

# Senate Calendar

TUESDAY, JANUARY 27, 2009

21st DAY OF BIENNIAL SESSION

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NOTICE CALENDAR

**Favorable with Recommendation of Amendment**

**S. 7**

An act to prohibit the use of lighted tobacco products in the workplace.

**Reported favorably with recommendation of amendment by Senator Mullin for the Committee on Health and Welfare.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. §§ 1421 and 1426 are amended to read:

§ 1421. ~~DEFINITIONS~~ SMOKING IN THE WORKPLACE; PROHIBITION

~~As used in this subchapter:~~

~~(1) "Smoking area" means an area that nonsmoking employees are not required to visit on a regular basis where smoking is permitted pursuant to a policy established under this subchapter. Up to 30 percent of employee cafeteria and lounge areas may be designated as a smoking area.~~

~~(2) "Workplace" The use of lighted tobacco products is prohibited in any "workplace," which, for the purposes of this subchapter, means an enclosed structure where employees perform services for an employer or, in the case of an employer who assigns employees to departments, divisions, or similar organizational units, the enclosed portion of a structure where the unit to which the employee is assigned is located. "Workplace" includes a vehicle owned or leased by the employer. Except for schools, workplace does not include areas commonly open to the public nor any portion of a structure which that also serves as the employee's or employer's personal residence. For schools, workplace shall include includes any enclosed location at which where instruction or other school-sponsored functions are occurring and students are present.~~

§ 1426. ENFORCEMENT

(a) An employee aggrieved by an employer's failure to comply with the provisions of this subchapter may file a complaint with the department of health.

~~(b) If the complaint is based on an employer's alleged failure to establish a smoking policy or post the policy and summary as required under section 1424 of this title, the department shall not initiate an action under this section until it has given the employer written notice of the alleged violation and ten days to come into voluntary compliance with the provisions of this subchapter.~~

(e) The commissioner of health or a hearing officer designated by the commissioner may, after notice and an opportunity for hearing, impose an administrative penalty of \$100.00 against an employer who violates a ~~provision~~ of this chapter. The hearing before the commissioner shall be a contested case subject to the provisions of chapter 25 of Title 3 (Administrative Procedure Act).

(c) Nothing in this section shall limit the commissioner's authority under any other provisions of law.

Sec. 2. 18 V.S.A. § 1743 is amended to read:

§ 1743. EXCEPTIONS

The restrictions in this chapter on possession of lighted tobacco products ~~shall~~ do not apply to:

~~(1) Workplace smoking areas designated under subchapter 2 of chapter 28 of this title.~~

(2) ~~Areas~~ areas not commonly open to the public of owner-operated businesses with no employees.

Sec. 3. REPEAL

18 V.S.A. §§ 1422, 1423, 1424, and 1425 (dealing with a smoking policy) are repealed.

(Committee vote: 5-0-1)

**Concurrent Resolutions for Adoption Under Joint Rule 16a**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to Senate Calendar of Friday, January 23, 2009.

### **Senate Concurrent Resolutions**

#### **S.C.R. 4**

Senate concurrent resolution congratulating the Vermont Symphony Orchestra on its 75<sup>th</sup> anniversary.

#### **S.C.R. 5.**

Senate concurrent resolution honoring the Vermont Detachment of the Sons of the American Legion and welcoming Thomas Cisna, its 41 National Commander, to Vermont.

#### **S.C.R. 6.**

Senate concurrent resolution honoring Court Administrator and Vermont Supreme Court Clerk Lee Suskin.

### **House Concurrent Resolutions**

#### **H.C.R. 16**

House concurrent resolution honoring former Representative Michael Flaherty of South Burlington

#### **H.C.R. 17**

House concurrent resolution congratulating Jocelyn Pond on her receipt of the William E. Mikell Spirit of Youth Award

#### **H.C.R. 18**

House concurrent resolution congratulating the Bellows Falls All-Stars baseball team on winning the 2008 Cal Ripken Division state championship

#### **H.C.R. 19**

House concurrent resolution congratulating the Rockingham Free Public Library on the 100th anniversary of its residency in its Carnegie Building home

#### **H.C.R. 20**

House concurrent resolution congratulating Dr. Timothy Johnson on a quarter century of optometry practice in Bellows Falls

#### **H.C.R. 21**

House concurrent resolution celebrating the 200-year history of the Muzzy-Allen-Monroe family in the town of Jamaica and its 160-year proprietorship of the J.A. Muzzy Company

**H.C.R. 22**

House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar Year 4707

**H.C.R. 23**

House concurrent resolution honoring Charles V. Fantoni of Barre Town for his state and community public service

**H.C.R. 24**

House concurrent resolution congratulating the Proctorsville Volunteer Fire Department on its 175th anniversary

**H.C.R. 25**

House concurrent resolution honoring the Brattleboro Union High School marching band on its participation in the 2009 presidential inaugural parade in Washington, D.C.

**H.C.R. 26**

House concurrent resolution congratulating the 2008 Harwood Union High School Highlanders Division II championship boys' cross-country team

**H.C.R. 27**

House concurrent resolution congratulating the Harwood Union High School Highlanders 2008 Division II championship field hockey team

**H.C.R. 28**

House concurrent resolution congratulating Brittany Kelemen of Jonesville on being crowned Miss Vermont Teen USA 2009

**H.C.R. 29**

House concurrent resolution recognizing the importance of nurse anesthetists in Vermont's health care system.

**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.

Susan D. Plaustainer of Brownsville – Member of the Vermont Economic Development Authority – By Sen. Maynard for the Committee on Finance. (1/21)

Rachel Schumacher of North Bennington – Member of the Vermont Economic Development Authority – By Sen. Hartwell for the Committee on Finance. (1/21)

Steven J. Bourgeois of Swanton – Member of the Vermont Economic Development Authority – By Sen. Carris for the Committee on Finance. (1/28)

Thomas Pelletier of Montpelier – Member of the Vermont Housing Finance Agency – By Sen. Cummings for the Committee on Finance. (1/28)

### **JOINT ASSEMBLY**

**Thursday, February 19, 2009 – 10:30 A.M. – House Chamber** –Election of a Sergeant at Arms, of an Adjutant and Inspector General, and of three (3) trustees for the University of Vermont, and Vermont and State Agricultural College.

Candidates for the positions of Sergeant at Arms and of Adjutant and Inspector General, and legislative candidates for UVM trustees must notify the Secretary of State **in writing** of their candidacies not later than Thursday, February 12, 2009, 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.

### **NOTICE**

#### **Training Schedule re: Sexual Harassment**

Friday, February 6 – 1:00 p.m. - 2:15 p.m.

Friday, February 6 – 3:00 p.m. - 4:15 p.m.

Wednesday, February 11 – 3:00 p.m. - 4:15 p.m.

Meeting rooms to be announced.

## **PUBLIC HEARINGS**

### **Joint Public Hearing on Fiscal Year 2010 budget on Vermont Interactive Television Appropriations Committees**

**Monday, February 9, 2009, 4:30 - 7:00 p.m.** – The House and Senate Appropriations Committees will hold a joint public hearing on Vermont Interactive Television (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the State budget for fiscal year 2010. All V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Castleton, Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, Waterbury, White River Junction and Williston. V.I.T.'s web site has an up-to-date location listing, including driving directions, addresses and telephone numbers, <http://www.vitlink.org/>

For information about the format of this event, interested parties may call the House Appropriations Committee office at 802/828-5970. Requests for interpreters should be made to the office by 12:00 noon on Friday, January 23, 2009.

## **2009**

### **REPORTS ON FILE**

Pursuant to the provisions of 2 V.S.A. §20(c), one (1) hard copy of the following reports is on file in the office of the Secretary of the Senate. Effective January 2009, 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 webpage. They are designated on this list with an “e” following the assigned number.

20. Database of Environmental Enforcement Actions. (Agency of Natural Resources; Department of Environmental Conservation, Compliance & Enforcement Program. (January 2009)

21. Environmental Enforcement Officers as Deputy Game Wardens. (Agency of Natural Resources; Department of Environmental Conservation, Compliance & Enforcement Program). (January 2009)

22. Enforcement of On-site Wastewater Systems. (Agency of Natural Resources; Department of Environmental Conservation, Wastewater Division). (January 2009)

23. Implementation of Stormwater General Permits. (Agency of Natural Resources; Department of Environmental Conservation, Compliance & Enforcement Program; and Water Quality Division). (January 2009)



24. Enforcement by the Department of Forests, Parks & Recreation. (Agency of Natural Resources; Department of Forests, Parks and Recreation. (January 2009)
25. Uniform Environmental Enforcement Act. (Department of Environmental Conservation, Compliance & Enforcement Program; Enforcement Division. (January 2009)
26. Litigation Report for Calendar Year 2008. (Pharmacy Benefit Manager and Other Prescription Drug-Related Legislation of Act. No. 80. (Vermont State Auditor) (January 2009)
27. UVA Eligibility Revisions-Forestland. (Agency of Natural Resources, Department of Forests, Parks and Recreation). (January 2009)
28. Sustainable Certification of State Forest Lands. (Agency of Natural Resources, Department of Forests, Parks and Recreation). (January 2009)
29. State Land Forest Management Report. (Agency of Natural Resources, Department of Forests, Parks and Recreation). (January 2009)
30. Annual Legislative Report on Mercury Pollution. (Advisory Committee on Mercury Pollution). (January 2009)
31. Agency of Natural Resources, Legislative Report. (Department of Environmental Conservation). (January 2009)
32. Compost Study Committee Legislative Report. (Agency of Natural Resources, Department of Environmental Conservation). (January 2009)
33. Solid Waste Working Group Legislative Report. (Agency of Natural Resources, Department of Environmental Conservation). (January 2009)
34. Consolidated Executive Branch Fee Report. (Agency of Administration). (January 2009)
35. Municipal Pollution Control Priority System Legislative Report. (Agency of Natural Resources). (January 2009)
36. Petroleum Cleanup Fund Status Report for 2008. (Agency of Natural Resources; Department of Environmental conservation, Waste Management Division). (January 2009)
37. Gross Operating Revenues of Regulated Utilities for FY-2008. (Public Service Board). (January 2009).