
Branagan of Georgia	Higley of Lowell	Shaw of Pittsford
Brennan of Colchester	Labor of Morgan	Sibilia of Dover
Brownell of Pownal	Laroche of Franklin	Sims of Craftsbury
Burditt of West Rutland	Maguire of Rutland City	Taylor of Milton
Canfield of Fair Haven	Mattos of Milton	Toof of St. Albans Town
Clifford of Rutland City	McCoy of Poultney	Walker of Swanton
Dickinson of St. Albans	Morgan of Milton	Williams of Granby
Town	Oliver of Sheldon	

Those members absent with leave of the House and not voting are:

Bartholomew of Hartland	Noyes of Wolcott	Stone of Burlington
Dolan of Essex Junction	Smith of Derby	

**Rep. Sammis of Castleton** explained his vote as follows:

“Madam Speaker:

I vote yes to support H.706, not just for the sake of pollinators, but for the long-term health of our food chain, entire ecosystems, and our State. It should also be noted the United States government approved DDT as ‘safe’ once upon a time, and we all know how that turned out. Not too well.”

**Rep Troiano of Stannard** explained his vote as follows:

“Madam Speaker:

I have been a sponsor of four pollinator protection bills in my ten years here. Virtually every Vermonter I have ever spoken to about pollinators has favored this and all these bills. As one beekeeper put it, I am not a beekeeper, I am a bee buyer. The evidence is strong; neonics are damaging our pollinator population.”

**Rules Suspended, Immediate Consideration;  
Governor's Veto Overridden**

**H. 121**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to enhancing consumer privacy and the age-appropriate design code

Appearing on the Calendar for Notice, was taken up for immediate consideration.

Pursuant to Chapter II, Section 11 of the Vermont Constitution, the Clerk proceeded to call the roll and the question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill?, was decided in the affirmative. Yeas, 128. Nays, 17.

Those who voted in the affirmative are:

Andrews of Westford	Durfee of Shaftsbury	Mihaly of Calais
Andriano of Orwell	Elder of Starksboro	Minier of South Burlington
Anthony of Barre City	Emmons of Springfield	Morgan of Milton
Arrison of Weathersfield	Farlice-Rubio of Barnet	Morris of Springfield
Arsenault of Williston *	Galfetti of Barre Town	Morrissey of Bennington
Austin of Colchester	Garofano of Essex	Mrowicki of Putney
Bartley of Fairfax	Goldman of Rockingham	Nicoll of Ludlow
Berbeco of Winooski	Graning of Jericho	Notte of Rutland City
Birong of Vergennes	Gregoire of Fairfield	Nugent of South Burlington
Black of Essex	Hango of Berkshire	O'Brien of Tunbridge
Bluemle of Burlington	Harrison of Chittenden	Ode of Burlington
Bongartz of Manchester	Headrick of Burlington	Page of Newport City
Bos-Lun of Westminster	Holcombe of Norwich	Pajala of Londonderry
Boyden of Cambridge	Hooper of Randolph	Parsons of Newbury
Brady of Williston	Hooper of Burlington	Patt of Worcester
Branagan of Georgia	Houghton of Essex Junction	Pearl of Danville
Brown of Richmond	Howard of Rutland City	Peterson of Clarendon
Brownell of Pownal	Hyman of South Burlington	Pouech of Hinesburg
Brumsted of Shelburne	James of Manchester	Priestley of Bradford
Burke of Brattleboro	Jerome of Brandon	Rachelson of Burlington
Burrows of West Windsor	Kornheiser of Brattleboro	Rice of Dorset
Buss of Woodstock	Krasnow of South	Roberts of Halifax
Campbell of St. Johnsbury	Burlington	Sammis of Castleton
Carpenter of Hyde Park	Krowinski of Burlington	Satcowitz of Randolph
Carroll of Bennington	Labor of Morgan	Scheu of Middlebury
Casey of Montpelier	LaBounty of Lyndon	Sheldon of Middlebury
Chapin of East Montpelier	Lalley of Shelburne	Sibilia of Dover
Chase of Chester	LaLonde of South	Sims of Craftsbury
Chase of Colchester	Burlington	Small of Winooski
	LaMont of Morristown	Squirrell of Underhill

Chesnut-Tangerman of Middletown Springs	Lanpher of Vergennes Laroche of Franklin	Stebbins of Burlington Stevens of Waterbury
Christie of Hartford	Leavitt of Grand Isle	Surprenant of Barnard
Cina of Burlington	Lipsky of Stowe	Taylor of Milton
Coffey of Guilford	Logan of Burlington	Taylor of Colchester
Cole of Hartford	Long of Newfane	Templeman of Brownington
Conlon of Cornwall	Maguire of Rutland City	Toleno of Brattleboro
Corcoran of Bennington	Marcotte of Coventry	Torre of Moretown
Cordes of Lincoln	Masland of Thetford	Troiano of Stannard
Demar of Enosburgh	McCann of Montpelier	Waters Evans of Charlotte
Demrow of Corinth	McCarthy of St. Albans City	White of Bethel
Dodge of Essex	McFaun of Barre Town	Whitman of Bennington
Dolan of Waitsfield	McGill of Bridport	Williams of Barre City
Donahue of Northfield		Wood of Waterbury
Duke of Burlington		

Those who voted in the negative are:

Beck of St. Johnsbury	Town	Oliver of Sheldon
Brennan of Colchester	Goslant of Northfield	Quimby of Lyndon
Burditt of West Rutland	Graham of Williamstown	Shaw of Pittsford
Canfield of Fair Haven	Higley of Lowell	Toof of St. Albans Town
Clifford of Rutland City	Mattos of Milton	Walker of Swanton
Dickinson of St. Albans	McCoy of Poultney	Williams of Granby

Those members absent with leave of the House and not voting are:

Bartholomew of Hartland	Noyes of Wolcott	Stone of Burlington
Dolan of Essex Junction	Smith of Derby	

**Rep. Arsenault of Williston** explained her vote as follows:

“Madam Speaker:

The provisions in H.121 represent the least we can do right now to protect our kids from a wholly unregulated and predatory industry. I vote yes to place the health and safety of children before the false claims of financial peril from some in the business community.”

#### **Rules Suspended, Bills Messaged to Senate Forthwith**

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

#### **H. 645**

House bill, entitled

An act relating to the expansion of approaches to restorative justice

**H. 706**

House bill, entitled

An act relating to banning the use of neonicotinoid pesticides

**H. 121**

House bill, entitled

An act relating to enhancing consumer privacy and the age-appropriate design code

**Senate Proposal of Amendment Concurred in with  
Further Proposal of Amendment Thereto; Rules Suspended,  
Messaged to Senate Forthwith**

**H. 81**

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

An act relating to fair repair of agricultural equipment

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. FINDINGS AND PURPOSE

(a) Findings. The General Assembly finds:

(1) The Vermont food, agriculture, and forest sectors are significant components of the State's economy, its rural heritage, and its identity as a State.

(A) According to the Working Lands Enterprise Initiative, about 20 percent of Vermont's land is used for agriculture, while another 78 percent is forested. In surveys conducted by the Initiative, over 97 percent of Vermonters expressed that they value the working landscape.

(B) The 2023 U.S. Food and Agriculture Industries Economic Impact Study found that the food and agriculture industries in Vermont were associated with nearly 104,000 jobs, \$5.2 billion in wages, and \$19.3 billion in economic output.

(C) The Vermont Sustainable Jobs Fund estimates that Vermont's forest products industry generates an annual economic output of \$1.4 billion and supports 10,500 jobs.

(2) Agricultural and forestry activity varies by season, is weather-dependent, and is heavily reliant on having access to increasingly sophisticated agricultural and forestry equipment. Vermont farmers' and foresters' access to safe and reliable equipment is essential to timely planting, cultivating, tilling,

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and harvesting of produce, protein, grain, timber, and other wood forest products.

(3) The COVID-19 pandemic further highlighted the increased and ongoing need for functional agricultural and forestry equipment as individuals in Vermont increasingly rely on the equipment to guarantee access to food and wood products during periods of supply chain disruption, raw material and commodities shortages, and heightened food insecurity.

(4) Authorized repair providers are important Vermont businesses that play a critical role for farmers and foresters by offering access to diagnosis, maintenance, and repair services for agricultural and forestry equipment.

(5) In general, original equipment manufacturers and authorized repair providers are able to provide independent repair providers and owners with adequate access to necessary parts for agricultural and forestry equipment. However, in order to maintain complex safety and emissions systems, limitations on software-related repairs implemented by original equipment manufacturers have led to frustration for some customers.

(6) Due to workforce, seasonal workload, and geographic constraints, authorized repair providers are not always able to meet the demand for timely diagnosis, maintenance, or repair services to farmers and foresters in this State.

(7) As for many Vermont employers, critical workforce shortages prevent authorized repair providers from operating at full staff capacity, which can contribute to costly delays in performing diagnosis, maintenance, and repair services.

(8) The need for more accessible and affordable repair options is felt more acutely among specific sectors of the population, notably Vermont residents in more rural and remote areas.

(9) Original equipment manufacturer shops and authorized repair providers are sometimes not located close to owners or independent repair providers, which may require owners or independent repair providers to travel long distances for repair or to be without functioning agricultural or forestry equipment for longer periods of time.

(10) Owners may be capable of performing their own diagnosis, maintenance, and repair services for their equipment.

(11) Independent repair providers play a vital role in Vermont's economy. Providing access to information, parts, and diagnostic and repair tools is essential in contributing to a competitive repair market and allowing independent repair shop employees to fix equipment safely.

(12) Extending the useful life and efficient operation of equipment may provide additional benefits for farmers, foresters, and the environment.

(A) Computerized components of modern agricultural and forestry equipment include precious metals that are finite.

(B) Emissions of agricultural and forestry equipment are better regulated and limited by functional software and hardware computer elements, thereby increasing the need for access to timely and effective repairs to ensure optimal functionality that is within the confines of federal regulatory limitations and existing technology needed to preserve intellectual property.

(13) Broader distribution of the information, tools, and parts necessary to repair modern agricultural and forestry equipment may shorten repair times, lengthen the useful lives of the equipment, lower costs for users, and benefit the environment.

(b) Purpose. The purpose of this act is to ensure equitable access to the parts, tools, and documentation that are necessary for independent repair providers and owners to perform timely repair of agricultural and forestry equipment in a safe, secure, reliable, and sustainable manner.

## Sec. 2. SHORT TITLE

This act may be cited as the Fair Repair Act.

Sec. 3. 9 V.S.A. chapter 106 is added to read:

### CHAPTER 106. AGRICULTURAL AND FORESTRY EQUIPMENT; FAIR REPAIR

#### § 4051. DEFINITIONS

As used in this chapter:

(1) “Agricultural equipment” means a device, part of a device, or an attachment to a device used principally off road and designed solely for an agricultural purpose, including a tractor, trailer, or combine; implements for tillage, planting, or cultivation; and other equipment principally associated with livestock or crop production, horticulture, or floriculture.

(2)(A) “Authorized repair provider” means an individual or business that has an arrangement with the original equipment manufacturer under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance, or repair of equipment under the name of the original equipment manufacturer or other arrangement with the original equipment manufacturer to offer such services on behalf of the original equipment manufacturer.

(B) An original equipment manufacturer that offers the services of diagnosis, maintenance, or repair of its own equipment and that does not have an arrangement described in subdivision (A) of this subdivision (2) with an unaffiliated individual or business shall be considered an authorized repair provider with respect to such equipment.

(3) “Documentation” means any manual, diagram, reporting output, service code description, schematic diagram, security code, password, or other guidance or information, whether in an electronic or tangible format, to perform the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.

(4) “Forestry equipment” means nondivisible equipment, implements, accessories, and contrivances used principally off road and designed solely for harvesting timber or for on-site processing of wood forest products necessary to and associated with a logging operation.

(5) “Independent repair provider” means a person operating in this State, either through a physical business location or through a mobile service that offers on-site repairs in the State, that does not have an arrangement described in subdivision (2) of this section with an original equipment manufacturer and that is engaged in the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.

(6) “Memorandum of understanding” means an agreement that is:

(A) related to the right to repair of agricultural or forestry equipment;

(B) not legally binding; and

(C) between the original equipment manufacturer and the American Farm Bureau Federation or similar organization that advocates on behalf of farmers or loggers.

(7) “Original equipment manufacturer” means a person engaged in the business of selling, leasing, or otherwise supplying new agricultural or forestry equipment manufactured by or on behalf of itself to any individual or business.

(8) “Owner” means an individual or business that owns or leases agricultural or forestry equipment used in this State.

(9) “Part” means any replacement part, either new or used, made available by an original equipment manufacturer for purposes of effecting the services of maintenance or repair of agricultural or forestry equipment manufactured by or on behalf of, sold or otherwise supplied by, the original equipment manufacturer.

(10) “Repair” means to maintain, diagnose, or fix agricultural or forestry equipment resulting in the equipment being returned to its original equipment manufacturer specifications. “Repair” does not include the ability to:

(A) modify from original equipment specifications the embedded software or code;

(B) change any equipment or engine settings that negatively affect emissions or safety compliance; or

(C) download or access the source code of any embedded software or code.

(11) “Tools” means any software program, hardware implement, or other apparatus used for diagnosis, maintenance, or repair of agricultural or forestry equipment, including software or other mechanisms required to restore the product to its original manufacturer, including any updates.

(12) “Trade secret” has the same meaning as provided in 18 U.S.C. § 1839.

#### § 4052. AVAILABILITY OF PARTS, TOOLS, AND DOCUMENTATION

(a) Duty to make available parts, tools, and documentation.

(1) An original equipment manufacturer shall offer for sale or otherwise make available to an independent repair provider or owner the parts, tools, and documentation for diagnosis or repair.

(2) If agricultural or forestry equipment includes an electronic security lock or other security-related function that must be unlocked, enabled, or disabled to perform diagnosis, maintenance, or repair of the equipment, an original equipment manufacturer may require a secured authorization process in order to prevent access to the source code or infringement of intellectual property in software or hardware owned by the original equipment manufacturer or licensed to the original equipment manufacturer by a third party and subject to terms of use.

(3) An original equipment manufacturer may satisfy its obligation to make parts, tools, and documentation available to an independent repair provider or owner through an authorized repair provider that consents to sell or make available parts, tools, or documentation on behalf of the manufacturer.

(b) Terms; limitations. Under the terms governing the sale or provision of parts, tools, and documentation, an original equipment manufacturer shall not impose on an independent repair provider or owner an additional cost or burden that is not reasonably necessary within the ordinary course of business

or is designed to be an impediment on the independent repair provider or owner, including:

(1) a substantial obligation to use, or a restriction on the use of, the parts, tools, or documentation necessary to diagnose, maintain, or repair agricultural or forestry equipment;

(2) a condition that the independent repair provider or owner become an authorized repair provider of the original equipment manufacturer; or

(3) an additional burden or material change that adversely affects the timeliness or method of delivering parts, tools, or documentation.

§ 4053. ATTORNEY GENERAL ENFORCEMENT; NOTICE

(a) A violation of this section shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63, provided that no private right of action shall arise from the provisions of this act. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under 9 V.S.A. chapter 63, subchapter 1.

(b) The Attorney General shall be notified in writing by the original equipment manufacturer not later than 30 days after a memorandum of understanding expires or has been terminated, withdrawn, or canceled by an original equipment manufacturer subject to this chapter.

§ 4054. APPLICATION; LIMITATIONS

(a) This chapter does not require an original equipment manufacturer to divulge a trade secret to an owner or an independent repair provider.

(b) This chapter does not alter the terms of any arrangement described in subdivision 4051(2)(A) of this title in force between an authorized repair provider and an original equipment manufacturer, including the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such arrangement, except that any provision governing such an arrangement that purports to waive, avoid, restrict, or limit the original equipment manufacturer's obligations to comply with this chapter is void and unenforceable.

(c) This chapter does not alter the terms of a lease of agricultural or forestry equipment between an owner and another person.

(d) An independent repair provider or owner shall not:

(1) modify agricultural or forestry equipment to temporarily deactivate safety notification systems, except as necessary to provide diagnosis, maintenance, or repair services;

(2) access any function of a tool that enables the independent repair provider or owner to change the settings for a piece of agricultural or forestry equipment in a manner that brings the equipment out of compliance with the original manufacturer specifications or any applicable federal, state, or local safety or emissions laws; or

(3) obtain or use parts, tools, or documentation to evade or violate emissions, copyright, trademark, or patent laws or to engage in any other illegal activity.

(e) Original equipment manufacturers and authorized repair providers are not liable for faulty or otherwise improper repairs completed by independent repair providers or owners, including repairs that cause:

(1) damage to agricultural or forestry equipment that occurs during such repairs; and

(2) an inability to use, or the reduced functionality of, agricultural or forestry equipment resulting from the faulty or otherwise improper repair.

(f) In the event that federal law preempts part of the activity regulated by this chapter, this chapter shall be construed to regulate activity that has not been preempted.

(g) This chapter shall not apply to an original equipment manufacturer that has entered into a memorandum of understanding that substantially incorporates the provisions of this chapter. In the event that a memorandum of understanding expires or is terminated, withdrawn, or canceled, the original equipment manufacturer shall be required to comply with all provisions of this chapter no later than 30 days upon such termination, withdrawal, cancellation, or expiration.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on January 1, 2026.

Pending the question, Shall the House concur in the Senate proposal of amendment?, **Reps. Templeman of Brownington, Priestley of Bradford, Carroll of Bennington, Chase of Chester, Cole of Hartford, Duke of Burlington, Durfee of Shaftsbury, Graning of Jericho, Jerome of Brandon, Leavitt of Grand Isle, Marcotte of Coventry, Nicoll of Ludlow, O'Brien of Tunbridge, Pearl of Danville, Rice of Dorset, Sammis of Castleton, Surprenant of Barnard, White of Bethel, and Williams of Barre City** moved that the House concur in the Senate the proposal of amendment

with further proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS AND PURPOSE

(a) Findings. The General Assembly finds:

(1) The Vermont food, agriculture, and forest sectors are significant components of the State's economy, its rural heritage, and its identity as a State.

(A) According to the Working Lands Enterprise Initiative, about 20 percent of Vermont's land is used for agriculture, while another 78 percent is forested. In surveys conducted by the Initiative, over 97 percent of Vermonters expressed that they value the working landscape.

(B) The 2023 U.S. Food and Agriculture Industries Economic Impact Study found that the food and agriculture industries in Vermont were associated with nearly 104,000 jobs, \$5.2 billion in wages, and \$19.3 billion in economic output.

(C) The Vermont Sustainable Jobs Fund estimates that Vermont's forest products industry generates an annual economic output of \$1.4 billion and supports 10,500 jobs.

(2) Agricultural and forestry activity varies by season, is weather-dependent, and is heavily reliant on having access to increasingly sophisticated agricultural and forestry equipment. Vermont farmers' and foresters' access to safe and reliable equipment is essential to timely planting, cultivating, tilling, and harvesting of produce, protein, grain, timber, and other wood forest products.

(3) The COVID-19 pandemic further highlighted the increased and ongoing need for functional agricultural and forestry equipment as individuals in Vermont increasingly rely on the equipment to guarantee access to food and wood products during periods of supply chain disruption, raw material and commodities shortages, and heightened food insecurity.

(4) Authorized repair providers are important Vermont businesses that play a critical role for farmers and foresters by offering access to diagnosis, maintenance, and repair services for agricultural and forestry equipment.

(5) In general, original equipment manufacturers and authorized repair providers are able to provide independent repair providers and owners with adequate access to necessary parts for agricultural and forestry equipment. However, in order to maintain complex safety and emissions systems, limitations on software-related repairs implemented by original equipment manufacturers have led to frustration for some customers.

(6) Due to workforce, seasonal workload, and geographic constraints, authorized repair providers are not always able to meet the demand for timely diagnosis, maintenance, or repair services to farmers and foresters in this State.

(7) As for many Vermont employers, critical workforce shortages prevent authorized repair providers from operating at full staff capacity, which can contribute to costly delays in performing diagnosis, maintenance, and repair services.

(8) The need for more accessible and affordable repair options is felt more acutely among specific sectors of the population, notably Vermont residents in more rural and remote areas.

(9) Original equipment manufacturer shops and authorized repair providers are sometimes not located close to owners or independent repair providers, which may require owners or independent repair providers to travel long distances for repair or to be without functioning agricultural or forestry equipment for longer periods of time.

(10) Owners may be capable of performing their own diagnosis, maintenance, and repair services for their equipment.

(11) Independent repair providers play a vital role in Vermont's economy. Providing access to information, parts, and diagnostic and repair tools is essential in contributing to a competitive repair market and allowing independent repair shop employees to fix equipment safely.

(12) Extending the useful life and efficient operation of equipment may provide additional benefits for farmers, foresters, and the environment.

(A) Computerized components of modern agricultural and forestry equipment include precious metals that are finite.

(B) Emissions of agricultural and forestry equipment are better regulated and limited by functional software and hardware computer elements, thereby increasing the need for access to timely and effective repairs to ensure optimal functionality that is within the confines of federal regulatory limitations and existing technology needed to preserve intellectual property.

(13) Broader distribution of the information, tools, and parts necessary to repair modern agricultural and forestry equipment may shorten repair times, lengthen the useful lives of the equipment, lower costs for users, and benefit the environment.

(b) Purpose. The purpose of this act is to ensure equitable access to the parts, tools, and documentation that are necessary for independent repair providers and owners to perform timely repair of agricultural and forestry equipment in a safe, secure, reliable, and sustainable manner.

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Sec. 2. SHORT TITLE

This act may be cited as the Fair Repair Act.

Sec. 3. 9 V.S.A. chapter 106 is added to read:

CHAPTER 106. AGRICULTURAL AND FORESTRY EQUIPMENT;  
FAIR REPAIR

§ 4051. DEFINITIONS

As used in this chapter:

(1) “Agricultural equipment” means a device, part of a device, or an attachment to a device used principally off road and designed solely for an agricultural purpose, including a tractor, trailer, or combine; implements for tillage, planting, or cultivation; and other equipment principally associated with livestock or crop production, horticulture, or floriculture.

(2)(A) “Authorized repair provider” means an individual or business that has an arrangement with the original equipment manufacturer under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance, or repair of equipment under the name of the original equipment manufacturer or other arrangement with the original equipment manufacturer to offer such services on behalf of the original equipment manufacturer.

(B) An original equipment manufacturer that offers the services of diagnosis, maintenance, or repair of its own equipment and that does not have an arrangement described in subdivision (A) of this subdivision (2) with an unaffiliated individual or business shall be considered an authorized repair provider with respect to such equipment.

(3) “Documentation” means any manual, diagram, reporting output, service code description, schematic diagram, security code, password, or other guidance or information, whether in an electronic or tangible format, used to perform the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.

(4) “Forestry equipment” means nondivisible equipment, implements, accessories, and contrivances used principally off road and designed solely for harvesting timber or for on-site processing of wood forest products necessary to and associated with a logging operation.

(5) “Independent repair provider” means a person operating in this State, either through a physical business location or through a mobile service that offers on-site repairs in the State, that does not have an arrangement

described in subdivision (2) of this section with an original equipment manufacturer and that is engaged in the services of diagnosis, maintenance, or repair of agricultural or forestry equipment.

(6) “Memorandum of understanding” means an agreement that is:

(A) related to the right to repair of agricultural or forestry equipment;

(B) not legally binding; and

(C) between the original equipment manufacturer and the American Farm Bureau Federation or similar organization that advocates on behalf of farmers or loggers.

(7) “Original equipment manufacturer” means a person engaged in the business of selling, leasing, or otherwise supplying new agricultural or forestry equipment manufactured by or on behalf of itself to any individual or business.

(8) “Owner” means an individual or business that owns or leases agricultural or forestry equipment used in this State.

(9) “Part” means any replacement part, either new or used, made available by an original equipment manufacturer for purposes of effecting the services of maintenance or repair of agricultural or forestry equipment manufactured by or on behalf of, sold or otherwise supplied by, the original equipment manufacturer.

(10) “Repair” means to maintain, diagnose, or fix agricultural or forestry equipment, resulting in the equipment being restored to its fully functional condition, including any updates. “Repair” does not include the ability to:

(A) permanently modify from original equipment specifications the embedded software or code;

(B) permanently change any equipment or engine settings that negatively affect emissions or safety compliance; or

(C) download or access the source code of any embedded software or code, unless doing so is required to restore the equipment to its fully functional condition, including any updates.

(11) “Tools” means any software program, hardware implement, or other apparatus used for diagnosis, maintenance, or repair of agricultural or forestry equipment, including software or other mechanisms that provision, program, or pair a new part; calibrate functionality; or perform any other function required to bring the product back to fully functional condition, including any updates.

(12) “Trade secret” has the same meaning as provided in 18 U.S.C. § 1839.

§ 4052. AVAILABILITY OF PARTS, TOOLS, AND DOCUMENTATION

(a) Duty to make available parts, tools, and documentation.

(1) An original equipment manufacturer shall offer for sale or otherwise make available to an independent repair provider or owner the parts, tools, and documentation that the original equipment manufacturer offers for sale or otherwise makes available to an authorized repair provider.

(2) If agricultural or forestry equipment includes an electronic security lock or other security-related function that must be unlocked, enabled, or disabled to perform diagnosis, maintenance, or repair of the equipment, an original equipment manufacturer shall make available to an independent repair provider or owner any parts, tools, and documentation necessary to unlock or disable the function and to reset the lock or function after the diagnosis, maintenance, or repair is complete.

(3) An original equipment manufacturer may satisfy its obligation to make parts, tools, and documentation available to an independent repair provider or owner through an authorized repair provider that consents to sell or make available parts, tools, or documentation on behalf of the manufacturer.

(b) Terms; limitations. Under the terms governing the sale or provision of parts, tools, and documentation, an original equipment manufacturer shall not impose on an independent repair provider or owner an additional cost or burden that is not reasonably necessary within the ordinary course of business or is designed to be an impediment on the independent repair provider or owner, including:

(1) a substantial obligation to use, or a restriction on the use of, the parts, tools, or documentation necessary to diagnose, maintain, or repair agricultural or forestry equipment;

(2) a condition that the independent repair provider or owner become an authorized repair provider of the original equipment manufacturer;

(3) a requirement that a part, tool, or documentation be registered, paired with, or approved by the original equipment manufacturer or an authorized repair provider before the part, tool, or documentation is operational; or

(4) an additional burden or material change that adversely affects the timeliness or method of delivering parts, tools, or documentation.

§ 4053. ATTORNEY GENERAL ENFORCEMENT; NOTICE

(a) A person who violates a provision of this chapter commits an unfair and deceptive act in trade and commerce in violation of section 2453 of this title.

(b) The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under chapter 63, subchapter 1 of this title.

(c) The Attorney General shall be notified in writing by the original equipment manufacturer not later than 30 days after a memorandum of understanding expires or has been terminated, withdrawn, or canceled by an original equipment manufacturer subject to this chapter.

§ 4054. APPLICATION; LIMITATIONS

(a) This chapter does not require an original equipment manufacturer to divulge a trade secret to an owner or an independent repair provider.

(b) This chapter does not alter the terms of any arrangement described in subdivision 4051(2)(A) of this title in force between an authorized repair provider and an original equipment manufacturer, including the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such arrangement, except that any provision governing such an arrangement that purports to waive, avoid, restrict, or limit the original equipment manufacturer's obligations to comply with this chapter is void and unenforceable.

(c) This chapter does not alter the terms of a lease of agricultural or forestry equipment between an owner and another person.

(d) An independent repair provider or owner shall not:

(1) modify agricultural or forestry equipment to temporarily deactivate safety notification systems, except as necessary to provide diagnosis, maintenance, or repair services;

(2) access any function of a tool, excluding a tool strictly needed for a software update or to correct a defect or safety issue, that enables the independent repair provider or owner to change the settings for a piece of agricultural or forestry equipment in a manner that brings the equipment out of compliance with the original manufacturer specifications or any applicable federal, state, or local safety or emissions laws; or

(3) obtain or use parts, tools, or documentation to evade or violate emissions, copyright, trademark, or patent laws or to engage in any other illegal activity.

(e) Original equipment manufacturers and authorized repair providers are not liable for faulty or otherwise improper repairs completed by independent repair providers or owners, including repairs that cause:

(1) damage to agricultural or forestry equipment that occurs during such repairs; and

(2) an inability to use, or the reduced functionality of, agricultural or forestry equipment resulting from the faulty or otherwise improper repair.

(f) In the event that federal law preempts part of the activity regulated by this chapter, this chapter shall be construed to regulate activity that has not been preempted.

(g) If an original equipment manufacturer is a party to a memorandum of understanding:

(1) the original equipment manufacturer is still obligated to meet the requirements established in this chapter; and

(2) the memorandum of understanding may be used, subject to the provisions set forth in this chapter, to establish the processes and procedures for an independent repair provider or owner to repair agricultural or forestry equipment.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on January 1, 2025.

Which was agreed to. Thereupon, the House concurred in the Senate proposal of amendment with further proposal thereto.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the House's actions on the bill were ordered messaged to the Senate forthwith.

#### **Joint Resolution Adopted in Concurrence; Rules Suspended, Messaged to Senate Forthwith**

#### **J.R.S. 57**

By Senator Baruth,

**J.R.S. 57.** Joint resolution relating to compensation of Members of the General Assembly during the remainder of the 2024 Adjourned Session.

*Resolved by the Senate and House of Representatives:*

That notwithstanding the provisions of 32 V.S.A. §§ 1051(a)(1) and 1052(a)(1) providing for a weekly rate of compensation, commencing June 17, 2024, Members of the General Assembly shall be entitled to compensation for services equal to a daily rate of one-fourth of the annually adjusted weekly compensation set forth in sections 1051(a)(1) and 1052(a)(1) and reimbursement for expenses at the daily rate established in sections 1051(a)(3) and 1052(b) of Title 32 for each day on which their respective houses shall sit and the member attends for the remainder of the 2024 Adjourned Session, except that no member shall receive compensation for more than four days in any week.

Was taken up, read, and adopted in concurrence.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the House's actions on the resolution were ordered messaged to the Senate forthwith.

#### **Bill Ordered Delivered to Governor Forthwith**

On motion of **Rep. McCoy of Poultney**, the following bill passed by the House and Senate was ordered to be delivered to the Governor forthwith pursuant to Joint Rule 15.

#### **H. 55**

House bill, entitled

An act relating to miscellaneous unemployment insurance amendments

#### **Recess**

At three o'clock and eighteen minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

#### **Message from the Senate No. 79**

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 considered the Governor's veto of a House bill of the following title:

**H. 687.** An act relating to community resilience and biodiversity protection through land use.

And has passed the same, the refusal of the Governor to approve notwithstanding.

The Senate has on its part considered the Governor's veto of a House bill of the following title:

**H. 887.** An act relating to homestead property tax yields, nonhomestead rates, and policy changes to education finance and taxation.

And has passed the same, the refusal of the Governor to approve notwithstanding.

The Senate has on its part considered the Governor's veto of a House bill of the following title:

**H. 289.** An act relating to the Renewable Energy Standard.

And has passed the same, the refusal of the Governor to approve notwithstanding.

The Senate has considered a bill originating in the House of the following title:

**H. 890.** An act relating to delaying implementation of certain health insurance claims editing requirements.

And has passed the same in concurrence.

### **Called to Order**

At four o'clock and thirty-eight minutes in the afternoon, the Speaker called the House to order.

### **Bill Ordered Delivered to Governor Forthwith**

On motion of **Rep. McCoy of Poultney**, the following bill passed by the House and Senate was ordered to be delivered to the Governor forthwith pursuant to Joint Rule 15.

### **H. 890**

House bill, entitled

An act relating to delaying implementation of certain health insurance claims editing requirements

### **Special Oversight Committee on Workforce Expansion and Development Appointment**

Pursuant to 2024, Act 146, the Speaker appointed the following members to the Special Oversight Committee on Workforce Expansion and Development:

**Rep. Marcotte of Coventry**

**Advisory Council on Child Poverty and Strengthening Families  
Appointments**

Pursuant to Act No. 207 of 2018, Sec. 1, the Speaker appointed the following members of the Advisory Council on Child Poverty and Strengthening Families:

**Rep. McGill of Bridport**  
**Rep. Branagan of Georgia**

**Joint Resolution Adopted;  
Rules Suspended, Messaged to Senate Forthwith**

**J.R.H. 12**

Joint House resolution, entitled

By Representatives Long of Newfane, McCoy of Poultney, and Small of Winooski,

**J.R.H. 12.** Joint resolution relating to final adjournment of the General Assembly in 2024.

Resolved by the Senate and House of Representatives:

That when the Speaker of the House of Representatives and the President of the Senate adjourn their respective Houses on the seventeenth or eighteenth day of June 2024, they be adjourned *sine die*.

Was taken up, read, and adopted on the part of the House.

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the House's actions on the resolution were ordered messaged to the Senate forthwith.

**Senate Notified of Completion of House Business**

**Rep. Long of Newfane** moved that the House direct the Clerk to inform the Senate that the House has completed the business of the Biennial Session and is ready to adjourn *sine die* pursuant to the provisions of J.R.H. 12, which was agreed to.

**Adjournment**

At four o'clock and forty-three minutes in the afternoon, on motion of **Rep. Long of Newfane**, the House adjourned pursuant to the provisions of J.R.H. 12.

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**FINAL MESSAGES AND COMMUNICATIONS****Message from the Senate No. 80**

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 considered the Governor's veto of a House bill of the following title:

**H. 72.** An act relating to a harm-reduction criminal justice response to drug use.

And has passed the same, the refusal of the Governor to approve notwithstanding.

The Senate has on its part considered the Governor's veto of a House bill of the following title:

**H. 645.** An act relating to the expansion of approaches to restorative justice.

And has passed the same, the refusal of the Governor to approve notwithstanding.

The Senate has on its part considered the Governor's veto of a House bill of the following title:

**H. 706.** An act relating to banning the use of neonicotinoid pesticides.

And has passed the same, the refusal of the Governor to approve notwithstanding.

The Senate has on its part considered the Governor's veto of a House bill of the following title:

**H. 121.** An act relating to enhancing consumer privacy and the age-appropriate design code.

And has sustained such veto.

The Senate has considered joint resolution originating in the House of the following title:

**J.R.H. 12.** Joint resolution relating to final adjournment of the General Assembly in 2024.

And has adopted the same in concurrence.