

# Senate Calendar

FRIDAY, JANUARY 23, 2009

17th DAY OF BIENNIAL SESSION

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### NOTICE CALENDAR

#### Concurrent Resolutions for Adoption

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ORDERS OF THE DAY

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**Third Reading**

**Favorable with Recommendation of Amendment**

**S. 13**

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

**AMENDMENT TO S. 13 TO BE OFFERED BY SENATOR SEARS, ON  
BEHALF OF THE COMMITTEE ON JUDICIARY, BEFORE THIRD  
READING**

Senator Sears, on behalf of the Committee on Judiciary, moves to amend the bill as follows:

First: In Sec. 25, 20 V.S.A. § 1940(a)(3), after the following: “that is a misdemeanor” by inserting the following: other than domestic assault pursuant to 13 V.S.A. § 1042 or a sex offense for which registration is required pursuant to 13 V.S.A. § 5401 et. seq.

Second: In Sec. 27, by striking out the figure: “21” and inserting in lieu thereof the figure: 26

Third: In Sec. 30, 13 V.S.A. § 3253a, in subdivision (a)(2), by striking out the following: “sexually assaulting” and inserting in lieu thereof the following: committing a nonconsensual sexual act upon

Fourth: By adding a new section to be numbered Sec. 30a, to read as follows:

Sec. 30a. 13 V.S.A. § 3253 is amended to read:

§ 3253. AGGRAVATED SEXUAL ASSAULT

(a) A person commits the crime of aggravated sexual assault if the person commits sexual assault under any one of the following circumstances:

\* \* \*

(2) The actor is joined or assisted by one or more persons in physically restraining, assaulting or ~~sexually assaulting~~ committing a nonconsensual sexual act upon the victim.

\* \* \*

Fifth: In Sec. 33, 13 V.S.A. § 7041, in subsection (c), after the following: “lewd and lascivious conduct with a child” by adding the following: unless the

victim and the defendant were within five years of age and the act was consensual

Sixth: In Sec. 41, 28 V.S.A. § 255, in subsection (c), by striking out the following: “, unless all parties and the department of corrections have filed notice in support of discharge with the court”

**AMENDMENT TO S. 13 TO BE OFFERED BY SENATOR BROCK, ON BEHALF OF THE COMMITTEE ON EDUCATION, BEFORE THIRD READING**

Senator Brock, on behalf of the Committee on Education, moves to amend the bill as follows:

First: In Sec. 4, 16 V.S.A. § 254, by adding a new subsection (f) to read as follows:

(f) A person who has a conviction for a sex offense that requires registration pursuant to section 13 V.S.A. § 5401 shall not be eligible for an initial license, for renewal of a license, or for reinstatement of a lapsed license as a professional educator or for employment as a superintendent of schools in Vermont.

Second: In Sec. 5, 16 V.S.A. § 255, buy adding a new subsection (i) to read as follows:

(i) A person who has a conviction for a sex offense that requires registration pursuant to section 13 V.S.A. § 5401 shall not be eligible to serve in the capacity as provided in subdivisions (a)(1)–(4) of this section.

**AMENDMENT TO S. 13 TO BE OFFERED BY SENATORS WHITE AND MILLER BEFORE THIRD READING**

Senators White and Miller move to amend the bill by striking out Sec. 7 in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. 16 V.S.A. § 260 is amended to read:

**§ 260. SCHOOL BOARD POLICIES**

Each school board shall, by July 1, 1999, adopt a policy on supervision of volunteers and work study students. Policies shall require that superintendents, headmasters of recognized or approved schools, and their contractors, check with the Vermont Internet sex offender registry the names and birth dates of any volunteers or work study students prior to allowing them unsupervised contact with minor children or persons in need of guardianship if their duties require working directly with minor children or persons in need of guardianship.

**AMENDMENT TO S. 13 TO BE OFFERED BY SENATORS MILLER  
AND WHITE BEFORE THIRD READING**

Senators Miller and White move to amend the bill by adding a new section to be numbered Sec. 52a to read as follows:

Sec. 52a. 13 V.S.A. §3252(c)(2) is amended to read:

(2) where the person is less than ~~19~~ 21 years old, the child is at least ~~15~~ 14 years old, and the sexual act is consensual.

**NOTICE CALENDAR**

**Concurrent Resolutions**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively.

**S.C.R. 4**

Senate concurrent resolution congratulating the Vermont Symphony Orchestra on its 75<sup>th</sup> anniversary.

**S.C.R. 5.**

Senate concurrent resolution honoring the Vermont Detachment of the Sons of the American Legion and welcoming Thomas Cisna, its 41 National Commander, to Vermont.

**S.C.R. 6.**

Senate concurrent resolution honoring Court Administrator and Vermont Supreme Court Clerk Lee Suskin.

**House Concurrent Resolutions**

**H.C.R. 16**

House concurrent resolution honoring former Representative Michael Flaherty of South Burlington

**H.C.R. 17**

House concurrent resolution congratulating Jocelyn Pond on her receipt of the William E. Mikell Spirit of Youth Award

**H.C.R. 18**

House concurrent resolution congratulating the Bellows Falls All-Stars baseball team on winning the 2008 Cal Ripken Division state championship

**H.C.R. 19**

House concurrent resolution congratulating the Rockingham Free Public Library on the 100th anniversary of its residency in its Carnegie Building home

**H.C.R. 20**

House concurrent resolution congratulating Dr. Timothy Johnson on a quarter century of optometry practice in Bellows Falls

**H.C.R. 21**

House concurrent resolution celebrating the 200-year history of the Muzzy-Allen-Monroe family in the town of Jamaica and its 160-year proprietorship of the J.A. Muzzy Company

**H.C.R. 22**

House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar Year 4707

**H.C.R. 23**

House concurrent resolution honoring Charles V. Fantoni of Barre Town for his state and community public service

**H.C.R. 24**

House concurrent resolution congratulating the Proctorsville Volunteer Fire Department on its 175th anniversary

**H.C.R. 25**

House concurrent resolution honoring the Brattleboro Union High School marching band on its participation in the 2009 presidential inaugural parade in Washington, D.C.

**H.C.R. 26**

House concurrent resolution congratulating the 2008 Harwood Union High School Highlanders Division II championship boys' cross-country team

**H.C.R. 27**

House concurrent resolution congratulating the Harwood Union High School Highlanders 2008 Division II championship field hockey team

### **H.C.R. 28**

House concurrent resolution congratulating Brittany Kelemen of Jonesville on being crowned Miss Vermont Teen USA 2009

### **H.C.R. 29**

House concurrent resolution recognizing the importance of nurse anesthetists in Vermont's health care system

### **CONFIRMATIONS**

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Susan D. Plaustiner of Brownsville – Member of the Vermont Economic Development Authority – By Sen. Maynard for the Committee on Finance. (1/21)

Rachel Schumacher of North Bennington – Member of the Vermont Economic Development Authority – By Sen. Hartwell for the Committee on Finance. (1/21)

### **PUBLIC HEARINGS**

#### **Joint Public Hearing on Fiscal Year 2010 budget on Vermont Interactive Television Appropriations Committees**

**Monday, February 9, 2009, 4:30 - 7:00 p.m.** – The House and Senate Appropriations Committees will hold a joint public hearing on Vermont Interactive Television (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the State budget for fiscal year 2010. All V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Castleton, Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, Waterbury, White River Junction and Williston. V.I.T.'s web site has an up-to-date location listing, including driving directions, addresses and telephone numbers, <http://www.vitlink.org/>

For information about the format of this event, interested parties may call

the House Appropriations Committee office at 802/828-5970. Requests for interpreters should be made to the office by 12:00 noon on Friday, January 23, 2009.

**2009**  
**REPORTS ON FILE**

Pursuant to the provisions of 2 V.S.A. §20(c), one (1) hard copy of the following reports is on file in the office of the Secretary of the Senate. Effective January 2009, pursuant to Act No. 192, Adj. Sess. (2008) §5.005(g) some reports will automatically be sent by electronic copy only and can be found on the State of Vermont webpage. They are designated on this list with an “e” following the assigned number.

12.(e) Project Prioritization and Addition of New Projects. (Agency of Transportation). (December 2008)

13. Department of Liquor Control 2008 Annual Report. (January 2009)

14. VTrans 2009 Fact Book. (Agency of Transportation). (January 2009)

15.(e) Transportation of Children in State Custody Act. 172: (Agency of Human Services, Department for Children and Families). (January 2009)

16. Corrections Oversight Committee Report. (Legislative Council) (January 2009)

17. Independent Audit of Vermont’s Energy Efficiency Utility. (Public Service Board). (January 2009)

18. Office of the State Treasurer 2008 Annual Report. (January 2009)

19. Workers’ Compensation Workgroup Report. (Vt. Association of Hospitals & Health Administration; Dept. of Banking, Insurance, Securities and Health Care Administration; Department of Labor; workers’ compensation carriers; practice managers; and other interested parties). (January 2009)

20. Database of Environmental Enforcement Actions. (Agency of Natural Resources; Department of Environmental Conservation, Compliance & Enforcement Program. (January 2009)

21. Environmental Enforcement Officers as Deputy Game Wardens. (Agency of Natural Resources; Department of Environmental Conservation, Compliance & Enforcement Program). (January 2009)

22. Enforcement of On-site Wastewater Systems. (Agency of Natural Resources; Department of Environmental Conservation, Wastewater Division). (January 2009)

23. Implementation of Stormwater General Permits. (Agency of Natural Resources; Department of Environmental Conservation, Compliance & Enforcement Program; and Water Quality Division). (January 2009)
24. Enforcement by the Department of Forests, Parks & Recreation. (Agency of Natural Resources; Department of Forests, Parks and Recreation. (January 2009)
25. Uniform Environmental Enforcement Act. (Department of Environmental Conservation, Compliance & Enforcement Program; Enforcement Division. (January 2009)
26. Litigation Report for Calendar Year 2008. (Pharmacy Benefit Manager and Other Prescription Drug-Related Legislation of Act. No. 80. (Vermont State Auditor) (January 2009)
27. UVA Eligibility Revisions-Forestland. (Agency of Natural Resources, Department of Forests, Parks and Recreation). (January 2009)
28. Sustainable Certification of State Forest Lands. (Agency of Natural Resources, Department of Forests, Parks and Recreation). (January 2009)
29. State Land Forest Management Report. (Agency of Natural Resources, Department of Forests, Parks and Recreation). (January 2009)
30. Annual Legislative Report on Mercury Pollution. (Advisory Committee on Mercury Pollution). (January 2009)
31. Agency of Natural Resources, Legislative Report. (Department of Environmental Conservation). (January 2009)
32. Compost Study Committee Legislative Report. (Agency of Natural Resources, Department of Environmental Conservation). (January 2009)
33. Solid Waste Working Group Legislative Report. (Agency of Natural Resources, Department of Environmental Conservation). (January 2009)
34. Consolidated Executive Branch Fee Report. (Agency of Administration). (January 2009)
35. Municipal Pollution Control Priority System Legislative Report. (Agency of Natural Resources). (January 2009)
36. Petroleum Cleanup Fund Status Report for 2008. (Agency of Natural Resources; Department of Environmental conservation, Waste Management Division). (January 2009)