

Journal of the House

Wednesday, March 15, 2023

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

Devotional Exercises

Devotional exercises were conducted by children from the Turtle Island Children's Center, Montpelier.

Committee Bill Introduced

H. 470

By the Committee on Government Operations and Military Affairs,
House bill, entitled

An act relating to miscellaneous amendments to alcoholic beverage laws

Was read the first time and pursuant to House Rule 48, placed on the Notice Calendar.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time, and referred as follows:

S. 5

Senate bill, entitled

An act relating to affordably meeting the mandated greenhouse gas reductions for the thermal sector through efficiency, weatherization measures, electrification, and decarbonization

To the Committee on Environment and Energy.

S. 9

Senate bill, entitled

An act relating to the authority of the State Auditor to examine the books and records of State contractors

To the Committee on Government Operations and Military Affairs.

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Notice Calendar, carrying appropriations, under House Rule 35(a), were referred to the Committee on Appropriations:

H. 66

House bill, entitled

An act relating to paid family and medical leave insurance

H. 205

House bill, entitled

An act relating to establishing the Small Farm Diversification and Transition Program

Joint Resolution Adopted in Concurrence

J.R.S. 18

By Senator Baruth,

J.R.S. 18. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 17, 2023, it be to meet again no later than Tuesday, March 21, 2023.

Was taken up, read, and adopted in concurrence.

Ceremonial Readings

H.C.R. 22

House concurrent resolution recognizing July 2023 as Park and Recreation Month in Vermont and designating July 21, 2023 as Vermont Park and Recreation Professionals Day in Vermont

Offered by: Representatives Krasnow of South Burlington, LaLonde of South Burlington, Hyman of South Burlington, Minier of South Burlington, and Nugent of South Burlington

Whereas, Vermont's park and recreation programs are an integral part of our State and local communities, and

Whereas, their presence in a community promotes an active life style, offers environmental protection, and serves as an economic resource, and

Whereas, park and recreation programs support the effectiveness of therapeutic recreational services for persons with disabilities, and

Whereas, in 1985, the National Recreation and Park Association established July as Park and Recreation Month, and, in 2009, the U.S. House of Representatives adopted a resolution endorsing this national celebration of our nation's parks, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes July 2023 as Park and Recreation Month in Vermont and designates July 21, 2023 as Vermont Park and Recreation Professionals Day, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Recreation and Parks Association.

Having been adopted in concurrence on Friday, February 3, 2023 in accord with Joint Rule 16b, was read.

H.C.R. 45

House concurrent resolution congratulating the Vermont medal winners at the 2022 National Senior Games and designating March 15, 2023 as Senior Physical Fitness Day at the State House

Offered by: Representatives Brumsted of Shelburne, Harrison of Chittenden, Austin of Colchester, Black of Essex, Brown of Richmond, Burditt of West Rutland, Conlon of Cornwall, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Donahue of Northfield, Garofano of Essex, Goldman of Rockingham, Gregoire of Fairfield, Holcombe of Norwich, Hooper of Burlington, Krasnow of South Burlington, Lalley of Shelburne, Mattos of Milton, Mihaly of Calais, Minier of South Burlington, Morgan of Milton, Morrissey of Bennington, Noyes of Wolcott, Pajala of Londonderry, Priestley of Bradford, Scheu of Middlebury, Sheldon of Middlebury, Squirrel of Underhill, Taylor of Milton, Torre of Moretown, Whitman of Bennington, and Wood of Waterbury

Whereas, annually, the Vermont Senior Games Association (VSGA) organizes the Vermont Senior Games, the qualifying event for Vermonters who desire to participate in the challenging National Senior Games, a biennial event held in Fort Lauderdale, Florida, and in 2022, 80 Vermont athletes traveled there, participated in 11 sports, and won 21 gold, 10 silver, and 14 bronze medals, making an impressive total of 45, and

Whereas, Vermonters especially noteworthy were Flo Meiler of Shelburne, 87 years of age, the National Senior Games top winner, with five gold and ten overall in track and field; Bob Willey of Essex, 89 years of age, a bronze medalist in basketball; and Donna Smyers of Adamant, in the 60–64 age group, with two golds, one in cycling and one in the triathlon, and

Whereas, the Vermonters who won one or more medals were Karen Andresen, Lee Ann Banks, Annie Besette, John Bolton, Sarah Bombardier, Linda Bracken, Eric Brigham, Anne Campbell, David Chesley, Mary Clifton, Brian Conchieri, Jim Flint, Margaret Gibson, Don Gilman, Matt Guild, Kristen Hartley, Kate Herbert, Tim Hogeboom, Jeanne Hulsen, Helga Immerfall, Todd Keller, Gurudharm Khalsa, Deborah Larkin, Victoria Luksch, Susan Madrigan, Elizabeth McCarthy, Flo Meiler, Mark Mulder, Loren Palmer, Sani Pasagic, John Prentice, Bill Romond, Zane Rodriguez, Marc Sacco, Patty Sacco, Jeff Schuman, David Shiman, Pam Sills, Donna Smyers, John Tashiro, Sandra Wall, Joan Weir, Stan Wilbur, and Bob Willey, and

Whereas, today, March 15, 2023, representatives of the VSGA and the Governor's Council on Physical Fitness are at the State House to explain the importance for seniors to remain athletically active, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the Vermont medal winners at the 2022 National Senior Games and designates March 15, 2023 as Senior Physical Fitness Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to each athlete honored in this resolution, to the VSGA, to and the Governor's Council on Physical Fitness.

Having been adopted in concurrence on Friday, March 3, 2023 in accord with Joint Rule 16b, was read.

Third Reading; Bill Passed

H. 461

House bill, entitled

An act relating to making miscellaneous changes in education laws

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

Second Reading; Bill Amended; Third Reading Ordered

H. 175

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

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

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. 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.~~

~~**Rep. Masland of Thetford**, for the Committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the Committee on Judiciary.~~

~~**Rep. Squirrell of Underhill**, for the Committee on Appropriations, recommended the bill ought to pass when amended as recommended by the Committee on Judiciary.~~

~~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.~~

Joint Resolution Adopted

J.R.H. 3

Joint resolution, entitled

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House facilities on June 29, 2023

Was taken up and adopted on the part of the House.

Adjournment

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