

Senate Calendar

WEDNESDAY, APRIL 14, 2010

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ORDERS OF THE DAY

ACTION CALENDAR

CONSIDERATION POSTPONED TO APRIL 14, 2010

Third Reading

H. 524.

An act relating to interference with or cruelty to a guide dog.

Second Reading

Favorable with Proposal of Amendment

S.R. 17.

Senate resolution urging Congress to authorize alternative waivers to the 21-year-old minimum drinking age that do not entail federal highway funding penalties for states.

PENDING QUESTION: Shall the resolution be amended as recommended by the Committee on Economic Development, Housing and General Affairs?.

(For text, see Senate Journal of April 7, 2010, page 467).

NEW BUSINESS

Third Reading

J.R.S. 47.

Joint resolution strongly urging the Republic of Turkey to recognize the right to religious freedom for all its residents and to end all discriminatory policies directed against the Ecumenical Patriarchate of the Orthodox Church.

H. 648.

An act relating to harassment and hazing policies at independent colleges.

Second Reading

Favorable

H. 773.

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

Reported favorably by Senator Flanagan for the Committee on Government Operations.

(Committee vote: 5-0-0)

(No House amendments)

Favorable with Proposal of Amendment

H. 408.

An act relating to improving nutrition programs.

Reported favorably with recommendation of proposal of amendment by Senator Kittell for the Committee on Health and Welfare.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

First: By inserting a new Sec. 4a to read:

Sec. 4a. SUMMER EDUCATIONAL PROGRAMS; CAMPS

On or before October 1, 2010, the department of education shall report to the house committee on human services, the senate committee on health and welfare, and the house and senate committees on appropriations and on education regarding the number of school districts that operated or funded summer educational or recreational programs or camps.

Second: By striking Sec. 5 and inserting a new Sec. 5 to read:

Sec. 5. DIRECT CERTIFICATION FOR SCHOOL MEALS PROGRAMS

The department for children and families and the department of education shall continue to improve the monthly direct certification process through the use of automated data matches in order to certify children receiving 3SquaresVT or other programs or benefits deemed by federal law to make those children eligible for school breakfast, lunch, and summer meals programs.

(For House amendments, see House Journal for March 16, 2010, page 409.)

House Proposal of Amendment

S. 28

An act relating to the regulation of landscape architects.

The House proposes to the Senate to amend the bill 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.

NOTICE CALENDAR

Second Reading

Favorable

H. 527.

An act relating to municipal recovery of costs of fire department response.

Reported favorably by Senator Ayer for the Committee on Government Operations.

(Committee vote: 4-0-1)

H. 680.

An act relating to termination of occupancy of farm employee housing.

Reported favorably by Senator Kittell for the Committee on Agriculture.

(Committee vote: 3-0-2)

Favorable with Proposal of Amendment

H. 243.

An act relating to the creation of a mentored hunting license.

Reported favorably with recommendation of proposal of amendment by Senator Flory for the Committee on Natural Resources and Energy.

respectfully reports that it has considered the same and recommends that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 10 V.S.A. § 4256, by adding a subsection (j) to read as follows:

(j) No person shall hunt under this section on privately owned land without first obtaining the permission of the owner or occupant.

Second: By adding Secs. 5 and 6 to read as follows:

Sec. 5. DEPARTMENT OF FISH AND WILDLIFE REPORT ON MENTORED HUNTING

On or before January 15 annually, the commissioner of fish and wildlife shall report to the senate committee on natural resources and energy and the house committee on fish, wildlife and water resources regarding implementation of the mentored hunting license program under 10 V.S.A. § 4256. The report shall include:

(1) The number of mentored hunting licenses issued in the previous calendar year;

(2) The number of deer or other game taken by a mentored hunter in the previous calendar year, if discernible;

(3) A summary of each hunter safety incident or personal injury related to an individual hunting under a mentored license that occurred in the previous calendar year; and

(4) Any recommendation by the commissioner to improve or address implementation of the mentored hunting program, including whether 10 V.S.A. § 4256 should be amended or repealed.

Sec. 6. EFFECTIVE DATE

This act shall take effect January 1, 2011.

(For House amendments, see House Journal for March 17, 2010, page 426; March 18, 2010, page 453.)

House Proposal of Amendment

S. 272

An act relating to human trafficking.

The House proposes to the Senate to amend the bill 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, the senate committee on health and welfare, house committee on human services 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.

ORDERED TO LIE

S. 99.

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

S. 110.

An act relating to sheltering livestock.

S. 226.

An act relating to medical marijuana dispensaries.

H. 331.

An act relating to technical changes to the records management authority of the Vermont State Archives and Records Administration.

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.

Robert Kelley of Brandon - Member of the Board of Education - By Senator Flory for the Committee on Education. (1/14/10)

Steven Gurin of Barre - Member of the Vermont Educational & Health Buildings Financing Agency - By Senator Cummings for the Committee on Finance. (2/3/10)

Kenneth Gibbons of Hyde Park - Member of the Vermont Educational & Health Buildings Financing Agency - By Senator McCormack for the Committee on Finance. (2/17/10)

Sandi Murphy of Enosburg Falls - Member of the Valuation Appeals Board - By Senator Giard for the Committee on Finance. (2/24/10)

Jonathan Wood of Cambridge - Secretary of the Agency of Natural Resources - By Senator Lyons for the Committee on Natural Resources and Energy. (3/10/10)

Jonathan Wood of Cambridge - Secretary of the Agency of Natural Resources - By Senator Lyons for the Committee on Natural Resources and

Energy. (3/10/10)

Justin Johnson of Barre - Commissioner of the Department of Environmental Conservation - By Senator Lyons for the Committee on Natural Resources and Energy. (3/10/10)

Wayne Allen Laroche of Franklin - Commissioner of the Department of Fish & Wildlife - By Senator Lyons for the Committee on Natural Resources and Energy. (3/10/10)

Peter F. Young, Jr. of Northfield - Chair of the Natural Resources Board - By Senator Lyons for the Committee on Natural Resources and Energy. (3/10/10)

Jason Gibbs of Duxbury - Commissioner of the Department of Forests, Parks & Recreation - By Senator Lyons for the Committee on Natural Resources and Energy. (3/10/10)

Jason Gibbs of Duxbury – Commissioner of the Department of Forests, Parks & Recreation – By Senator Lyons for the Committee on Natural Resources and Energy. (3/10/10)

Richard A. Westman of Cambridge – Commissioner of the Department of Taxes – By Senator MacDonald for the Committee on Finance. (3/16/10)

Robert Alberts of Bridport – Member of the Vermont Housing Finance Agency – By Senator Ayer for the Committee on Finance. (3/17/10)

John W. Valente of Rutland – Director of the Vermont Municipal Bond Bank – By Senator Carris for the Committee on Finance. (3/17/10)

Bruce Hyde of Granville – Commissioner of the Department of Tourism & Marketing – By Sen. Ashe for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Kevin Dorn of Essex Junction – Secretary of the Agency of Commerce & Community Development – By Sen. Illuzzi for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Tayt Brooks of St. Albans – Commissioner of the Department of Economic, Housing and Community Affairs – By Sen. Miller for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Carl Rosenquist of Georgia – Member of the Economic Incentive Review Board – By Sen. Illuzzi for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Karen Marshall of Williston – Member of the Economic Incentive Review Board – By Sen. Racine for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Mary Lintermann of Stowe – Member of the Economic Incentive Review Board – By Sen. Racine for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Mark Young of Orwell – Member of the Economic Incentive Review Board – By Sen. Carris for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Stephan Morse of Newfane – Member of the Economic Incentive Review Board – By Sen. Carris for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Christopher S. Keyser of Rutland – Member of the Economic Incentive Review Board – By Sen. Carris for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Betsy Gentile of Guildford – Member of the Economic Incentive Review Board – By Sen. Carris for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Frederick S. Kenney, II of Jericho – Director of the Economic Incentive Review Board – By Sen. Miller for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Rachel Smith of St. Albans – Member of the Economic Incentive Review Board – By Sen. Ashe for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Nancy Port of Burlington – Member of the Economic Incentive Review Board – By Sen. Ashe for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Thomas Johnson of Dummerston – Member of the Vermont State Housing Authority – By Sen. Ashe for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

David Marvin of Hyde Park – Member of the Sustainable Jobs Fund Board of Directors – By Sen. Carris for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Lenae Quillen-Blume of Hartland – Member of the Sustainable Jobs Fund Board of Directors – By Sen. Carris for the Committee on Economic Development, Housing and General Affairs. (3/24/10)

Peter Gregory of Hartland – Member of the State Infrastructure Bank Board – By Sen. McCormack for the Committee on Finance. (3/24/10)

Susan Davis of Shelburne – Member of the Travel Information Council – By Sen. Mazza for the Committee on Transportation. (3/30/10)

Francis Heald of Rutland – Member of the Travel Information Council – By Sen. Mazza for the Committee on Transportation. (3/30/10)

Elizabeth G. Kennett of Rochester – Member of the Travel Information Council – By Sen. Mazza for the Committee on Transportation. (3/30/10)

Joseph Sutton of East Middlebury – Member of the Travel Information Council – By Sen. Mazza for the Committee on Transportation. (3/30/10)

Laurie A. Rowell of Saxtons River – Member and Chair, of the Valuation Appeals Board – By Sen. MacDonald for the Committee on Finance. (3/31/10)

Dagyne Canney of North Clarendon – Member of the Vermont Housing Finance Agency – By Sen. Carris for the Committee on Finance. (3/31/10)

Ann L. Hogan of Shelburne – Member of the State Infrastructure Bank Board – By Sen. Hartwell for the Committee on Finance. (4/6/10)

David R. Kimel of St. Albans – Director of the Vermont Municipal Bond Bank – By Sen. Hartwell for the Committee on Finance. (4/6/10)