

Journal of the Senate

THURSDAY, JANUARY 26, 2012

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rebecca Clark of Montpelier.

Bill Introduced

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

S. 250.

By Senators Campbell, Carris, Doyle, Mazza and Mullin,

An act relating to declaring state sales tax holidays on August 28, 2012, on weatherization products purchased between August 26 and September 1, 2012, and on mobile homes purchased between August 28, 2011 and June 30, 2012.

To the Committee on Finance.

Senate Resolution Placed on Calendar

S.R. 14.

Senate resolution of the following title was offered, read the first time and is as follows:

By Senators Pollina, Doyle and Cummings,

S.R. 14. Senate resolution urging Vermonters to respect personal privacy in the dissemination of information heard on a public safety scanning receiver.

Whereas, it is not uncommon for individuals to own scanning receivers designed to monitor the transmissions of public safety agencies, and

Whereas, via the scanners, Vermonters listen to public safety transmissions for informational and hobbyist purposes, and

Whereas, public safety officials will on occasion broadcast information on scanner frequencies relating to the death or serious injury of an individual, be it due to natural causes or violent action, and

Whereas, although 13 V.S.A. § 3014 prohibits the use of information derived from a scanner transmission for criminal purposes, Vermont law is silent on the use of this information for noncriminal purposes, and

Whereas, the federal Electronic Privacy Act, codified as 18 U.S.C. § 2511, prohibits intercepting electronic transmissions by wire or radio, but the mere repetition of information heard on a scanner for noncriminal purposes does not appear to violate the act, and

Whereas, the officials broadcasting this highly personal information are often announcing its existence for the first time prior to the notification of next of kin, and

Whereas, public safety organizations and the military, in reporting events and incidents involving serious injury or death, typically delay releasing the names of persons injured or deceased until next of kin are duly notified, and

Whereas, an unofficial release of names of injured or deceased individuals, either to family members or the public, based on information derived from a public safety scanner transmission may cause great personal distress for the next of kin who have yet to receive official notification from public safety officials, and

Whereas, the benefit the public derives from the use of police scanners depends on Vermonters upholding their responsibility to use any information so derived in a responsible and respectful way that honors the privacy of persons connected to the information, and

Whereas, a real-life example of the tragic consequences that can flow from third-party release of police scanner-transmitted information occurred on September 21, 2011, when Kendra Downen, residing out of state, learned from an acquaintance's text message of her father's sudden and unexpected death in Middlesex, and

Whereas, the message was triggered when a local merchant, who heard the information on a police scanner, informed his part-time employee of the death, and

Whereas, Kendra's younger sister, Allyson, did learn of the death from their mother, Penny Downen, but Ms. Downen was forced to call her younger daughter with little time to compose herself, and immediately after the phone call, Allyson's phone became filled with text messages, and

Whereas, local dispatchers may eventually be able to encode these types of messages to rescue squads with the use of digital technology, but the date of implementation of these new radio transmission systems is estimated to be at least five years from now, and

Whereas, the next of kin are entitled to learn of tragic news in the most dignified and private manner possible, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont urges all Vermonters to respect the privacy of families whose relative's injury or death has been ascertained from a public safety scanner transmission and to allow the appropriate public safety officials or an initially contacted family member to convey properly the tragic news in a dignified and thoughtful manner, *and be it further*

Resolved: That the Secretary of the Senate be directed to send copies of this resolution to members of the Dowen family in Middlesex.

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

Bill Referred

House bill of the following title was read the first time and referred:

H. 507.

An act relating to authorizing the city of Burlington to issue in fiscal year 2013 the school bond approved in 2009.

To the Committee on Government Operations.

Joint Resolution Placed on Calendar

J.R.H. 21.

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

Joint resolution supporting the establishment of the National Women's History Museum in Washington, D.C.

Whereas, in 1987, Congress declared March to serve as "Women's History Month" to acknowledge the important role women have played in shaping America, and

Whereas, although women constitute a majority of the nation's population, their achievements and contributions are underrepresented in museums and memorials, and

Whereas, only 10 percent of the people identified in a recent survey of 18 history textbooks were women, and

Whereas, in 1999, the President's Commission on the Celebration of Women in American History called for a women's history museum to be established on "The National Mall" in Washington, D.C., and

Whereas, the National Women’s History Museum (NWHM), founded in 1996, is a nonpartisan, nonprofit, educational organization dedicated to preserving, interpreting, and celebrating the diverse historic contributions of women and integrating the heritage of women fully into this nation’s history, and

Whereas, the NWHM seeks a site on or close to the National Mall and in close proximity to the White House and the U.S. Capitol Building, and

Whereas, the NWHM has identified federally owned property for sale near the National Mall, and two congressional bills—the National Women’s History Act of 2011, sponsored by Representative Maloney in the House of Representatives as H.R. 1269 and Senator Collins in the Senate as S.80, and the National Women’s History Museum and Federal Facilities Consolidation Act of 2011, sponsored in the House of Representatives by Representative Mica as H.R. 2844 and in the Senate by Senator Boozman as S.1870—are currently pending in Congress, and

Whereas, there are museums dedicated to flight, postage stamps, buildings, and many other areas of interest but not to women, and yet women comprise 51 percent of the nation’s population, and

Whereas, the NWHM will showcase the full history of women in the United States and the contributions they have made and continue to make in the marketplace, arts and sciences, government, entertainment, education, home, and community, and

Whereas, a coalition of 43 women’s organizations representing eight million women, which includes the National Foundation for Women Legislators (NFWL), supports the efforts of the NWHM to establish a permanent residence near the National Mall, the most prominent location for museums to be situated in the nation’s capital, and

Whereas, in 1880, 40 years before universal women’s suffrage was enshrined in the United States Constitution as the 19th Amendment, the Vermont General Assembly granted tax-paying women the right to vote in and hold office in school district elections, and

Whereas, in 1917, Vermont became the first New England state to grant women the right to vote in municipal elections, and

Whereas, women have played an important role in Vermont state government, having served as governor, lieutenant governor (Vermont elected the first female lieutenant governor in the United States), secretary of state, and state treasurer, and

Whereas, in 2011, Vermont has one of the highest percentages of women state legislators of any state in the nation, and the tradition of women legislators dates to Edna Beard, who was elected the first female state representative in 1920 and then the first female state senator in 1922, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to enact legislation, subject to a set of conditions, including a prohibition on the use of federal funds, authorizing the federal government to convey land near the National Mall to the National Women's History Museum for the purpose of constructing a museum chronicling the history of women in American life, 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.

Third Reading Ordered

H. 505.

Senator MacDonald, for the Committee on Finance, to which was referred House bill entitled:

An act relating to allowing the treasurer to defer the December 1, 2011 education payments to help towns affected by federal disasters in 2011 in Vermont.

Reported that the bill ought to pass in concurrence.

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

Joint Resolution Adopted in Concurrence

J.R.H. 20.

Joint House resolution entitled:

Joint resolution authorizing 2012 Green Mountain Boys' State to conduct a civic education program at the State House.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

**Rules Suspended; Third Reading Ordered, Rules Suspended; Bill Passed
in Concurrence; Bill Messaged**

H. 515.

Appearing on the Calendar for notice, on motion of Senator Flory, the rules were suspended and House bill entitled:

An act relating to holding public agencies harmless for disclosure of property tax adjustment information.

Was taken up for immediate consideration.

Senator Flory, for the Committee on Government Operations, to which the bill was referred, reported that the bill ought to pass in concurrence.

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

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

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

Thereupon, on motion of Senator Flory, the rules were suspended and the bill was ordered messaged to the House forthwith.

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

S. 249.

Appearing on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and Senate bill entitled:

An act relating to Vermont Strong commemorative motor vehicle plates.

Was taken up for immediate consideration.

Senator Westman, for the Committee on Finance, to which the bill was referred reported that it has considered the same and recommended that the bill be amended in Sec. 1, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read:

(b) Authority; accounting and reporting.

(1) The department of motor vehicles (“department”) is authorized to design, manufacture or procure, and distribute commemorative plates that include the text “Vermont Strong” in accordance with this section. The department and Vermont Life magazine are authorized to sell commemorative plates. The department may also authorize other persons to sell commemorative plates, provided that such persons are required to pay the

department \$25.00 per plate within 30 days of receiving the plates from the department.

(2) A Vermont Strong commemorative plate fund (the “fund”) is established. The fund shall be under the control of the commissioner of motor vehicles or designee, and shall consist of all receipts from the sales of Vermont Strong commemorative plates. The commissioner shall account for all proceeds of sales of commemorative plates and all receipts into and disbursements from the fund; shall track the number of plates distributed and sold; and shall track and collect payments owed for plates distributed. The commissioner shall transfer funds from the fund in accordance with subsection (d) of this section no less often than once per month. The department shall report its accounting of fund receipts and disbursements, plate inventory, and uncollected payments for plates distributed to the joint fiscal committee at its November 2012 meeting.

And that when so amended the bill ought to pass.

Senator Illuzzi, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended as recommended by the Committee on Finance with the following amendment thereto:

In Sec. 1, in subsection (e), by striking the words “transportation fund” and inserting in lieu thereof the words “Vermont Strong commemorative plate fund”

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, and the recommendation of amendment of the Committee on Finance was amended as recommended by the Committee on Appropriations.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Finance, as amended?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered.

Thereupon, on motion of Senator Campbell 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, on motion of Senator Campbell, the rules were suspended and the bill was ordered messaged to the House forthwith.

Message from the House No. 12

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 passed a House bill of the following title:

H. 475. An act relating to net metering and definitions of capacity.

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

The Governor has informed the House that on the January 18, 2012, he approved and signed a bill originating in the House of the following title:

H. 461. An act relating to the reimbursement of statewide education property taxes that were abated due to flood damage.

Consideration Interrupted by Adjournment

H. 258.

Senator Lyons, for the Committee on Natural Resources and Energy, to which was referred Senator Bill entitled:

An act relating to public participation in environmental enforcement proceedings.

Reported recommending that the bill be amended by striking out Secs. 11 and 12 in their entirety and inserting in lieu thereof the following:

Sec. 11. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be amended as recommended by the Committee on Natural Resources and Energy? Senator Campbell, moved that the Senate adjourn, to reconvene on Tuesday, January 31, 2012, at nine o'clock in the forenoon pursuant to J.R.S. 40.

Thereupon, pending the question, Shall the Senate adjourn until Tuesday, January 31, 2012?, Senator Sears moved that the motion be amended to strike out the following: "nine o'clock" and inserting in lieu thereof the following: "nine o'clock and thirty minutes"

Which was agreed to on a division of the Senate, Yeas 18, Nays 9.

Thereupon, the Senate adjourned, to reconvene on Tuesday, January 31, 2012, at nine o'clock and thirty minutes in the forenoon.