

Journal of the House

Monday, May 4, 2009

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Aswad of Burlington.

Committee Bill Introduced

H. 456

Rep. Pugh of South Burlington, for the committee on Human Services, introduced a bill, entitled

An act relating to seasonal fuel assistance

Which was read the first time and, under the rule, placed on the Calendar for notice tomorrow.

House Resolution Placed on Calendar

H.R. 19

House resolution, entitled

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

Offered by: Representative Deen of Westminster

Whereas, the federal Clean Water Act requires dischargers of pollutants to the navigable waters of Vermont to obtain a national pollutant discharge elimination system (NPDES) permit, and

Whereas, the federal Clean Water Act authorizes the U.S. Environmental Protection Agency (EPA) to delegate to states the authority to administer and enforce the NPDES permit program for discharges to navigable waters, and

Whereas, EPA delegated administration of the federal Clean Water Act in Vermont to the agency of natural resources (ANR) in 1974, and

Whereas, ANR's delegated authority allows the agency, instead of EPA, to implement and enforce permitting requirements for all development and farms in the state, and

Whereas, delegation of the Clean Water Act to ANR allows the agency access to significant federal funding to administer the NPDES permitting program in the state, and

Whereas, delegation of the Clean Water Act to ANR allows the agency to initiate an enforcement action to forestall citizen suits against discharges that potentially violate the Clean Water Act, and

Whereas, secretary of natural resources Jonathan Wood stated that ANR is considering returning delegation of the NPDES permit program in Vermont to EPA, and

Whereas, returning delegation of the NPDES permit program to EPA would require developers in Vermont to apply to EPA Region 1 in Boston for necessary stormwater permits, and

Whereas, returning delegation of the NPDES permit program to EPA would require farms and stormwater discharges that are permitted under state law to be permitted by EPA under the federal Clean Water Act, and

Whereas, returning delegation of the NPDES permit program to EPA would prevent ANR from forestalling citizen suits against discharges in the state, and

Whereas, returning delegation of the NPDES permit program to EPA would require ANR to forfeit over \$1.2 million in federal funds and require the termination of 17 employees at the agency, and

Whereas, the Vermont general assembly is the public policy entity of the state, and

Whereas, the return of delegation of the NPDES permit program to EPA is a significant public policy issue, now therefore be it

Resolved by the House of Representatives:

That ANR is urged not to return the authority delegated to it by EPA to implement and enforce the NPDES permit program of the federal Clean Water Act without approval of the Vermont general assembly, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to Governor James Douglas, EPA administrator Lisa Jackson, the Vermont Congressional Delegation, and Vermont Secretary of Natural Resources Jonathan Wood.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 91

Rep. Lanpher of Vergennes, for the committee on Transportation, to which had been referred Senate bill, entitled

An act relating to operation of vessels on public waters

Reported in favor of its passage in concurrence with proposal of amendment as follows:

In Sec. 4, 23 V.S.A. § 3327(a), after the words “give his or her name”, by inserting the following: “, date of birth,”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Proposals of Amendment Agreed to; Third Reading Ordered

S. 67

Rep. Potter of Clarendon, for the committee on Transportation, to which had been referred Senate bill, entitled

An act relating to motor vehicles

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: By inserting a Sec. 14 to read:

Sec. 14. 23 V.S.A. § 618a is added to read:

§ 618a. ANATOMICAL GIFT ACT; DONOR; FORM

The commissioner shall provide a form which, upon the licensee’s execution, shall serve as a document of an anatomical gift under chapter 109 of Title 18. An indicator shall be placed on the license of any person who has executed an anatomical gift form in accordance with this section.

Second: By inserting a Sec. 15 to read:

Sec. 15. 23 V.S.A. § 4111(a) is amended to read:

(a) Contents of license. A commercial ~~driver~~ driver’s license shall be marked “commercial driver license” or “CDL,” and shall be, to the maximum extend practicable, tamper proof, and shall include, but not be limited to the following information:

* * *

(11) An indicator that a licensee has executed a document that serves as an anatomical gift pursuant to section 618a of this title.

Third: By inserting a Sec. 16 to read:

Sec. 16. 23 V.S.A. § 108 is amended to read:

§ 108. APPLICATION FORMS

(a) The commissioner shall prepare and furnish all forms for applications, accident reports, conviction reports, a pamphlet containing the full text of the motor vehicle laws of the state, and all other forms needed in the proper conduct of his or her office. He or she shall furnish an adequate supply of ~~such~~ registration forms, license applications, and motor vehicle laws each year to each town clerk, and to ~~such~~ other persons ~~as may so~~ who make a request.

(b) The commissioner shall state on applications for an operator license and a commercial driver license, including applications for renewals, the following statement: “By submitting or signing this application, I am consenting to registration with the Selective Service System, if so required by law, unless I have checked the “opt out” box.”

Fourth: By inserting a Sec. 17 to read:

Sec. 17. 23 V.S.A. § 115(l) is added to read:

(l) Section 3 of the Military Selective Service Act (50 U.S.C. App. 451 et seq.) requires male United States citizens and immigrants who are at least 18 years of age but less than 26 years of age to register with the Selective Service System. The signature on the application for a nondriver identification card, renewal of a card, or replacement of a card which has been lost, destroyed, or mutilated shall serve as registration with the Selective Service System for those persons required to comply with the federal law unless they indicate on the application that they do not wish to register via the license. The commissioner of motor vehicles shall forward the necessary personal information in an electronic format to the Selective Service for all those who do not opt out of registration.

Fifth: By inserting a Sec. 18 to read:

Sec. 18. 23 V.S.A. § 603(e) is added to read:

(e) Section 3 of the Military Selective Service Act (50 U.S.C. App. 451 et seq.) requires male United States citizens and immigrants who are at least 18 years of age but less than 26 years of age to register with the Selective Service System. The signature on the application for an operator license or renewal of a license shall serve as registration with the Selective Service System for those

persons required to comply with the federal law unless they indicate on the application that they do not wish to register via the license. The commissioner shall forward the necessary personal information in an electronic format to the Selective Service for all those who do not opt out of registration.

Sixth: By inserting a Sec. 19 to read:

Sec. 19. 23 V.S.A. § 4110(e) is added to read:

(e) Section 3 of the Military Selective Service Act (50 U.S.C. App. 451 et seq.) requires male United States citizens and immigrants who are at least 18 years of age but less than 26 years of age to register with the Selective Service System. The signature on the application for a commercial driver license or renewal of a license shall serve as registration with the Selective Service System for those persons required to comply with the federal law unless they indicate on the application that they do not wish to register via the license. The commissioner shall forward the necessary personal information in an electronic format to the Selective Service for all those who do not opt out of registration.

Seventh: By inserting a Sec. 20 to read:

Sec. 20. EFFECTIVE DATES

(a) Secs. 16-19 of this act shall take effect on July 1, 2010.

(b) All other sections of this act shall take effect upon passage.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Thereupon, **Rep. Fisher of Lincoln** asked that the question be divided and the first and second proposals of amendment were agreed to.

Rep. Jewett in Chair.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Transportation in the third through seventh proposals of amendment? **Rep. Haas of Rochester** moved to commit the bill to the committee on Appropriations, which was disagreed to on a Division Vote. Yeas, 50. Nays, 52.

Thereupon, pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Transportation in the third through seventh recommendation of proposals of amendment? **Rep. Wright of Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Transportation in the third through seventh

recommendation of proposals of amendment? was decided in the negative.
Yeas, 60. Nays, 68.

Those who voted in the affirmative are:

Acinapura of Brandon	Dickinson of St. Albans Town	Marcotte of Coventry
Adams of Hartland	Donaghy of Poultney	McAllister of Highgate
Ainsworth of Royalton	Evans of Essex	McDonald of Berlin
Aswad of Burlington	Fagan of Rutland City	Myers of Essex
Atkins of Winooski	French of Shrewsbury	Nease of Johnson
Audette of South Burlington	Gilbert of Fairfax	O'Donnell of Vernon
Baker of West Rutland	Greshin of Warren	Pearce of Richford
Bissonnette of Winooski	Helm of Castleton	Peaslee of Guildhall
Bohi of Hartford	Higley of Lowell	Potter of Clarendon
Botzow of Pownal	Howard of Rutland City	Reis of St. Johnsbury
Branagan of Georgia	Hube of Londonderry	Rodgers of Glover
Bray of New Haven	Hubert of Milton	Savage of Swanton
Brennan of Colchester	Jerman of Essex	Scheuermann of Stowe
Canfield of Fair Haven	Keenan of St. Albans City	Sharpe of Bristol
Clarkson of Woodstock	Koch of Barre Town	South of St. Johnsbury
Clerkin of Hartford	Komline of Dorset	Sweaney of Windsor
Conquest of Newbury	Larocque of Barnet	Toll of Danville
Corcoran of Bennington	Lawrence of Lyndon	Westman of Cambridge
Courcelle of Rutland City	Macaig of Williston	Winters of Williamstown
Devereux of Mount Holly	Manwaring of Wilmington	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Johnson of South Hero	Minter of Waterbury
Andrews of Rutland City	Kitzmiller of Montpelier	Mitchell of Barnard
Burke of Brattleboro	Klein of East Montpelier	Mook of Bennington
Cheney of Norwich	Krawczyk of Bennington	Moran of Wardsboro
Condon of Colchester	Lanpher of Vergennes	Nuovo of Middlebury
Consejo of Sheldon	Larson of Burlington	O'Brien of Richmond
Copeland-Hanzas of Bradford	Lenes of Shelburne	Obuchowski of Rockingham
Davis of Washington	Leriche of Hardwick	Pellett of Chester
Deen of Westminster	Lewis of Derby	Peltz of Woodbury
Donahue of Northfield	Lippert of Hinesburg	Perley of Enosburg
Donovan of Burlington	Lorber of Burlington	Poirier of Barre City
Edwards of Brattleboro	Maier of Middlebury	Ram of Burlington
Emmons of Springfield	Malcolm of Pawlet	Shand of Weathersfield
Fisher of Lincoln	Marek of Newfane	Smith of Mendon
Frank of Underhill	Martin of Springfield	Spengler of Colchester
French of Randolph	Martin of Wolcott	Stevens of Waterbury
Grad of Moretown	Masland of Thetford	Taylor of Barre City
Haas of Rochester	McCullough of Williston	Till of Jericho
Head of South Burlington	McFaun of Barre Town	Townsend of Randolph
Hooper of Montpelier	Milkey of Brattleboro	Waite-Simpson of Essex
	Miller of Shaftsbury	Webb of Shelburne

Weston of Burlington
Wheeler of Derby

Wilson of Manchester
Wizowaty of Burlington

Young of St. Albans City
Zenie of Colchester

Those members absent with leave of the House and not voting are:

Browning of Arlington
Clark of Vergennes
Crawford of Burke
Flory of Pittsford
Geier of South Burlington
Heath of Westford
Howrigan of Fairfield

Johnson of Canaan
Kilmartin of Newport City
McNeil of Rutland Town
Morley of Barton
Morrissey of Bennington
Mrowicki of Putney
Orr of Charlotte

Partridge of Windham
Pugh of South Burlington
Smith of Morristown
Stevens of Shoreham
Trombley of Grand Isle
Turner of Milton
Zuckerman of Burlington

Rep. Andrews of Rutland City explained her vote as follows:

“Mr. Speaker:

I am concerned about young people without strong parental and community guidance who may slip through the cracks and be penalized for their ignorance. I would support a plan to remind and educate them about their responsibilities at the time they apply for a license, but this feels like an unwarranted intrusion of Federal requirements into our state business. I also feel this proposal should be reviewed by the House committee on General, Housing and Military Affairs.”

Thereupon, third reading was ordered.

Recess

At twelve o'clock and forty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At two o'clock in the afternoon, the Speaker called the House to order.

Senate Proposal to House Proposal of Amendment Concurred in S. 94

Senate bill, entitled

An act relating to licensing state forestland for maple sugar production

The Senate concurs in the House proposal of amendment with the following amendments thereto:

First: In Sec. 1, 10 V.S.A. § 2606b(b), by striking out the words “right to transport” where they appear in the first sentence before “such sap” and inserting in lieu thereof “transportation of”

Second: In Sec. 1, 10 V.S.A. § 2606b(d), by striking out subdivision (2) in its entirety and inserting in lieu thereof the following:

(2) Three sugar makers, at least one of which is an independent sugar maker unaffiliated with an association, appointed by the secretary of agriculture, food and markets.

Third: In Sec. 1, 10 V.S.A. § 2606b, by adding subsection (f) to read as follows:

(f) On or before January 15, 2010, the commissioner of forests, parks and recreation shall submit to the senate and house committees on natural resources and energy and the senate and house committees on agriculture a report regarding the implementation of the requirements of this section. The report shall include:

(1) A copy of the guidelines required by this section for issuing licenses for the use of state forestland for maple sap collection and production.

(2) A summary of the process used to identify parcels of state forestland suitable for licensing for maple sap collection and production and the process by which the department allocated licenses.

(3) A summary of the licenses issued for maple sap collection and production on state forestland.

(4) An estimate of the fees collected for licenses issued under this section.

(5) A copy of any rules adopted by or proposed for adoption by the commissioner to implement the requirements of this section.

Which proposal of amendment was considered and concurred in.

**Rules Suspended; Bill Read Third Time and Passed in Concurrence
with Proposal of Amendment**

S. 91

Senate bill, entitled

An act relating to operation of vessels on public waters;

On motion of **Rep. McDonald of Berlin**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. McDonald of Berlin**, the rules were suspended and bills of the following titles were ordered messaged to the Senate forthwith.

S. 91

Senate bill, entitled

An act relating to operation of vessels on public waters;

S. 94

Senate bill, entitled

An act relating to licensing state forestland for maple sugar production.

**Rules Suspended; Proposal of Amendment Agreed to;
Third Reading Ordered; Rules Suspended and Bill Ordered
Messaged to Senate Forthwith**

S. 70

On motion of **Rep. McDonald of Berlin**, the rules were suspended and Senate bill, entitled

An act relating to clarifying the procedure for reinstatement of a driver's license based on total abstinence from alcohol and drugs

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Brennan of Colchester, for the committee on Transportation, to which had been referred Senate bill, entitled

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 1, subsection (b), subdivision (1) by striking the figure "\$1,000.00" and inserting in lieu thereof the figure "\$500.00" and

Second: In Sec. 1, subsection (b), subdivision (1), after the final period, by inserting the following: "The commissioner shall have the discretion to waive the application fee if the commissioner determines that payment of the fee would present a hardship to the applicant."

Rep. Masland of Thetford, for the committee on Ways and Means, recommends the bill ought to pass in concurrence when amended as recommended by the committee on Transportation.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

On motion of **Rep. McDonald of Berlin**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with

proposal of amendment and, on motion of **Rep. McDonald of Berlin**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended; Proposal of Amendment Agreed to; Third Reading
Ordered; Rules Suspended and the Resolution was Ordered
Messaged to the Senate Forthwith**

J.R.S. 26

On motion of **Rep. McDonald of Berlin**, the rules were suspended and Joint resolution, entitled

Joint resolution relating to the legalization of industrial hemp

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Malcolm of Pawlet, for the committee on Agriculture, to which had been referred the resolution reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking it in its entirety and inserting in lieu thereof the following:

Joint resolution relating to the legalization of industrial hemp

Whereas, industrial hemp refers to the nondrug oilseed and fiber varieties of *Cannabis* which have less than three-tenths of one percent (0.3%) tetrahydrocannabinol (THC) and which are cultivated exclusively for fiber, stalk, and seed, and

Whereas, industrial hemp is genetically distinct from drug varieties of *Cannabis* (also known as marijuana), and the flowering tops of industrial hemp do not produce any psychoactive drug effect when smoked or ingested, and

Whereas, Congress did not intend to prohibit the production of industrial hemp when restricting the production, possession and use of marijuana, and

Whereas, the legislative history of the Marijuana Tax Act of 1937 (50 Stat. 551), the statutory source for the federal definition of marijuana, shows that industrial hemp farmers and manufacturers of industrial hemp products were assuaged by the Federal Bureau of Narcotics commissioner, that the proposed legislation bore no threat to hemp-related activities, and

Whereas, the United States Court of Appeals for the Ninth Circuit ruled in Hemp Industries v. Drug Enforcement Administration, 357 F.3d 1012

(9th Cir. 2004), that the federal Controlled Substances Act of 1970 (21 U.S.C. Sec. 812(b)) explicitly excludes nonpsychoactive industrial hemp from the

definition of marijuana, and the federal government declined to appeal that decision, and

Whereas, the Controlled Substances Act of 1970 specifies the findings to which the government must attest in order to classify a substance as a Schedule I drug, and those findings include that the substance has a high potential for abuse, has no accepted medical use, and has a lack of accepted safety for use, none of which applies to industrial hemp, and

Whereas, Article 28, § 2 of the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, states that, “This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes,” and

Whereas, industrial hemp is commercially produced in more than 30 countries, including Australia, Canada, China, Great Britain, France, Germany and Romania, without undue restriction or complications, and

Whereas, American companies are forced to import millions of dollars’ worth of hemp seed and fiber products, denying American farmers the opportunity to compete for and share in profits for cultivating hemp, and

Whereas, nutritious hemp foods can be found in grocery stores nationwide, and strong durable hemp fibers can be found in the interior parts of millions of American cars, and

Whereas, buildings are being constructed of a hemp and lime mixture that sequesters carbon, and

Whereas, retail sales of hemp products in this country are estimated to be \$365 million annually, and

Whereas, industrial hemp is a high-value low-input crop that is not genetically modified, requires little or no pesticide use, can be dry-land farmed, and uses less fertilizer than wheat or corn, and

Whereas, the reluctance of the United States Drug Enforcement Administration to permit industrial hemp farming is denying agricultural producers in this country the ability to benefit from a high-value low-input crop, which can provide significant economic benefits to producers and manufacturers, and

Whereas, the United States Drug Enforcement Administration has the authority under the Controlled Substances Act to allow this state to regulate industrial hemp farming under existing laws and without requiring individual federal applications and licenses, and

Whereas, the Vermont General Assembly passed Act 212 in the 2007 session, which established a process wherein Vermont producers could take advantage of agronomic and commercial opportunities related to industrial hemp, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to:

- 1) Recognize industrial hemp as a valuable agricultural commodity;
- 2) Define industrial hemp in federal law as a nonpsychoactive and genetically identifiable species of the genus *Cannabis*;
- 3) Acknowledge that allowing and encouraging farmers to produce industrial hemp will improve the balance of trade by promoting domestic sources of industrial hemp; and
- 4) Assist United States producers by removing barriers to state regulation of the commercial production of industrial hemp, *and be it further*

Resolved: That the United States Drug Enforcement Administration allow the states to regulate industrial hemp farming without federal applications, licenses or fees, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Administrator of the United States Drug Enforcement Administration, United States Secretary of Agriculture Tom Vilsack, and the Vermont Congressional delegation.

The resolution, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

On motion of **Rep. McDonald of Berlin**, the rules were suspended and the resolution placed on all remaining stages of passage in concurrence with proposal of amendment. The resolution was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. McDonald of Berlin**, the rules were suspended and the resolution was ordered messaged to the Senate forthwith.

Consideration Interrupted by Recess

S. 125

Rep. Lippert of Hinesburg, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to expanding the sex offender registry

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. COMPLIANCE WITH THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

(a) The act. The Adam Walsh Child Protection and Safety Act of 2006 was signed by President George W. Bush in 2006. While well-intended, it contains a broad span of provisions that would significantly change state practice related to the registration and management of sex offenders in Vermont in a manner that is inconsistent with widely accepted evidence-based best practices at a substantial financial cost to the state. In comments directed to the U.S. Department of Justice regarding proposed guidelines to interpret and implement the act, the National Conference of State Legislatures called the guidelines a “burdensome,” “preemptive,” “unfunded mandate” for the states, requiring every legislature to undertake an extensive review of its laws as compared to the act and necessitating changes to state policy traditionally within the purview of the states.

(b) No state is in compliance. Due to the complexity and costs associated with the act, as of February 1, 2009, no state has been certified to be in substantial compliance with the act. States are required to comply with the act by July 27, 2009 or lose 10 percent of the state’s federal Byrne/JAG Funds, although Vermont has recently received a one-year extension from the Office of Justice Programs’ SMART office, which is responsible for regulations and compliance under the act.

(c) Constitutional challenges. The act is currently being challenged on a number of constitutional grounds in both federal and state courts at a substantial cost to many states. In addition, registry requirements and the consequences for failure to comply with them have expanded so significantly in recent years that imposition of such requirements on offenders may now violate the constitutional ban on retroactive punishment.

(d) Retroactive application and juveniles. Regulations issued by former U.S. Attorney General Alberto Gonzales require states to apply the requirements of the act retroactively, requiring Vermont to retier all sexual offenders, some of whom are currently beyond their duty to register. The retroactive application also applies to juveniles adjudicated delinquent for certain sexual offenses, even though they are currently not required to be

registered under state law. Even though such juveniles were afforded the protections of the juvenile system at the time of their plea, they would now be subject to a registration term as long as 25 years with no opportunity to petition for relief and would be subject to inclusion on the Internet sex offender registry.

Sec. 2. 13 V.S.A. § 2635a is added to read:

§ 2635a. SEX TRAFFICKING OF CHILDREN; SEX TRAFFICKING OF ANY PERSON BY FORCE, FRAUD, OR COERCION

(a) As used in this section:

(1) “Coercion” means:

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious bodily harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of law or the legal process.

(2) “Commercial sex act” means any sex act on account of which anything of value is given to or received by any person.

(3) “Venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

(b) No person shall knowingly:

(1) recruit, entice, harbor, transport, provide, or obtain by any means a person under the age of 18 for the purpose of having the person engage in a commercial sex act;

(2) compel a person through force, fraud, or coercion to engage in a commercial sex act; or

(3) benefit financially or by receiving anything of value from participation in a venture knowing that force, fraud, or coercion was or will be used to compel any person to engage in a commercial sex act as part of the venture.

(c) A person who violates subsection (b) of this section shall be imprisoned for a term up to and including life or fined not more than \$25,000.00 or both.

(d)(1) A person who is a victim of sex trafficking as defined in this section shall not be found in violation of chapter 59 (lewdness and prostitution) or 63

(obscenity) of this title for any conduct which arises out of the sex trafficking or which benefits a sex trafficker.

(2) If a person who is a victim of sex trafficking as defined in this section is prosecuted for any offense other than a violation of chapter 59 (lewdness and prostitution) or chapter 63 (obscenity) of this title which arises out of the sex trafficking or benefits a sex trafficker, the person may raise as an affirmative defense that he or she committed the offense as a result of force, fraud, or coercion by a sex trafficker.

* * * Minor Disseminating Indecent Material (“Sexting”) * * *

Sec. 3. 13 V.S.A. § 2802b is added to read:

§ 2802b. MINOR ELECTRONICALLY DISSEMINATING INDECENT MATERIAL TO ANOTHER PERSON

(a)(1) No minor shall knowingly and voluntarily and without threat or coercion use a computer or electronic communication device to transmit an indecent visual depiction of himself or herself to another person.

(2) No person shall possess a visual depiction transmitted to the person in violation of subdivision (1) of this subsection. It shall not be a violation of this subdivision if the person took reasonable steps, whether successful or not, to destroy or eliminate the visual depiction.

(b) Penalties; minors.

(1) A minor who violates subsection (a) of this section shall be adjudicated delinquent. An action brought under this subdivision (1) shall be filed in family court and treated as a juvenile proceeding pursuant to chapter 52 of Title 33 and may be referred to the juvenile diversion program of the district in which the action is filed.

(2) A minor who violates subsection (a) of this section and who has not previously been adjudicated in violation of that section shall not be prosecuted under chapter 64 of this title (sexual exploitation of children) and shall not be subject to the requirements of subchapter 3 of chapter 167 of this title (sex offender registration).

(3) A minor who violates subsection (a) of this section who has previously been adjudicated in violation of that section may be adjudicated in family court as under subdivision (1) of this subsection or may be prosecuted in district court under chapter 64 of this title (sexual exploitation of children) but shall not be subject to the requirements of subchapter 3 of chapter 167 of this title (sex offender registration).

(c) Penalties; adults. A person 18 years of age or older who violates subdivision (a)(2) of this section shall be fined not more than \$300.00 or imprisoned for not more than six months or both.

(d) This section shall not be construed to prohibit a prosecution under sections 1027 (disturbing the peace by use of telephone or electronic communication), 2601 (lewd and lascivious conduct), 2605 (voyeurism), or 2632 (prohibited acts) of this title, or under any other applicable provision of law.

Sec. 4. Sec. 4 of No. 192 of the Acts of the 2005 Adj. Sess. (2006) is amended to read:

Sec. 4. SEXUAL VIOLENCE PREVENTION TASK FORCE

(a) The general assembly acknowledges that many diverse organizations in Vermont currently provide sexual violence prevention education in Vermont schools with minimal financial support from the state. In order to further the goal of comprehensive, collaborative statewide sexual violence prevention efforts, the antiviolence partnership at the University of Vermont shall convene a task force to identify opportunities for sexual violence prevention education in Vermont schools. The task force shall conduct an inventory of sexual violence prevention activities currently offered by Vermont schools and by nonprofit and other nongovernmental organizations, and shall, as funding allows, provide information to them concerning the changes to law made by this act and concerning the consequences of sexual activity among minors, including the risks of using computers and electronic communication devices to transmit indecent and inappropriate images. As funding allows, the task force shall include the information collected under this subsection in education and outreach programs for minors, parents, teachers, court diversion programs, restorative justice programs, and the community.

* * *

* * * Sex Offender Registry * * *

Sec. 5. 13 V.S.A. § 5401(10) is amended to read;

(10) "Sex offender" means:

(A) A person who is convicted in any jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court of any of the following offenses:

- (i) sexual assault as defined in 13 V.S.A. § 3252;
- (ii) aggravated sexual assault as defined in 13 V.S.A. § 3253;

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- (iii) lewd and lascivious conduct as defined in 13 V.S.A. § 2601;
 - (iv) sexual abuse of a vulnerable adult as defined in 13 V.S.A. § 1379;
 - (v) second or subsequent conviction for voyeurism as defined in 13 V.S.A. § 2605(b) or (c);
 - (vi) kidnapping with intent to commit sexual assault as defined in 13 V.S.A. § 2405(a)(1)(D); ~~and~~
 - (vii) a federal conviction in federal court for any of the following offenses:
 - (I) sex trafficking of children as defined in 18 U.S.C. § 1591;
 - (II) aggravated sexual abuse as defined in 18 U.S.C. § 2241;
 - (III) sexual abuse as defined in 18 U.S.C. § 2242;
 - (IV) sexual abuse of a minor or ward as defined in 18 U.S.C. § 2243;
 - (V) abusive sexual contact as defined in 18 U.S.C. § 2244;
 - (VI) offenses resulting in death as defined in 18 U.S.C. § 2245;
 - (VII) sexual exploitation of children as defined in 18 U.S.C. § 2251;
 - (VIII) selling or buying of children as defined in 18 U.S.C. § 2251A;
 - (IX) material involving the sexual exploitation of minors as defined in 18 U.S.C. § 2252;
 - (X) material containing child pornography as defined in 18 U.S.C. § 2252A;
 - (XI) production of sexually explicit depictions of a minor for import into the United States as defined in 18 U.S.C. § 2260;
 - (XII) transportation of a minor for illegal sexual activity as defined in 18 U.S.C. § 2421;
 - (XIII) coercion and enticement of a minor for illegal sexual activity as defined in 18 U.S.C. § 2422;
 - (XIV) transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a minor, and engaging in illicit sexual conduct in foreign places as defined in 18 U.S.C. § 2423;

(XV) transmitting information about a minor to further criminal sexual conduct as defined in 18 U.S.C. § 2425;

~~(vii)~~(ix) an attempt to commit any offense listed in this subdivision (A).

(B) A person who is convicted of any of the following offenses against a victim who is a minor, except that, for purposes of this subdivision, conduct which is criminal only because of the age of the victim shall not be considered an offense for purposes of the registry if the perpetrator is under the age of 18 and the victim is at least 12 years old:

(i) any offense listed in subdivision (A) of this subdivision (10);

(ii) kidnapping as defined in 13 V.S.A. § 2405(a)(1)(D);

(iii) lewd and lascivious conduct with a child as defined in 13 V.S.A. § 2602;

(iv) ~~white~~ slave traffic as defined in 13 V.S.A. § 2635;

(v) sexual exploitation of children as defined in 13 V.S.A. chapter 64;

(vi) ~~or~~ procurement or solicitation as defined in 13 V.S.A. § 2632(a)(6);

(vii) aggravated sexual assault of a child as defined in 13 V.S.A. § 3253a;

(viii) sex trafficking of children or sex trafficking by force, fraud, or coercion as defined in 13 V.S.A. § 2635a;

(ix) sexual exploitation of a minor as defined in 13 V.S.A. § 3258(b);

(x) an attempt to commit any offense listed in this subdivision (B).

(C) A person who takes up residence within this state, other than within a correctional facility, and who has been convicted in any jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court, for a sex crime the elements of which would constitute a crime under subdivision ~~(10)~~(A) or (B) of this ~~section~~ subdivision (10) if committed in this state.

(D) A person 18 years of age or older who resides in this state, other than in a correctional facility, and who was required to register as a sex offender in any jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court,

prior to taking up residence within this state, except that, for purposes of this subdivision, conduct which is criminal only because of the age of the victim shall not be considered an offense for purposes of the registry if the perpetrator is under the age of 18 and the victim is at least 12 years old.

~~(D)~~(E) A nonresident sex offender who crosses into Vermont and who is employed, carries on a vocation, or is a student.

Sec. 6. 13 V.S.A. § 5407 is amended to read:

§ 5407. SEX OFFENDER'S RESPONSIBILITY TO REPORT

* * *

(g) The department shall adopt forms and procedures for the purpose of verifying the addresses of persons required to register under this subchapter in accordance with the requirements set forth in section (b)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. Every 90 days for sexually violent predators and annually for other registrants, the department shall verify addresses of registrants by sending a nonforwardable address verification form to each registrant at the address last reported by the registrant. The registrant shall be required to sign and return the form to the department within 10 days of receipt. If the registrant's name appears on the list of address verification forms automatically generated by the registry, it shall be presumed that the sex offender has received that form.

* * *

Sec. 7. 13 V.S.A. § 5409 is amended to read:

§ 5409. PENALTIES

(a) Except as provided in subsection (b) of this section, a sex offender who knowingly fails to comply with any provision of this subchapter shall:

(1) Be imprisoned for not more than two years or fined not more than \$1,000.00, or both. A sentence imposed under this subdivision shall run consecutively to any sentence being served by the sex offender at the time of sentencing.

(2) For the second or subsequent offense, be imprisoned not more than three years or fined not more than \$5,000.00, or both. A sentence imposed under this subdivision shall run consecutively to any sentence being served by the sex offender at the time of sentencing.

(b) A sex offender who knowingly fails to comply with any provision of this subchapter for a period of more than five consecutive days shall be

imprisoned not more than five years or fined not more than \$5,000.00, or both. A sentence imposed under this subsection shall run consecutively to any sentence being served by the sex offender at the time of sentencing.

(c) It shall be presumed that every sex offender knows and understands his or her obligations under this subchapter.

(d)(1) An affidavit by the administrator of the sex offender registry which describes the failure to comply with the provisions of this subchapter shall be prima facie evidence of a violation of this subchapter.

(2) Certified records of the sex offender registry shall be admissible into evidence as business records.

Sec. 8. NOTIFICATION OF RESPONSIBILITIES TO SEX OFFENDER

On or before June 15, 2009, the department of public safety shall provide written notice to all persons required to register as sex offenders under chapter 167 of Title 13 of the changes to sex offender reporting requirements made by this act and the penalties for failing to meet those requirements. The offender shall be presumed to have received the letter required by this section if the department sends the letter by first class mail to the offender at his or her last known address.

* * * Internet Sex Offender Registry * * *

Sec. 9. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

(a) Notwithstanding sections 2056a-2056e of Title 20, the department shall electronically post information on the Internet in accordance with subsection (b) of this section regarding the following sex offenders, upon their release from confinement:

(1) ~~Sex offenders who have been convicted of a violation of section 3253 of this title (aggravated sexual assault), section 2602 of this title (lewd or lascivious conduct with child) if the offender has been designated as high risk by the department of corrections pursuant to section 5411b of this title, or subdivision 2405(a)(1)(D) of this title if a registrable offense (kidnapping and sexual assault of a child):~~

(A) Aggravated sexual assault of a child (13 V.S.A. § 3253a).

(B) Aggravated sexual assault (13 V.S.A. § 3253).

(C) Sexual assault (13 V.S.A. § 3252).

(D) Kidnapping with intent to commit sexual assault (13 V.S.A. § 2405(a)(1)(D)).

(E) Lewd or lascivious conduct with child (13 V.S.A. § 2602) if the offender has been designated as high risk by the department of corrections pursuant to section 5411b of this title.

(F) A second or subsequent conviction for voyeurism (13 V.S.A. § 2605(b) or (c)) if the offender has been designated as high risk by the department of corrections pursuant to section 5411b of this title.

(G) Slave traffic if a registrable offense under subdivision 5401(10)(B)(iv) of this title (13 V.S.A. § 2635).

(H) Sex trafficking of children or sex trafficking by force, fraud, or coercion (13 V.S.A. § 2635a).

(I) Sexual exploitation of a minor (13 V.S.A. § 3258(b)).

(J) Any offense regarding the sexual exploitation of children (chapter 64 of this title).

(K) Sexual abuse of a vulnerable adult (13 V.S.A. § 1379).

(L) A federal conviction in federal court for any of the following offenses:

(i) Sex trafficking of children as defined in 18 U.S.C. § 1591.

(ii) Aggravated sexual abuse as defined in 18 U.S.C. § 2241.

(iii) Sexual abuse as defined in 18 U.S.C. § 2242.

(iv) Sexual abuse of a minor or ward as defined in 18 U.S.C. § 2243.

(v) Abusive sexual contact as defined in 18 U.S.C. § 2244.

(vi) Offenses resulting in death as defined in 18 U.S.C. § 2245.

(vii) Sexual exploitation of children as defined in 18 U.S.C. § 2251.

(viii) Selling or buying of children as defined in 18 U.S.C. § 2251A.

(ix) Material involving the sexual exploitation of minors as defined in 18 U.S.C. § 2252.

(x) Material containing child pornography as defined in 18 U.S.C. § 2252A.

(xi) Production of sexually explicit depictions of a minor for import into the United States as defined in 18 U.S.C. § 2260.

(xii) Transportation of a minor for illegal sexual activity as defined in 18 U.S.C. § 2421.

(xiii) Coercion and enticement of a minor for illegal sexual activity as defined in 18 U.S.C. § 2422.

(xiv) Transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a minor, and engaging in illicit sexual conduct in foreign places as defined in 18 U.S.C. § 2423.

(xv) Transmitting information about a minor to further criminal sexual conduct as defined in 18 U.S.C. § 2425.

(2) Sex offenders who have at least one prior conviction for an offense described in subdivision 5401(10) of this subchapter.

(3) Sex offenders who have failed to comply with sex offender registration requirements and for whose arrest there is an outstanding warrant for such noncompliance. Information on offenders shall remain on the Internet only while the warrant is outstanding.

(4) Sex offenders who have been designated as sexual predators pursuant to section 5405 of this title.

(5)(A) Sex offenders who have not complied with sex offender treatment recommended by the department of corrections or who are ineligible for sex offender treatment. The department of corrections shall establish rules for the administration of this subdivision and shall specify what circumstances constitute noncompliance with treatment and criteria for ineligibility to participate in treatment. Offenders subject to this provision shall have the right to appeal the department of corrections' determination in superior court in accordance with Rule 75 of the Vermont Rules of Civil Procedure. This subdivision shall apply prospectively and shall not apply to those sex offenders who did not comply with treatment or were ineligible for treatment prior to March 1, 2005.

(B) The department of corrections shall notify the department if a sex offender who is compliant with sex offender treatment completes his or her sentence but has not completed sex offender treatment. As long as the offender complies with treatment, the offender shall not be considered noncompliant under this subdivision and shall not be placed on the Internet registry in accordance with this subdivision alone. However, the offender shall submit to the department proof of continuing treatment compliance every three

months. Proof of compliance shall be a form provided by the department that the offender's treatment provider shall sign, attesting to the offender's continuing compliance with recommended treatment. Failure to submit such proof as required under this subdivision (B) shall result in the offender's placement on the Internet registry in accordance with subdivision (A) of this subdivision (5).

(6) Sex offenders who have been designated by the department of corrections, pursuant to section 5411b of this title, as high-risk.

(7) A person 18 years of age or older who resides in this state, other than in a correctional facility, and who was required to register as a sex offender in any jurisdiction of the United States, including a state, territory, commonwealth, the District of Columbia, or military, federal, or tribal court, prior to taking up residence within this state, except that, for purposes of this subdivision, conduct which is criminal only because of the age of the victim shall not be considered an offense for purposes of the registry if the perpetrator is under the age of 18 and the victim is at least 12 years old.

(b) The department shall electronically post the following information on sex offenders designated in subsection (a) of this section:

- (1) the offender's name and any known aliases;
- (2) the offender's date of birth;
- (3) a general physical description of the offender;
- (4) a digital photograph of the offender;
- (5) the offender's town of residence;
- (6) the date and nature of the offender's conviction;
- (7) if the offender is under the supervision of the department of corrections, the name and telephone number of the local department of corrections office in charge of monitoring the sex offender;
- (8) whether the offender complied with treatment recommended by the department of corrections;
- (9) a statement that there is an outstanding warrant for the offender's arrest, if applicable; ~~and~~
- (10) the reason for which the offender information is accessible under this section; and
- (11) whether the offender has been designated high-risk by the department of corrections pursuant to section 5411b of this title.

(c) The department shall have the authority to take necessary steps to obtain digital photographs of offenders whose information is required to be posted on the Internet and to update photographs as necessary. An offender who is requested by the department to report to the department or a local law enforcement agency for the purpose of being photographed for the Internet shall comply with the request within 30 days.

(d) An offender's street address shall not be posted electronically. The identity of a victim of an offense that requires registration shall not be released.

(e) Information regarding a sex offender shall not be posted electronically if the conduct that is the basis for the offense is criminal only because of the age of the victim and the perpetrator is within 38 months of age of the victim.

(f) Information regarding a sex offender shall not be posted electronically prior to the offender reaching the age of 18, but such information shall be otherwise available pursuant to section 5411 of this title.

(g) Information on sex offenders shall be posted on the Internet for the duration of time for which they are subject to notification requirements under section 5401 et seq. of this title.

(h) Posting of the information shall include the following language: "This information is made available for the purpose of complying with 13 V.S.A. § 5401 et seq., which requires the Department of Public Safety to establish and maintain a registry of persons who are required to register as sex offenders and to post electronically information on sex offenders. The registry is based on the legislature's decision to facilitate access to publicly available information about persons convicted of sexual offenses. EXCEPT FOR OFFENDERS SPECIFICALLY DESIGNATED ON THIS SITE AS HIGH-RISK, THE DEPARTMENT OF PUBLIC SAFETY HAS NOT CONSIDERED OR ASSESSED THE SPECIFIC RISK OF REOFFENSE WITH REGARD TO ANY INDIVIDUAL PRIOR TO HIS OR HER INCLUSION WITHIN THIS REGISTRY AND HAS MADE NO DETERMINATION THAT ANY INDIVIDUAL INCLUDED IN THE REGISTRY IS CURRENTLY DANGEROUS. THE MAIN PURPOSE OF PROVIDING THIS DATA ON THE INTERNET IS TO MAKE INFORMATION MORE EASILY AVAILABLE AND ACCESSIBLE, NOT TO WARN ABOUT ANY SPECIFIC INDIVIDUAL. IF YOU HAVE QUESTIONS OR CONCERNS ABOUT A PERSON WHO IS NOT LISTED ON THIS SITE OR YOU HAVE QUESTIONS ABOUT SEX OFFENDER INFORMATION LISTED ON THIS SITE, PLEASE CONTACT THE DEPARTMENT OF PUBLIC SAFETY OR YOUR LOCAL LAW ENFORCEMENT AGENCY. PLEASE BE AWARE THAT MANY NONOFFENDERS SHARE A NAME WITH A

REGISTERED SEX OFFENDER. Any person who uses information in this registry to injure, harass, or commit a criminal offense against any person included in the registry or any other person is subject to criminal prosecution.”

(i) The department shall post electronically general information about the sex offender registry and how the public may access registry information. Electronically posted information regarding sex offenders listed in subsection (a) of this section shall be organized and available to search by the sex offender’s name and the sex offender’s county, city, or town of residence.

(j) The department shall adopt rules for the administration of this section and shall expedite the process for the adoption of such rules. The department shall not implement this section prior to the adoption of such rules.

(k) If a sex offender’s information is required to be posted electronically pursuant to subdivision (a)(2) of this section, the department shall list the offender’s convictions for any crime listed in subdivision 5401(10) of this title, regardless of the date of the conviction or whether the offender was required to register as a sex offender based upon that conviction.

Sec. 10. 13 V.S.A. § 5411b is amended to read:

§ 5411B. DESIGNATION OF HIGH-RISK SEX OFFENDER

(a) The department of corrections ~~may~~ shall evaluate a sex offender for the purpose of determining whether the offender is "high-risk" as defined in section 5401 of this title. The designation of high-risk under this section is for the purpose of identifying an offender as one who should be subject to increased public access to his or her status as a sex offender and related information, including internet access.

(b) After notice and an opportunity to be heard, a sex offender who is designated as high-risk shall have the right to appeal de novo to the superior court in accordance with Rule 75 of the Vermont Rules of Civil Procedure.

(c) The department of corrections shall adopt rules for the administration of this section. The department of corrections shall not implement this section prior to the adoption of such rules.

(d) The department of corrections shall identify those sex offenders under the supervision of the department as of the date of passage of this act who are high-risk and shall designate them as such no later than September 1, ~~2005~~ 2009.

Sec. 11. APPLICABILITY

Secs. 5, 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.

(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 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 (3) that the person:

(1) has not been charged or convicted of a criminal offense since being placed on the registry; or

(2) has successfully reintegrated into the community.

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

(2) On or before July 1, 2009, the department of public safety shall provide notice of the right to petition under this subdivision 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.

(3) 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.

* * * Sex Offender Name Changes * * *

Sec. 12. 15 V.S.A. § 817 is added to read:

§ 817. CONSULTATION OF SEX OFFENDER REGISTRY WHEN FORM FILED

Upon receipt of a change-of-name form submitted pursuant to section 811 of this title, the probate court shall request the department of public safety to determine whether the person's name appears on the sex offender registry established by section 5402 of Title 13. If the person's name appears on the registry, the probate court shall not permit the person to change his or her name

unless it finds, after permitting the department of public safety to appear, that there is a compelling purpose for doing so.

Sec. 13. 13 V.S.A. § 5402 is amended to read:

§ 5402. SEX OFFENDER REGISTRY

(a) The department of public safety shall establish and maintain a sex offender registry, which shall consist of the information required to be filed under this subchapter.

(b) All information contained in the registry may be disclosed for any purpose permitted under the law of this state, including use by:

(1) local, state and federal law enforcement agencies exclusively for lawful law enforcement activities;

(2) state and federal governmental agencies for the exclusive purpose of conducting confidential background checks;

(3) any employer, including a school district, who is authorized by law to request records and information from the Vermont criminal information center, where such disclosure is necessary to protect the public concerning persons required to register under this subchapter. The identity of a victim of an offense that requires registration shall not be released; ~~and~~

(4) a person identified as a sex offender in the registry for the purpose of reviewing the accuracy of any record relating to him or her. The identity of a victim of an offense that requires registration shall not be released; and

(5) probate courts for purposes of conducting checks on persons applying for changes of name under section 811 of Title 15.

(c) The departments of corrections and public safety shall adopt rules, forms and procedures under chapter 25 of Title 3 to implement the provisions of this subchapter.

* * * Sex Offender Addresses on Internet * * *

Sec. 14. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

* * *

(b) The department shall electronically post the following information on sex offenders designated in subsection (a) of this section:

(1) the offender's name and any known aliases;

(2) the offender's date of birth;

- (3) a general physical description of the offender;
- (4) a digital photograph of the offender;
- (5) the offender's town of residence;
- (6) the offender's address or, if the offender does not have a fixed address, other information about where the offender habitually lives, if:
 - (A) the offender has been designated as high-risk by the department of corrections pursuant to section 5411b of this title;
 - (B) the offender has not complied with sex offender treatment;
 - (C) there is an outstanding warrant for the offender's arrest; or
 - (D) the offender has been electronically posted for an offense committed in another jurisdiction which required the person's address to be electronically posted in that jurisdiction;
- ~~(6)~~(7) the date and nature of the offender's conviction;
- ~~(7)~~(8) if the offender is under the supervision of the department of corrections, the name and telephone number of the local department of corrections office in charge of monitoring the sex offender;
- ~~(8)~~(9) whether the offender complied with treatment recommended by the department of corrections;
- ~~(9)~~(10) a statement that there is an outstanding warrant for the offender's arrest, if applicable; and
- ~~(10)~~(11) the reason for which the offender information is accessible under this section.

* * *

(d) ~~An offender's street address shall not be posted electronically.~~ The identity of a victim of an offense that requires registration shall not be released.

* * *

* * * Risk Assessments * * *

Sec. 15. 28 V.S.A. § 204a is amended to read:

§ 204A. SEXUAL OFFENDERS; PRE-SENTENCE INVESTIGATIONS;
RISK ASSESSMENTS; PSYCHOSEXUAL EVALUATIONS

* * *

(e) The department shall use assessment of offender risk for reoffense as the basis for classifying sex offenders and developing programming for sex offenders under the department.

(f) Nothing in this section shall be construed to infringe in any manner upon the department's authority to make decisions about programming for defendants or to create a right on the part of the offender to receive treatment in a particular program.

* * * Statutes of Limitations in Child Sex Abuse Cases * * *

*** Statutes of Limitations in Child Sex Abuse Cases ***

Sec. 16. 13 V.S.A. § 4501 is amended to read:

§ 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN FELONIES

(a) Prosecutions for aggravated sexual assault, aggravated sexual assault of a child, murder, arson causing death, and kidnapping may be commenced at any time after the commission of the offense.

(b) Prosecutions for manslaughter, sexual assault, lewd and lascivious conduct, sexual exploitation of children, grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses, false claims, fraud under subsection 141(d) of Title 33, and felony tax offenses shall be commenced within six years after the commission of the offense, and not after.

(c) Prosecutions for sexual assault, lewd and lascivious conduct, and lewd or lascivious conduct with a child, alleged to have been committed against a child ~~16~~ 18 years of age or under, ~~shall be commenced within the earlier of the date the victim attains the age of 24 or six years from the date the offense is reported, and not after. For purposes of this subsection, an offense is reported when a report of the conduct constituting the offense is made to a law enforcement officer by the victim~~ may be commenced at any time after the commission of the offense.

* * *

* * * Miscellaneous Provisions * * *

Sec. 17. 20 V.S.A. § 2061 is amended to read:

§ 2061. FINGERPRINTING

* * *

(m) The Vermont crime information center may electronically transmit fingerprints and photographs of accused persons to the Federal Bureau of Investigation (FBI) at any time after arrest, summons, or citation ~~for the sole~~

~~purpose of identifying an individual. However, the Vermont crime information center shall not forward fingerprints and photographs to the FBI for the purpose of inclusion in the National Crime Information Center Database until after arraignment.~~ If the Vermont crime information center forwards fingerprints and photographs to the FBI ~~after arraignment~~ and the defendant is acquitted, the Vermont crime information center shall request the FBI to destroy the fingerprints and photographs. If the Vermont crime information center forwards fingerprints and photographs to the FBI ~~after arraignment~~ and all charges against the defendant are dismissed, the Vermont crime information center shall request the FBI to destroy the fingerprints and photographs, unless the attorney for the state can show good cause why the fingerprints and photographs should not be destroyed.

* * *

Sec. 18. 13 V.S.A. § 7044 is amended to read:

§ 7044. SENTENCE CALCULATION; NOTICE TO DEFENDANT

(a) Within 30 days after sentencing in all cases where the court imposes a sentence which includes a period of incarceration to be served, the commissioner of corrections shall provide to the court and the office of the defender general a calculation of the potential shortest and longest lengths of time the defendant may be incarcerated taking into account the provisions for reductions of term pursuant to 28 V.S.A. § 811 based on the sentence or sentences the defendant is serving, and the effect of any credit for time served as ordered by the court pursuant to 13 V.S.A. § 7031. The commissioner's calculation shall be a public record.

(b) In all cases where the court imposes a sentence which includes a period of incarceration to be served, the department of corrections shall provide the defendant with a copy and explanation of the sentence calculation made pursuant to subsection (a) of this section.

Sec. 19. Rule 804a of the Vermont Rules of Evidence is amended to read:

Rule 804a. HEARSAY EXCEPTION; PUTATIVE VICTIM AGE 12 OR UNDER; PERSON IN NEED OF GUARDIANSHIP WITH DEVELOPMENTAL DISABILITY OR MENTAL ILLNESS

(a) Statements by a person who is a child 12 years of age or under or who is a person in need of guardianship as defined in 14 V.S.A. § 3061 with a mental illness as defined in 18 V.S.A. § 7101(14) or a developmental disability as defined in 18 V.S.A. § 8722(2) at the time the statements were made are not excluded by the hearsay rule if the court specifically finds at the time they are offered that:

(1) the statements are offered in a civil, criminal, or administrative proceeding in which the child or person ~~in need of guardianship~~ with a mental illness or developmental disability is a putative victim of sexual assault under 13 V.S.A. § 3252, aggravated sexual assault under 13 V.S.A. § 3253, aggravated sexual assault of a child under 13 V.S.A. § 3253a, lewd or lascivious conduct under 13 V.S.A. § 2601, lewd or lascivious conduct with a child under 13 V.S.A. § 2602, incest under 13 V.S.A. § 205, abuse, neglect, or exploitation under 33 V.S.A. § 6913, sexual abuse of a vulnerable adult under 13 V.S.A. § 1379, or wrongful sexual activity and the statements concern the alleged crime or the wrongful sexual activity; or the statements are offered in a juvenile proceeding under chapter 52 of Title 33 involving a delinquent act alleged to have been committed against a child 13 years of age or under or a person ~~in need of guardianship~~ with a mental illness or developmental disability if the delinquent act would be an offense listed herein if committed by an adult and the statements concern the alleged delinquent act; or the child is the subject of a petition alleging that the child is in need of care or supervision under chapter 53 of Title 33, and the statement relates to the sexual abuse of the child;

(2) the statements were not taken in preparation for a legal proceeding and, if a criminal or delinquency proceeding has been initiated, the statements were made prior to the defendant's initial appearance before a judicial officer under Rule 5 of the Vermont Rules of Criminal Procedure;

(3) the child or person ~~in need of guardianship~~ with a mental illness or developmental disability is available to testify in court or under Rule 807; and

(4) the time, content, and circumstances of the statements provide substantial indicia of trustworthiness.

(b) Upon motion of either party in a criminal or delinquency proceeding, the court shall require the child or person ~~in need of guardianship~~ with a mental illness or developmental disability to testify for the state.

Sec. 20. 24 V.S.A. § 363 is amended to read:

§ 363. DEPUTY STATE'S ATTORNEYS

A state's attorney may appoint as many deputy state's attorneys as necessary for the proper and efficient performance of his office, and with the approval of the governor, fix their pay not to exceed that of the state's attorney making the appointment, and may remove them at pleasure. Deputy state's attorneys shall be compensated only for periods of actual performance of the duties of such office. Deputy state's attorneys shall be reimbursed for their necessary expenses incurred in connection with their official duties when

approved by the state's attorneys and the commissioner of finance. Deputy state's attorneys shall exercise all the powers and duties of the state's attorneys except the power to designate someone to act in the event of their own disqualification. Deputy state's attorneys may not enter upon the duties of the office until they have taken the oath or affirmation of allegiance to the state and the oath of office required by the constitution, and until such oath together with their appointment is filed for record with the county clerk. If appointed and under oath, a deputy state's attorney may prosecute cases in another county if the state's attorney in the other county files the deputy's appointment in the other county clerk's office. In case of a vacancy in the office of state's attorney, the appointment of the deputy shall expire upon the appointment of a new state's attorney.

Sec. 21. EFFECTIVE DATE

This act shall take effect on July 1, 2009, except as follows:

- (1) Sec. 19 of this act shall take effect on July 2, 2009.
- (2) Sec. 14 of this act shall take effect July 1, 2010.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Recess

At three o'clock and twenty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At four o'clock in the afternoon, the Speaker called the House to order.

Consideration Resumed; Proposal of Amendment Agreed to and Third Reading Ordered; Rules Suspended; Bill Read Third Time and Passed in Concurrence With Proposal of Amendment; Rules Suspended and Bill Was Ordered Messaged to the Senate Forthwith

S. 125

Consideration resumed on Senate bill, entitled

An act relating to expanding the sex offender registry;

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary? **Reps. Poirier of Barre City, Andrews of Rutland City, Atkins of Winooski, Bissonnette of Winooski, Courcelle of Rutland City, Howard of Rutland City, McDonald of Berlin, McFaun of Barre Town and Taylor of Barre City** moved to amend the recommendation of proposal of amendment offered by the committee on Judiciary, as follows:

By adding a new Sec. 20a to read as follows:

Sec. 20a. DEPARTMENT OF CORRECTIONS WORKING GROUP

(a) The commissioner of the department of corrections shall convene a working group for the purpose of identifying ways to provide assistance to those municipalities that are being asked to take a disproportionately high number of department supervisees into their communities. The working group shall consider how to employ strategies that facilitate community reintegration that do not unduly burden the services and budgets of communities with a large number of supervisees.

(b) The working group shall comprise the commissioner and at least four representatives of communities that have a disproportionate number of supervisees as residents. Community representatives shall be selected by the commissioner.

(c) The working group shall present its report to the house committees on judiciary and on corrections and institutions, and the senate committee on judiciary no later than January 10, 2010.

Thereupon, **Rep. Branagan of Georgia** raised a Point of Order that the amendment was not germane to the bill, which Point of Order the Speaker ruled not well taken in that both the amendment and the Judiciary recommendation of proposal of amendment deal with offenders who are released into the community.

Pending the question, Shall the House amend the recommendation of proposal of amendment offered by the committee on Judiciary, as offered by Reps. Poirier of Barre City, et al? **Rep. Milkey of Brattleboro** moved to amend the recommendation of proposal of amendment offered by Reps. Poirier of Barre City, et al, as follows:

In Subdivision (b), after the words "selected by the commissioner" by inserting the following:

,and shall represent all georgaphical areas of the state that have a disproportionate number of supervisees as residents.

Which was agreed to.

Thereupon, the recommendation of proposal of amendment offered by Reps. Poirier of Barre City, et al, as amended, was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary, as amended? **Rep.**

Donahue of Northfield asked that the question be divided and Sec. 17, be voted on first.

Thereupon, Sec. 17 was agreed to on a Division vote: Yeas, 81. Nays, 32

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary, as amended? **Rep. Flory of Pittsford** moved to amend the recommendation of proposal of amendment offered by the committee on Judiciary, as amended, as follows:

In Sec. 16 § 450 (c), by striking “18 years of age or under” and inserting in lieu thereof the following, under 18 years of age

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary, as amended? **Rep. Emmons of Springfield** moved to amend the recommendation of proposal of amendment offered by the committee on Judiciary, as amended, as follows:

In Sec. 20a, subsection (a), in the second sentence, after the words “working group” by inserting the following: , in consultation with the joint committee on corrections oversight,

Which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Judiciary, in Sec. 1 through 16 and Sec. 18 through 21 as amended? **Rep. Komline of Dorset** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by the Committee on Judiciary in Sec. 1 through 16 and Sec. 18 through 21 as amended? was decided in the affirmative. Yeas, 131. Nays, 0.

Those who voted in the affirmative are:

Acinapura of Brandon	Bray of New Haven	Courcelle of Rutland City
Adams of Hartland	Brennan of Colchester	Crawford of Burke
Ainsworth of Royalton	Burke of Brattleboro	Davis of Washington
Ancel of Calais	Canfield of Fair Haven	Deen of Westminster
Andrews of Rutland City	Cheney of Norwich	Devereux of Mount Holly
Atkins of Winooski	Clark of Vergennes	Dickinson of St. Albans
Audette of South Burlington	Clarkson of Woodstock	Town
Baker of West Rutland	Clerkin of Hartford	Donaghy of Poultney
Bissonnette of Winooski	Condon of Colchester	Donahue of Northfield *
Bohi of Hartford	Conquest of Newbury	Donovan of Burlington
Botzow of Pownal	Consejo of Sheldon	Edwards of Brattleboro
Branagan of Georgia	Corcoran of Bennington	Emmons of Springfield

Evans of Essex	Lorber of Burlington	Perley of Enosburg
Fagan of Rutland City	Macaig of Williston	Poirier of Barre City
Flory of Pittsford	Maier of Middlebury	Potter of Clarendon
Frank of Underhill	Malcolm of Pawlet	Pugh of South Burlington
French of Shrewsbury	Manwaring of Wilmington	Ram of Burlington
French of Randolph	Marcotte of Coventry	Reis of St. Johnsbury
Gilbert of Fairfax	Martin of Springfield	Rodgers of Glover
Grad of Moretown	Martin of Wolcott	Savage of Swanton
Greshin of Warren	Masland of Thetford	Scheuermann of Stowe
Haas of Rochester	McAllister of Highgate	Shand of Weathersfield
Head of South Burlington	McCullough of Williston	Sharpe of Bristol
Helm of Castleton	McDonald of Berlin	South of St. Johnsbury
Higley of Lowell	McFaun of Barre Town	Spengler of Colchester
Hooper of Montpelier	Milkey of Brattleboro	Stevens of Waterbury
Howard of Rutland City	Miller of Shaftsbury	Stevens of Shoreham
Howrigan of Fairfield	Minter of Waterbury	Sweaney of Windsor
Hube of Londonderry	Mitchell of Barnard	Taylor of Barre City
Hubert of Milton	Mook of Bennington	Till of Jericho
Johnson of South Hero	Moran of Wardsboro	Toll of Danville
Keenan of St. Albans City	Morrissey of Bennington	Townsend of Randolph
Kitzmiller of Montpelier	Mrowicki of Putney	Turner of Milton
Klein of East Montpelier	Myers of Essex *	Waite-Simpson of Essex
Koch of Barre Town	Nease of Johnson *	Webb of Shelburne
Komline of Dorset	Nuovo of Middlebury	Weston of Burlington
Krawczyk of Bennington	O'Brien of Richmond	Wheeler of Derby
Lanpher of Vergennes	Obuchowski of Rockingham	Wilson of Manchester
Larocque of Barnet	O'Donnell of Vernon	Winters of Williamstown
Lawrence of Lyndon	Orr of Charlotte	Wizowaty of Burlington
Lenes of Shelburne	Pearce of Richford	Wright of Burlington
Leriche of Hardwick	Peaslee of Guildhall	Young of St. Albans City
Lewis of Derby	Pellett of Chester	Zenie of Colchester
Lippert of Hinesburg	Peltz of Woodbury	Zuckerman of Burlington

Those who voted in the negative were:

none

Those members absent with leave of the House and not voting are:

Aswad of Burlington	Jerman of Essex	Partridge of Windham
Browning of Arlington	Johnson of Canaan	Smith of Mendon
Copeland-Hanzas of Bradford	Kilmartin of Newport City	Smith of Morristown
Fisher of Lincoln	Larson of Burlington	Trombley of Grand Isle
Geier of South Burlington	Marek of Newfane	Westman of Cambridge
Heath of Westford	McNeil of Rutland Town	
	Morley of Barton	

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

I support the effort to craft a balanced approach to the sex offender registry. I very much regret the unnecessary and unrelated extension of law to sending the fingerprints of persons to the FBI central database from the point of arrest, prior to any judicial review.”

Rep. Myers of Essex explained her vote as follows:

“Mr. Speaker:

I voted yes on the good work of the Judiciary committee, but I resent the move to circumvent the committee process by the addition of an amendment which should have been decided by the committee to which the question was first presented.”

Rep. Nease of Johnson explained his vote as follows:

“Mr. Speaker:

I voted yes. That’s twice today that the member from Guildhall and I have voted in agreement. It must be that the end is near... the end of the session, I mean.”

Thereupon, on motion of **Rep. Komline of Dorset**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Komline of Dorset**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended; Proposal of Amendment Agreed to;
Third Reading Ordered; Rules Suspended; Bill Read Third Time and
Passed in Concurrence With Proposal of Amendment; Rules Suspended
and Bill was Ordered Messaged to the Senate Forthwith**

S. 89

On motion of **Rep. Komline of Dorset**, the rules were suspended and Senate bill, entitled

An act relating to stabilization of prices paid to Vermont dairy farmers

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Bray of New Haven, for the committee on Agriculture, to which had been referred Senate bill, entitled

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. VERMONT MILK COMMISSION; PRODUCER PRICE
STABILIZATION

(a) The general assembly finds that the recent precipitous drop in producer prices is causing a tremendous burden on Vermont dairy producers and the industry at large, and that this burden must be alleviated as quickly as possible.

(b) The general assembly followed the proceedings of the Vermont milk commission during the summer and fall of 2008 and finds that the commissioner has held the public hearings required by chapter 161 of Title 6.

Sec. 2. 6 V.S.A. § 2924(c) is amended to read:

(c) Public hearings. In order to be informed of the status of the state's dairy industry, the commission shall hold a public hearing: at least annually and whenever the chair deems it necessary.

~~(1) At least annually.~~

~~(2) Whenever the price paid to producers, including the federal market order price and any over order premiums, on average, has been reduced by five percent or more over the last month or by 10 percent or more over the last three months.~~

~~(3) Whenever the retail price, on average, has increased by more than 10 percent per gallon within a three month period or 15 percent per gallon within a 12 month period.~~

~~(4) Whenever the cost of production increases by 10 percent or more within a period of three to 12 months.~~

~~(5) Whenever a loss or substantial lessening of the supply of fluid dairy products of proper quality in a specified market has occurred or is likely to occur and that the public health is menaced, jeopardized, or likely to be impaired or deteriorated by the loss or substantial lessening of the supply of fluid dairy products of proper quality in a specified market.~~

Sec. 3. ANTI-TRUST INQUIRY; REPORT BY THE ATTORNEY
GENERAL

(a) Findings. The attorney general shall, in cooperation, where possible, with attorneys general from other states, undertake a study of the northeast fluid milk market, and the Vermont segment of that market, and further work

with the United States Congress and the United States attorney general to investigate possible anticompetitive practices in the dairy industry.

(b) By January 15, 2010, the attorney general shall report back to the house and senate committees on agriculture with the findings and recommendations of the study required by this section.

Sec. 4. 6 V.S.A. chapter 157 is amended to read:

CHAPTER 157. BONDS

§ 2881. CONDITIONS AND AMOUNT; FAILURE TO FILE

(a) Except as provided in section 2882 of this title, no handler shall purchase milk ~~or cream~~ from Vermont producers or milk cooperatives, and the secretary shall not issue a handler's license, unless the handler furnishes the secretary a good and sufficient surety bond, executed by a surety company duly authorized to transact business in this state in an amount ~~which, at the conclusion of five equal annual increases in bond coverage, is on January 1~~ equal to 50 percent for all species other than cattle, and 100 percent for cattle, of the maximum amount due all milk producers in the state who sell milk to the handler for a 41-day period during the previous 12 months. He or she may accept, in lieu of such bond, a guaranteed irrevocable letter of credit ~~in such sum as he or she deems sufficient~~. The bonds shall be taken for the ~~sole~~ benefit of milk producers of such milk handlers and milk cooperatives in this state. At any time in his or her discretion, the secretary may require such handlers to file detailed statements of the business transacted by them in this state, and at any time may require them to give such additional bonds as he or she deems necessary. If the handler refuses or neglects to file the detailed statements or to give bonds required by the secretary, the secretary may suspend the license of the handler until he or she complies with the secretary's orders. The secretary ~~shall~~ shall report to the attorney general the name of any handler doing business in this state without a license or after suspension of its license by the secretary and the attorney general shall forthwith bring injunction proceedings against the handler. Renewals of bonds specified in this section shall be furnished the secretary 60 days before the effective date of the bond. If the handler fails to file the bonds as required, the secretary shall forthwith publish the name of the handler in four newspapers of general circulation in the state for a period of three consecutive days and notify, by registered mail, producers supplying such handler.

~~(b) A handler shall be exempt from providing the financial security required by this section for payments the handler makes to a producer who is a member of a milk cooperative which guarantees its members' milk checks. To receive this exemption, a handler shall notify the secretary of each such~~

~~producer and the secretary shall validate the cooperative membership of the producer.~~

§ 2882. EXEMPTIONS FROM FILING BOND

(a) ~~A handler who purchases or receives milk or cream from producers~~ milk cooperative or a nonprofit cooperative association organized under Vermont law or similar laws in other states shall not be required to furnish surety as provided in section 2881 of this title ~~if the handler is a nonprofit cooperative association organized under Vermont statutes or under similar laws in other states~~ for payments made to a milk cooperative or to a producer who is a member of a milk cooperative.

(b) A handler who does not purchase milk ~~or cream~~ from Vermont producers or milk cooperatives shall not be required to furnish surety as provided under section 2881 of this title.

(c) A handler who pays a milk cooperative for milk in advance or at the time of delivery shall not be required to furnish surety as provided under section 2881 of this title. Every milk cooperative selling milk to handlers who pay for milk in advance or at the time of delivery shall, on January 1 and July 1 of each year, notify the secretary in writing of the identity of each handler and shall promptly notify the secretary, in writing, of any changes to the most recent notification.

(d) A handler who purchases fewer than 150,000 pounds of milk per month from a milk cooperative shall not be required to furnish surety as provided under section 2881 of this title.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

On motion of **Rep. Komline of Dorset**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Komline of Dorset**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended; Favorable Report; Third Reading Ordered;
Rules Suspended; Bill Read Third Time and Passed; Rules Suspended;
Bill Ordered Messaged to the Senate Forthwith**

H. 452

On motion of **Rep. Komline of Dorset**, the rules were suspended and House bill, entitled

An act relating to the approval of amendments to the charter of the village of Essex Junction

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Evans of Essex, for the committee on Government Operations, to which had been referred the bill reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

On motion of **Rep. Komline of Dorset**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed and, on motion of **Rep. Komline of Dorset** the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended: Favorable Report; Third Reading Ordered;
Rules Suspended; Bill Read Third Time and Passed in Concurrence
With Proposal of Amendment; Rules Suspended; Bill Ordered Messaged
to the Senate Forthwith**

S. 111

On motion of **Rep. Komline of Dorset**, the rules were suspended and Senate bill, entitled

An act relating to legislative apportionment board appointments

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Hubert of Milton, for the committee on Government Operations, to which had been referred the bill reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

On motion of **Rep. Komline of Dorset**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with

proposal of amendment and, on motion of **Rep. Komline of Dorset**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Adjournment

At six o'clock and ten minutes in the evening, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 143

House concurrent resolution congratulating Benjamin Bond of Champlain Valley Union High School on his being named a 2009 Vermont student winner of the Siemens Award for Advanced Placement;

H.C.R. 144

House concurrent resolution congratulating Caroline Heydinger on winning second place at the American Legion national high school oratorical contest;

H.C.R. 145

House concurrent resolution congratulating the 2009 Essex High School We the People . . . The Citizen and the Constitution state championship class;

H.C.R. 146

House concurrent resolution congratulating the Vermont Student Assistance Corporation's Career and Education Outreach program on its 40th anniversary;

H.C.R. 147

House concurrent resolution designating June 1 as Vermont Employer Support of the Guard and Reserve Day;

H.C.R. 148

House concurrent resolution congratulating Erlon (Bucky) Broomhall on his induction into the Vermont Ski Museum Hall of Fame;

H.C.R. 149

House concurrent resolution congratulating Marion Voorheis of South Burlington High School on being named the 2009 Vermont high school teacher

winner of the Siemens Award for Advanced Placement;

H.C.R. 150

House concurrent resolution congratulating the 2009 University of Vermont Catamounts nationally third-ranked men's ice hockey team;

H.C.R. 151

House concurrent resolution congratulating Milton Junior-Senior High School co-principal Anne Blake on her receipt of the 2009 Robert F. Pierce Award;

H.C.R. 152

House concurrent resolution congratulating New England Kurn Hattin Homes Principal Tom Fahner on being named the Vermont Principals' Association John Winton National Middle Level Principal-of-the-Year;

H.C.R. 153

House concurrent resolution honoring Gene E. Irons for three decades of extraordinary service as a Bennington Museum trustee;

H.C.R. 154

House concurrent resolution in memory of David S. Jareckie of Bennington;

S.C.R. 25

Senate concurrent resolution congratulating faculty and students at Burlington High School on the 2008-2009 11th grade's achievements in adequate yearly progress testing in mathematics and reading;

S.C.R. 26

Senate concurrent resolution congratulating the Vermont Studio Center on its 25th anniversary;

[The full text of the concurrent resolutions appeared in the Senate and House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2009, seventieth Biennial session.]