

House Calendar

Thursday, February 16, 2023

44th DAY OF THE BIENNIAL SESSION

House Convenes at 3:00 P.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

Third Reading

H. 35 The Victims Assistance Program..... 95

Favorable

H. 190 Removing the residency requirement from Vermont’s patient choice at end of life laws

Rep. Garofano for Human Services 95

NOTICE CALENDAR

Favorable with Amendment

H. 175 Modernizing the Children and Family Council for Prevention Programs

Rep. Christie for Judiciary 95

CONSENT CALENDAR

H.C.R. 31 In memory of Marshall Webb.....99

H.C.R. 32 Congratulating Jody Stahlman on winning the 2023 Vermont State Women’s Pinball Championship..... 99

H.C.R. 33 Honoring Raymond and Joyce Ballantine for their enduring community service in the Town of Jamaica.....100

H.C.R. 34 Congratulating the 2022 Montpelier High School Division III championship field hockey team..... 100

H.C.R. 35 Honoring Barre Town Manager Carl Rogers for his outstanding municipal public service..... 100

H.C.R. 36 Congratulating Shawna Wakeham-Smith of Shelburne on the tenth anniversary of her leadership as Director of Wish Granting at Make-A-Wish Vermont..... 100

ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 35

An act relating to the Victims Assistance Program

Favorable

H. 190

An act relating to removing the residency requirement from Vermont's patient choice at end of life laws

Rep. Garofano of Essex, for the Committee on Human Services, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

NOTICE CALENDAR

Favorable with Amendment

H. 175

An act relating to modernizing the Children and Family Council for Prevention Programs

Rep. Christie of Hartford, 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. 33 V.S.A. chapter 33 is amended to read:

§ 3301. DEFINITIONS

As used in this chapter:

(1) "Council" means the ~~Children and Family Council for Prevention Programs~~ Council for Equitable Youth Justice.

(2) "~~Primary prevention~~" means ~~efforts to reduce the likelihood of juvenile delinquency, truancy, substance abuse, child abuse, and other socially destructive behaviors before intervention by authorities~~ "DCF" means the Vermont Department for Children and Families.

(3) “JJRA” means the federal Juvenile Justice and Delinquency Prevention Act of 1973 as reauthorized and as amended by the Juvenile Justice Reform Act of 2018, 34 U.S.C. § 11133.

(4) “OJJDP” means the Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice.

§ 3302. CHILDREN AND FAMILY COUNCIL FOR PREVENTION

PROGRAMS COUNCIL FOR EQUITABLE YOUTH JUSTICE

(a) A Children and Family Council for Prevention Programs is established. The Council shall consist of 21 members who shall be appointed by the Governor with the advice and consent of the Senate for three-year terms. In the appointment of the members, consideration shall be given to the selection of persons who will adequately represent the interests of the beneficiaries of the primary prevention programs Creation. There is created the Council for Equitable Youth Justice to serve as the State advisory group for Vermont pursuant to 34 U.S.C. § 11133. The Council supports compliance with the core requirements of the JJRA and promotes an effective Vermont juvenile justice system consistent with the legislative findings under 33 V.S.A. § 5101a.

(b) The Council shall elect a chairperson, vice chairperson, and clerk from its members who shall serve for one year or until their successors are elected Membership.

(1) The Council shall consist of up to 25 members who shall be appointed by the Governor with the advice and consent of the Senate for three-year terms.

(2) In appointing members, consideration shall be given to the selection of persons who adequately represent the interests of youth who are in the juvenile justice system and their families.

(3) Membership shall be consistent with the federal requirements for State advisory groups pursuant to 34 U.S.C. § 11133(a)(3).

(4) A majority of the members, including the Chair, shall not be full-time employees of federal, State, or local government.

(c) A majority of the members of the Council shall constitute a quorum. The Council shall act only by vote of a majority of its members present and voting at a meeting at which a quorum is in attendance Officers. The Council shall elect a chair, vice chair, and secretary or treasurer, or both, from its members who shall serve for one year or until their successors are elected.

(d) Vacancy. In the event a vacancy occurs on the Council, the vacancy shall be filled in the same manner as provided in subsection (a) subdivision

~~(b)(1)~~ of this section. The term of a person appointed to fill a vacancy shall terminate on the date on which the original appointment would have terminated if the vacancy had not occurred.

~~(e) Compensation. Council members are authorized to receive per diem compensation from federal funds as specified in 32 V.S.A. § 1010(b).~~

~~(f) Quorum. A majority of the members of the Council shall constitute a quorum. The Council shall act only by vote of a majority of its members and voting at a meeting at which a quorum is in attendance.~~

~~§ 3303. COUNCIL; DUTIES COUNCIL DUTIES AND RESPONSIBILITIES~~

~~(a) The Council shall assist State agencies and the departments in the development, improvement, and coordination of primary prevention programs and activities at the State and local levels. In providing this service, the Council shall Subject to the provisions of 32 V.S.A. § 3309, the Council shall support monitoring and reporting compliance with the core requirements of the JJRA, including:~~

~~(1) acquire and provide pertinent research data and technical assistance related to the development and practice of primary prevention programs the deinstitutionalization of status offenders;~~

~~(2) develop a State primary prevention plan that coordinates and consolidates the primary prevention planning efforts of the State agencies and departments specified in section 3305 of this title the separation of juveniles from incarcerated adults;~~

~~(3) evaluate and prepare recommendations on the prevention policies and programs developed and implemented under section 3305 of this title and submit the recommendations on or before January 1 to the Governor, the House Committees on Human Services and on Appropriations, and the Senate Committees on Health and Welfare and on Appropriations the removal of juveniles from adult jails and lockups; and~~

~~(4) the reduction of racial and ethnic disparities in Vermont's juvenile justice system.~~

~~(b) [Repealed.]~~

~~(c) Subject to the provisions of 32 V.S.A. § 5, the Council may apply for and receive federal or private funds, or any combination thereof in order to accomplish the purposes of this chapter. To the extent that funding under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, permits, the Council may award grants to State and local organizations for~~

~~primary prevention activities in accordance with the provisions of that act Subject to the provisions of 32 V.S.A. § 5, the Council may apply for and receive federal funds for activities consistent with the legislative findings pursuant to 33 V.S.A. § 5101a and the requirements of the JJRA. The Council may obtain grants for activities pursuant to 34 U.S.C. § 11133(a)(9).~~

~~(d) The Council shall be attached for administrative purposes to the Agency of Human Services On December 1, 2024, and every three years thereafter, the Council shall, in coordination with DCF, develop a State juvenile justice plan designed to promote an effective juvenile justice system. The plan shall be consistent with the requirements of the JJRA and the legislative findings pursuant to 33 V.S.A. § 5101a.~~

~~(e) On January 15, 2025, and every two years thereafter, the Council shall submit a written report to the Governor, the Joint Legislative Justice Oversight Committee, and DCF describing the efforts it has made to comply with the requirements of the JJRA, including the reduction of racial disparities and improving Vermont's juvenile justice system. The report shall include an overview of federal funds received and expended to address these purposes and recommendations to improve the juvenile justice system.~~

~~(f) In carrying out its duties and responsibilities, the Council shall rely on all available data related to the State's juvenile justice system and shall make efforts to include youth and family voices, particularly the voices of youth and members of their families who have been impacted by the system.~~

~~§ 3304. STATE PRIMARY PREVENTION PLAN~~

~~(a) The State Primary Prevention Plan shall provide for the use of State resources in ways that will strengthen the commitment of local communities to altering conditions that contribute to delinquency or other problem behaviors so that the burden of State-funded treatment and crisis-oriented service programs will be reduced. The Plan shall set forth specific goals, objectives, and key result areas and shall include proposals to integrate and build upon successful methods of primary prevention.~~

~~(b) By July 1 of each even-numbered year, the Council shall revise the State Primary Prevention Plan, which shall be submitted to the Governor, the House Committee on Human Services, the House Committee on Appropriations, the Senate Committee on Health and Welfare, and the Senate Committee on Appropriations. [Repealed.]~~

~~§ 3305. IMPLEMENTATION AND EVALUATION OF PRIMARY PREVENTION PLAN~~

~~Primary prevention policies and implementation practices shall be targeted to specific goals, objectives, and key result areas and shall be consistent with the State Primary Prevention Plan. The following departments and agencies shall formulate the policies and practices:~~

- ~~(1) the Agency of Education;~~
- ~~(2) the Agency of Human Services, including all departments;~~
- ~~(3) the Department of Motor Vehicles;~~
- ~~(4) the Office of the Attorney General;~~
- ~~(5) the Agency of Commerce and Community Development;~~
- ~~(6) the Department of Labor;~~
- ~~(7) the Department of Public Safety; and~~
- ~~(8) the Department of Forests, Parks and Recreation. [Repealed.]~~

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee Vote: 11-0-0)

CONSENT CALENDAR

Concurrent Resolutions for Adoption Under Joint Rules 16a - 16d

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 in that member's chamber prior to adjournment 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, as applicable. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 31

House concurrent resolution in memory of Marshall Webb

H.C.R. 32

House concurrent resolution congratulating Jody Stahlman on winning the 2023 Vermont State Women's Pinball Championship

H.C.R. 33

House concurrent resolution honoring Raymond and Joyce Ballantine for their enduring community service in the Town of Jamaica

H.C.R. 34

House concurrent resolution congratulating the 2022 Montpelier High School Division III championship field hockey team

H.C.R. 35

House concurrent resolution honoring Barre Town Manager Carl Rogers for his outstanding municipal public service

H.C.R. 36

House concurrent resolution congratulating Shawna Wakeham-Smith of Shelburne on the tenth anniversary of her leadership as Director of Wish Granting at Make-A-Wish Vermont

For Informational Purposes

NOTICE OF JOINT ASSEMBLY

Thursday, February 16, 2023 - 10:30 A.M. – House Chamber - Election of a Sergeant at Arms, and three (3) trustees for the University of Vermont and State Agricultural College.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

NOTICE OF PUBLIC HEARING

Thursday, February 16, 2023 – 5:00 P.M. – Room 267, 109 State Street (the Pavilion Building) – Public hearing on Housing.

Held by the House Committee on General and Housing and the Senate

Committee on Economic Development, Housing, and General Affairs.
Committee Assistants: House Committee on General and Housing, Ron Wild;
Senate Committee on Economic Development, Housing, and General Affairs,
Scott Moore.

CROSSOVER DATES

The Joint Rules Committee established the following crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 17, 2023**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day – Committee bills must be voted out of Committee by **Friday, March 17, 2023**.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 24, 2023**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (the general Appropriations bill (“The Big Bill”), the Transportation Capital bill, the Capital Construction bill and the Fee/Revenue bills).

NOTICE OF JFO GRANTS AND POSITIONS

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 #3138: One (1) limited-service position, Statewide Grants Administrator, to the Agency of Administration, Department of Finance and Management to cover increased grant activity due to the Covid-19 pandemic. The position is funded through Act 185 of 2022. Sec G.801 of the Act appropriates ARPA funds for administrative costs related to the pandemic. This position is funded through 12/31/2026. The grant packet can be found at:

<https://ljfo.vermont.gov/assets/grants-documents/ec01b0bea7/JFO-3138-packet.pdf>

[Received February 9, 2023]

JFO #3137: One (1) limited-service position to the Vermont Department of Health, Senior Health Asbestos and Lead Engineer, to perform senior professional level work to educate, advise on and enforce Vermont asbestos and lead control regulations. The position is funded through 9/30/2024 through an existing Environmental Protection Agency grant. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/a44b7c8cac/JFO-3137-packet-v2.pdf>
[Received 1/23/2023]

JFO #3136: \$5,000,000.00 to the Agency of Administration, Public Service Department, VT Community Broadband Board (VCBB) from the National Telecommunications and Information Administration, Broadband Equity, Access and Deployment Program to deliver broadband to unserved and underserved areas in Vermont. This is a 5-year grant and will fill in the technical gaps existing in the VCBB's program of broadband deployment. The grant packet can be found at: <https://ljfo.vermont.gov/assets/grants-documents/3d7b96fcb1/JFO-3136-packet.pdf>
[Received 1/23/2023]