

House Calendar

Thursday, February 11, 2010

38th DAY OF ADJOURNED SESSION

House Convenes at 1:00 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

J.R.H. 34

Joint resolution in support of the New England Secondary School Consortium

Committee Bill for Second Reading

H. 759

An act relating to executive branch fees.

(Rep. Branagan of Georgia will speak for the Committee on Ways and Means.)

Amendment to be offered by Rep. Partridge of Windham to H. 759

By striking out Sec. 18 and inserting in lieu thereof a new Sec. 18 to read:

Sec. 18. 9 V.S.A. § 2643 is amended to read:

§ 2643. LICENSES; INSPECTIONS; PENALTIES

(a) No person shall operate a retail point-of-sale laser scanning check-out system with more than three point-of-sale scanning points without first obtaining a license from the secretary.

(1) The secretary may issue a license without first testing the accuracy and use of the point-of-sale laser scanning check-out system pursuant to subsection (b) of this section.

(2) The annual license fee shall be \$10.00 per individual point-of-sale scanning point within a store. All single retail units that have three or fewer scanning points shall be exempt from this fee.

(b) The secretary shall, from time to time, test the accuracy and use of laser scanning and other computer assisted check-out systems in stores. The secretary shall compare the programmed computer price with the item price of any consumer commodity offered by a store. The store shall provide access to the computer as is necessary to allow the secretary to conduct the accuracy test.

~~(b)(1)~~ If, upon review, the programmed price of a commodity exceeds the price printed on or the advertised price of the commodity, the store may be subject to license denial, revocation, suspension or the following administrative penalties: \$15.00 per violation identified in more than two

percent but less than four percent of the commodities reviewed, rounded to the nearest whole number, \$20.00 per violation in the next two percent reviewed, \$50.00 per violation in the next two percent and \$100.00 for each additional violation. In no event, however, shall the total amount of penalty for the review exceed \$1,000.00.

~~(e)~~(2) If a subsequent review within 12 months reveals further violations, the total amount of penalty due may be multiplied by the number of violations discovered.

Action Under Rule 52

J.R.H. 38

Joint resolution relating to the use of the state house for the Green Mountain Boys' State Program

(For text see House Journal 2/10/10)

Action Postponed Until February 16, 2010

Favorable with Amendment

H. 542

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

Pending Question: Second reading of the bill?

Action Postponed Until May 28, 2010

Governors Veto

H. 436

An act relating to decommissioning funds of nuclear energy generation plants.

Pending Question: Shall the House sustain the Governor's veto?

NOTICE CALENDAR

Committee Bill for Second Reading

H. 760

An act relating to the repeal or revision of certain boards and commissions.

(Rep. Sweaney of Windsor will speak for the Committee on Government Operations.)

Favorable with Amendment

H. 229

An act relating to mausoleums and columbaria

Rep. Savage of Swanton, for the Committee on **General, Housing and Military Affairs**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 5573 is amended to read:

§ 5573. CONSTRUCTION REQUIREMENTS

A community mausoleum ~~or columbarium~~, the crypts ~~or niches~~ of which are available to the public, shall be constructed and erected only with the consent and approval of the ~~state board~~ department of health. Before commencing the building, construction or erection of any ~~such structure~~ community mausoleum, full detailed plans and specifications shall be presented to the state board of health. The approval of ~~such~~ the plans and specifications shall be evidenced by a certificate in writing, signed by the ~~state board~~ department of health. A community mausoleum, ~~columbarium~~ or any structure intended to hold or contain permanently the bodies of the dead, and to which the public ~~shall have~~ has access, shall ~~not~~ be constructed ~~or erected~~. ~~A building not used for the permanent disposition of the human dead shall not be altered or changed for such use or used for such purposes, and an addition shall not be made to any existing community mausoleum or columbarium, unless constructed of such material and workmanship as will to insure its durability and , permanence, as well as the safety, convenience, comfort and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science.~~

Sec. 2. 18 V.S.A. § 5574 is amended to read:

§ 5574. INSPECTION

The ~~state board~~ department of health shall have supervisory control over the construction of any ~~such~~ community mausoleum ~~or columbarium~~. The ~~state board~~ department of health shall require compliance in all respects with the approved plans and specifications. ~~Such~~ The board shall appoint an inspector who ~~shall be~~ is experienced in modern mausoleum construction and engineering science to supervise the erection and construction of ~~such~~ the mausoleum ~~and columbarium~~ and to determine the amount of ~~his~~ the inspector's compensation. ~~Such compensation~~ Compensation shall be paid by the person, ~~firm or corporation~~ erecting ~~such~~ the community mausoleum ~~or columbarium~~. A departure from the original plans and specifications shall not be permitted, except upon approval of the ~~state board~~ department of health,

evidenced in like manner and form as the approval of the original plans and specifications.

Sec. 3. 18 V.S.A. § 5577 is amended to read:

§ 5577. MAUSOLEUM BECOMING UNTENABLE

If, in the opinion of the ~~state board~~ department of health, a mausoleum, vault, crypt or structure containing one or more deceased human bodies becomes a menace to public health, and the owner or owners ~~thereof~~ fail to remedy or remove the ~~same~~ menace to the satisfaction of the ~~state board of health~~ department, a court of competent jurisdiction may order the person, ~~firm or corporation~~ owning such the structure to remove the body or bodies for interment in some suitable cemetery at the expense of the ~~person, firm or corporation owning such~~ owner of the mausoleum, vault or crypt. When ~~such person, firm or corporation~~ the owner can not be found ~~in the county where such mausoleum, vault or crypt is located,~~ then ~~such~~ removal and interment shall be at the expense of the cemetery or cemetery association, ~~city or town where such~~ or the municipality in which the mausoleum, vault or crypt is ~~situated~~ located.

(Committee Vote: 8-0-0)

H. 598

An act relating to sorting early voter absentee ballots

Rep. Townsend of Randolph, for the Committee on **Government Operations**, recommends the bill be amended as follows:

In Sec. 1, 17 V.S.A. § 2546(a), by striking “500” and inserting in lieu thereof “300”

(Committee Vote: 10-0-1)

Ordered to Lie

H.R. 19

House resolution urging the agency of natural resources to retain delegated authority to administer the federal Clean Water Act in Vermont.

Pending Question: Shall the House adopt the resolution?

Public Hearings

Thursday, February 11, 2010 – Room 11 – Joint Judicial Retention Committee – Judicial Retention of Judges: Honorable Helen Toor; Honorable David Howard and Honorable Thomas Durken

Tuesday, February 16, 2010 – Room 11 – 2:45 – 4:00 P.M. - House Committee

on Appropriations – Governor’s Proposed FY 2011 State Budget

Wednesday, February 17, 2010-Room 11 - 9:30 – 10:45 A.M. – House
Committee on Appropriations – Governor’s Proposed 2011 State Budget

Joint Assembly

February 18, 2010 - 10:30 A.M. – Election of two (2) trustees for the
Vermont State Colleges Corporation.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than February 11, 2010 , 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.