

Journal of the Senate

THURSDAY, FEBRUARY 16, 2012

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Joint Assembly

At ten o'clock and thirty minutes in the morning, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 41. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

The Senate repaired to the hall of the House.

Having returned therefrom, at eleven o'clock and thirty minutes in the morning, the President assumed the Chair.

Message from the House No. 23

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 considered joint resolution originating in the Senate of the following title:

J.R.S. 46. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The House has considered Senate proposal of amendment to House bill entitled:

H. 558. An act relating to fiscal year 2012 budget adjustment.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. Heath of Westford
Rep. Johnson of South Hero
Rep. Acinapura of Brandon

Bills Referred

House bills of the following titles were read the first time and referred:

H. 565.

An act relating to regulating licensed lenders and mortgage loan originators.

To the Committee on Finance.

H. 754.

An act relating to the education property tax rate and base education amount for fiscal year 2013.

To the Committee on Finance.

H. 755.

An act relating to extending the deadline for adoption of certain health department rules.

To the Committee on Health and Welfare.

Committee of Conference Appointed

H. 558.

An act relating to fiscal year 2012 budget adjustment.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Kitchel
Senator Sears
Senator Snelling

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Bill Passed

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

S. 245. An act relating to requiring cardiovascular care instruction in public and independent schools.

Bill Amended; Third Reading Ordered**S. 122.**

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

An act relating to human trafficking and prostitution.

Reported recommending that the bill be amended by adding four new sections to be numbered Secs. 2, 3, 4, and 5 to read as follows:

Sec. 2. 15 V.S.A. § 1151 is amended to read:

§ 1151. DEFINITIONS

Unless the context clearly requires otherwise, the definitions in this section apply throughout the subchapter.

(1) “Actual address” means the physical location where the applicant resides and may include a school address or work address of an individual, as specified on the individual’s application to be a program participant under this chapter.

(2) “Agency” means any subdivision of the state of Vermont, a municipality, or a subdivision of a municipality.

(3) “Domestic violence” means an act of abuse as defined in subdivision 1101(1) of this title and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(4) “Human trafficking” means conduct prohibited by 13 V.S.A. § 2652 or § 2653, and includes a threat of such, regardless of whether the conduct or threat of conduct have been reported to law enforcement officers.

~~(4)~~(5) “Law enforcement agency” means the department of public safety, a municipal police department, a sheriff’s department, the attorney general’s office, a state’s attorney’s office, or certified law enforcement officers of the department of motor vehicles, the agency of natural resources, or the department of liquor control. “Law enforcement agency” shall also mean the department of ~~social and rehabilitation services~~ for children and families when engaged in:

(A) the investigation of child abuse and neglect;

(B) the delivery of services to families and children with whom the department is working with pursuant to the provisions of 33 V.S.A. chapter 55 ~~of Title 33~~; or

(C) the performance of the department's responsibilities pursuant to an interstate compact to which the state is a party.

~~(5)~~(6) "Law enforcement purpose" means all matters relating to:

(A) the prevention, investigation, prosecution, or adjudication of criminal offenses, civil matters, or juvenile matters;

(B) the investigation, prosecution, adjudication, detention, supervision, or correction of persons suspected, charged, or convicted of criminal offenses or juvenile delinquencies;

(C) the protection of the general health, welfare, and safety of the public or the state of Vermont;

(D) the execution and enforcement of court orders;

(E) service of criminal or civil process or court orders;

(F) screening for criminal justice employment;

(G) other actions taken in performance of official duties, as set forth by statutes, rules, policies, judicial case law, and the United States and Vermont constitutions; and

(H) criminal identification activities, including the collection, storage, and dissemination of criminal history records, as defined in 20 V.S.A. § 2056a(a)(1), sex offender registry information, and DNA material and information.

~~(6)~~(7) "Program participant" means a person certified as a program participant under this chapter.

~~(7)~~(8) "Public record" means a public record as defined in 1 V.S.A. § 317.

~~(8)~~(9) "Secretary" means the Vermont secretary of state.

~~(9)~~(10) "Sexual assault" means an act of assault as defined in subsection 13 V.S.A. § 3252(a) or (b) (sexual assault) or ~~in 13 V.S.A. § 3253(a)~~ (aggravated sexual assault), and includes a threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

~~(10)~~(11) "Stalking" means conduct as defined in 13 V.S.A. § 1061 (stalking) or ~~in 13 V.S.A. § 1063~~ (aggravated stalking), and includes a threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

~~(11)~~(12) "Substitute address" means the secretary's designated address for the address confidentiality program.

Sec. 3. 15 V.S.A. § 1152 is amended to read:

§ 1152. ADDRESS CONFIDENTIALITY PROGRAM; APPLICATION; CERTIFICATION

(a) An adult person, a parent or legal guardian acting on behalf of a minor, or a legal guardian acting on behalf of an incapacitated person, may apply to the secretary of state to have an address designated by the secretary serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state, and if it contains:

(1) a statement made under oath by the applicant that:

(A) the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, ~~or stalking,~~ or human trafficking;

(B) the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;

(C) the parent or legal guardian applying on behalf of a minor or incapacitated person has legal authority to act on the person's behalf;

(D) if the applicant is under the supervision of the department of corrections, the applicant has notified the department of the actual address and the applicant authorizes the release of the actual address to the department; and

(E) if the applicant is required to report the actual address for the sex offender registry under 13 V.S.A. chapter 167, subchapter 3 ~~of chapter 167 of Title 13~~, the applicant authorizes the release of the actual address to the registry;

(2) a designation of the secretary as agent for purposes of service of process and for the purpose of receipt of mail;

(3) the mailing address where the applicant can be contacted by the secretary and the phone number or numbers where the applicant can be called by the secretary;

(4) the new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault ~~or,~~ stalking, or human trafficking;

(5) the signature of the applicant and the name of any individual or representative of any office who assisted in the preparation of the application and the date on which the applicant signed the application.

(b) Applications shall be filed with the office of the secretary.

(c) Upon receipt of a properly completed application, the secretary shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing, unless the certification is withdrawn or cancelled before that date. The secretary shall by rule establish a renewal procedure.

(d) A person who knowingly provides false or incorrect information to the secretary as required by this chapter may be prosecuted under 13 V.S.A. § 2904.

(e) A program participant shall notify the secretary of state of a change of actual address within seven days of the change of address.

Sec. 4. 15 V.S.A. § 1157 is amended to read:

§ 1157. ASSISTANCE FOR PROGRAM APPLICANTS

The secretary of state shall make available a list of state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence, sexual assault ~~and~~, stalking, and human trafficking to assist persons applying to be program participants. Such information provided by the office of the secretary or designees to applicants shall in no way be construed as legal advice.

Sec. 5. 15 V.S.A. § 1160 is amended to read:

§ 1160. ADOPTION OF RULES

The secretary of state shall adopt rules necessary to perform his or her duties under this subchapter relating to: program application and certification; certification cancellation; agency use of designated addresses and exceptions; voting by program participants; and recording of vital statistics for program participants. All such rules shall conform with the findings and intent of the general assembly, as described in section 1150 of this title, and shall be designed with an understanding of the needs and circumstances of victims of domestic violence, sexual assault ~~and~~, stalking, and human trafficking.

And by renumbering the remaining sections of the bill to be numerically correct.

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.

Senate Concurrent Resolution

The following joint concurrent resolution, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, was adopted on the part of the Senate:

By Senators Doyle, Cummings and Pollina,

By Representative Peltz and others,

S.C.R. 37.

Senate concurrent resolution honoring the military valor of United States Army Staff Sgt. Dylan J. Maynard.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were adopted in concurrence:

By Representative Martin and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 254.

House concurrent resolution congratulating the 2011 Springfield High School Division II championship softball team.

By Representative Acinapura,

H.C.R. 256.

House concurrent resolution congratulating Brandon Fire District #1 Superintendent Ray Counter and the Brandon Fire District #1 Prudential Committee on the district's designation as a Class II water system.

By Representatives Cheney and Masland,

By Senators Campbell, McCormack and Nitka,

H.C.R. 257.

House concurrent resolution congratulating Kristen Kelliher on becoming the youngest female to scale the highest points in each of the lower 48 states.

By Representative Courcelle and others,

By Senators Carris, Doyle, Flory, Hartwell, Kitchel, Mazza, Mullin and Westman,

H.C.R. 258.

House concurrent resolution recognizing the spirit of Vermont Strong online, in music, and as a commemorative license plate.

By Representatives Clarkson and Zagar,

By Senators Campbell, McCormack and Nitka,

H.C.R. 259.

House concurrent resolution congratulating the Suicide Six Ski Area in Woodstock on its 75th anniversary.

Adjournment

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Friday, February 17, 2012.