

Journal of the House

Friday, February 7, 2025

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

Devotional Exercises

Devotional exercises were conducted by Harmony Devoe, Vermont's first Youth Poet Laureate, Warren.

Memorial Service

House members rose as the Speaker placed before the House the following name of the member of past sessions of the Vermont General Assembly who had passed away recently:

Rep. Mark Huntley of Cavendish

Member of the House,
Sessions 2013-2016

Thereupon, the members of the House held a moment of silence in memory of the deceased member.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time, and referred to committee as follows:

H. 160

By Reps. Donahue of Northfield, Priestley of Bradford, Marcotte of Coventry, and Tomlinson of Winooski,

House bill, entitled

An act relating to creating a right to repair for medical devices

To the Committee on Commerce and Economic Development.

H. 161

By Reps. Donahue of Northfield, Priestley of Bradford, Marcotte of Coventry, and Tomlinson of Winooski,

House bill, entitled

An act relating to the Vermont Fair Repair Act

To the Committee on Commerce and Economic Development.

H. 162

By Reps. North of Ferrisburgh, Higley of Lowell, Kascenska of Burke, Morrow of Weston, Pinsonault of Dorset, Powers of Waterford, Sweeney of Shelburne, and Tagliavia of Corinth,

House bill, entitled

An act relating to repealing the three-acre stormwater permit

To the Committee on Environment.

H. 163

By Reps. Priestley of Bradford, Carris-Duncan of Whitingham, Duke of Burlington, Marcotte of Coventry, Olson of Starksboro, and White of Bethel,

House bill, entitled

An act relating to workers' compensation

To the Committee on Commerce and Economic Development.

H. 164

By Reps. Waszazak of Barre City, Priestley of Bradford, Arsenault of Williston, Austin of Colchester, Bishop of Colchester, Bluemle of Burlington, Bosch of Clarendon, Boutin of Barre City, Brady of Williston, Burditt of West Rutland, Burke of Brattleboro, Burkhardt of South Burlington, Carris-Duncan of Whitingham, Casey of Montpelier, Christie of Hartford, Cina of Burlington, Cole of Hartford, Critchlow of Colchester, Dickinson of St. Albans Town, Dodge of Essex, Donahue of Northfield, Duke of Burlington, Galfetti of Barre Town, Goodnow of Brattleboro, Goslant of Northfield, Harrison of Chittenden, Headrick of Burlington, Hooper of Burlington, Howard of Rutland City, Howland of Rutland Town, Hunter of Manchester, James of Manchester, Keyser of Rutland City, Kimbell of Woodstock, Kleppner of Burlington, Krasnow of South Burlington, Lalley of Shelburne, Lipsky of Stowe, Logan of Burlington, Luneau of St. Albans City, Maguire of Rutland City, McCann of Montpelier, McGill of Bridport, Minier of South Burlington, Morgan, M. of Milton, Morrow of Weston, Nielsen of Brandon, Nugent of South Burlington, Ode of Burlington, Parsons of Newbury, Pezzo of Colchester, Rachelson of Burlington, Sibilia of Dover, Stevens of Waterbury, Sweeney of Shelburne, Tomlinson of Winooski, Toof of St. Albans Town, Torre of Moretown, and Wood of Waterbury,

House bill, entitled

An act relating to the distribution of local option tax revenue and the PILOT Special Fund

To the Committee on Ways and Means.

H. 165

By Rep. Headrick of Burlington,

House bill, entitled

An act relating to funding inclusive schools

To the Committee on Education.

H. 166

By Reps. Bos-Lun of Westminster, Goldman of Rockingham, Headrick of Burlington, Krasnow of South Burlington, Logan of Burlington, Masland of Thetford, and Torre of Moretown,

House bill, entitled

An act relating to establishing requirements for hunting with dogs

To the Committee on Environment.

H. 167

By Reps. Cole of Hartford, Bos-Lun of Westminster, Burt of Cabot, Durfee of Shaftsbury, Lipsky of Stowe, Morgan, L. of Milton, Morrow of Weston, Nelson of Derby, Surprenant of Barnard, and Waszazak of Barre City,

House bill, entitled

An act relating to establishing the Vermonters Feeding Vermonters Grant at the Agency of Agriculture, Food and Markets

To the Committee on Agriculture, Food Resiliency, and Forestry.

H. 168

By Reps. Headrick of Burlington and McCann of Montpelier,

House bill, entitled

An act relating to protecting academic freedom for prekindergarten through grade 12 educators

To the Committee on Education.

H. 169

By Reps. Dodge of Essex, Christie of Hartford, Cole of Hartford, Arsenault of Williston, Bartholomew of Hartland, Berbeco of Winooski, Bluemle of Burlington, Bos-Lun of Westminster, Burke of Brattleboro, Carris-Duncan of Whitingham, Casey of Montpelier, Chapin of East Montpelier, Charlton of Chester, Cina of Burlington, Cordes of Bristol, Duke of Burlington,

Goodnow of Brattleboro, Harple of Glover, Headrick of Burlington, Hooper of Randolph, Hooper of Burlington, Howard of Rutland City, Keyser of Rutland City, Krasnow of South Burlington, LaMont of Morristown, Logan of Burlington, Masland of Thetford, McCann of Montpelier, McGill of Bridport, Minier of South Burlington, Mrowicki of Putney, Olson of Starksboro, Pezzo of Colchester, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Sibilia of Dover, Surprenant of Barnard, Sweeney of Shelburne, Tomlinson of Winooski, Torre of Moretown, Waszazak of Barre City, and Waters Evans of Charlotte,

House bill, entitled

An act relating to amending the prohibitions against discrimination in public accommodations and housing

To the Committee on General and Housing.

H. 170

By Reps. Headrick of Burlington, Arsenault of Williston, Bluemle of Burlington, Cina of Burlington, Logan of Burlington, Minier of South Burlington, Rachelson of Burlington, and Tomlinson of Winooski,

House bill, entitled

An act relating to University of Vermont and State Agricultural College residential living space

To the Committee on Education.

H. 171

By Rep. Burditt of West Rutland,

House bill, entitled

An act relating to Attorney General investigations into a law enforcement officer's use of a firearm

To the Committee on Judiciary.

Senate Bill Referred

S. 7

Senate bill, entitled

An act relating to automobile insurance

Was read the first time and referred to the Committee on Commerce and Economic Development.

Ceremonial Reading**H.C.R. 12**

Offered by All Members of the House

Offered by All Members of the Senate

House concurrent resolution congratulating the 2024 University of Vermont Catamounts on winning their school's first NCAA Division I men's soccer championship (College Cup)

Whereas, the saga of the 2024 University of Vermont (UVM) men's soccer squad, affectionately known as the "Cardiac Cats" in honor of their late game-winning goals, exceeds the allure of a Grimm Brothers' fairy tale, and

Whereas, although they were the 2024 America East men's soccer champions, unseeded UVM astounded the pundits as the Catamounts reached the coveted semifinal round, winning this penultimate soccer challenge against the third-seeded University of Denver in a thrilling 4–3 overtime triumph, and

Whereas, in the championship game, played at the WakeMed Soccer Park in Cary, North Carolina, and bound for legendary status, UVM faced 13th-ranked Marshall University; and despite Marshall scoring first at the 67-minute mark, UVM rebounded with a goal in the 81st minute, forcing the game into a climactic overtime period, when the Cardiac Cats (16–2–6) clinched the NCAA title with a decisive goal less than five minutes into the extra time frame, and

Whereas, these amazing Catamounts were Lou Liedtka, Niklas Herceg, Nathan Siméon, Mike Bleeker, Cole Richardson, Adrian Schulze Solano, Connor Thompson, Andrew Millar, Niels Hartman, Maximilian Kissel, Nick Lockermann, Yaniv Bazini, Nash Barlow, David Ismail, Ethan Czapowski, Gianluca Armellino, Ioannis Vassiliou, Marcell Papp, Toby Grant, Karl Daly, Sydney Wathuta, TJ Liquori, Pieter Bultman, Ryan Zellefrow, Zach Barrett, Jeremy Tsang, Max Murray, and Mitchell Ringman, and

Whereas, Head Coach Robert Dow, Associate Head Coach Brad Cole, Assistant Coach Rory Twomey, Goalkeeper Coach Brendan Pulley, Assistant Athletic Performance Coach Mike Ederer, Athletic Trainer Hannah Tremel, Director of Operations Mack Walton, and student managers Eli Ross and Eric Bissell were all elated with this amazing victory, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the 2024 University of Vermont Catamounts on winning their school's first NCAA Division I men's soccer championship (College Cup), *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the University of Vermont Athletics Department.

Having been adopted in concurrence on Friday, January 31, 2025 in accord with Joint Rule 16b, was read.

Third Reading; Bill Passed

H. 141

House bill, entitled

An act relating to fiscal year 2025 budget adjustments

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

Second Reading; Bill Amended; Third Reading Ordered

H. 118

Rep. Arsenault of Williston, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to expanding the scope of hate-motivated crimes

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 1455 is amended to read:

§ 1455. HATE-MOTIVATED CRIMES

(a) A person who commits, causes to be committed, or attempts to commit any crime and whose conduct is motivated, in whole or in part, by ~~the victim's~~ another person's or a group of persons' actual or perceived membership in a protected category shall be subject to the following penalties:

(1) If the maximum penalty for the underlying crime is one year or less, the penalty for a violation of this section shall be imprisonment for not more than two years or a fine of not more than \$2,000.00, or both.

(2) If the maximum penalty for the underlying crime is more than one year but less than five years, the penalty for a violation of this section shall be imprisonment for not more than five years or a fine of not more than \$10,000.00, or both.

(3) If the maximum penalty for the underlying crime is five years or more, the penalty for the underlying crime shall apply; however, the court shall consider the motivation of the defendant as a factor in sentencing.

(b) ~~The victim's~~ A person's or a group of persons' actual or perceived membership in a protected category or categories need not be the predominant reason or the sole reason for the defendant's conduct.

(c) As used in this section, "protected category" includes race, color, religion, national origin, sex, ancestry, age, service in the U.S. Armed Forces or the National Guard, disability as defined by 21 V.S.A. § 495d(5), sexual orientation, gender identity, and perceived membership in any such group.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Judiciary agreed to, and third reading ordered.

Special Report of the Committee on Government Operations Agreed To

Special Committee Report on the request of Bruce Busa

for the House to judge the election and qualification

of its member in House District Bennington-1

Rep. Birong of Vergennes, for the Committee on Government Operations and Military Affairs, to which has been referred the request of Bruce Busa for the House to judge the election and qualification of its member in House District Bennington-1, submitted the following report:

The Committee on Government Operations and Military Affairs considered the request of Bruce Busa for the House to judge the election and qualification of its member in House District Bennington-1. The Committee affirms the certified election results and finds that Representative Jonathan Cooper of Pownal was duly elected and is qualified to represent House District Bennington-1 as a member of the House of Representatives.

Thereupon, **Rep. Birong of Vergennes** moved to accept the report.

Pending the question, Shall the House accept the report of the Committee on Government Operations and Military Affairs on the House District Bennington-1 Contested Election?, **Rep. Higley of Lowell** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House accept the report of the Committee on Government Operations and Military Affairs on the House District Bennington-1 Contested Election?, was decided in the affirmative. Yeas, 91. Nays, 42.

Those who voted in the affirmative are:

Arsenault of Williston	Emmons of Springfield	McGill of Bridport
Austin of Colchester	Feltus of Lyndon	Micklus of Milton
Bartholomew of Hartland	Garofano of Essex	Mihaly of Calais
Bartley of Fairfax	Goldman of Rockingham	Minier of South Burlington
Berbeco of Winooski	Goodnow of Brattleboro	Morrow of Weston
Birong of Vergennes	Graning of Jericho	Mrowicki of Putney
Bishop of Colchester	Hango of Berkshire	Nigro of Bennington
Black of Essex	Harple of Glover	Noyes of Wolcott
Bluemle of Burlington	Harrison of Chittenden	Nugent of South Burlington
Bos-Lun of Westminster	Headrick of Burlington	O'Brien of Tunbridge
Boutin of Barre City	Holcombe of Norwich	Ode of Burlington
Boyden of Cambridge	Hooper of Randolph	Olson of Starksboro *
Brady of Williston	Hooper of Burlington	Pezzo of Colchester
Brown of Richmond	Houghton of Essex Junction*	Pouech of Hinesburg
Burke of Brattleboro	Howard of Rutland City	Quimby of Lyndon
Burkhardt of South Burlington	Hunter of Manchester	Rachelson of Burlington
Burrows of West Windsor	James of Manchester	Satcowitz of Randolph
Campbell of St. Johnsbury	Kascenska of Burke	Scheu of Middlebury
Casey of Montpelier	Kimbell of Woodstock	Sheldon of Middlebury
Chapin of East Montpelier	Kleppner of Burlington	Squirrell of Underhill
Cina of Burlington	Kornheiser of Brattleboro	Stevens of Waterbury
Cole of Hartford	Krasnow of South Burlington	Surprenant of Barnard
Conlon of Cornwall	Lalley of Shelburne	Sweeney of Shelburne
Cordes of Bristol	LaLonde of South Burlington	Tomlinson of Winooski
Critchlow of Colchester	LaMont of Morristown	Torre of Moretown
Dodge of Essex	Logan of Burlington	Waszazak of Barre City
Dolan of Essex Junction	Long of Newfane	Waters Evans of Charlotte
Donahue of Northfield	Marcotte of Coventry	White of Waitsfield
Duke of Burlington	Masland of Thetford	White of Bethel
Durfee of Shaftsbury		Wood of Waterbury
Eastes of Guilford		Yacovone of Morristown

Those who voted in the negative are:

Bailey of Hyde Park	Gregoire of Fairfield	North of Ferrisburgh
Bosch of Clarendon	Harvey of Castleton	Oliver of Sheldon
Burditt of West Rutland	Higley of Lowell	Page of Newport City
Burt of Cabot	Howland of Rutland Town	Parsons of Newbury
Canfield of Fair Haven	Keyser of Rutland City	Powers of Waterford
Casey of Hubbardton	Labor of Morgan	Pritchard of Pawlet
Charlton of Chester	Lipsky of Stowe	Southworth of Walden
Coffin of Cavendish *	Luneau of St. Albans City	Steady of Milton
Corcoran of Bennington	Maguire of Rutland City *	Tagliavia of Corinth
Demar of Enosburgh	McFaun of Barre Town	Toof of St. Albans Town
Dickinson of St. Albans Town	Morgan, L. of Milton	Walker of Swanton
Dobrovich of Williamstown	Morgan, M. of Milton	Wells of Brownington
Galfetti of Barre Town	Morrissey of Bennington *	Winter of Ludlow
	Nelson of Derby	

Goslant of Northfield

Nielsen of Brandon

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

Branagan of Georgia

Laroche of Franklin

Priestley of Bradford

Carris-Duncan of

Malay of Pittsford

Sibilia of Dover

Whitingham

McCann of Montpelier

Stone of Burlington

Christie of Hartford

McCoy of Poultney

Taylor of Milton

Dolgin of St. Johnsbury

Morris of Springfield

Greer of Bennington

Pinsonault of Dorset

Those members abstaining:

Cooper of Pownal

Rep. Coffin of Cavendish provided the following vote explanation:

“Madam Speaker:

If this vote is truly about the disenfranchisement of the voters in Bennington-5, then we need to revote Bennington-5. As we found out that 14 voters in that district had the wrong ballots. We cannot ignore those voters if we believe that others have been disenfranchised. On the weight of this and the voices of my constituents as expressed to me, I must vote to revote.”

Rep. Houghton of Essex Junction provided the following vote explanation:

“Madam Speaker:

I voted yes to support the hard work of the committee in a very hard situation, and their commitment to continue their work so this situation doesn’t happen again. Thank you.”

Rep. Maquire of Rutland City provided the following vote explanation:

“Madam Speaker:

I voted no because I am deeply concerned that if this situation does occur again, it has a precedent that has been set by our response and decision today.”

Rep. Morrissey of Bennington provided the following vote explanation:

“Madam Speaker:

I vote ‘No’ this morning on the House District Bennington-1 Contested Election Special Report because there needs to be a fair and legal process put in place for Vermont’s voters to feel that their vote counted. My vote does not reflect my preference of one candidate over the other, for I have respect for both candidates. Nor does it have anything to do with which political party either of the candidates belongs to. I would be voting the same way if the shoe

was on the other foot today. My vote today reflects the need for a process that upholds the integrity of our democracy and the premise that a voter's vote truly does count."

Rep. Olson of Starksboro provided the following vote explanation:

"Madam Speaker:

I'm voting 'Yes.' I rely on the 9-1-1 vote of the committee members who heard and considered all of the testimony."

Remarks Journalized

On motion of **Rep. Hango of Berkshire**, the following remarks by **Rep. Birong of Vergennes** were ordered printed in the Journal:

"Madam Speaker:

Over the past four weeks, the House Committee on Government Operations and Military Affairs considered history, legal precedent, and practice during a review and judgment of the Bennington-1 election.

Based on the testimony of the House Clerk, Legislative Counsel, the Attorney General, and the Secretary of State, we determined that the House has the sole authority to judge the qualifications of its members. No court or other branch of our State government has the authority to make this determination.

As we evaluated the decisions made by prior chambers, we found procedural guidance on how to resolve disputed elections and recounts but discovered no identical match to the facts of the Bennington-1 election. We considered past contested legislative elections, in particular elections that took place in 1983 and 1973, as they held the most similarities to this case. In the absence of a clear path to follow, the Committee was left to consider the will of the voters, the integrity of the House, and the authority and limitations set forth by the Vermont Constitution.

Ultimately, the Committee focused on two possible paths: the House could choose to affirm the certified election of the currently seated Representative, or the House could choose to structure a revote. Based on all available research, the House had never previously ordered a revote or special election in response to a request to judge the election and qualification of a member."

As the Committee deliberated, it was apparent that a revote would not be a satisfactory remedy for this contested election. A revote could not recreate the time and context of the initial election. Accordingly, the Committee determined that the best course of action was to affirm the certified election of Representative Jonathan Cooper.

Madam Speaker, the Committee on Government Operations and Military Affairs considered the request of Bruce Busa for the House to judge the election and qualification of its member in House District Bennington-1. The Committee affirms the certified election results and finds that Representative Jonathan Cooper of Pownal was duly elected and is qualified to represent House District Bennington-1 as a member of the House of Representatives.”

Message from the Senate No. 14

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 concurrent resolutions originating in the House of the following titles:

H.C.R. 19. House concurrent resolution congratulating Vermonter Noah Dines on establishing a new one-year world vertical skiing record of 3,590,097 feet.

H.C.R. 20. House concurrent resolution honoring the Vermonters who created the Tony Award-winning musical Hadestown and Montpelier High School’s role in the Washington County teen performances.

H.C.R. 21. House concurrent resolution expressing strong appreciation for the essential role of Vermont’s school board members in the State’s public education system and designating February as School Board Recognition Month in Vermont.

H.C.R. 22. House concurrent resolution designating February 12, 2025 as Farm to School and Child Awareness Day at the State House.

H.C.R. 23. House concurrent resolution designating February 13, 2025 as Youth Mentoring Day at the State House.

H.C.R. 24. House concurrent resolution designating February 12, 2025, as Vermont Outdoor Recreation Day at the State House.

H.C.R. 25. House concurrent resolution recognizing the vital role of Vermont 211 on its 20th anniversary and recognizing February 11, 2025 as National 211 Day in Vermont.

H.C.R. 26. House concurrent resolution congratulating Ilona Delsing Rosa Maher on her 2024 Paris Olympics rugby sevens bronze medal.

H.C.R. 27. House concurrent resolution honoring Joan W. Coursier for her exemplary community service devising and leading the Halifax senior meal program.

Adjournment

At eleven o'clock in the forenoon, on motion of **Rep. Toof of St. Albans Town**, the House adjourned until Tuesday, February 11, 2025, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 10.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Rule 16b of the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the House:

H.C.R. 19

House concurrent resolution congratulating Vermonter Noah Dines on establishing a new one-year world vertical skiing record of 3,590,097 feet

H.C.R. 20

House concurrent resolution honoring the Vermonters who created the Tony Award-winning musical Hadestown and Montpelier High School's role in the Washington County teen performances

H.C.R. 21

House concurrent resolution expressing strong appreciation for the essential role of Vermont's school board members in the State's public education system and designating February as School Board Recognition Month in Vermont

H.C.R. 22

House concurrent resolution designating February 12, 2025 as Farm to School and Child Awareness Day at the State House

H.C.R. 23

House concurrent resolution designating February 13, 2025 as Youth Mentoring Day at the State House

H.C.R. 24

House concurrent resolution designating February 12, 2025, as Vermont Outdoor Recreation Day at the State House

H.C.R. 25

House concurrent resolution recognizing the vital role of Vermont 211 on its 20th anniversary and recognizing February 11, 2025 as National 211 Day in Vermont

H.C.R. 26

House concurrent resolution congratulating Ilona Delsing Rosa Maher on her 2024 Paris Olympics rugby sevens bronze medal

H.C.R. 27

House concurrent resolution honoring Joan W. Coursier for her exemplary community service devising and leading the Halifax senior meal program

[The full text of the concurrent resolutions appeared in the House Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2025 Biennial Session.]