

# Journal of the Senate

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THURSDAY, APRIL 15, 2010

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

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Bills Referred

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

### H. 532.

An act relating to the domestic violence fatality review commission.

To the Committee on Rules.

### H. 589.

An act relating to nuclear energy generation and the institution of trusts for greenfield restoration and spent fuel management.

To the Committee on Rules.

### H. 788.

An act relating to approval of amendments to the charter of the town of Berlin.

To the Committee on Government Operations.

## Senate Resolution Adopted

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

By the Committee on Economic Development, Housing and General Affairs,

**S.R. 23.** Senate resolution urging the Douglas administration to reconsider its decision to reject the implementation of a Project Labor Agreement for the new Lake Champlain Bridge.

*Whereas*, the construction of the new Lake Champlain Bridge, between Crown Point, New York, and Chimney Point, Vermont, is one of the largest

transportation projects in Vermont in decades and is projected to cost at least \$75 million, and

*Whereas*, the New York State Department of Transportation (NYSDOT) has proposed that the two states adopt a Project Labor Agreement (PLA) to ensure that work proceeds effectively and without conflicting labor contract provisions, and at the lowest possible cost, and

*Whereas*, a PLA is a negotiated, pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project, and pursuant to President Obama's Executive Order 13502, federal agencies are encouraged to use PLAs in connection with large-scale, federally financed construction projects, and

*Whereas*, according to testimony before both the Senate Committees on Economic Development, Housing and General Affairs and on Transportation, harmonizing conflicting labor agreements takes on added importance on the Lake Champlain Bridge project because many of the trades working on the project are expected to be union trades, each with its own collective bargaining agreement with terms that may conflict with agreements of the other trades, and

*Whereas*, before issuing the draft PLA, the NYSDOT commissioned Arace & Company Consulting, LLC, an outside expert firm with no financial stake in the project to conduct an analysis of the PLA's impact; and the analysis concluded a PLA will harmonize conflicting contracts on this particular project and save an estimated \$1.75–\$3.0 million, and

*Whereas*, the cost savings achieved with a PLA result when labor unions agree to forego overtime and other contract benefits in exchange for an opportunity to work on a project, and

*Whereas*, without a PLA there is no guarantee that Vermonters and New Yorkers will be employed on the \$75 million project, thus preventing qualified Vermonters who work in the building trades from benefiting from a major employment opportunity in this region, and

*Whereas*, PLAs have been used successfully in other states, and

*Whereas*, the Douglas administration has directed the Vermont Agency of Transportation not to negotiate a PLA, and

*Whereas*, this refusal is based on the mistaken premise that the PLA will prevent nonunion Vermont subcontractors from applying for work on the project, and

*Whereas, some Vermont subcontractors have opposed the PLA on “philosophical grounds,” now therefore be it*

***Resolved by the Senate:***

That based on available information, the proposed Project Labor Agreement will reduce the overall cost of the project and help to ensure that Vermont and New York residents will obtain some of the work on the project, *and be it further*

***Resolved:*** That the Senate of the State of Vermont urges the Douglas administration to reconsider its decision to not negotiate, and if successful enter into, a Project Labor Agreement for the new Lake Champlain Bridge, *and be it further*

***Resolved:*** That the Secretary of the Senate be directed to send a copy of this resolution to the Secretary of Administration.

**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:

Kamp, Susan of South Burlington - Member of the Children and Family Council for Prevention Programs, - from April 5, 2010, to February 29, 2012.

To the Committee on Health and Welfare.

Gibbs, Gary P. of Leicester - Member of the Fish and Wildlife Board, - from April 12, 2010, to February 29, 2016.

To the Committee on Natural Resources and Energy.

**Consideration Postponed**

House bill entitled:

**H. 524.**

An act relating to interference with or cruelty to a guide dog.

Was taken up.

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

**Consideration Resumed; Resolution Amended; Third Reading Ordered****S.R. 17.**

Consideration was resumed on Senate resolution entitled:

Senate resolution urging Congress to authorize alternative waivers to the 21-year-old minimum drinking age that do not entail federal highway funding penalties for states.

Thereupon, pending the question, Shall the Senate resolution be amended as recommended by the Committee on Economic Development, Housing and General Affairs?, Senator Miller requested and was granted leave to withdraw the recommendation of amendment of the Committee on Economic Development, Housing and General Affairs.

Thereupon, Senator Miller on behalf of the Committee on Economic Development, Housing and General Affairs moved to amend the resolution by striking out all after the title and inserting in lieu thereof the following:

*Whereas*, in 1984, Congress enacted Public Law 97-364, which in Sec. 101(a) added 23 U.S.C. § 408(f)(6) to the United States Code that established the statutory basis for the federal penalty that withholds ten percent of a state's federal highway funding if the state's drinking age is lower than 21, and

*Whereas*, the current ten percent highway funding penalty prevents an open public debate about the effects of the 21-year-old drinking age as it impacts unlawful, unsupervised consumption of alcohol, and

*Whereas*, given the constitutional authority of states to regulate alcohol within their borders, Congress should work with the states to find solutions to address the growing problem of unsupervised, underage consumption and overconsumption of alcohol, and

*Whereas*, each state has unique qualities and residents that make a one-size-fits-all solution difficult, and each state should have the opportunity to develop a comprehensive program that addresses its unique situation, and *now therefore be it*

***Resolved by the Senate:***

That the Senate of the State of Vermont urges Congress to authorize the states to address the problems associated with underage consumption of alcohol by obtaining waivers from federal law to avoid triggering federal highway funding penalties, *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.

**Resolved:** That the title of the resolution be amended to read: "Senate resolution relating to problems associated with underage consumption of alcohol."

Which was agreed to.

Thereupon, the question, Shall the resolution be read the third time?, was decided in the affirmative.

### **Bill Passed in Concurrence with Proposals of Amendment**

#### **H. 408.**

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

An act relating to improving nutrition programs.

### **Bill Passed in Concurrence**

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

**H. 773.** An act relating to approval of amendments to the charter of the city of Burlington.

### **Consideration Postponed**

House bill entitled:

#### **H. 527.**

An act relating to municipal recovery of costs of fire department response.

Was taken up.

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

### **Third Reading Ordered**

#### **H. 680.**

Senator Kittell, for the Committee on Agriculture, to which was referred House bill entitled:

An act relating to termination of occupancy of farm employee housing.

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.

**House Proposal of Amendment Concurred In**

**S. 272.**

House proposal of amendment to Senate bill entitled:

An act relating to human trafficking.

Was taken up.

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. 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, the senate committee on health and welfare, the house committee on human services and to the legislative council its recommendations and legislative proposals, including criminal statutory provisions, if any, 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.

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**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 members of the senate and house committees on judiciary and to the legislative council 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.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

**Rules Suspended; Bills Messaged**

On motion of Senator Mazza, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

**H.408, H. 773.**

**Adjournment**

On motion of Senator Mazza, the Senate adjourned until eight o'clock and thirty minutes in the morning.