

Journal of the House

Thursday, January 19, 2023

At three o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Earl Kooperkamp, Church of the Good Shepherd, Barre.

Message from the Senate No. 7

A message was received from the Senate by Ms. Kucserik, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 42. An act relating to temporary alternative procedures for annual municipal meetings and electronic meetings of public bodies.

And has passed the same in concurrence.

House Bills Introduced

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

H. 66

By Reps. Kornheiser of Brattleboro, Scheu of Middlebury, Stevens of Waterbury, Andrews of Westford, Andriano of Orwell, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Bartholomew of Hartland, Berbeco of Winooski, Birong of Vergennes, Black of Essex, Bluemle of Burlington, Bongartz of Manchester, Bos-Lun of Westminster, Boyden of Cambridge, Brady of Williston, Brown of Richmond, Brownell of Pownal, Brumsted of Shelburne, Burke of Brattleboro, Burrows of West Windsor, Buss of Woodstock, Campbell of St. Johnsbury, Casey of Montpelier, Chapin of East Montpelier, Chase of Chester, Chase of Colchester, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Coffey of Guilford, Cole of Hartford, Conlon of Cornwall, Cordes of Lincoln, Demrow of Corinth, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Donnally of Hyde Park, Durfee of Shaftsbury, Elder of Starksboro, Emmons

of Springfield, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Graning of Jericho, Headrick of Burlington, Holcombe of Norwich, Hooper of Randolph, Hooper of Burlington, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, James of Manchester, Jerome of Brandon, Krasnow of South Burlington, LaBounty of Lyndon, Lalley of Shelburne, LaLonde of South Burlington, LaMont of Morristown, Lanpher of Vergennes, Leavitt of Grand Isle, Logan of Burlington, Long of Newfane, Masland of Thetford, McCann of Montpelier, McCarthy of St. Albans City, McGill of Bridport, Mihaly of Calais, Minier of South Burlington, Mrowicki of Putney, Mulvaney-Stanak of Burlington, Nicoll of Ludlow, Notte of Rutland City, Noyes of Wolcott, Nugent of South Burlington, O'Brien of Tunbridge, Ode of Burlington, Patt of Worcester, Pouech of Hinesburg, Priestley of Bradford, Rachelson of Burlington, Rice of Dorset, Roberts of Halifax, Satcowitz of Randolph, Sheldon of Middlebury, Sims of Craftsbury, Small of Winooski, Squirrel of Underhill, Stebbins of Burlington, Stone of Burlington, Surprenant of Barnard, Taylor of Colchester, Templeman of Brownington, Toleno of Brattleboro, Torre of Moretown, Troiano of Stannard, Waters Evans of Charlotte, White of Bethel, Whitman of Bennington, Williams of Barre City, and Wood of Waterbury,

House bill, entitled

An act relating to paid family and medical leave insurance

To the Committee on General and Housing.

H. 67

By Reps. Dolan of Waitsfield, Ode of Burlington, Sheldon of Middlebury, and Stebbins of Burlington,

House bill, entitled

An act relating to household products containing hazardous substances

To the Committee on Human Services.

H. 68

By Reps. Bongartz of Manchester, Austin of Colchester, Beck of St. Johnsbury, Birong of Vergennes, Bluemle of Burlington, Bos-Lun of Westminster, Brownell of Pownal, Brumsted of Shelburne, Burke of Brattleboro, Campbell of St. Johnsbury, Carroll of Bennington, Chase of Chester, Chesnut-Tangerman of Middletown Springs, Cina of Burlington, Coffey of Guilford, Cordes of Lincoln, Dolan of Waitsfield, Durfee of Shaftsbury, Elder of Starksboro, Emmons of Springfield, Goldman of Rockingham, Graning of Jericho, Hango of Berkshire, Harrison of Chittenden, Jerome of Brandon, Morris of Springfield, Mrowicki of Putney, Mulvaney-

Stanak of Burlington, Ode of Burlington, Page of Newport City, Patt of Worcester, Rachelson of Burlington, Rice of Dorset, Satcowitz of Randolph, Scheu of Middlebury, Shaw of Pittsford, Toleno of Brattleboro, White of Bethel, and Whitman of Bennington,

House bill, entitled

An act relating to removing State and municipal regulatory barriers for fair zoning and housing affordability

To the Committee on Environment and Energy.

H. 69

By Reps. Dolan of Essex Junction and Houghton of Essex Junction,

House bill, entitled

An act relating to banning smoking outside places of public access and multiunit housing

To the Committee on Human Services.

H. 70

By Reps. Dolan of Waitsfield and Patt of Worcester,

House bill, entitled

An act relating to the siting of telecommunications facilities

To the Committee on Environment and Energy.

H. 71

By Reps. Peterson of Clarendon, Clifford of Rutland City, Hango of Berkshire, Labor of Morgan, Lipsky of Stowe, Morgan, M. of Milton, Parsons of Newbury, Taylor of Milton, Toof of St. Albans Town, Troiano of Stannard, Williams of Granby, and Wilson of Lyndon,

House bill, entitled

An act relating to Department of Motor Vehicles credentials and number plates with veteran designations

To the Committee on Transportation.

H. 72

By Reps. Small of Winooski, Berbeco of Winooski, Black of Essex, Bluemle of Burlington, Bos-Lun of Westminster, Brumsted of Shelburne, Christie of Hartford, Cina of Burlington, Dodge of Essex, Donnally of Hyde Park, Garofano of Essex, Goldman of Rockingham, Headrick of Burlington,

Hooper of Randolph, Hyman of South Burlington, LaMont of Morristown, Leavitt of Grand Isle, Logan of Burlington, McGill of Bridport, Mulvaney-Stanak of Burlington, Pajala of Londonderry, Rachelson of Burlington, Rice of Dorset, Sims of Craftsbury, Stone of Burlington, Surprenant of Barnard, Templeman of Brownington, Torre of Moretown, and Troiano of Stannard,

House bill, entitled

An act relating to a harm-reduction criminal justice response to drug use

To the Committee on Judiciary.

Second Reading; Bill Amended; Third Reading Ordered

H. 28

Rep. Notte of Rutland City, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to diversion and expungement

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. 3 V.S.A. § 163(e) is amended to read:

(e)(1) Within 30 days after the two-year anniversary of a successful completion of juvenile diversion, the court shall provide notice to all parties of record of the court's intention to order the expungement of all court files and records, law enforcement records other than entries in the juvenile court diversion program's centralized filing system, fingerprints, and photographs applicable to the proceeding. However, the court shall not order expungement if the participant does not satisfy each of subdivisions (A)—(D) of this subdivision. The court shall give the State's Attorney an opportunity for a hearing to contest the expungement of the records. The court shall expunge the records if it finds:

(A) two years have elapsed since the successful completion of juvenile diversion by the participant ~~and the dismissal of the case by the State's Attorney;~~

(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction;

(C) rehabilitation of the participant has been attained to the satisfaction of the court; and

(D) the participant does not owe restitution related to the case ~~under a contract executed with the Restitution Unit.~~

* * *

Sec. 2. 3 V.S.A. § 164(g) is amended to read:

(g)(1) Within 30 days after the two-year anniversary of a successful completion of adult diversion, the court shall provide notice to all parties of record of the court's intention to order the expungement of all court files and records, law enforcement records other than entries in the adult court diversion program's centralized filing system, fingerprints, and photographs applicable to the proceeding. However, the court shall not order expungement if the participant does not satisfy each of subdivisions (A)—(D) of this subdivision. The court shall give the State's Attorney an opportunity for a hearing to contest the expungement of the records. The court shall expunge the records if it finds:

(A) two years have elapsed since the successful completion of the adult diversion program by the participant ~~and the dismissal of the case by the State's Attorney;~~

(B) the participant has not been convicted of a subsequent felony or misdemeanor during the two-year period, and no proceedings are pending seeking such conviction;

(C) rehabilitation of the participant has been attained to the satisfaction of the court; and

(D) the participant does not owe restitution related to the case ~~under a contract executed with the Restitution Unit.~~

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Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

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

Legislative Committee on Administrative Rules (LCAR) Appointments

Pursuant to 3 V.S.A. § 817, the Speaker appointed the following members to the Legislative Committee on Administrative Rules:

Rep. Squirrell of Underhill
Rep. Bongartz of Manchester
Rep. Higley of Lowell
Rep. Ode of Burlington

Adjournment

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