

# House Calendar

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FRIDAY, FEBRUARY 20, 2009

45th DAY OF BIENNIAL SESSION

House Convenes at 9:30 A. M.

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ORDERS OF THE DAY

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**ACTION CALENDAR**

**Third Reading**

**H. 232**

An act relating to fiscal year 2009 budget adjustment.

**Amendment to be offered by Rep. Ainsworth of Royalton**

Moves the bill be amended by inserting a new Sec. 128 to read:

Sec. 128. FY 2009 LEGISLATIVE SALARIES

Legislative compensation for all members under 32 V.S.A. § 1051 and 1052 for the period beginning with the date of passage of this act through June 30, 2009 shall be reduced by five percent.

And by renumbering the remaining section to be numerically correct.

**Amendment to be offered by Rep. Zuckerman of Burlington to H. 232**

Moves to amend the bill as follows:

First: By adding a new Sec. 101a to read:

Sec. 101a. STATE EMPLOYEE POSITIONS

Except as set forth in this act or as a result of appropriation reductions pursuant to section 704 of Title 32, the elimination of state employee positions, laying-off of state employees, or any other reductions in force shall be prohibited until the governor approves the act making appropriations for state government for fiscal year 2010.

Second: In Sec. 127, by adding a new subsection (d) to read:

(d) Sec. 101a shall take effect upon passage and shall apply retroactively to January 1, 2009 and prospectively to July 1, 2009.

**Amendment to be offered by Rep. Jewett of Ripton and Fisher of Lincoln to H. 232**

Move the bill be amended by inserting a new Sec. 126a to read:

Sec. 126a. DEPARTMENT OF CORRECTIONS; PROBATION OFFICES

In order to ensure adequate supervision of high-risk offenders on probation, it is important to locate offices throughout the state. Therefore, the department of corrections shall not close any probation offices that were open for business

on January 1, 2009. If any offices that were open on that date were closed before passage of this act, they shall be immediately reopened. If the department wishes to close any of these offices prior to January 1, 2014, it shall do so only with the approval of the senate committee on judiciary and the house committee on corrections and institutions or, if the legislature is not in session, with the approval of the corrections oversight committee.

**Amendment to be offered by Rep. McDonald of Berlin to H. 232**

Moves to amend the bill as follows:

First: In Sec. 34 by striking the words

“Grants                    40,298,530            45,437,952” and

inserting in lieu thereof

“Grants                    40,298,530            45,387,952”

And striking

“General fund        13,815,723            15,950,049”

And inserting in lieu thereof

“General fund        13,815,723            15,900,049”

And striking

“Total                    40,298,530            45,437,952”

And inserting in lieu thereof

“ Total                    40,298,530            45,387,952”

Second: By striking Secs. 105 and 106 in their entirety

Third: By inserting a new Sec. 126a to read:

Sec. 126a. Sec. 26 of No. 30 of the Acts of 2007, as amended by Sec. 5.902 of No. 192 of the Acts of 2008, is amended to read:

Sec. 26. EFFECTIVE DATES; IMPLEMENTATION

\* \* \*

(b) The amendments to 33 V.S.A. chapter 11 contained in Secs. 2-13 (Reach Up), 14 (solely state-funded programs), and 16 (Reach Up transitions) of this act shall take effect immediately when the rule changes necessary to implement the sections become final, but no later than April 1, 2008. Until the time that the rule modifications are final, the Reach Up program shall operate under current law. Any provisions in these sections relating to Reach Ahead shall take effect on ~~April 1, 2009~~ October 1, 2010.

\* \* \*

(d) Reach First established in Sec. 1 of this act shall be implemented no later than April 1, 2008. Reach Ahead established in Sec. 18 shall be implemented for families who leave Reach Up on or after ~~April 1, 2009~~ October 1, 2010 as provided for in 33 V.S.A. § 1203(1). Subject to appropriation, Reach Ahead shall be implemented for all other families as provided for in 33 V.S.A. § 1203 no later than ~~July 1, 2009~~ January 1, 2011.

**Amendment to be offered by Reps. Pugh of South Burlington, Andrews of Rutland City, Donahue of Northfield, Fisher of Lincoln, Frank of Underhill, French of Randolph, Haas of Rochester, McFaun of Barre Town, Mrowicki of Putney, O'Donnell of Vernon, and Orr of Charlotte to H. 232**

Move the bill be amended by striking Sec. 105 and inserting a new Sec. 105 to read:

Sec. 105. REACH AHEAD IMPLEMENTATION STATUS REPORT

No later than February 1, 2010, the department for, children and families shall provide a status report on the Reach Ahead post-employment program to the house committees on appropriations and on human services and the senate committees on appropriations and on health and welfare. The status report shall include:

(1) information by month on caseloads, spending, and cost estimates, including:

(A) actual caseload data and trends since implementation;

(B) actual spending for the program; and

(C) a revised cost estimate for maintaining the program based on actual caseload and the take-up rate for the program;

(2) an analysis of improved employment stability and child well-being of families in Reach Ahead, including:

(A) the impact of the food assistance in providing additional financial resources to the family;

(B) the number of families in Reach Ahead who are employed as of December 31, 2009 and the length of time each family was employed; and

(C) an estimate of the reduction in the number of individuals who return to the Reach Up program after participating in Reach Ahead and an estimate of the resulting savings to the Reach Up program; and

(3) the impact on the state's work participation rate in federal fiscal years 2009 and 2010, including the impact on avoiding federal fiscal sanctions.

### **S. 13**

An act relating to Vermont's sexual abuse response system.

#### **Amendment to be offered by Rep. Ainsworth of Royalton to S. 13**

Moves the House proposal of amendment be amended as follows:

First: By adding a Sec. 29a to read as follows:

Sec. 29a. Rule 413 of the Vermont Rules of Evidence is added to read:

#### **RULE 413. EVIDENCE OF SIMILAR CRIMES IN PROSECUTIONS OF SEXUAL CRIMES**

(a) In a criminal case in which the defendant is accused of a crime set forth in chapter 59 (lewdness and prostitution), chapter 64 (sexual exploitation of children), chapter 72 (sexual assault) of Title 13 or §§ 2802 (disseminating indecent material to a minor in the presence of the minor), 2802a (disseminating indecent material to a minor outside the presence of the minor) and 2804b (displaying obscene material to minors) of chapter 63 (obscenity) of Title 13, evidence of the defendant's commission of another offense may be considered for its bearing on any matter to which it is relevant.

(b) In a case in which the state intends to offer evidence under this rule, the prosecutor or attorney for the state shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 15 days before the scheduled date of trial or at such later time as the court may allow for good cause.

(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

(d) For purposes of this rule, "offense" means a crime or delinquent act, or attempt or conspiracy to commit any crime or delinquent act of this state or of any jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal territory and crimes or delinquent acts that involve:

(1) any conduct proscribed by chapter 109A of Title 18, United States Code;

(2) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

(3) contact, without consent, between the genitals or anus of the defendant and any part of another person's body;

(4) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

(5) an attempt or conspiracy to engage in conduct described in subdivisions (d)(1)–(4) of this rule.

Second: In Sec. 53, in subsection (b), by striking “26–29 (depositions; hearsay exceptions; human services board hearings)” and inserting in lieu thereof “26–29a (depositions; hearsay exceptions; human services board hearings; prior bad acts)”

**Amendment to be offered by Reps. Haas of Rochester, Andrews of Rutland City, Clark of Vergennes, Donahue of Northfield, Donovan of Burlington, Fisher of Lincoln, Frank of Underhill, French of Randolph, Gilbert of Fairfax, McFaun of Barre Town, Mook of Bennington, Mrowicki of Putney, O'Donnell of Vernon, Orr of Charlotte, Pearce of Richford, Peltz of Woodbury, Perley of Enosburg, Pugh of South Burlington, Waite-Simpson of Essex, and Zenie of Colchester to S. 13**

Move to amend the House proposal of amendment by striking Sec. 9 and inserting a new Sec. 9 to read:

Sec. 9. 16 V.S.A. § 563a is added to read:

§ 563a. SCHOOL BOARDS; PREVENTION, IDENTIFICATION, AND  
REPORTING OF CHILD SEXUAL ABUSE AND SEXUAL  
VIOLENCE

The school board of a school district shall ensure that adults employed in the schools maintained by the district receive orientation, information, or instruction on the prevention, identification, and reporting of child sexual abuse, as defined in subdivision 4912(8) of Title 33, and sexual violence. This shall include information regarding the signs and symptoms of sexual abuse, sexual violence, grooming processes, recognizing the dangers of child sexual abuse in and close to the home, and other predatory behaviors of sex offenders. The school board shall also provide opportunities for parents, guardians, and other interested persons to receive the same information. The department of education and the agency of human services shall provide materials and technical support to any school board that requests assistance in implementing this section.

**Amendment to be offered by Rep. Hubert of Milton to S. 13**

Moves to amend the House proposal of amendment to S.13 following Sec. 15, by inserting four new Secs. 15a, 15b, 15c and 15d to read:

Sec. 15a. 28 V.S.A. §252(b)(9) is amended to read:

(9) Report to a probation officer at reasonable times as directed by the court or the probation officer. In the case of a sex offender, as defined in 13 V.S.A. § 5401(1), conditions shall include a provision that whenever the offender will be away from his or her town of residence for 24 hours or more, the offender shall prior to 9:00 p.m. report to the local law enforcement agency of the municipality in which the offender will be spending any of the hours between 10:00 p.m. and 6:00 a.m.;

Sec. 15b. 28 V.S.A. § 502b(d) is added to read:

(d) In the case of a sex offender, as defined in 13 V.S.A. § 5401(1), conditions of parole shall include a provision that whenever the offender will be away from his or her town of residence for 24 hours or more, the offender shall prior to 9:00 p.m. report to the local law enforcement agency of the municipality in which the offender will be spending any of the hours between 10:00 p.m. and 6:00 a.m.

Sec. 15c. 28 V.S.A. § 724 is amended to read:

§ 724. TERMS AND CONDITIONS OF CONDITIONAL REENTRY

(a) The department shall identify in the terms and conditions of conditional reentry those programs necessary to reduce the offender's risk of reoffense and to promote the offender's accountability for progress in the reintegration process.

(b) In the case of a sex offender, as defined in 13 V.S.A. § 5401(1), conditions of conditional reentry shall include a provision that whenever the offender will be away from his or her town of residence for 24 hours or more, the offender shall prior to 9:00 p.m. report to the local law enforcement agency of the municipality in which the offender will be spending any of the hours between 10:00 p.m. and 6:00 a.m.

Sec. 15d. 28 V.S.A. § 808(b) is amended to read:

(b) An inmate granted a furlough pursuant to this section may be accompanied by an employee of the department, in the discretion of the commissioner, during the period of the inmate's furlough. The department may use electronic monitoring equipment such as global position monitoring, automated voice recognition telephone equipment, and transdermal alcohol monitoring equipment to enable more effective or efficient supervision of



individuals placed on furlough. In the case of a sex offender, as defined in 13 V.S.A. § 5401(1), conditions of furlough shall include a provision that whenever the offender will be away from his or her town of residence for 24 hours or more, the offender shall prior to 9:00 p.m. report to the local law enforcement agency of the municipality in which the offender will be spending any of the hours between 10:00 p.m. and 6:00 a.m.

**Amendment to be offered by Reps. Zuckerman of Burlington and Kilmartin of Newport and Lorber of Burlington to S. 13**

Move to amend the bill as follows:

First: By striking Secs. 23-25 in their entirety

Second: In Sec. 27, after the word “shall” by inserting “be asked to”

Third: In Sec. 53, by striking subsection (d)

**Amendment to be offered by Rep. Higley of Lowell to S. 13**

Moves the proposal of amendment be amended in Sec. 7 by striking the words “the safety of students in schools and offsite workplaces” and inserting in lieu thereof that students are not placed in situations where they may be vulnerable to sexual exploitation or abuse

**Favorable  
H. 3**

An act relating to technical corrections to the public institutions and corrections statutes.

**Rep. Macaig of Williston**, for the Committee on **Corrections and Institutions**, recommends the bill ought to pass.

( **Committee Vote: 11-0-0** )

**H. 95**

An act relating to approval of amendment to the charter of the city of Burlington.

**Rep. Atkins of Winooski**, for the Committee on **Government Operations**, recommends the bill ought to pass.

( **Committee Vote: 11-0-0** )

**NOTICE CALENDAR**

**Favorable  
H. 36**

An act relating to repealing the charter of the Enosburg Falls Incorporated school district.

**Rep. Perley of Enosburg**, for the Committee on **Education**, recommends the bill ought to pass.

( Committee Vote: 11-0-0)

## CONSENT CALENDAR

### Concurrent Resolutions for Notice Under Joint Rule 16

The following concurrent resolutions have been introduced for approval by the House and Senate and have been printed in the Senate and House Addendum to today's calendars. These will be adopted automatically unless a member requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration should be communicated to the Clerk of the House or to a member of his staff.

**(For text of Resolutions, see Addendum to House and Senate Notice Calendar for Friday, February 29, 2009)**

**H.C.R. 54**

House concurrent resolution in memory of David M. Turner of Irasburg

**H.C.R. 55**

House concurrent resolution honoring Charlotte Neer Annis

**H.C.R. 56**

House concurrent resolution in memory of retired Vermont Air National Guard Lt. Col. David L. Bombard of Burlington

**H.C.R. 57**

House concurrent resolution honoring Springfield High School field hockey coach Joy Benson

**H.C.R. 58**

House concurrent resolution congratulating Bob Obdrzalek of Springfield on his designation as USA Boxing New England's Vermont Coach of the Year

**H.C.R. 59.**

House concurrent resolution honoring Jane McLuckie Lendway for 33 years of outstanding service to the state of Vermont

**H.C.R. 60**

House concurrent resolution congratulating Diana Leddy on being named the 2009 Vermont Teacher of the Year

**H.C.R. 61**

House concurrent resolution welcoming home from military service in Iraq U.S. Army Reserve Specialist First Class Sally Cole of Johnson

**H.C.R. 62**

House concurrent resolution honoring Deborah Lisi-Baker for her leadership role as an advocate for disabled and deaf Vermonters

**S.C.R. 9.**

Senate concurrent resolution congratulating Energizer in Bennington on the development of the world's first mercury-free hearing aid battery and on the company's receipt of a Governor's Commission on Healthy Aging Award.

**S.C.R. 10.**

Senate concurrent resolution congratulating 1<sup>st</sup> Lt. Kurt Hunt of Coventry on his designation as a member of the 2009 All Army soccer team.

**S.C.R. 11.**

Senate concurrent resolution honoring retired Caledonia State's Attorney Robert Butterfield for his outstanding public service.

**House Appropriations Committee  
Members' amendments to Fiscal Year 2009  
Budget Adjustment Bill**

The House Appropriations Committee invites all members of the House who intend to introduce amendments to the FY 2009 budget adjustment bill to meet with the committee on Friday, February 20, at 8:45 a.m., in Room 42. If possible, please talk to Theresa Utton-Jerman in Room 40 (ext. 5970) to schedule a time.

**HOUSE DEADLINES**

To All House Members:

During the first year of the biennium, a member may request introduction of a bill drafted in *short* form and submitted to the Legislative Council anytime during the session.

Introduction Deadline - Except with prior consent of the Committee on Rules, all bills drafted in standard form, shall be introduced by February 27, 2009.

During the first year of the biennium Committee bills may be introduced at anytime.

**PUBLIC HEARINGS**

Tuesday, February 24, 2009 – Room 11 – 9:00 A.M. – 12 Noon – House Committee on Appropriations – FY 2010 State Budget

Tuesday, February 24, 2009 – Room 11 – 4:30 – 6:30P. M. – House Committee on Commerce and Economic Development – Economic Development

Wednesday, February 25, 2009 - Room 11 – 2:30 P.M. – 4:30 P.M. – House Committee on Appropriations – FY 2010 State Budget

**INFORMATION NOTICE**

The following items were recently received by the Joint Fiscal Committee:

**JFO #2367** — \$127,445 grant from the Office of Community Policing Services (COPS) to the Department of Public Safety – State Police. These funds will be passed through to the Rutland County Sheriff’s Department (via sub-grant) to fund a School Resource Officer at Mill River Union High School. [JFO received 2/18/09]

**JFO #2368** — \$60,000 grant from Legal Services Law Line of Vermont to the Judiciary – Court Administrator’s Office. These grant funds will be used to cover the cost of developing an interface for pro se litigants (i.e., persons representing themselves in court proceedings) to create family court pleadings and accurately fill out the forms on the computer. [JFO received 2/18/09]

### **REPORTS 2009**

The following reports can be found on the State of Vermont webpage, [www.leg.state.vt.us](http://www.leg.state.vt.us). Please note that some reports have been filed electronically and must be downloaded if you prefer a hard copy. Income from Mountaintop Communication Sites, Annual Report  
VT Department of Forests, Parks & Recreation

Pavement Management Annual Report 2009  
Agency of Transportation

Forest Products Viability Program 2008, Act 207  
VT Department of Forests, Parks and Recreation

General Fund Savings, Executive Branch  
Agency of Administration

2007 VT Health Care Expenditure Analysis & 3-Year Forecast  
State of Vermont, BISHCA

Unified Economic Development Budget Report 2009  
Department of Finance & Management

Housing Discrimination Against Victims of Domestic and Sexual Violence  
Vermont Human Rights Commission

Brownfield Revolving Loan Fund Final  
Agency of Natural Resources

Juvenile Jurisdiction Policy and Operations Council Report  
Agency of Human Services

Reporting Transitional Services Outcomes  
Agency of Human Services

Annual Report on Vermont Reach-Up Program

Agency of Human Services

Status Report on Vehicle Emissions Labeling  
Department of Environmental Conservation

Consolidated Executive Branch Fee Report  
Agency of Administration

Next Generation Workforce Leadership Committee, 2008  
Vermont Workforce Development Council

Update to the Joint Fiscal Committee - 2008 Act 92  
Agency of Administration

Operating Expense Reductions for Travel - 2008 Act 192  
Agency of Administration

Emergency Relief Assistance  
Agency of Administration

Human Services Caseload Reserve  
Agency of Administration

VISION Processing Errors  
Department of Finance & Management

Vermont Clean Water State Revolving Fund  
Department of Environmental Conservation

Uniform Environmental Enforcement Act  
Department of Environmental Conservation

Vermont EPA Pollution Control Revolving Fund  
Department of Environmental Conservation

Pay Act  
Agency of Administration

Special Funds Created and Balances FY2008  
Agency of Administration

Boards and Commissions Authorized to Receive Per Diem Compensation  
Agency of Administration

Enforcement of On-site Wastewater Systems  
Agency of Natural Resources

General Fund Appropriations Reduction  
Agency of Administration

1-6-09 draft Stormwater General Permit Report FINAL

Agency of Transportation

12-30-2008 EEO's as game wardens FINAL

Agency of Transportation

Rail Quiet Zones

Agency of Transportation

Act.191 (2007-2008) Database of Environmental Enforcement Actions

Agency of Natural Resources

2009 Legislative Report on Deer Herd FINAL

Vermont Fish & Wildlife Agency

Budget Recommendations Fiscal Year 2010

Natural Resources Board

Environmental Contingency Fund 2008 Status Report

Agency of Natural Resources

2009 Report on Act 176 High School Completion Program

Department of Education

Structures 2009 Bridges, Annual Report

Agency of Transportation

Service Planning for High School Graduates with Developmental Disabilities,  
Act 192

Department of Disabilities, Aging & Independent Living

Implementation of the Uniform Environmental Enforcement Act, 2008

Agency of Natural Resources

Social Worker Case Load Assignments 168 FS Child Abuse Neglect

Agency of Human Services

Compost Study Committee Report

Vermont Agency of Natural Resources

Legislative Report - Municipal Pollution Control Priority System

Agency of Natural Resources

Solid Waste Working Group Final Report 1-14-09

Department of Environmental Conservation

Use Value Appraisal Eligibility Revisions - Forestland

Forests, Parks & Recreation

Sustainable Certification of State Forest lands, Executive Summary Act 2007

Forests, Parks and Recreation

State Lands Forest Management Report

Forests, Parks & Recreation

Lands and Facilities Trust Fund Annual Report 2009

Agency of Natural Resources

Nutrition Guidelines for Competitive Food and Beverage Sales in Schools

Vermont Departments of Health and Education

2009 Report on Act 200 of 2008, Sec. 8(3) Establishment of a School  
Energy Grant Program