

House Calendar

Wednesday, April 07, 2010

93rd DAY OF ADJOURNED SESSION

House Convenes at 1:30 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 760

An act relating to the repeal or revision of certain boards and commissions

Amendment to be offered by Rep. Consejo of Sheldon to H. 760

Rep. Consejo of Sheldon moves that the bill be further amended as follows:

First: By striking Secs. 11, 12, and 13 in their entirety

Second: In Sec. 17, by striking subdivision (14) in its entirety

Amendment to be offered by Rep. Minter of Waterbury to H. 760

Rep. Minter of Waterbury moves that the bill be amended as follows:

First: In Sec. 17, by striking out subsection (2)(C) (§ 2293, development cabinet), and re-lettering the remaining subsections to be alphabetically correct.

H. 774

An act relating to approval of amendments to the charter of the city of South Burlington

H. 778

An act relating to amending miscellaneous provisions in Vermont's public retirement systems

H. 791

An act relating to the tax expenditure budget

Amendment to be offered by Rep. Condon of Colchester to H. 791

Rep. Condon of Colchester moves that the bill be amended by striking Sec. D1 in its entirety and inserting in lieu thereof the following:

Sec. D1. EFFECTIVE DATES

This act shall take effect upon passage, except Sec. C3 (repeal of exclusion of certain income received for a dramatic performance in a commercial film production, Sec. B1.206) shall apply to taxable years beginning on and after January 1, 2013.

Favorable with amendment

H. 776

An act relating to rental housing

Rep. Masland of Thetford, for the Committee on **Ways and Means**, recommends the bill be amended as follows:

First: In Sec. 2, 32 V.S.A. § 4152, subsection (a), subdivision (10) by striking the word “rental”

Second: by striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. DEPARTMENT OF TAXES; MULTIUNIT RESIDENTIAL
HOUSING; GRAND LIST

The department of taxes shall work with the Vermont assessors and listers association and other interested parties to implement by September 1, 2010, a system to collect taxpayer information regarding multiunit residential housing for inclusion in the 2011 grand list.

Third: by adding a Sec. 4 to read:

Sec. 4. EFFECTIVE DATES

Sec. 2 of this act shall take effect on September 1, 2010.

(**Committee Vote: 7-3-1**)

Amendment to be offered by Rep. Donahue of Northfield to H. 776

Rep. Donahue of Northfield moves that the bill be amended as follows:

In Sec. 1, 24 V.S.A. § 5021 by striking subsection (b) and adding a new subsection (b) to read:

(b) The standards imposed by this chapter are in addition to and not in lieu of any applicable housing laws and codes, including the laws relating to lead poisoning in 18 V.S.A. §§ 1759–1760, the rental housing health code promulgated by the department of health, the Vermont fire and building safety code promulgated by the department of public safety, and regulations regarding potable water and septic systems promulgated by the agency of natural resources.

Amendment to be offered by Rep. Head of South Burlington to H. 776

Rep. Head of South Burlington moves that the bill be amended as follows:

First: In Sec. 1, 24 V.S.A. § 5021 by striking subsection (b) and adding a new subsection (b) to read:

(b) The standards imposed by this chapter are in addition to and not in lieu of any applicable housing laws and codes, including the laws relating to lead poisoning in 18 V.S.A. §§ 1759–1760, the rental housing health code promulgated by the department of health, the Vermont fire and building safety code promulgated by the department of public safety, and regulations regarding potable water and septic systems promulgated by the agency of natural resources.

Second: In Sec. 1, 24 V.S.A. § 5021, by striking out subsection (c) and inserting in lieu thereof a new subsection (c) to read:

(c) For purposes of this chapter, “dwelling unit” means all rental dwellings, including apartments, rooming houses, rooming units, and mobile home lots, used as regular residences.

Third: In Sec. 1, 24 V.S.A. § 5028 in subsection (a) by striking out “subchapter” and inserting in lieu thereof “chapter”

S. 28

An act relating to the regulation of landscape architects

Rep. Townsend of Randolph, for the Committee on **Government Operations**, recommends the bill be amended as follows:

First: By adding a Sec. 4 to read:

Sec. 4. FINDINGS

(a) The general assembly finds that:

(1) All states in the United States, with the exception of Vermont, regulate the profession of landscape architects.

(2) Most states do not have sunrise criteria for regulation of new professions such as that set forth in chapter 57 of Title 26.

(3) Landscape architecture is the fastest growing profession among design professions.

(4) Architects’, engineers’ and landscape architects’ scopes of practice overlap.

(5) Architects and engineers are licensed by the state of Vermont, while landscape architects are not.

(6) The general welfare of Vermonters is impacted by the work of landscape architects and those impacts continue to grow with the growth of the profession.

(7) There are economic and environmental side effects resulting from

the lack of regulation of landscape architects.

(8) It is clear that the provisions set forth in this act may benefit the Vermont economy and environment by promoting the landscape architect profession within and outside of the state.

(9) While it is not clear that regulation of landscape architects will benefit the public health, safety or welfare, or that unregulated practice will harm or endanger the public, health safety or welfare, the potential for those issues to affect Vermonters is bound to increase as the services become more popular.

(10) Based on the foregoing, the profession of landscape architects should be licensed as set forth in this act.

Second: By striking Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. REVIEW BY DIRECTOR OF THE OFFICE OF PROFESSIONAL REGULATION; REPEAL

(a) Sec. 2 of this act shall be repealed on July 1, 2014.

(b) On or before December 31, 2013, the director shall file a report with the house and senate committees on government operations on whether this act has benefited the public health, safety or welfare. The report shall make a specific finding of whether or not this act has benefited the public health, safety or welfare. If the report finds no such benefit, this act shall be repealed on July 1, 2014.

(Committee Vote: 8-2-1)

Favorable

S. 150

An act relating to parking reserved for disabled persons

Rep. Howard of Cambridge, for the Committee on **Transportation**, recommends that the bill ought to pass in concurrence.

(Committee Vote: 10-0-1)

(For text see Senate Journal 2/25/2010)

Action Postponed Until May 28, 2010

Governors Veto

H. 436

An act relating to decommissioning funds of nuclear energy generation plants.

Pending Question: Shall the House sustain the Governor's veto?

NOTICE CALENDAR
Favorable with Amendment
S. 272

An act relating to human trafficking

Rep. Grad of Moretown, for the Committee on **Judiciary**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The general assembly finds that:

(1) According to his book, *The Slave Next Door: Human Trafficking and Slavery in America Today*, Dr. Kevin Bales states that the number of human beings estimated to be enslaved today has reached over 27 million worldwide, the highest in recorded history. Vermont and all of its bordering states have seen elements of human trafficking, yet Vermont is the only remaining state in the Northeast and one of the remaining five in the nation lacking legislation on this issue. Vermont's geographical location bordering Canada makes it susceptible to human trafficking activity.

(2) Human trafficking is an interrelated, under-reported crime that is intentionally kept secret by the traffickers who profit by billions of dollars from these crimes. Human trafficking is the third most profitable illegal global enterprise after drug and weapon trafficking, all of which have been found to be closely related.

(3) Because Vermont has a limited level of awareness regarding the existence of human trafficking within its own borders, the collaborative efforts of a human trafficking task force are necessary to raise public awareness and to recommend measures that will assist victims of human trafficking.

Sec. 2. HUMAN TRAFFICKING TASK FORCE

(a) As used in this section, "human trafficking" shall have the same meaning as in 18 U.S.C. §§ 1589–1592.

(b) For purposes of the definition of "human trafficking," "forced labor" means providing or obtaining the labor or services of a person:

(1) by threats of serious harm to, or physical restraint against, that person or another person;

(2) by means of any scheme, plan, or pattern intended to cause the person to believe that if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or

(3) by means of the abuse or threatened abuse of law or the legal process.

(c) The human trafficking task force is established for the purpose of raising public awareness about human trafficking within the state and across state and international borders, identifying resources for the victims of human trafficking, recommending to the public ways to identify and report acts of human trafficking and reporting, and making findings and recommendations regarding those efforts to the general assembly.

(d) The human trafficking task force shall be composed of the following members:

(1) the attorney general or his or her designee, who shall serve as chair;

(2) a representative of the law enforcement community, appointed by the commissioner of public safety;

(3) a representative of Vermont's emergency housing or shelter community;

(4) representatives, appointed by the governor, from each of the following:

(A) the Vermont state housing authority;

(B) the department of labor;

(C) the department of education;

(D) the department for children and families;

(E) the business community; and

(F) the agency of agriculture, food and markets.

(5) a representative, appointed by the secretary, from the agency of human services who specializes in refugee matters;

(6) a representative of the coalition of Vermonters against slavery today;

(7) a representative of the Vermont farm bureau;

(8) a representative of the Vermont network against domestic and sexual violence;

(9) a representative of the Vermont coalition of runaway and homeless youth programs;

(10) a representative of the Vermont crime victim's services; and

(11) an immigration attorney, appointed by the Vermont bar association.

(e) The task force shall consult with representatives from the following:

- (1) the human rights commission;
- (2) the department of public safety;
- (3) the polaris project;
- (4) health care professionals;
- (5) the United States' attorney for Vermont;
- (6) migrant worker and other labor advocacy groups; and
- (7) any other groups or individuals the committee deems appropriate.

(f) The task force shall perform the following duties:

(1) Identify ways to raise public awareness about human trafficking in Vermont communities.

(2) Recommend how the Vermont public, business community, local and state government, health, and education providers can best identify, report, and prevent acts of human trafficking in Vermont.

(3) Identify the services needed by victims of human trafficking and their families, and recommend ways to provide those services.

(g) The task force shall have the assistance and cooperation of all state and local agencies and departments.

(h) On or before November 15, 2010, the task force shall report to the members of the senate and house committees on judiciary and to the legislative council its recommendations and legislative proposals including criminal statutory provisions, if any, relating to its findings.

(i) On or before January 15, 2011, the task force shall report to the general assembly and to the governor its findings and any recommendations.

(j) The task force may meet no more than six times, and shall cease to exist on January 15, 2011.

Sec. 3. LAW ENFORCEMENT ADVISORY BOARD

(a) On or before November 15, 2010, the commissioner of public safety shall report to the law enforcement advisory board on the status of efforts by Vermont law enforcement to respond to issues regarding the crime of human trafficking and what recommendations, if any, should be made to the members of the senate and house committees on judiciary and to the legislative council in order to respond more effectively to those issues.

(b) Prior to making this report, the commissioner shall consult with the following groups:

- (1) a representative of the Vermont association of chiefs of police;
- (2) a representative of the Vermont sheriffs' association;
- (3) the attorney general, or his or her designee from the criminal division;
- (4) a state's attorney, appointed by the executive director of the department of state's attorneys and sheriffs;
- (5) a representative from the Vermont center for crime victim services;
- (6) a representative from the network against domestic and sexual violence;
- (7) a representative from the coalition of Vermonters against slavery today;
- (8) the executive director of the Vermont police academy or his or her designee;
- (9) the United States' attorney for Vermont or his or her designee;
- (10) representatives from federal law enforcement agencies in Vermont;
- (11) the human trafficking task force; and
- (12) any other groups or individuals the commissioner deems appropriate.

(c) The law enforcement advisory board shall include its findings and recommendations, based upon the commissioner's report, in its annual report to the general assembly and governor as required pursuant to 24 V.S.A. § 1939(d).

Sec. 4. EFFECTIVE DATE

This act shall take effect upon passage.

(Committee Vote: 8-0-3)

Senate Proposal of Amendment

H. 695

An act relating to definition of premises for award of liquor license.

The Senate proposes to the House to amend the bill in Sec. 1, 7 V.S.A. § 2(15), in the fourth sentence, by striking out the following: "includes any

licensed establishment that is” and inserting in lieu thereof the following:
includes up to two licensed establishments that are

(For text see House Journal 3/10/10)

Ordered to Lie

H.R. 19

House resolution urging the agency of natural resources to retain delegated authority to administer the federal Clean Water Act in Vermont.

Pending Question: Shall the House adopt the resolution?

Public Hearings

Wednesday, April 7, 2010 - 4:30 - 7:00 PM; Senate Committee on Judiciary -
H. 470 - Judicial Restructuring