

Journal of the Senate

TUESDAY, APRIL 9, 2024

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Father Patrick Forman of Montpelier.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Resignation of Senator

The following communication was received by the Secretary from the Honorable Richard T. Mazza, Senator from the Grand Isle District, notifying the Senate of his resignation from the Senate, which letter is as follows:

April 8, 2024

Governor Phil Scott
109 State Street, Pavilion
Montpelier, VT 05609

Dear Governor Scott,

After thoughtful consideration, it is with great sadness that I submit to you this formal letter of resignation as Vermont State Senator of Colchester and Grand Isle County effective today, Monday, April 8, 2024.

Due to health reasons, I am unable to provide the quality of service and dedication I have always given to my constituents and the State of Vermont. Having dedicated representation has always been one of my top priorities and I believe the people I serve deserve someone who can provide their full attention to this critical position.

It has been the privilege of a lifetime to represent Colchester and Grand Isle County in Montpelier for over 42 years, including the last 39 in the Vermont State Senate. Each of those days I considered it an honor that Vermonters have trusted me with their stories and had faith that I would act on their behalf, regardless of party affiliation or politics.

It is with considerable pride that I have held various positions within the State House over the years, including Dean of the Senate, Chair of the Senate Committee on Transportation, Vice Chair of Senate Committee on Institutions, and the third member of the Committee on Committees.

For more than 40 years, the moments spent in the Vermont State House have been exceptionally gratifying and rewarding, and many of the people in it have become lifelong friends.

It is my hope that whoever you appoint to represent the citizens in these districts will continue to have their best interest at heart and be an involved servant. I am happy to assist with the transition process in any way I can.

My most sincere appreciation to the voters in Colchester and Grand Isle County for placing their trust in me, and to those in the Vermont State House for their respect and support over the years.

Respectfully,

/s/ Richard T. Mazza

Richard T. Mazza
State Senator
Grand Island District

Cc: John Bloomer, Secretary of the Senate
David Zuckerman, Lt. Governor
Philip Baruth, President *pro tempore*

Message from the House No. 42

A message was received from the House of Representatives by Ms. Courtney Reckord, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

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

S. 190. An act relating to statements made by a child victim of an offense involving serious bodily injury.

And has passed the same in concurrence.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 201. House concurrent resolution honoring Cindy Scott's third-grade class at Twinfield Union School for establishing a special friendship with the young patients at St. Nicholas Pediatric Hospital-UNBROKEN KIDS Rehabilitation Center in Lviv, Ukraine.

H.C.R. 202. House concurrent resolution congratulating Esta Broutsas Smith of Brattleboro on her centennial birthday.

H.C.R. 203. House concurrent resolution congratulating former Representative and Unadilla Theater impresario William Blachly of Calais on his 100th birthday.

H.C.R. 204. House concurrent resolution congratulating Jaden Coppins of Colchester on her individual title victory at the inaugural New England girls' wrestling championship.

H.C.R. 205. House concurrent resolution celebrating the 40th anniversary of the Catamount Trail.

H.C.R. 206. House concurrent resolution honoring the professional achievements of child and victim advocate Sally Borden.

H.C.R. 207. House concurrent resolution recognizing May 5–11, 2024 as National Correctional Officers and Employees Week in Vermont.

H.C.R. 208. House concurrent resolution congratulating the Allard Lumber Company of Brattleboro on its 50th anniversary.

H.C.R. 209. House concurrent resolution honoring Northfield Elementary School physical education instructor Michael Gonneville for his teaching excellence and for the establishment of the school's Walking Wednesdays.

H.C.R. 210. House concurrent resolution congratulating the 2024 Grace Christian Lions Division IV championship boys' basketball team.

H.C.R. 211. House concurrent resolution designating April 11, 2024 as Tourism Economy Day at the State House.

H.C.R. 212. House concurrent resolution congratulating the 2024 Burlington-Colchester Division I championship SeaLakers girls' ice hockey team.

H.C.R. 213. House concurrent resolution congratulating the Vermont Housing Finance Agency on its 50th anniversary.

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

Senate Resolution Referred**S.R. 18.**

Senate resolution of the following title was offered, read the first time and is as follows:

By Senators Clarkson, Baruth, Cummings, Kitchel, McCormack, Perchlik, Ram Hinsdale, Westman, and White,

S.R. 18. Senate resolution relating to reaffirming the importance of the friendship and strong bilateral relationships between the United States and the Republic of China (Taiwan) and between the State of Vermont and the Republic of China (Taiwan) and supporting Taiwan's greater participation in more multinational organizations.

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

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

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

Whereas, in 2023, Taiwan was the seventh-largest consumer of U.S. agricultural goods, totaling \$3.7 billion, and the overall two-way trade in goods between the United States and Taiwan totaled approximately \$127.5 billion, and

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

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

Whereas, Vermont and Taiwan have long enjoyed productive bilateral relations: in 2023, Taiwan was the second-largest export destination for Vermont goods worth approximately \$218.2 million, and Vermont imported an estimated \$71.18 million in goods from Taiwan; and, in 2020, the establishment of a driver's license reciprocity agreement was an important incentive for travel between the two jurisdictions, and

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

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

Resolved by the Senate:

That the Senate of the State of Vermont reaffirms the importance of the friendship and strong bilateral relationships between the United States and the Republic of China (Taiwan) and between the State of Vermont and the Republic of China (Taiwan) and supports Taiwan's participation in more multinational organizations, *and be it further*

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

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

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Economic Development, Housing and General Affairs.

Joint Senate Resolution Adopted on the Part of the Senate

J.R.S. 52.

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Baruth,

J.R.S. 52. Joint resolution relating to weekend adjournment on April 12, 2024.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 12, 2024, it be to meet again no later than Tuesday, April 16, 2024.

House Proposal of Amendment Concurred In**S. 278.**

House proposal of amendment to Senate bill entitled:

An act relating to prohibiting a comparative negligence defense in an action for a negligence claim relating to a sexual act or sexual conduct.

Was taken up.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 12 V.S.A. § 1036 is amended to read:

§ 1036. CONTRIBUTORY AND COMPARATIVE NEGLIGENCE

(a) Contributory negligence shall not bar recovery in an action by any plaintiff, or ~~his or her~~ the plaintiff's legal representative, to recover damages for negligence resulting in death, personal injury, or property damage, if the negligence was not greater than the causal total negligence of the defendant or defendants, but the damage shall be diminished by general verdict in proportion to the amount of negligence attributed to the plaintiff. Where recovery is allowed against more than one defendant, each defendant shall be liable for that proportion of the total dollar amount awarded as damages in the ratio of the amount of ~~his or her~~ the defendant's causal negligence to the amount of causal negligence attributed to all defendants against whom recovery is allowed.

(b) Contributory and comparative negligence shall be prohibited as a defense to limit a plaintiff's recovery for damages in an action for a negligence claim relating to a sexual act as defined in 13 V.S.A. § 3251 or sexual conduct as defined in 13 V.S.A. § 2821.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 10, 2024.