

Journal of the House

Wednesday, April 14, 2021

At one o'clock and fifteen minutes in the afternoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 13th day of April, 2021, he signed bills originating in the House of the following titles:

H. 10 An act relating to permitted candidate expenditures

H. 127 An act relating to approval of amendments to the charter of the Town of Barre

Proposed Amendments to the Constitution Referred to Committee

Proposal 2

Subject: Declaration of rights; clarifying the prohibition on slavery and indentured servitude

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to clarify that slavery and indentured servitude in any form are prohibited.

Sec. 2. Article 1 of Chapter I of the Vermont Constitution is amended to read:

Article 1. [All persons born free; their natural rights; slavery and indentured servitude prohibited]

That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore ~~no person born in this~~

~~country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after arriving to the age of twenty-one years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like slavery and indentured servitude in any form are prohibited.~~

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

Was introduced and referred to the Committee on Government Operations.

Proposal 5

Subject: Declaration of rights; right to personal reproductive liberty

Sec. 1. PURPOSE

(a) This proposal would amend the Constitution of the State of Vermont to ensure that every Vermonter is afforded personal reproductive liberty. The Constitution is our founding legal document stating the overarching values of our society. This amendment is in keeping with the values espoused by the current Vermont Constitution. Chapter I, Article 1 declares "That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights." Chapter I, Article 7 states "That government is, or ought to be, instituted for the common benefit, protection, and security of the people." The core value reflected in Article 7 is that all people should be afforded all the benefits and protections bestowed by the government, and that the government should not confer special advantages upon the privileged. This amendment would reassert the principles of equality and personal liberty reflected in Articles 1 and 7 and ensure that government does not create or perpetuate the legal, social, or economic inferiority of any class of people. This proposed constitutional amendment is not intended to limit the scope of rights and protections afforded by Article 7 or any other provision in the Vermont Constitution.

(b) The right to reproductive liberty is central to the exercise of personal autonomy and involves decisions people should be able to make free from compulsion of the State. Enshrining this right in the Constitution is critical to ensuring equal protection and treatment under the law and upholding the right of all people to health, dignity, independence, and freedom.

Sec. 2. Article 22 of Chapter I of the Vermont Constitution is added to read:

Article 22. [Personal reproductive liberty]

That an individual's right to personal reproductive autonomy is central to the liberty and dignity to determine one's own life course and shall not be denied or infringed unless justified by a compelling State interest achieved by the least restrictive means.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

Was introduced and referred to the Committee on Human Services.

House Bill Introduced

H. 448

By Reps. Cina of Burlington, Bluemle of Burlington, Colburn of Burlington, Colston of Winooski, Hooper of Burlington, McCormack of Burlington, Mulvaney-Stanak of Burlington, Ode of Burlington, Rachelson of Burlington, Small of Winooski, and Stebbins of Burlington,

House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington

Was read the first time and referred to the Committee on Government Operations.

Bill Referred to Committee on Appropriations

S. 114

Senate bill, entitled

An act relating to improving prekindergarten through grade 12 literacy within the State

Appearing on the Calendar for Notice, and pursuant to Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

Joint Resolution Referred to Committee

J.R.H. 8

Joint resolution urging U.S. Representative Peter Welch to propose the Vilas Bridge as one of his congressional community project requests and that Congress appropriate funds for this request

Offered by: Representatives Goldman of Rockingham and Partridge of Windham

Whereas, in the early 1930s, the Charles N. Vilas Bridge (Vilas Bridge), which connects the Village of Bellows Falls in Rockingham, Vermont, and the Town of Walpole, New Hampshire, was opened at the location where in the 18th century the first-ever bridge to cross the Connecticut River was built, and

Whereas, because the Vilas Bridge spans the Connecticut River, the state of New Hampshire is its primary owner, and

Whereas, on March 19, 2009, the New Hampshire Department of Transportation closed the Vilas Bridge to all pedestrians and road traffic due to major deterioration, causing a significant drop in business, according to businesses in the Village of Bellows Falls, and

Whereas, in 2013, the State of Vermont, through the Vermont Agency of Transportation, offered to fund the entire cost of the Vilas Bridge rehabilitation in exchange for the state of New Hampshire's financing Vermont's portion of other future transportation infrastructure repairs, and

Whereas, in January 2020, the Village of Bellows Falls and the Towns of Rockingham and Walpole sent a letter to Vermont Governor Philip B. Scott and New Hampshire Governor Christopher T. Sununu noting that the Vilas Bridge is a vital economic link between these communities and is essential to Walpole's wastewater treatment infrastructure and requesting that the two governors work to move this bridge restoration project forward, and

Whereas, rehabilitation of the Vilas Bridge is included in New Hampshire's Statewide Transportation Improvement Program (STIP) but construction is not scheduled to start until 2028, and

Whereas, in the summer of 2021, the New Arch Bridge, which is a mile upstream from the Vilas Bridge and is an alternative travel route, will be partially closed for reconstruction, and

Whereas, the U.S. House Committee on Appropriations is currently accepting member requests for financing community projects, and according to federal guidance, highway capital projects described under 23 U.S.C. § 133(b) are eligible as a community project request, and inclusion in a STIP satisfies the requirement that a highway capital project have the support of the state government that would administer the project, and

Whereas, on March 30, 2021, the Rockingham Selectboard and the Bellows Falls Village Trustees jointly approved a resolution authorizing U.S. Representative Peter Welch to submit the Vilas Bridge community project

request of \$11,000,000.00 for consideration by the U.S. House Committee on Appropriations, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges U.S. Representative Peter Welch to propose the Vilas Bridge as one of his congressional community project requests and that Congress appropriate funds for this request, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the New Hampshire and Vermont Congressional Delegations.

Was read by title only and, in the Speaker's discretion pursuant to Rule 52, treated as bill and referred to the Committee on Transportation.

Joint Resolution Adopted in Concurrence

J.R.S. 23

By Senator Balint,

J.R.S. 23. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 16, 2021, it be to meet again no later than Tuesday, April 20, 2021.

Was taken up, read, and adopted in concurrence.

Senate Proposal of Amendment Concurred in

H. 20

An act relating to pretrial risk assessments and pretrial services

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 7554c is amended to read:

§ 7554c. PRETRIAL RISK ASSESSMENTS; NEEDS SCREENINGS

(a)(1) ~~The objective of a pretrial risk assessment is to provide information to the court for the purpose of determining whether a person presents a risk of nonappearance or a risk of re-offense so the court can make an appropriate order concerning bail and conditions of pretrial release. The assessment shall not assess victim safety or risk of lethality in domestic assaults.~~

(2) The objective of a pretrial needs screening is to obtain a preliminary indication of whether a person has a substantial substance abuse or mental health issue that would warrant a subsequent court order for a more detailed clinical assessment.

~~(3)(2)~~ Participation in a ~~risk assessment~~ or needs screening pursuant to this section does not create any entitlement for the ~~assessed~~ or screened person.

(b)(1) Except as provided in subdivision (2) of this subsection, a judge may request that a pretrial services coordinator perform a risk assessment that assesses risk of flight for a person who is arrested, lodged, and unable to post bail within 24 hours of lodging shall be offered a risk assessment and, if deemed appropriate by the pretrial services coordinator, a needs screening prior to arraignment.

(2) A person charged with an offense for which registration as a sex offender is required pursuant to chapter 167, subchapter 3 of this title or an offense punishable by a term of life imprisonment shall not be eligible under this section.

(3) Participation in risk assessment or needs screening shall be voluntary and a person's refusal to participate shall not result in any criminal legal liability to the person.

(4) In the event ~~an assessment~~ or a screening cannot be obtained prior to arraignment, the ~~risk assessment~~ and needs screening shall be conducted as soon as practicable.

(5) A person who qualifies pursuant to subdivision (1) of this subsection and who has an additional pending charge or a violation of probation shall not be excluded from being offered a ~~risk assessment~~ or needs screening unless the other charge is a listed crime.

(6) Any person charged with a criminal offense ~~or~~, a person who is the subject of a youthful offender petition pursuant to 33 V.S.A. § 5280, or a person 18 years of age or older who is the subject of a delinquency petition pursuant to 33 V.S.A. § 5201, except those persons identified in subdivision (2) of this subsection, may choose to engage with a pretrial services coordinator.

(c) The results of the risk assessment and needs screening shall be provided to the person and his or her attorney, the prosecutor, and the court. Pretrial services coordinators may share information only within the limitations of subsection (e) of this section.

(d)(1) At arraignment, the court may order a person who is eligible to engage with a pretrial services coordinator under subdivision (b)(6) of this section to do the following:

(A) meet with a pretrial services coordinator on a schedule set by the court;

(B) participate in a needs screening with a pretrial services coordinator; and

(C) participate in a clinical assessment by a substance abuse or mental health treatment provider and follow the recommendations of the provider.

(2) The court may order the person to engage in pretrial services. Pretrial services may include the pretrial services coordinator:

(A) supporting the person in meeting conditions of release imposed by the court, including the condition to appear for judicial proceedings; and

(B) connecting the person with community-based treatment programs, rehabilitative services, recovery supports, and restorative justice programs.

(3) If possible, the court shall set the date and time for the clinical assessment at arraignment. In the alternative, the pretrial services coordinator shall coordinate the date, time, and location of the clinical assessment and advise the court, the person and his or her attorney, and the prosecutor.

(4) An order authorized in subdivision (1) or (2) of this subsection shall be in addition to any conditions of release permitted by law and shall not limit the court in any way. Failure to comply with a court order authorized by subdivision (1) or (2) of this subsection shall not constitute a violation of section 7559 of this title.

(5) This section shall not be construed to limit a court's authority to impose conditions pursuant to section 7554 of this title.

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Sec. 2. PILOT PROJECT; DEPARTMENT OF CORRECTIONS REPORT TO COURT; PROBATION CONDITIONS

(a) The Department of Corrections, in consultation with the Court Administrator, the Department of State's Attorneys and Sheriffs, the Office of the Attorney General, and the Office of the Defender General, shall establish a pilot project to provide the court with a report prior to the sentencing of any defendant to a term of probation for a felony pursuant to 28 V.S.A. § 205. The report shall be designed to assist the court in setting probation conditions and shall include the defendant's risk and needs assessment results, mental health and substance use disorder screening results, and criminal history.

(b) The Department, the Court Administrator, the Department of State's Attorneys and Sheriffs, the Office of the Attorney General, and the Office of the Defender General shall jointly select one or two units in the Criminal

Division for participation in the pilot project established by this section. On or before December 1, 2022, the Department shall report the results of the pilot project to the Joint Legislative Justice Oversight Committee. The report shall recommend whether the pilot project should be made permanent throughout the State.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

The proposal of amendment was considered and concurred in.

Third Reading; Bill Passed in Concurrence

S. 60

Senate bill, entitled

An act relating to allowing municipal and cooperative utilities to offer innovative rates and services

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

Adjournment

At one o'clock and thirty-one minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.