

Senate Calendar

TUESDAY, JANUARY 12, 2010

8th DAY OF ADJOURNED SESSION

SENATE CONVENES AT: 9:30 A.M.

TABLE OF CONTENTS

Page No.

UNFINISHED BUSINESS OF FRIDAY, JANUARY 8, 2010

Third Reading

S. 99

- S. 99** Amending the Act 250 criteria relating to traffic, scattered development, and rural growth areas..... 7

NEW BUSINESS

Committee Bill for Second Reading

- S. 163** Technical corrections to 2009 sex offender legislation 7
By the Committee on Judiciary
Sen. Campbell amendment..... 7

Concurrent Resolutions for Adoption

S.C.R. 32-34 (For text of Resolutions, see Addendum to Senate and House Calendar for January 8, 2010)

H.C.R. 181-192 (For text of Resolutions, see Addendum to House Calendar for January 8, 2010)

ORDERS OF THE DAY

ACTION CALENDAR

UNFINISHED BUSINESS OF FRIDAY, JANUARY 8, 2010

Third Reading

S. 99.

An act relating to amending the Act 250 criteria relating to traffic, scattered development, and rural growth areas.

NEW BUSINESS

Committee Bill for Second Reading

S. 163.

An act relating to technical corrections to 2009 sex offender legislation.

By the Committee on Judiciary. (Sen. Campbell for the Committee)

**AMENDMENT TO S. 163 TO BE OFFERED BY SENATOR
CAMPBELL ON BEHALF OF THE COMMITTEE ON JUDICIARY**

Senator Campbell, on behalf of the Committee on Judiciary, moves to amend the bill by striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. Sec. 11 of No. 58 of the Acts of 2009 is amended to read:

Sec. 11. APPLICABILITY

Secs. 6, 9, and 14 of this act (sex offender registry and Internet sex offender registry) shall apply only to the following persons:

(1) A person convicted prior to the effective date of this act who is under the supervision of the department of corrections except as provided in subdivision (3)(A) of this section.

(2) A person convicted on or after the effective date of this act.

(3)(A) A person convicted prior to the effective date of this act of a crime committed in this state, who is not under the supervision of the department of corrections and is subject to sex offender registry requirements under subchapter 3 of chapter 167 of Title 13; or a person convicted prior to the effective date of this act of lewd or lascivious conduct with a child in violation of 13 V.S.A. § 2602 or a second or subsequent conviction for voyeurism in violation of 13 V.S.A. § 2605(b) or (c), who is under the

supervision of the department of corrections, unless the sex offender review committee determines pursuant to the requirements of this subdivision (3), taking into account whether the person has been charged or convicted of a criminal offense or a probation or parole violation since being placed on the registry, that the person has successfully re-integrated into the community.

(B)(i) No person's name shall be posted electronically pursuant to subdivision (3)(A) of this section before October 1, 2009.

(ii) On or before July 1, 2009, the department of public safety shall provide notice of the right to petition under this subdivision (3)(B) to all persons convicted prior to the effective date of this act who are not under the supervision of the department of corrections and are subject to sex offender registry requirements under subchapter 3 of chapter 167 of Title 13.

(iii) A person seeking a determination from the sex offender review committee that he or she is not subject to subdivision (3)(A) of this section shall file a petition with the committee before October 1, 2009. If a petition is filed before October 1, 2009, the petitioner's name shall not be posted electronically pursuant to subdivision (3)(A) of this section until after the sex offender review committee has ruled on the petition.

(C) All decisions made by the sex offender review committee under subdivision (3)(A) of this section shall be reviewed and approved by the commissioner of the department of corrections. The agency of human services shall adopt emergency rules which establish criteria for the commissioner's decision.

(4)(A) A person convicted prior to July 1, 2009, of a crime committed in any jurisdiction of the United States other than Vermont, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court, who is not under the supervision of the department of corrections and is subject to sex offender registry requirements under subchapter 3 of chapter 167 of Title 13, unless the sex offender review committee determines pursuant to the requirements of this subdivision (4), taking into account whether the person has been charged or convicted of a criminal offense or a probation or parole violation since being placed on the registry, that the person has successfully re-integrated into the community.

(B)(i) No person's name shall be posted electronically pursuant to subdivision (4)(A) of this section before July 1, 2010.

(ii) On or before April 1, 2010, the department of public safety shall provide notice of the right to petition pursuant to this subdivision (4)(B) to all persons with a right to file a petition under subdivision (4)(A) of this section.

(iii) A person seeking a determination from the sex offender review committee that he or she is not subject to subdivision (4)(A) of this section shall file a petition with the committee before July 1, 2010. If a petition is filed before July 1, 2010, the petitioner's name shall not be posted electronically pursuant to subdivision (4)(A) of this section until after the sex offender review committee has ruled on the petition.

(iv) The petition shall be accompanied by available information regarding the nature and circumstances of the offense and sentence from the jurisdiction where the offense occurred. The committee may deny the petition if sufficient available information regarding the nature and circumstances of the offense and sentence are not provided within 90 days after the committee requests the information from the petitioner.

(C) All decisions made by the sex offender review committee under subdivision (4)(A) of this section shall be reviewed and approved by the commissioner of the department of corrections. The agency of human services shall adopt emergency rules which establish criteria for the commissioner's decision.

CONFIRMATIONS

Robert D. Ide of Peacham – Commissioner of the Department of Motor Vehicles – By Sen. Kitchel for the Committee on Transportation. (1/11/10)

NOTICE OF JOINT ASSEMBLY

Tuesday, January 19, 2010 – 2:00 p.m. Joint Assembly – to receive the Governor's budget message.

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 2010, 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.

1. Act 61 Stroke Report – 2009 Recommendations of the Stroke Workshop. (Vermont Association of Hospitals and Health Systems) (November 2009)
2. Executive Orders: Boards and Commissions Authorized to Receive Per Diems. (Agency of Administration, Office of the Secretary) (November 2009)
3. Report on 2009 Vermont Tax Amnesty. (Agency of Administration, Department of Taxes) (December 2009)

4. Vermont Criminal Information Center report regarding changes to the Sex Offender Registry as required by Act 58, Section 23. (Department of Public Safety) (December 2009)

5. Vermont Housing Finance Agency Annual Report. (December 2009)

6. Vermont State Housing Authority 2009 Annual Report. (January 2010)

7. Retirement Commission Report, State Treasurer's Office. (December 2009) The Retirement Commission Report can be accessed with the following link:

<http://www.vermonttreasurer.gov/sites/treasurer/files/pdf/retirement-all/Final%20Report%20of%20Retirement%20Commission%20Dec%202009.pdf>

8. Vermont Drinking Water State Revolving Fund Annual Report. (Agency of Economic Development and Vermont Economic Development Authority) (January 2010)