

Journal of the Senate

FRIDAY, FEBRUARY 19, 2010

The Senate was called to order by the President *pro tempore*.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 21

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. 759. An act relating to executive branch fees.

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

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 238. House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar New Year 4708.

H.C.R. 239. House concurrent resolution recognizing the important role of nonprofit organizations in Vermont.

H.C.R. 240. House concurrent resolution congratulating the Leland & Gray Union High School 2009 Division III championship baseball team.

H.C.R. 241. House concurrent resolution congratulating WCAX television news and reporter Kristin Carlson on receipt of a 2010 Alfred I. duPont-Columbia University Award.

H.C.R. 242. House concurrent resolution congratulating GospelFest on its 20th anniversary.

H.C.R. 243. House concurrent resolution congratulating the Green Mountain Council Boy Scout Eagle Class of 2009.

H.C.R. 244. House concurrent resolution commemorating the Boy Scouts of America's centennial anniversary and the establishment of Boy Scouting in Vermont.

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

Message from the House No. 22

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 House bills of the following titles:

H. 229. An act relating to mausoleums and columbaria.

H. 598. An act relating to sorting early voter absentee ballots.

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

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 49. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

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 passed a House bill of the following title:

H. 542. An act relating to transfers of mobile homes and rent-to-own transactions.

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

The House has considered a bill originating in the Senate of the following title:

S. 286. An act relating to challenges for change.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 289.

By the Committee on Finance,

An act relating to approval for continued operation of the Vermont Yankee nuclear power station.

Bills Referred

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

H. 229.

An act relating to mausoleums and columbaria.

To the Committee on Economic Development, Housing and General Affairs.

H. 542.

An act relating to transfers of mobile homes and rent-to-own transactions.

To the Committee on Economic Development, Housing and General Affairs.

H. 598.

An act relating to sorting early voter absentee ballots.

To the Committee on Government Operations.

H. 759.

An act relating to executive branch fees.

To the Committee on Finance.

Joint Resolution Referred**J.R.S. 50.**

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

By Senator Illuzzi,

J.R.S. 50. Joint resolution urging expedited federal initiation of the National Environmental Policy process relating to the proposed federal acquisition of Eagle Point Farm in Derby, Vermont.

Whereas, the late Michael Dunn, the owner of the 800-acre Eagle Point Farm (approximately one-half of which is located in Derby, Vermont, and the balance in Quebec), conditionally donated through his trust the Vermont portion of this exceptional parcel as a gift to the United States of America for purposes of permanent preservation and public enjoyment, and

Whereas, Eagle Point Farm's Vermont acreage includes diverse freshwater wetland, woodland, riparian habitats, rich agricultural land, and more than a mile of frontage on 27-mile-long Lake Memphremagog, and

Whereas, this impressive acreage provides land for high quality breeding, migratory, and wintering habitats for priority waterfowl and grassland bird species, and

Whereas, many rare plants and unique natural communities are also located at Eagle Point Farm, and

Whereas, for many decades, through the generosity of the Dunn family, many Vermonters have enjoyed Eagle Point Farm for walking, fishing, hunting, wildlife observation and access to Lake Memphremagog, and

Whereas, because Eagle Point Farm is waterfront land, it is valuable monetarily and is at a high risk of being developed should the United States not ultimately accept Michael Dunn's generous gift, and

Whereas, not only is this land attractive to developers, but also, in accordance with the terms of Michael Dunn's conditional donation, should the federal government not acquire the Vermont portion of Eagle Point Farm by September 1, 2010, then the trustee must dispose of the property in a manner that would maximize its cash value for the benefit of a secondary institutional beneficiary, and

Whereas, the northeastern office of the United States Fish and Wildlife Service (USFWS), in close collaboration with the state of Vermont, has assessed the conservation value of the Vermont portion of Eagle Point Farm, and

Whereas, there is mutual agreement among federal and state authorities that the optimal disposition of the Vermont portion of Eagle Point Farm is to proceed with a proposal that the Vermont Land Trust has put forward – to wit: that the USFWS should acquire title to the land and that the Vermont Agency

of Natural Resources should then administer Eagle Point Farm in Derby as a coordination area for passive recreational use in accordance with National Wildlife Refuge guidelines and a jointly entered memorandum of understanding, and

Whereas, the Province of Quebec is simultaneously working toward accepting a gift of that portion of Michael Dunn's property located in the province, and such an acquisition would provide opportunities for cross-border collaboration, and

Whereas, the Vermont Fish and Wildlife Conservation Group, located in nearby East Charleston, has written to the Vermont congressional delegation offering its full support for both the federal acquisition and subsequent state management of Eagle Point Farm, and

Whereas, the Memphremagog Watershed Association (MWA) in Derby, whose mission is "the preservation of the environment and natural beauty of the Memphremagog watershed," has written to public officials that it "cannot overstate the importance of and their support for keeping Michael Dunn's property in the public trust and for public use," and

Whereas, the MWA has worked collaboratively with Memphremagog Conservation, Inc. for the preservation of Eagle Point Farm on both sides of the border, and it has reminded public officials that preservation of the property is "consistent with the efforts and goals of the Quebec/Vermont Steering Committee which is charged with the restoration and protection of the international waters of Lake Memphremagog," and

Whereas, the northeastern office of the USFWS has submitted a proposal to its national office in Washington, D.C., to move forward immediately with the scientific assessment and public comment requirements of the National Environmental Policy Act (NEPA) in order that the acquisition process can occur prior to the September 1, 2010, deadline, and

Whereas, the NEPA process will provide the opportunity for the general public to offer its comments on the proposed federal acquisition and state management of Eagle Point Farm in Derby to help determine the best long-term outcome for this special piece of Vermont, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly urges the United States Fish and Wildlife Service to expedite the National Environmental Policy Act process relating to the proposed federal acquisition of Eagle Point Farm in Derby, Vermont, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to United States Secretary of the Interior Ken Salazar, United States Fish and Wildlife Service Commissioner Sam Hamilton, the Vermont congressional delegation, and Vermont Secretary of Natural Resources Jonathan Wood.

Thereupon, the President *pro tempore*, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Natural Resources and Energy.

Joint Resolution Placed on Calendar

J.R.S. 51.

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

By Senator Shumlin,

J.R.S. 51. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Environmental Judge.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 18, 2010, at ten o'clock and thirty minutes in the forenoon to vote on the retention of two Superior Judges and one Environmental Judge. In case the vote to retain said Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

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

Senate Resolution Placed on Calendar

S.R. 19.

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

By All Members of the Senate,

S.R. 19. Senate resolution urging Congress to support a fiscal year 2011 federal appropriation for the Northeast Great Waters.

Whereas, the restoration and conservation of our nation's "great waters" ecosystems are both an economic and an environmental imperative, and

Whereas, Lake Champlain is recognized as a “great water” by the America’s Great Waters Coalition, and

Whereas, Lake Champlain is also identified by the Environmental Protection Agency as a “large aquatic ecosystem” in its “Geographic Areas” initiative, and

Whereas, a comprehensive plan to restore and conserve Lake Champlain has been in place for many years, and

Whereas, historical levels of federal funding have been insufficient to adequately address the many pressing restoration and conservation needs identified in the Lake Champlain plan, and

Whereas, the seven northeastern states have joined hands through an appeal by the Northeast Regional Ocean Council for a unified \$70 million 2011 appropriations request to advance implementation of restoration plans for the region’s four “great waters” ecosystems, including Lake Champlain, Long Island Sound, the Gulf of Maine, and Narragansett Bay, and

Whereas, Lake Champlain would receive approximately \$10 million of the regional request, an opportunity that would complement and enhance the many great ongoing efforts, and

Whereas, governmental and nongovernmental organizations are working together with their counterparts in all the other northeastern states in support of the 2011 request, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont urges Congress to support a fiscal year 2011 federal appropriation for the Northeast Great Waters, *and be it further*

Resolved: That the Secretary of the Senate 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 resolution was placed on the Calendar for action the next legislative day.

**Message from the Governor
Appointments Referred**

A message was received from the Governor, by David Coriell, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Davis, Susan of Shelburne - Member of the Travel Information Council, - from March 1, 2010, to February 29, 2012.

To the Committee on Transportation.

Heald, Francis of Rutland - Member of the Travel Information Council, - from March 1, 2010, to February 29, 2012.

To the Committee on Transportation.

Kennett, Elizabeth G. of Rochester - Member of the Travel Information Council, - from March 1, 2010, to February 29, 2012.

To the Committee on Transportation.

Sutton, Joseph of East Middlebury - Member of the Travel Information Council, - from March 1, 2010, to February 29, 2012.

To the Committee on Transportation.

Sheahan, Nancy of South Burlington - Member of the State Police Advisory Commission, - from March 1, 2010, to February 28, 2014.

To the Committee on Government Operations.

Willey, Leo D. of Newport - Member of the State Police Advisory Commission, - from March 1, 2010, to February 28, 2014.

To the Committee on Government Operations.

Dimitruk, Catherine of Colchester - Member of the Vermont Natural Gas and Oil Resources Board, - from March 1, 2010, to February 28, 2013.

To the Committee on Natural Resources and Energy.

Canney, Dagne of North Clarendon - Member of the Vermont Housing Finance Agency, - from February 9, 2010, to January 31, 2014.

To the Committee on Finance.

Alberts, Robert of Bridport - Member of the Vermont Housing Finance Agency, - from February 9, 2010, to January 31, 2014.

To the Committee on Finance.

Gregory, Peter of Hartland - Member of the State Infrastructure Bank Board, - from March 1, 2010, to February 28, 2015.

To the Committee on Finance.

Hogan, Ann L. of Shelburne - Member of the State Infrastructure Bank Board, - from March 1, 2010, to February 28, 2015.

To the Committee on Finance.

Lacroix, Louis of St. Johnsbury - Member of the State Labor Relations Board, - from February 11, 2010, to June 30, 2012.

To the Committee on Economic Development Housing and General Affairs.

Bill Passed in Concurrence with Proposal of Amendment; Rules Suspended; Bill Messaged

H. 533.

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

An act relating to military parents' rights.

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

Consideration Postponed

Senate bill entitled:

S. 255.

An act relating to an amendment to the charter of the Chittenden County Transportation Authority.

Was taken up.

Thereupon, without objection consideration of the bill was postponed until the next legislative day.

Bill Amended; Third Reading Ordered

S. 272.

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

An act relating to human trafficking.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The general assembly finds that:

(1) According to his book, *The Slave Next Door: Human Trafficking and Slavery in America Today*, Dr. Kevin Bales states that the number of human beings estimated to be enslaved today has reached over 27 million worldwide, the highest in recorded history. Vermont and all of its bordering states have seen elements of human trafficking, yet Vermont is the only

remaining state in the Northeast and one of the remaining five in the nation lacking legislation on this issue. Vermont's geographical location bordering Canada makes it susceptible to human trafficking activity.

(2) Human trafficking is an interrelated, under-reported crime that is intentionally kept secret by the traffickers who profit by billions of dollars from these crimes. Human trafficking is the third most profitable illegal global enterprise after drug and weapon trafficking, all of which have been found to be closely related.

(3) Because Vermont has a limited level of awareness regarding the existence of human trafficking within its own borders, the collaborative efforts of a human trafficking task force are necessary to raise public awareness and to recommend measures that will assist victims of human trafficking.

Sec. 2. HUMAN TRAFFICKING TASK FORCE

(a) As used in this section, "human trafficking" shall have the same meaning as in 18 U.S.C. §§ 1589–1592.

(b) For purposes of the definition of "human trafficking," "forced labor" means providing or obtaining the labor or services of a person:

(1) by threats of serious harm to, or physical restraint against, that person or another person;

(2) by means of any scheme, plan, or pattern intended to cause the person to believe that if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or

(3) by means of the abuse or threatened abuse of law or the legal process.

(c) The human trafficking task force is established for the purpose of raising public awareness about human trafficking within the state and across state and international borders, identifying resources for the victims of human trafficking, recommending to the public ways to identify and report acts of human trafficking and reporting, and making findings and recommendations regarding those efforts to the general assembly.

(d) The human trafficking task force shall be composed of the following members:

(1) the attorney general or his or her designee, who shall serve as chair;

(2) a representative of the law enforcement community, appointed by the commissioner of public safety;

(3) a representative of Vermont's emergency housing or shelter community;

(4) representatives, appointed by the governor, from each of the following:

(A) the Vermont state housing authority;

(B) the department of labor;

(C) the department of education;

(D) the department for children and families;

(E) the business community; and

(F) the agency of agriculture, food and markets.

(5) a representative, appointed by the secretary, from the agency of human services who specializes in refugee matters;

(6) a representative of the coalition of Vermonters against slavery today;

(7) a representative of the Vermont farm bureau;

(8) a representative of the Vermont network against domestic and sexual violence;

(9) a representative of the Vermont coalition of runaway and homeless youth programs;

(10) a representative of the Vermont crime victim's services; and

(11) an immigration attorney, appointed by the Vermont bar association.

(e) The task force shall consult with representatives from the following:

(1) the human rights commission;

(2) the department of public safety;

(3) the polaris project;

(4) health care professionals;

(5) the United States' attorney for Vermont;

(6) migrant worker and other labor advocacy groups; and

(7) any other groups or individuals the committee deems appropriate.

(f) The task force shall perform the following duties:

(1) Identify ways to raise public awareness about human trafficking in Vermont communities.

(2) Recommend how the Vermont public, business community, local and state government, health, and education providers can best identify, report, and prevent acts of human trafficking in Vermont.

(3) Identify the services needed by victims of human trafficking and their families, and recommend ways to provide those services.

(g) The task force shall have the assistance and cooperation of all state and local agencies and departments.

(h) On or before November 15, 2010, the task force shall report to the members of the senate and house committees on judiciary and to legislative council its recommendations and legislative proposals relating to its findings.

(i) On or before January 15, 2011, the task force shall report to the general assembly and to the governor its findings and any recommendations.

(j) The task force may meet no more than six times, and shall cease to exist on January 15, 2011.

Sec. 3. LAW ENFORCEMENT ADVISORY BOARD

(a) On or before November 15, 2010, the commissioner of public safety shall report to the law enforcement advisory board on the status of efforts by Vermont law enforcement to respond to issues regarding the crime of human trafficking and what recommendations, if any, should be made to the general assembly in order to respond more effectively to those issues.

(b) Prior to making this report, the commissioner shall consult with the following groups:

(1) a representative of the Vermont association of chiefs of police;

(2) a representative of the Vermont sheriffs' association;

(3) the attorney general, or his or her designee from the criminal division;

(4) a state's attorney, appointed by the executive director of the department of state's attorneys and sheriffs;

(5) a representative from the Vermont center for crime victim services;

(6) a representative from the network against domestic and sexual violence;

(7) a representative from the coalition of Vermonters against slavery today;

(8) the executive director of the Vermont police academy or his or her designee;

(9) the United States' attorney for Vermont or his or her designee;

(10) representatives from federal law enforcement agencies in Vermont;

(11) the human trafficking task force; and

(12) any other groups or individuals the commissioner deems appropriate.

(c) The law enforcement advisory board shall include its findings and recommendations, based upon the commissioner's report, in its annual report to the general assembly and governor as required pursuant to 24 V.S.A. § 1939(d).

Sec. 4. EFFECTIVE DATE

This act shall take effect upon passage.

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.

Third Reading Ordered

H. 483.

Senator White, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to approval of the merger of the Village of North Westminster and the Town of Westminster and the charter of the Town of Westminster.

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.

Adjournment

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, February 23, 2010, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 49.