

Journal of the Senate

THURSDAY, FEBRUARY 24, 2011

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 26

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has adopted joint resolutions of the following titles:

J.R.H. 11. Joint resolution urging Congress to approve a streamlined sales tax agreement that will authorize the national collection of sales tax from online sales.

J.R.H. 12. Joint resolution urging Congress to retain federal community services block grant funding for the balance of fiscal year 2011 at its current operating level.

In the adoption of which the concurrence of the Senate is requested.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 80.

By Senator Ashe,

An act relating to the availability of information regarding a stock sale of assets in Vermont.

To the Committee on Finance.

Joint Resolutions Placed on Calendar**J.R.H. 11.**

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution urging Congress to approve a streamlined sales tax agreement that will authorize the national collection of sales tax from online sales.

Whereas, in the 21st century, an increasingly large percentage of retail sales are conducted online, and

Whereas, a large percentage of online sales involving Vermont purchasers are with companies that lack any regular nexus with Vermont and consequently do not collect the Vermont sales tax, and

Whereas, although Vermonters are legally required to pay the sales tax resulting from online purchases, this requirement is effectively unenforceable, and

Whereas, because of these online sales, Vermont retailers are losing a significant number of sales and the state of Vermont is deprived of much-needed sales tax revenue, and

Whereas, in 2004, the general assembly enacted No. 152 of the 2003 Adj. Sess. (2004) approving Vermont's entry into the national streamlined sales tax agreement, and

Whereas, while certain provisions of the agreement came into force once the requisite number of states approved the agreement, the initiation of a national sales tax collection system is a matter of interstate commerce, which only Congress can authorize, and

Whereas, the inability of states to recoup the sales tax on their residents' online purchases is a problem seriously affecting the fiscal health of many other states and not just Vermont, and

Whereas, the sooner Congress authorizes a national sales tax collection system, the more quickly the states can begin to receive sales tax revenue that is being unfairly denied, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to enact a law consistent with the streamlined sales tax agreement that will authorize the national collection of sales tax from online sales, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

J.R.H. 12.

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution urging Congress to retain federal community services block grant funding for the balance of fiscal year 2011 at its current operating level

Whereas, Public Law 111-322 funds the federal government only through March 4, 2011, and

Whereas, the United States House of Representatives has passed H.R. 1, the continuing resolution that appropriates money to fund the federal government for the balance of FY 2011 starting on March 5 and concluding on September 30, and

Whereas, the bill proposes many drastic federal funding reductions in essential support programs for the most needy Americans, and

Whereas, among the most devastating of the proposed funding cuts is a \$300 million reduction in the community services block grant that translates into an estimated loss in Vermont of close to \$2 million in funds for community action agencies which help low income Vermonters move out of poverty and become economically self-sufficient, and

Whereas, because the federal fiscal year will have considerably progressed by March 5, the proposed reduction for the CSBG appropriation in H.R. 1 will result in the termination of federal funding for the agencies' programs for the balance of the FY 2011 fiscal year, and

Whereas, according to Central Vermont Community Action Council Executive Director Hal Cohen, each dollar in federal support leverages another \$20, meaning the federal reduction will lead to an additional loss of \$40 million to the agencies, and

Whereas, the Central Vermont Community Action Council would lose \$320,000 in federal funds and would be forced to close a number of local offices and to lay off 16–20 staff members, and the federal funding shortfall will result in Lamoille, Orange, and Washington County residents having less access to food shelves, housing counseling, and crisis fuel assistance, and

Whereas, the lives of the low income clients who receive services from each of the Vermont community action agencies: including: Community Action in Southwestern Vermont, Central Vermont Community Action Council, Champlain Valley Office of Economic Opportunity, Northeast Kingdom Community Action, and Southeastern Vermont Community Action will be severely impacted by these programmatic cutbacks to an extent that may extend beyond mere fiscal calculations, and

Whereas, it is essential to the lives of thousands of Vermonters that the FY 2011 federal funding for the CSBG not be reduced for the balance of the current fiscal year, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly strongly urges Congress to retain federal community services block grant funding at its current operating level for the balance of fiscal year 2011, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to each of the Vermont community action agencies and to the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Bill Passed

Senate bill of the following title was read the third time and passed:

S. 14. An act relating to display of POW/MIA flag.

Bill Amended; Third Reading Ordered

S. 48.

Senator White, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to prohibiting a sex offender from using a false name when creating a social networking website profile.

Reported that the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be read a third time?, Senator Mullin moved that the bill be amended by adding a new section to be numbered Sec. 2 to read as follows:

Sec. 2. 33 V.S.A. § 4913(a) is amended to read:

(a) Any physician, surgeon, osteopath, chiropractor, or physician's assistant licensed, certified, or registered under the provisions of Title 26, any resident physician, intern, or any hospital administrator in any hospital in this state, whether or not so registered, and any registered nurse, licensed practical nurse, medical examiner, emergency medical personnel as defined in 24 V.S.A. § 2651(6), dentist, psychologist, pharmacist, any other health care provider, child care worker, school superintendent, headmaster of a Vermont-recognized or -approved independent school, school teacher, school librarian, school principal, school guidance counselor, and any other individual who is regularly employed by a school district or a Vermont-recognized or -approved independent school, or who is contracted and paid by a school district or a Vermont-recognized or -approved independent school to provide student services for five or more hours per week during the school year, mental health professional, social worker, probation officer, any employee, contractor, and grantee of the agency of human services who have contact with clients, police officer, camp owner, camp administrator, camp counselor, or member of the clergy who has reasonable cause to believe that any child has been abused or neglected shall report or cause a report to be made in accordance with the provisions of section 4914 of this title within 24 hours. As used in this subsection, "camp" includes any residential or nonresidential recreational program.

And by renumbering the remaining section to be numerically correct.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Bill Amended; Third Reading Ordered; Rules Suspended; Bill Passed

S. 73.

Senator Snelling, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to raising the penalties for attempting to elude a police officer.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 1133 is amended to read:

§ 1133. ~~ATTEMPTING TO ELUDE~~ ELUDING A POLICE OFFICER

(a) No operator of a motor vehicle shall fail to bring his or her vehicle to a stop when signaled to do so by an enforcement officer:

(1) displaying insignia identifying him or her as such; or

(2) operating a law enforcement vehicle sounding a siren and displaying a flashing blue or blue and white signal lamp.

(b)(1) A person who violates subsection (a) of this section shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both.

(2)(A) In the event that death ~~or serious bodily injury~~ to any person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator shall be imprisoned for ~~not more than five years~~ less than one year nor more than 15 years or fined not more than ~~\$3,000.00~~ \$10,000.00, or both.

(B) If death ~~or serious bodily injury~~ to more than one person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator may be convicted of a separate violation of this subdivision for each decedent ~~or person injured~~.

(3)(A) In the event that serious bodily injury to any person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator shall be imprisoned for not more than 15 years or fined not more than \$5,000.00, or both.

(B) If serious bodily injury to more than one person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator may be convicted of a separate violation of this subdivision for each person injured.

(4) A person who violates subsection (a) of this section while operating the vehicle in a negligent or grossly negligent manner in violation of section 1091 of this title shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.

* * *

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Thereupon, on motion of Senator Sears, the rules were suspended and the bill was placed on all remaining stages of its passage forthwith.

Thereupon, the bill was read the third time and passed.

Thereupon, pursuant to Senate Rule 40, the title of the bill was amended by the Secretary to read as follows:

An act relating to raising the penalties for eluding a police officer.

Rules Suspended; Bills Messaged

On motion of Senator Campbell, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

S. 14, S. 73.

Adjournment

On motion of Senator Campbell, the Senate adjourned until eleven o'clock and thirty minutes in the morning.