

Senate Calendar

WEDNESDAY, APRIL 15, 2015

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ACTION CALENDAR

CONSIDERATION POSTPONED TO APRIL 16, 2015

Second Reading

Favorable

J.R.S. 10.

Joint resolution expressing deep concern over growing wealth and income inequality and the decline of family income in Vermont.

PENDING QUESTION: Shall the resolution be read the third time?

(For text of resolution, see Senate Journal for January 23, 2015, page 47)

UNFINISHED BUSINESS OF FRIDAY, APRIL 10, 2015

Second Reading

Favorable with Proposal of Amendment

H. 141.

An act relating to the Organ and Tissue Donation Working Group.

Reported favorably with recommendation of proposal of amendment by Senator Ayer for the Committee on Health & Welfare.

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 1, subsection (f), by striking out “2017” and inserting in lieu thereof 2020.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 18, 2015, page 202.)

NEW BUSINESS

Third Reading

H. 98.

An act relating to reportable disease registries and data.

H. 268.

An act relating to approval of the adoption and the codification of the charter of the Town of Franklin and of the merger of Franklin Fire District No. 1 into the Town.

H. 270.

An act relating to definitions for pretrial screenings and assessments.

Amendment to Senate proposal of amendment to H. 270 to be offered by Senator Sears before Third Reading

Senator Sears moves to amend the Senate proposal of amendment in Sec. 4 by striking out “July 1, 2015” and inserting in lieu thereof passage.

H. 304.

An act relating to making miscellaneous amendments to Vermont’s retirement laws.

H. 310.

An act relating to limited liability companies.

H. 478.

An act relating to approval of the adoption and codification of the charter of the Town of Royalton.

S.R. 7.

Senate resolution relating to climate change.

Amendment to S.R. 7 to be offered by Senator Bray before Third Reading

Senator Bray moves to amend the resolution by striking out the *Fifth* Whereas clause in its entirety and inserting in lieu thereof the following:

Whereas, consequently, the State has yet to meet its statutory goal of 25 percent reduction in greenhouse gas pollution, and

NOTICE CALENDAR

Second Reading

Favorable

H. 73.

An act relating to the corporate governance structure of insurers.

Reported favorably by Senator Westman for the Committee on Finance.

(Committee vote: 4-0-3)

(For House amendments, see House Journal of February 5, 2015, page 120)

Favorable with Proposal of Amendment

H. 51.

An act relating to group-wide supervision of internationally active insurance groups and the establishment of domestic insurers in Vermont.

Reported favorably with recommendation of proposal of amendment by Senator Sirotkin for the Committee on Finance.

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 4, 8 V.S.A. § 3696, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) Notwithstanding any other provision of law to the contrary, when another regulatory official is acting as the group-wide supervisor of an internationally active insurance group, the Commissioner shall acknowledge such official as the supervisor. However, the Commissioner shall make a determination or acknowledgment as to the appropriate supervisor for such group pursuant to subsection (b) of this section in the event of a material change in the group that results in:

(1) the group's insurers domiciled in Vermont holding the largest share of the group's premiums, assets, or liabilities; or

(2) Vermont becoming the place of domicile of the top-tiered insurers in the insurance holding company system of the group.

(Committee vote: 4-0-3)

(For House amendments, see House Journal for February 4, 2015, page 111)

House Proposal of Amendment

S. 115.

An act relating to expungement of convictions based on conduct that is no longer criminal.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 7601 is amended to read:

§ 7601. DEFINITIONS

As used in this chapter:

* * *

(4) "Qualifying crime" means:

(A) a misdemeanor offense which is not a listed crime as defined in subdivision 5301(7) of this title, an offense involving sexual exploitation of children in violation of chapter 64 of this title, an offense involving violation of a protection order in violation of section 1030 of this title, a prohibited act as defined in section 2632 of this title, or a predicate offense;

(B) a violation of subsection 3701(a) of this title related to criminal mischief; ~~or~~

(C) a violation of section 2501 of this title related to grand larceny; or

(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title.

Sec. 2. 13 V.S.A. § 7602 is amended to read:

§ 7602. EXPUNGEMENT AND SEALING OF RECORD,
POSTCONVICTION; PROCEDURE

~~(a)(1) A person who was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence may file a petition with the Court requesting expungement or sealing of the criminal history record related to the conviction. The State's Attorney or Attorney General shall be the respondent in the matter. if:~~

(A) the person was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence; or

(B) the person was convicted of an offense for which the underlying conduct is no longer prohibited by law or designated as a criminal offense.

(2) The State's Attorney or Attorney General shall be the respondent in the matter.

(3) The Court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the Court, and the Court shall issue the petitioner a certificate and provide notice of the order in accordance with this section.

* * *

(d) The Court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:

(A) The petitioner committed the qualifying crime or crimes prior to reaching 25 years of age.

(B) At least five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least five years previously.

(C) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of the qualifying crime.

(D) The person successfully completed a term of public service or programming, independent of any service or programming ordered as a part of the petitioner's sentence for the conviction, and as approved by the Community Justice Network of Vermont, which may include:

(i) community service hours completed without compensation, reparation of harm to the victim, or education regarding ways not to reoffend, or a combination of the three;

(ii) at least one year of service in the U.S. Armed Forces, followed by an honorable discharge or continued service in good standing; or

(iii) at least one year of service in AmeriCorps or another local, state, national, or international service program, followed by successful completion of the program or continued service in good standing.

(E) Any restitution ordered by the Court for any crime of which the person has been convicted has been paid in full.

(F) The Court finds that expungement of the criminal history record serves the interest of justice.

(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section, the Court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:

(1) At least one year has elapsed since the completion of any sentence or supervision for the offense, whichever is later.

(2) Any restitution ordered by the Court has been paid in full.

(3) The Court finds that expungement of the criminal history record serves the interest of justice.

(f) For petitions filed pursuant to subdivision (a)(1)(B) of this section for a conviction for possession of a regulated drug under 18 V.S.A. chapter 84, subchapter 1 in an amount that is no longer prohibited by law or for which criminal sanctions have been removed:

(1) The petitioner shall bear the burden of establishing that his or her conviction was based on possessing an amount of regulated drug that is no longer prohibited by law or for which criminal sanctions have been removed.

(2) There shall be a rebuttable presumption that the amount of the regulated drug specified in the affidavit of probable cause associated with the petitioner's conviction was the amount possessed by the petitioner.

(g) Prior to granting an expungement or sealing under this section for petitions filed pursuant to subdivision 7601(4)(D) of this title, the Court shall make a finding that the conduct underlying the conviction under section 1201 of this title did not constitute a burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title. The petitioner shall bear the burden of establishing this fact.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

ORDERED TO LIE

S. 137.

An act relating to penalties for selling and dispensing marijuana.

PENDING ACTION: Committee Bill for Second Reading

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Frederick Kenney, II of Jericho - Executive Director of the Vermont Economic Progress Council – By Sen. Mullin for the Committee on Econ. Dev., Housing and General Affairs. (4/14/15)

Stephan Morse of Newfane – Member of the Vermont Economic Progress Council – By Sen. Balint for the Committee on Econ. Dev., Housing and General Affairs. (4/14/15)

Shawn Straffin of West Burke – Member of the Vermont Economic Progress Council – By Sen. Balint for the Committee on Econ. Dev., Housing and General Affairs. (4/14/15)

REPORTS ON FILE

Reports 2015

Pursuant to the provisions of 2 V.S.A. §20(c), one (1) hard copy of the following report 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 Vermont Legislative webpage.

1. Working Lands Enterprise Initiative Annual Report: Fiscal Year 2014. (Vermont Agency of Agriculture, Food and Markets) (March 2015)