

House Calendar

Friday, April 8, 2022

95th DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 A.M.

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ACTION CALENDAR

Third Reading

H. 744

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

S. 113

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

S. 239

An act relating to enrollment in Medicare supplemental insurance policies

Favorable with Amendment

S. 265

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

Rep. Notte of Rutland City, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

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

§ 1702. CRIMINAL THREATENING

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

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

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

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

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

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

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

(f) A person who violates subsection (a) of this section with the intent to terrify, intimidate, or unlawfully influence the conduct of a candidate for public office, a public servant, an election official, or a public employee in any decision, opinion, recommendation, vote, or other exercise of discretion taken in capacity as a candidate for public office, a public servant, an election official, or a public employee, or with the intent to retaliate against a candidate for public office, a public servant, an election official, or a public employee for any previous action taken in capacity as a candidate for public office, a public servant, an election official, or a public employee, shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(g) As used in this section:

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

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

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

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

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

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

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

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

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

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

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 9-2-0)

Favorable

S. 72

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

Rep. Gregoire of Fairfield, for the Committee on Human Services, recommends that the bill ought to pass in concurrence.

(Committee Vote:11-0-0)

(For text see Senate Journal March 22, 2022)

Rep. Jessup of Middlesex, for the Committee on Appropriations, recommends that the bill ought to pass in concurrence.

(Committee Vote:11-0-0)

(For text see Senate Journal March 22, 2022)

Amendment to be offered by Reps. Gregoire of Fairfield and Small of Winooski to S. 72

Representatives Gregoire of Fairfield and Small of Winooski move that the House propose to the Senate that the bill be amended as follows:

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

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

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

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

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

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

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

NOTICE CALENDAR

Favorable with Amendment

H. 741

An act relating to approval of amendments to the charter of the City of St. Albans

Rep. McCarthy of St. Albans City, for the Committee on Government Operations, recommends the bill be amended as follows:

That the bill be amended in Sec. 3, effective date, immediately following the words “shall take effect on” by striking out “July 1, 2022” and inserting in lieu thereof the words “on passage” before the period.

(**Committee Vote: 11-0-0**)

S. 171

An act relating to adoption of a State code of ethics

Rep. Gannon of Wilmington, for the Committee on Government Operations, recommends that the House propose to the Senate that the bill be amended as follows:

First: In Sec. 1, 3 V.S.A. chapter 31, subchapter 1, by striking out section 1205 in its entirety and inserting in lieu thereof a new section 1205 to read as follows:

§ 1205. MANDATORY CODE OF ETHICS EDUCATION AND TRAINING

Within the first 120 days of public service, a public servant shall engage in State Code of Ethics training, which may be in person or online. Completion of State Code of Ethics training shall be documented by the department where the public servant is employed. A public servant shall participate in continuing State Code of Ethics education, which may be in person or online, at least once every three years thereafter. Approved continuing State Code of Ethics education providers are the State Ethics Commission, the Department of Human Resources – Center for Achievement in Public Service (CAPS), the

Vermont House of Representatives Ethics Panel for the House of Representatives, the Vermont Senate Ethics Panel for the Senate, the Vermont Supreme Court and the Court Administrator's Office for the Vermont Judiciary, and any education providers approved by the State Ethics Commission. Copies of State Code of Ethics training materials by ethics education providers shall be provided to the State Ethics Commission in advance of the training. On request, the State Ethics Commission may collaborate with or assist State Code of Ethics education providers.

Second: By adding a new section to be Sec. 2a to read as follows:

Sec. 2a. 3 V.S.A. § 1226 is amended to read:

§ 1226. COMMISSION REPORTS

Annually, on or before January 15, the Commission shall report to the General Assembly regarding the following issues:

(1) Complaints. The number and a summary of the complaints made to it, separating the complaints by topic, and the disposition of those complaints, including any prosecution, enforcement action, or dismissal. This summary of complaints shall not include any personal identifying information.

(2) Guidance and training.

(A) Guidance. The number of requests for and a summary of the guidance the Executive Director provided, separating the guidance by topic. This summary of guidance shall not include any personal identifying information.

(B) Training. An estimate of the number of Code of Ethics trainings conducted by each branch of government, a summary of the training activities undertaken by the Ethics Commission, and a summary of any recommendations the Commission or the Executive Director made to any branch of State government regarding additional training or more in-depth training for particular provisions of the Code of Ethics.

(3) Recommendations. Any recommendations for legislative action to address State governmental ethics or provisions of campaign finance law.

Third: In Sec. 1, 3 V.S.A. chapter 31, subchapter 1, in section 1203g, in subsection (a), by striking out subdivision (7) in its entirety and inserting in lieu thereof a new subdivision (7) to read as follows:

(7) Admission fees and tickets. A public servant may accept free attendance to a widely attended charitable, cultural, political, or civic event at which a public servant participates in the public servant's official capacity, provided such tickets or admission is provided by the primary sponsoring

entity. Free attendance may include all or part of the cost of admission; transportation to and from the event; and food, refreshments, entertainment, and instructional materials provided to all event attendees.

(Committee vote:11-0-0)

(For text see Senate Journal March 17, 2022)

Action Postponed Until April 20, 2022

Governor's Veto

H. 157

An act relating to registration of construction contractors.

For text of Veto Message please see House Journal of February 10, 2022

Action Postponed Until May 17, 2022

Governor's Veto

S. 30

An act relating to prohibiting possession of firearms within hospital buildings.

For text of Veto Message, please see Senate Journal of March 11, 2022

Consent Calendar

Concurrent Resolutions

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Senate Secretary's office or the House Clerk's office. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 135

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

H.C.R. 136

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

H.C.R. 137

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

H.C.R. 138

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

For Informational Purposes

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)(D):

JFO #3092 - \$420,000 to the VT Agency of Natural Resources, Dept of Environmental Conservation from the Environmental Protection Agency. The grant is for improved drinking water in underserved areas and will support construction of replacement drinking water infrastructure for the town of Milton's Mobile Home Cooperative.

[Received March 23, 2022]

JFO #3093 - \$1,000,000.00 to the VT Agency of Commerce and Community Development from the U.S. Economic Development Administration. Funds for the use of Statewide Economic Recovery Planning.

[Received March 23, 2022]

JFO #3094 – 11 (eleven) limited-service positions to the VT Agency of Human Services, Dept for Children and Families, to administer and support emergency and transitional housing programs. Positions funded through previously approved grant [#3034](#) (U.S. Emergency Assistance Rental Program) and funded through 9/30/2025.

[Received 3/23/2022, expedited review approved on 3/29/2022]

JFO #3095 - \$1,859,890 to the VT Department of Public Safety from the Federal Emergency Management Agency. Funding for flooding that occurred in Bennington and Windham counties between 7/29/21 and 7/30/21.

[Received March 23, 2022]