

Journal of the Senate

WEDNESDAY, FEBRUARY 26, 2025

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Leon Dunkley of Woodstock.

Committee Relieved of Further Consideration; Bill Committed

S. 71.

On motion of Senator Clarkson, the Committee on Economic Development, Housing and General Affairs was relieved of further consideration of Senate bill entitled:

An act relating to consumer data privacy and online surveillance, and the bill was committed to the Committee on Institutions.

Senate Resolution Referred

J.R.S. 15.

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

Offered by Senators Hardy, Baruth, Beck, Bongartz, Brennan, Chittenden, Clarkson, Collamore, Cummings, Douglass, Gulick, Harrison, Hashim, Lyons, Major, Mattos, Perchlik, Plunkett, Ram Hinsdale, Vyhovsky, Watson, White and Williams,

J.R.S. 15. Joint resolution supporting Vermont's transgender and non-binary community and declaring Vermont's commitment to fighting discrimination and treating all citizens with respect and dignity.

Whereas, Vermont is deeply committed to the principles of equity and inclusion and values the transgender and non-binary individuals in our community, and

Whereas, Vermont has been a leader in establishing policies that prohibit discrimination based on gender identity, enacting broad protections in law in the areas of employment, housing, education, banking, and public accommodations, and

Whereas, Vermont enacted legislation permitting individuals to amend their vital records to accurately reflect and affirm their gender identities, and

Whereas, Vermont recently enacted comprehensive legislation to affirm the right of individuals to obtain essential gender-affirming medical care and to protect those individuals, their families, and their health care providers from legal attacks initiated outside our State, and

Whereas, Vermont unequivocally rejects any attempt to stigmatize, devalue, and discriminate against individuals based on their gender identity and is committed to ensuring that transgender and non-binary individuals living in, working in, or visiting our State receive equal protection under the laws of our State, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly recommits to the principle that all individuals are welcome here and deserve to be treated with dignity and respect and that Vermont will continue to stand with our transgender and non-binary family, friends, and neighbors against discrimination, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Pride Center of Vermont and Outright Vermont.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Judiciary.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 90.

By Senator Vyhovsky,

An act relating to employee privacy protections.

To the Committee on Economic Development, Housing and General Affairs.

S. 91.

By Senator Vyhovsky,

An act relating to tenant rights.

To the Committee on Economic Development, Housing and General Affairs.

S. 92.

By Senators Perchlik and Watson,

An act relating to the retirement allowance for interim educators.

To the Committee on Government Operations.

**Bill Passed in Concurrence with Proposal of Amendment; Rules
Suspended; Bill Messaged**

H. 141.

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

An act relating to fiscal year 2025 budget adjustments.

Thereupon, on motion of Senator Baruth, the rules were suspended and the bill was ordered messaged to the House forthwith.

Bill Amended; Third Reading Ordered

S. 3.

Senator Hashim, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to the transfer of property to a trust.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 14A V.S.A. § 505 is amended to read:

§ 505. CREDITOR'S CLAIM AGAINST SETTLOR

(a) Whether or not the terms of a trust contain a spendthrift provision, the following rules apply:

(1) During the lifetime of the settlor, the property of a revocable trust is subject to claims of the settlor's creditors.

(2) With respect to an irrevocable trust, a creditor or assignee of the settlor may reach the maximum amount that can be distributed to or for the settlor's benefit. If a trust has more than one settlor, the amount the creditor or assignee of a particular settlor may reach shall not exceed the settlor's interest in the portion of the trust attributable to that settlor's contribution. This subdivision shall not apply to an irrevocable "special needs trust" established for a disabled person as described in 42 U.S.C. § 1396p(d)(4) or similar federal law governing the transfer to such a trust.

(3) After the death of a settlor, and subject to the settlor's right to direct the source from which liabilities will be paid, the property of a trust that was revocable at the settlor's death is subject to claims of the settlor's creditors, costs of administration of the settlor's estate, the expenses of the settlor's funeral and disposal of remains, and statutory allowances to a surviving spouse and children to the extent the settlor's probate estate is inadequate to satisfy those claims, costs, expenses, and allowances.

* * *

(c)(1) Property held by spouses as tenants by the entirety that is conveyed to the spouses' jointly or separately held revocable or irrevocable trusts, and any proceeds of the sale or disposition of the property, shall be immune from the claims of the spouses' separate creditors to the same extent as the property would have been if it had remained held by the spouses as tenants by the entirety if the following apply:

(A) the spouses are married to each other;

(B) the property is held in the trust or trusts or has been deeded out of the trust to the spouses as tenants by the entirety;

(C) if the trust is a joint trust, the trust may be revoked by either spouse acting alone but may be amended only by action of both spouses; and

(D) the property is the spouses' property; and

(E)(i) both spouses are current beneficiaries of one joint trust that holds the entire property; or

(ii) each spouse is a current beneficiary of a separate trust and the two separate trusts, together, hold the entire property, whether or not other persons are also current or future beneficiaries of the trust or trusts.

(2)(A) Property at any time held in a tenants by the entirety trust shall have the same immunity from the claims of a separate creditor of either settlor as the property would have if it were held outside the trust by the settlors as tenants by the entirety unless otherwise provided in writing by the settlor or settlors who transferred the property to the trust. The property shall be treated in all respects as tenants by the entirety property, including for purposes of federal and state bankruptcy laws.

(B) Property held in a tenants by the entirety trust shall cease to receive immunity from the claims of creditors upon the dissolution of the settlors' marriage by a court.

(3) Except as otherwise provided in this title, on the effective date of this subsection:

(A) notwithstanding 1 V.S.A. § 214, this subsection (c) applies to all trusts created before, on, or after the effective date of this subsection and to property held by spouses as tenants by the entirety that is conveyed before, on, or after the effective date of this subsection;

(B) this subsection (c) applies to all judicial proceedings concerning trusts commenced on or after the effective date of this subsection.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Recess

On motion of Senator Baruth the Senate recessed until 4:00 P.M.

Message from the House No. 22

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 Senate proposal of amendment to House bill entitled:

H. 141. An act relating to fiscal year 2025 budget adjustments.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. Scheu of Middlebury
Rep. Bluemle of Burlington
Rep. Squirrell of Underhill.

Called to Order

The Senate was called to order by the President.

Committee of Conference Appointed

H. 141.

An act relating to fiscal year 2025 budget adjustments.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Perchlik

Senator Lyons

Senator Brock

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Adjournment

On motion of Senator Baruth, the Senate adjourned until one o'clock in the afternoon on Thursday, February 27, 2025.