

Senate Calendar

THURSDAY, APRIL 12, 2018

SENATE CONVENES AT: 1:00 P.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

NEW BUSINESS

Third Reading

H. 300 An act relating to the statute of limitations for recovery and possession of property actions against the grantee of a tax collector's deed.....	1547
H. 429 An act relating to establishment of a communication facilitator program.....	1547
Amendment - Sen. Lyons	1547

NOTICE CALENDAR

Second Reading

Favorable

H. 199 An act relating to reinstating legislative members to the Commission on Alzheimer's Disease and Related Disorders	
Health and Welfare Report - Sen. Ayer	1547
Appropriations Report - Sen. Westman	1547

Favorable with Proposal of Amendment

H. 27 An act relating to eliminating the statute of limitations on prosecutions for sexual assault	
Judiciary Report - Sen. Sears	1548
Education Report - Sen. Benning	1551

CONCURRENT RESOLUTIONS FOR NOTICE

H.C.R. 316 - 327 (For text of Resolutions, see Addendum to House Calendar for April 12, 2018).....	1551
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ORDERS OF THE DAY

ACTION CALENDAR

NEW BUSINESS

Third Reading

H. 300.

An act relating to the statute of limitations for recovery and possession of property actions against the grantee of a tax collector's deed.

H. 429.

An act relating to establishment of a communication facilitator program.

Proposal of amendment to H. 429 to be offered by Senator Lyons before Third Reading

Senator Lyons moves that the Senate propose to the House to amend the bill in Sec. 2, Communication Facilitator Program; Study, in the first sentence, after the word "establishment" by inserting the word of

NOTICE CALENDAR

Second Reading

Favorable

H. 199.

An act relating to reinstating legislative members to the Commission on Alzheimer's Disease and Related Disorders.

Reported favorably by Senator Ayer for the Committee on Health and Welfare.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of February 27, 2018, page 453)

Reported favorably by Senator Westman for the Committee on Appropriations.

(Committee vote: 7-0-0)

Favorable with Proposal of Amendment

H. 27.

An act relating to eliminating the statute of limitations on prosecutions for sexual assault.

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

The Committee recommends that the Senate propose to the House 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. § 1386 is added to read:

§ 1386. EMPLOYMENT AGREEMENTS

In accordance with 21 V.S.A. § 306, it is the policy of the State of Vermont that no confidential employment separation agreement shall inhibit the disclosure to prospective employers of factual information about a prospective employee's background that would lead a reasonable person to conclude that the prospective employee has engaged in conduct jeopardizing the safety of a vulnerable adult or minor.

Sec. 2. 16 V.S.A. § 253 is amended to read:

§ 253. CONFIDENTIALITY OF RECORDS

(a) Criminal records and criminal record information received under this subchapter are designated confidential unless, under State or federal law or regulation, the record or information may be disclosed to specifically designated persons.

(b) The Secretary, a superintendent, or a headmaster may disclose criminal records and criminal record information received under this subchapter to a qualified entity upon request, provided that the qualified entity has signed a user agreement and received authorization from the subject of the record request. As used in this section, "qualified entity" means an individual, organization, or governmental body doing business in Vermont that has one or more individuals performing services for it within the State and that provides care or services to children, persons who are elders, or persons with disabilities as defined in 42 U.S.C. § 5119c.

(c) In accordance with 21 V.S.A. § 306, a board member, superintendent, or headmaster shall not enter into on behalf of a supervisory union, school district, or recognized or approved independent school a confidential employment separation agreement that inhibits the disclosure to prospective employers of factual information about a prospective employee's background

that would lead a reasonable person to conclude that the prospective employee has engaged in conduct jeopardizing the safety of a minor. Notwithstanding any provision of law to the contrary under 33 V.S.A. chapter 49, a board member, superintendent, or headmaster and employees of a supervisory union, school district, or recognized or approved independent school shall provide factually correct information concerning a former employee's employment record with the supervisory union, school district, or recognized or approved independent school to a prospective employer of that individual if requested by the prospective employer. Nothing in this subsection shall permit the disclosure of information that is prohibited from disclosure by subsection (b) of this section. Notwithstanding any provision of law to the contrary, a person shall not be subject to civil or criminal liability for disclosing information that is required by this section to be disclosed if the person was acting in good faith and reasonably believed at the time of disclosure that the information disclosed was factually correct.

Sec. 3. COMMITTEE FOR PROTECTING STUDENTS FROM SEXUAL EXPLOITATION

(a) Creation. There is created the Committee for Protecting Students from Sexual Exploitation.

(b) Membership. The Committee shall be composed of the following ten members:

(1) the Secretary of Education or designee;

(2) the Executive Director of the Vermont School Boards Association or designee;

(3) the Executive Director of the Vermont Independent Schools Association or designee;

(4) the Executive Director of the Vermont National Educators Association or designee;

(5) the Executive Director of Child Abuse Vermont or designee;

(6) the Executive Director of the Vermont Network Against Domestic and Sexual Violence or designee;

(7) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;

(8) the Defender General or designee;

(9) the Commissioner for Children and Families or designee; and

(10) the Executive Director of the Vermont Superintendents Association or designee.

(c) Powers and duties. The Committee, in consultation with school personnel, shall:

(1) develop a model policy for adoption by public schools and recognized and approved independent schools, as defined in 16 V.S.A. § 11, on electronic communications between school employees and students, designed to prevent improper communications; and

(2) recommend whether behaviors by an employee of, or contractor for, a public school or recognized or approved independent school designed to establish a romantic or sexual relationship with a child or a student, so called “grooming behaviors,” should be unlawful under Vermont law, and, if the Committee recommends that grooming behaviors should be unlawful, shall include in its recommendation:

(A) how grooming behaviors should be defined;

(B) whether all students or children in a school environment should be covered;

(C) whether the behavior should result in a misdemeanor or a felony, and the related punishment; and

(D) the statute of limitations for bringing a related action.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Education.

(e) Report. On or before October 15, 2019, the Committee shall submit a written report to the House and Senate Committees on Education and on Judiciary with its findings and any recommendations.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Committee to occur on or before July 15, 2018.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Committee shall cease to exist on October 16, 2019.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to sexual exploitation of students.

(Committee vote: 5-0-0)

(For House amendments, see House Journal for February 16, 2017, page 230)

Reported favorably with recommendation of proposal of amendment by Senator Benning for the Committee on Education.

The Committee recommends that the Senate propose to the House to amend the bill as recommended by the Committee on Judiciary with the following amendments thereto:

First: In 1, Sec. 13 V.S.A. § 1386, (employment agreements), after the words “prospective employers”, by inserting the words or responsible licensing entities.

Second: In Sec. 2, 16 V.S.A. § 253, (confidentiality of records), subsection (c) in the first sentence, after the words “prospective employers”, by inserting the words or responsible licensing entities.

Third: By adding a new Sec. 4, to read:

Sec. 4. 21 V.S.A. § 306 is amended to read:

§ 306. PUBLIC POLICY OF THE STATE OF VERMONT; EMPLOYMENT SEPARATION AGREEMENTS

In support of the State’s fundamental interest in protecting the safety of minors and vulnerable adults, as defined in 33 V.S.A. § 6902, it is the policy of the State of Vermont that no confidential employment separation agreement shall inhibit the disclosure to prospective employers or responsible licensing entities of factual information about a prospective employee’s background that would lead a reasonable person to conclude that the prospective employee has engaged in conduct jeopardizing the safety of a minor or vulnerable adult. Any provision in an agreement entered into on or after the effective date of this section that attempts to do so is void and unenforceable.

And by renumbering the remaining section to be numerically correct.

(Committee vote: 5-0-1)

CONCURRENT RESOLUTIONS FOR NOTICE

Concurrent Resolutions For Notice Under Joint Rule 16

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration should be communicated to the Secretary’s Office.

H.C.R. 316 - 327 (For text of Resolutions, see Addendum to House Calendar for April 12, 2018)

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 Utility Commission shall be fully and separately acted upon.

Joseph M. Lorman of Rutland – Family Division Magistrate for Rutland, Bennington and Addison Counties – By Senator Sears for the Committee on Judiciary. (3/27/18)

Nathan Besio of Colchester – Member, Vermont Human Rights Commission – By Senator Benning for the Committee on Judiciary. (3/28/18)

Kevin Christie of White River Junction – Chair, Vermont Human Rights Commission – By Senator Nitka for the Committee on Judiciary. (3/28/18)

Richard Bailey of Hyde Park – Member, Transportation Board – By Senator Westman for the Committee on Transportation. (4/3/18)

David Markowski of Florence – Member, Transportation Board – By Senator Flory for the Committee on Transportation. (4/3/18)

David Coen of Shelburne – Chair, Transportation Board – By Senator Mazza for the Committee on Transportation. (4/11/18)