

Senate Calendar

FRIDAY, FEBRUARY 02, 2018

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ACTION CALENDAR

UNFINISHED BUSINESS OF THURSDAY, FEBRUARY 1, 2018

Third Reading

S. 289.

An act relating to the Vermont Broadband Internet Privacy Act.

NEW BUSINESS

Second Reading

Favorable with Recommendation of Amendment

S. 179.

An act relating to community justice centers.

Reported favorably with recommendation of amendment by Senator Benning for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 1964 is amended to read:

§ 1964. STRUCTURE OF THE COMMUNITY JUSTICE BOARDS;
CONFIDENTIALITY OF CERTAIN RESTORATIVE JUSTICE
MEETINGS

(a) Each community justice center:

(1) shall have an advisory board or board of directors comprising at least 51 percent citizen volunteers;

(2) may use a variety of community-based restorative justice approaches, including restorative justice panels, group conferencing, or mediation; and

(3) shall include programs to resolve disputes, address the needs of victims, address the wrongdoing of the offender, and promote the rehabilitation of youthful and adult offenders.

(b) Meetings of restorative justice panels and meetings to conduct restorative justice group conferencing or mediation shall not be subject to the Vermont Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

Sec. 2. 24 V.S.A. § 1965 is amended to read:

§ 1965. DUTIES SCOPE OF WORK OF THE COMMUNITY JUSTICE CENTERS

Each community justice center:

(1) shall work in close coordination with State agencies, law enforcement agencies, State's Attorneys, social service providers, victim advocacy organizations, and other community resources in administering the programs defined in subdivision 1964(a)(3) of this title;

(2) shall, in collaboration with State and local agencies, provide training on the approaches to restorative justice process to citizen volunteers to enable their participation in the local community justice center;

(3) may address ~~quality-of-life~~ quality-of-life issues in the community it serves by providing informational and educational resources to the community; ~~and~~

(4) may apply for funding from private foundations, other governmental sources, or other sources; and

(5) may receive cases referred by:

(A) local or State law enforcement prior to filing a charge;

(B) the State's Attorney prior to filing a charge; or

(C) the court as a part of a sentence or a term of a suspended sentence.

Sec. 3. 24 V.S.A. § 1966 is amended to read:

§ 1966. COMMUNITY JUSTICE CENTERS' RELATIONSHIP WITH STATE GOVERNMENT ENTITIES

(a) Support from the Agency of Human Services. The Agency of Human Services shall provide to the community justice centers the information, analysis, and technical support that the community justice centers, in collaboration with the Agency of Human Services, determine are necessary to further ~~their~~ the Agency's policy of restorative justice.

(b) Funding from the Agency of Human Services. The Agency of Human Services may provide funding and authorize community justice centers to participate in the implementation of State restorative programs related to juvenile ~~and~~, criminal, ~~and~~ civil offenses.

(c) Access to information. Community justice center employees and volunteers participating in State-funded programs shall have access to information, analysis, and technical support as necessary to carry out their duties within the program in accordance with State and federal confidentiality

statutes and policies. Victim information that is not part of the public record shall not be released without the victim's consent.

(d) Liability.

(1) For the purposes of defining liability, community justice center volunteers participating in programs funded by the Agency of Human Services pursuant to subsection (b) of this section shall be considered volunteers of ~~that agency~~ the Agency.

(2) In all other cases, the State ~~and the~~ municipality, or any other entity operating a State-funded community justice center shall each be liable for the acts and omissions of employees operating within the scope of their employment.

Sec. 4. 28 V.S.A. § 910 is amended to read:

§ 910. RESTORATIVE JUSTICE PROGRAM

This chapter establishes a program of restorative justice for use with offenders required to participate in such a program as a condition of a sentence of probation ~~or as ordered for civil contempt of a child support order under 15 V.S.A. § 603~~. The ~~Program~~ program shall be carried out by community ~~reparative boards~~ justice centers under the supervision of the Commissioner, as provided by this chapter.

Sec. 5. 28 V.S.A. § 910a is amended to read:

§ 910a. ~~REPARATIVE BOARDS~~ RESTORATIVE JUSTICE PANELS;
REENTRY; FUNCTIONS

(a) ~~The Commissioner~~ Each community justice center shall establish ~~reparative boards~~ restorative justice panels and appoint to them members of the community with the advice and recommendation of local nonprofit organizations or municipal entities ~~in the localities concerned~~. ~~The Commissioner shall appoint each board member to a term of one to three years, may reappoint a member to consecutive terms, and may remove a member for good cause.~~ The local probation and parole office and the volunteer services coordinator together shall screen the volunteer prior to the volunteer's commencing service on a restorative justice panel.

(b) ~~Each board shall elect its chair from its membership. A chair may serve for no more than one year uninterrupted. All meetings of a board shall comply with open meeting law requirements of 1 V.S.A. chapter 5, subchapter 2, consistent with probationer confidentiality requirements of this title, and as may be imposed by the court.~~ Each community justice center shall establish a reentry program to address the local needs of the individual probation and parole office. The programs may include navigation services, circles of

support and accountability (CoSAs), or other community-based resource and referral services. The community justice center shall appoint to the programs members of the community with the advice and recommendation of local nonprofit organizations or municipal entities. The local probation and parole office and the volunteer services coordinator together shall screen volunteers prior to the volunteer commencing service in the program.

~~(c) Each board shall adopt bylaws approved by the Commissioner. Such bylaws may authorize each board to establish panels to conduct reparative board activities. [Repealed.]~~

(d) Each board restorative justice panel or reentry CoSA shall conduct its meetings in a manner that promotes safe interactions among an offender, victim or victims, and community members, and shall:

(1) In collaboration with ~~the Department~~ community organizations, municipalities, the courts, and other entities of the criminal justice system, implement the Restorative Justice Program restorative justice program of seeking to obtain offender accountability, repair harm and compensate a victim or victims and the community, increase an offender's awareness of the effect of his or her behavior on a victim or victims and the community, and identify ways to help ~~an offender comply~~ offenders' compliance with the law.

(2) Educate the public about, and promote community support for, the ~~Restorative Justice Program~~ restorative justice program.

(e) Each board community justice center shall have access to the central file of any offender required to participate with that board ~~in the Restorative Justice Program panel or reentry program~~.

(f) When engaged in board restorative justice activities, a board panel or CoSA member shall be considered a volunteer with regard to any grievance or other matter governed by 3 V.S.A. § 1101.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

NOTICE CALENDAR

Second Reading

Favorable

S. 280.

An act relating to the Child Poverty Advisory Council.

Reported favorably by Senator Ingram for the Committee on Health and Welfare.

(Committee vote: 5-0-0)

Favorable with Recommendation of Amendment

S. 182.

An act relating to the investment authority of municipal trustees of public funds.

Reported favorably with recommendation of amendment by Senator Clarkson for the Committee on Government Operations.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 2432 is amended to read:

§ 2432. POWERS AND DUTIES; INVESTMENTS

(a)(1) The trustees shall apply ~~the estate income of such estate~~ to the purpose for which it is held, and deeds or contracts made by them shall be in the name of the town. ~~They~~

(2) The trustees may:

(A) lease, sell, or convey real estate so held; and invest the funds received therefrom; and

(B) ~~They may loan~~ lend estate money ~~belonging to such estate,~~ at annual or ~~semi-annual~~ semiannual interest, and as security for ~~such loans~~ each loan shall take deeds or mortgages of real estate in this State.

(b) The trustees may invest in:

(1) any security, including a revenue obligation, issued, insured, or guaranteed by the United States;

(2) ~~such~~ municipal bonds or other bonds that are rated at the time of the transaction by a nationally recognized statistical rating organization, as defined in 15 U.S.C. § 78c(a)(62) as may be amended, in one of its four highest categories;

(3) repurchase agreements or debt securities of any federally insured financial institution as defined in 8 V.S.A. § 11101(32);

(4) the shares of an investment company, or an investment trust, such as a mutual fund, closed-end fund, or a unit investment trust, which that is registered under the federal Investment Company Act of 1940, as amended, if such the mutual investment fund has been in operation for at least ten five years and has net assets of at least \$500,000,000.00 \$100,000,000.00; or

(5) deposits in federally insured financial institutions as defined in 8 V.S.A. § 11101(32).

(c)(1) The trustees shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds ~~shall~~ have been invested, as well as the proceeds of ~~such the~~ investments.

(2) The trustees are encouraged to invest in financial institutions operating in the State and in investments within the State that will result in reinvestment in Vermont.

(3) The provisions of this section as to future investments shall not require the liquidation or disposition of securities legally acquired and held.

(4) If the municipality has adopted an investment policy, the trustees shall invest in accordance with the provisions of the municipal policy that do not conflict with this section.

(d) The trustees may delegate management and investment of funds under their charge to the extent that is prudent under the terms of the trust or endowment, and in accordance with the Uniform Prudent Management of Institutional Funds Act, 14 V.S.A. § 3415 (delegation of investment functions). Notwithstanding the limitations on investments set forth in subsection (b) of this section, an agent exercising a delegated management or investment function may invest the funds in any security or investment that is prudent under the Uniform Prudent Management of Institutional Funds Act.

Sec. 2. 24 V.S.A. § 4345 is amended to read:

§ 4345. OPTIONAL POWERS AND DUTIES OF REGIONAL PLANNING COMMISSIONS

Any regional planning commission created under this chapter may:

* * *

(16) Include in its charter and bylaws adopted pursuant to section 4343 of this chapter the power to:

* * *

(D) Enter into contracts with public and private entities, including the State of Vermont and the federal government to provide regional planning services and fulfill its duties pursuant to this section and section 4345a of this title.

(E) Invest funds held in reserve in any security or investment that is prudent under the Uniform Prudent Management of Institutional Funds Act. This subdivision (E) only shall apply to funds whose investment is not otherwise restricted by State or federal law; the terms of a grant, gift, or devise; or the terms of a contract or service agreement formed under this chapter.

* * *

Sec. 3. 18 V.S.A. § 5384 is amended to read:

§ 5384. PAYMENT TO TREASURER; RECORD; INVESTMENT

(a) Unless otherwise directed by the donor, all monies received by a town for cemetery purposes shall be paid to the town treasurer, who shall give a receipt therefor, which shall be recorded in the office of the town clerk in a book kept for that purpose. In such book shall also be stated the amount received from each donor, the time when, and the specific purpose to which the use thereof is appropriated.

(b)(1) All monies so received by the town may be invested and reinvested by the treasurer, with the approval of the selectboard, by deposit in:

* * *

(3) The treasurer, selectboard, or trustees of public funds may delegate management and investment of town cemetery funds to the extent that it is prudent under the terms of the trust or endowment, and in accordance with the Uniform Prudent Management of Institutional Funds Act, 14 V.S.A. § 3415 (delegation of investment functions). An Notwithstanding the limitations on investments set forth in this subsection, an agent exercising a delegated management or investment function may invest cemetery funds ~~only in the securities enumerated in this section~~ in any security or investment that is prudent under the Uniform Prudent Management of Institutional Funds Act.

(4) If the municipality has adopted an investment policy, the treasurer, selectboard, or trustees of public funds shall invest in accordance with the provisions of the municipal policy that do not conflict with this section.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

CONCURRENT RESOLUTIONS FOR ACTION

H.C.R. 233 - 234 (For text of Resolutions, see Addendum to House Calendar for February 1, 2018)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Dean George of Middlebury – Chair, Parole Board (term 7/18/17 – 2/29/20) – By Sen. Mazza for the Committee on Institutions. (1/31/18)

Glenn O. Boyde of Colchester – Member, State Police Advisory Commission (term 9/6/17 – 6/30/21) – By Sen. Pearson for the Committee on Government Operations. (1/31/18)

Alison DeMag of South Burlington – Member, State Police Advisory Commission (term 8/5/17 – 6/30/20) – By Sen. Collamore for the Committee on Government Operations. (1/31/18)

Shirley Jefferson of South Royalton – Member, State Police Advisory Commission (term 9/6/17 – 6/30/21) – By Sen. Clarkson for the Committee on Government Operations. (1/31/18)

Mary Alice McKenzie of Burlington – Member, State Police Advisory Commission (term 8/5/17 – 6/30/20) – By Sen. Ayer for the Committee on Government Operations. (1/31/18)

Patti Pallito of Richmond – Member, State Police Advisory Commission (term 9/6/17 – 6/30/21) – By Sen. Collamore for the Committee on Government Operations. (1/31/18)

PUBLIC HEARINGS

February 13, 2018 - 6:00 P.M. - 7:00 P.M. - Room 11 - Re: Governor's Recommended FY 2019 State Budget - House Committee on Appropriations.

NOTICE OF JOINT ASSEMBLY

Thursday, February 15, 2018 - 10:30 A.M. - Election of two (2) trustees for the Vermont State Colleges Corporation.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than Thursday, February 8, 2018, by 5:00 P.M. pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

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.

FOR INFORMATION ONLY

CROSS OVER 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 2, 2018**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

(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 16, 2018**, 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 (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Fee Bill).