

Senate Calendar

WEDNESDAY, FEBRUARY 06, 2013

SENATE CONVENES AT: 1:30 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

UNFINISHED BUSINESS OF FEBRUARY 5, 2013

Third Reading

S. 14.

An act relating to payment of agency fees by teachers, school administrators, and municipal employees.

**AMENDMENT TO S. 14 TO BE OFFERED BY SENATOR BENNING
BEFORE THIRD READING**

Senator Benning moves that the bill be amended as follows:

First: In Sec. 4, 3 V.S.A. § 941(k), at the end of the first sentence before the period, by inserting the following: or may avail himself or herself of the unit representative or representatives in grievance proceedings

Second: In Sec. 14, 21 V.S.A. § 1502(14), at the end of the subsection by inserting the following: Fair-share fees shall not be commingled with fees or dues collected for political activities, lobbying that is not germane to either collective bargaining or employer-employee relations, or community service activities undertaken by the employee organization.

**AMENDMENT TO S. 14 TO BE OFFERED BY SENATOR BRAY
BEFORE THIRD READING**

Senator Bray moves that the bill be amended as follows:

First: By striking out the following: Secs. 1, 5, 6, 9, 10, 11, and 17 in their entirety

Second: In Sec. 2, 3 V.S.A. § 903(c), by striking out the words “fair-share fee” in each instance they occur and inserting in lieu thereof collective bargaining service fee

Third: In Sec. 3, 3 V.S.A. § 904(a)(10), by striking out the words “fair-share fee” and inserting in lieu thereof collective bargaining service fee

Fourth: In Sec. 7, 3 V.S.A. § 1012(c), by striking out the words “fair-share fee” in each instance they occur and inserting in lieu thereof collective bargaining service fee

Fifth: In Sec. 8, 3 V.S.A. § 1013(10), by striking out the words “fair-share fee” and inserting in lieu thereof collective bargaining service fee

Sixth: In Sec. 12, 16 V.S.A. § 1982, by striking out the words “fair-share fee” in each instance they occur and inserting in lieu thereof agency fee

Seventh: In Sec. 13, 16 V.S.A. § 2004, by striking out the words “fair-share fee” and inserting in lieu thereof agency service fee

Eighth: In Sec. 14, 21 V.S.A. § 1502(14), by striking out the words “Fair-share fee” and inserting in lieu thereof Agency fee

Ninth: In Sec. 15, 21 V.S.A. § 1503, by striking out the words “fair-share fee” in each instance they occur and inserting in lieu thereof agency fee

Tenth: In Sec. 16, 21 V.S.A. § 1621(b)(5), by striking out the words “fair-share fee” and inserting in lieu thereof agency fee

Eleventh: In Sec. 18, 21 V.S.A. § 1726, by striking out the words “fair-share fee” in each instance they occur and inserting in lieu thereof agency service fee

Twelfth: In Sec. 19, 21 V.S.A. § 1734(d), by striking out the words “fair-share fee” where it twice occurs and inserting in lieu thereof agency service fee

Thirteenth: In Sec. 20, EFFECTIVE DATES, by striking out the words “a fair-share fee” and inserting in lieu thereof an agency fee

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

Resolution for Action

S.C.R. 13.

Senate concurrent resolution in memory of former Representative and Senator Edgar May of Springfield.

(For Text, see Senate Calendar Addendum for January 31, 2013)

NEW BUSINESS

Second Reading

Favorable with Recommendation of Amendment

S. 1.

An act relating to consideration of financial cost of criminal sentencing options.

Reported favorably with recommendation of amendment by Senator Ashe for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. CRIMINAL JUSTICE CONSENSUS COST-BENEFIT

WORKING GROUP

(a)(1) A Criminal Justice Consensus Cost-Benefit Working Group is established to develop collaboratively a criminal and juvenile justice cost-benefit model for Vermont for the purpose of providing policymakers with the information necessary to weigh the pros and cons of various strategies and programs, and enable them to identify options that are not only cost-effective, but also have the greatest net social benefit. The model will be used to estimate the costs related to the arrest, prosecution, defense, adjudication, and correction of criminal and juvenile defendants, and victimization of citizens by defendants.

(2) The Working Group shall:

(A) develop estimates of costs associated with the arrest, prosecution, defense, adjudication, and correction of criminal and juvenile defendants in Vermont by using the cost-benefit methodology developed by the Washington State Institute for Public Policy and currently used collaboratively by the Joint Fiscal Office and the PEW Charitable Trust for the Vermont Results First Project;

(B) estimate costs incurred by citizens who are the victims of crime by using data from the Vermont Center of Crime Victim Services, supplemented where necessary with national survey data;

(C) assess the quality of justice data collection systems and make recommendations for improved data integration, data capture, and data quality as appropriate;

(D) develop a throughput model of the Vermont criminal and juvenile justice systems which will serve as the basic matrix for calculating the cost and benefit of Vermont justice system programs and policies;

(E) investigate the utility of making the Working Group an ongoing entity within state government which would be responsible for:

(i) revising the statewide cost benefit model in light of legislative or policy changes, or both, in the criminal or juvenile justice systems;

(ii) updating cost estimates; and

(iii) updating throughput data for the model.

(3) The Working Group shall be convened and staffed by the Vermont Center for Justice Research.

(4) The costs associate with staffing the Working Group shall be underwritten through December 31, 2013 by funding previously obtained by the Vermont Center for Justice Research from the Bureau of Justice Statistics, U.S. Department of Justice.

(b) The Working Group shall be composed of the following members:

- (1) The Administrative Judge or designee.
- (2) The Chief Legislative Fiscal Officer or designee.
- (3) The Attorney General or designee.
- (4) The Commissioner of Corrections or designee.
- (5) The Commissioner for Children and Families or designee.
- (6) The Executive Director of State's Attorneys and Sheriffs or designee.
- (7) The Defender General or designee.
- (8) The Commissioner of Public Safety or designee.
- (9) The Director of the Vermont Center for Crime Victim Services or designee.
- (10) The President of the Chiefs of Police Association of Vermont or designee.
- (11) The President of the Vermont Sheriffs' Association or designee.
- (12) The Director of the Vermont Center for Justice Research.

(c) On or before November 15, 2013, the Working Group shall report its preliminary findings to the Senate Committee on Judiciary, the House Committee on Judiciary, and the House Committee on Corrections and Institutions. The Working Group shall issue a final report to the General Assembly on or before January 1, 2014.

Sec. 2. 13 V.S.A. § 7030 is amended to read:

§ 7030. SENTENCING ALTERNATIVES

(a)(1) In determining which of the following should be ordered, the court shall consider the nature and circumstances of the crime, the history and character of the defendant, the need for treatment, and the risk to self, others, and the community at large presented by the defendant:

~~(1)(A)~~ A deferred sentence pursuant to section 7041 of this title.

~~(2)(B)~~ Referral to a community reparative board pursuant to 28 V.S.A. chapter 12 in the case of an offender who has pled guilty to a nonviolent

felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the subject areas prohibited for referral to a community justice center under 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this subdivision does not require the court to place the offender on probation. The offender shall return to court for further sentencing if the reparative board does not accept the case or if the offender fails to complete the reparative board program to the satisfaction of the board in a time deemed reasonable by the board.

~~(3)~~(C) Probation pursuant to 28 V.S.A. § 205.

~~(4)~~(D) Supervised community sentence pursuant to 28 V.S.A. § 352.

~~(5)~~(E) Sentence of imprisonment.

(2)(A) In determining a sentence upon conviction for a nonviolent misdemeanor or a nonviolent felony, in addition to the factors identified in subdivision (a)(1) of this section, the court shall consider the approximate financial cost of available sentences.

(B) The Department of Corrections shall develop and maintain a database on the approximate costs of sentences, including incarceration, probation, deferred sentence, supervised community sentence, participation in the Restorative Justice Program, and any other possible sentence. The database information shall be made available to the courts for the purposes of this subdivision (a)(2).

(b) When ordering a sentence of probation, the court may require participation in the ~~restorative justice program~~ Restorative Justice Program established by 28 V.S.A. chapter 12 as a condition of the sentence.

Sec. 3. 13 V.S.A. § 15 is added to read:

§ 15. NONVIOLENT MISDEMEANOR AND NONVIOLENT FELONY

DEFINED

As used in this title:

(1) “Nonviolent felony” means a felony offense which is not a listed crime as defined in section 5301 of this title or an offense listed in chapter 64 of this title (sexual exploitation of children).

(2) “Nonviolent misdemeanor” means a misdemeanor offense which is not a listed crime as defined in section 5301 of this title or an offense listed in chapter 64 of this title (sexual exploitation of children) or section 1030 of this title (violation of a protection order).

Sec. 4. EFFECTIVE DATES

(a) Sec. 1 of this act and this section shall take effect on passage.

(b) Secs. 2 and 3 of this act shall take effect on March 1, 2014.

(Committee vote: 5-0-0)

S. 3.

An act relating to allowing participation in out-of-state contests requiring a fee to enter.

Reported favorably with recommendation of amendment by Senator Collins for the Committee on Economic Development, Housing and General Affairs.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. § 2481x is added to read:

§ 2481x. ENTRY FEES; GAMES NOT BASED ON CHANCE

Nothing in this chapter shall be construed to prohibit a person from requiring or paying any kind of entry fee, service charge, purchase, or similar consideration in order to enter, or continue to remain eligible for, a game of skill or other promotion that is not based on chance.

Sec. 2. 13 V.S.A. § 2143b is amended to read:

§ 2143b. CONTESTS AND SWEEPSTAKES

Notwithstanding the provisions of this chapter, a person may organize, execute, or participate in a contest or game of chance, including a sweepstakes, provided that persons who enter the contest or game of chance are not required to venture money or other valuable things. The cost of mailing an entry shall not be considered a venture of money or other valuable things. This section shall not be construed to prohibit a person from organizing, executing, or participating in a contest that is not a contest of chance.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

Senate Resolution For Action

S.R. 6.

Senate resolution relating to amending the permanent rules of the Senate.

PENDING QUESTION: Shall the resolution be adopted?

(For Text of resolution, see Senate Journal for February 1, 2013, page 77)

PUBLIC HEARINGS

Wednesday, February 13, 2013 - Room 11 - 6:00 P.M. - 8:00 P.M. Re Town Energy Committee - by House and Senate Natural Resources and Energy Committees

PUBLIC HEARING

Joint Public Hearing on Fiscal Year 2014 state budget via Vermont Interactive Technologies House and Senate Committees on Appropriations

Monday, February 11, 2013, 4:00 - 6:30 p.m. – The House and Senate Committees on Appropriations will hold a joint public hearing on Vermont Interactive Technologies (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the state budget for fiscal year 2014. All 13 V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, White River Junction and Williston. V.I.T.'s web site has an up-to-date location listing, including driving directions, addresses and telephone numbers, <http://www.vitlink.org/>.

The budget hearing will be VIEWABLE via the Internet if your computer has Flash-based streaming capabilities. Some mobile devices may require additional software. Go to www.vitlink.org/streamingmedia/vtcvitopen.php.

The Governor's budget proposal can be viewed at the Department of Finance's website: http://finance.vermont.gov/state_budget/rec. For information about the format of this event or to submit written testimony, call the House Appropriations Committee office at 802/828-5767 or email tutton@leg.state.vt.us. Requests for interpreters should be made to the office by 3:00 p.m. on Monday, January 28, 2013.

REPORTS ON FILE

Reports 2013

Pursuant to the provisions of 2 V.S.A. §20(c), one (1) hard copy of the following reports is on file in the office of the Secretary of the Senate. Effective January 2010, pursuant to Act No. 192, Adj. Sess. (2008) §5.005(g) some reports will automatically be sent by electronic copy only and can be found on the State of Legislative webpage.

1. Military Department Vermont National Guard Biennial Report. (January 2013)

2. Vermont Long Term Care Ombudsman Project. (January 2013)

NOTICE OF JOINT ASSEMBLY

JOINT ASSEMBLY

Thursday, February 21, 2013 – 10:30 A.M. – House Chamber –Election of a Sergeant at Arms, of an Adjutant and Inspector General, and of three (3) trustees for the University of Vermont, and Vermont and State Agricultural College.

Candidates for the positions of Sergeant at Arms and of Adjutant and Inspector General, and legislative candidates for UVM trustees must notify the Secretary of State **in writing** of their candidacies not later than Thursday, February 14, 2013, by 5:00 P.M., pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

FOR INFORMATION ONLY

CROSSOVER DEADLINES

The following bill reporting deadlines are established for the 2013 session:

(1) From the standing committee of last reference (excluding the Committees on Appropriations and Finance), all Senate bills must be reported out of committee on or before March 15, 2013.

(2) Senate bills referred pursuant to Senate Rule 31, must be reported out of the Committees on Appropriations and Finance on or before March 22, 2013.

(3) These deadlines may be waived for any bill or committee **only** by consent given by the Committee on Rules.