

# Senate Calendar

FRIDAY, JANUARY 30, 2009

24th DAY OF BIENNIAL SESSION

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ORDERS OF THE DAY

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**ACTION CALENDAR**

**Second Reading**

**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)

**Joint Resolutions for Action**

**J.R.S. 11.**

Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

**J.R.S. 12.**

Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2009.

(For text of Resolutions, see Senate Journal of January 27, 2009, pages 94-95 )

## NOTICE CALENDAR

### Favorable with Recommendation of Amendment

#### S. 22

An act relating to furlough for an offender convicted of a driving offense punishable by more than two years in prison.

**Reported favorably with recommendation of amendment by Senator Cummings for the Committee on Judiciary.**

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. 28 V.S.A. § 808(a)(8)(E) is amended to read:

(E) An offender incarcerated for ~~driving while under the influence of alcohol under subsections 1210(d) or (e)~~ a violation related to driving a motor vehicle under Title 23 which is punishable by more than two years in prison may be furloughed to the community up to 180 days prior to completion of the minimum sentence at the commissioner's discretion and in accordance with rules adopted pursuant to subdivision (C) of this subdivision (8), provided that an offender sentenced to a minimum term of fewer than 270 days shall not be eligible for furlough under this subdivision until the offender has served at least 90 days of his or her minimum term of incarceration and provided that the commissioner uses electronic equipment to continually monitor the offender's location and blood alcohol level, or such other equipment ~~such as an alcohol ignition interlock system, or both~~ approved by the commissioner.

(Committee vote: 5-0-0)

### Concurrent Resolutions

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 the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively.

#### Senate Concurrent Resolutions

##### S.C.R. 7

Senate concurrent resolution celebrating the 75<sup>th</sup> anniversary of the Vermont Farm Show.

**S.C.R. 8.**

Senate concurrent resolution recognizing the greater weather fortitude of the Vermont General Assembly in comparison to the New Hampshire General Court.

**House Concurrent Resolutions**

**H.C.R. 30**

House concurrent resolution honoring the judicial career of Bennington Probate Judge Doris S. Buchanan

**H.C.R. 31**

House concurrent resolution recognizing the work of the National Alliance of Mental Illness

**H.C.R. 32**

House concurrent resolution commending the leadership of Central Vermont Public Service and the support of other electric companies and state offices in restoring electric power in southern Vermont following the December 2008 ice storm

**H.C.R. 33**

House concurrent resolution in memory of Mary Jane Shriver of Barre Town

**H.C.R. 34**

House concurrent resolution congratulating the 2008 Williston All Stars state championship Little League Baseball team

**H.C.R. 35**

House concurrent resolution congratulating the Fraternal Order of Eagles' Bennington Aerie #1861 on its centennial anniversary

**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**

**Friday, February 6, 2009 – Room 10 – 11:00 A.M.** – Rest areas discussion – (Senate and House Transportation Committees)

**Tuesday, February 10, 2009 – Room 11 – 4:00 P.M.** – Deployment of National Guard – (House General, Housing and Military Affairs)

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### **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.

25. Agency of Natural Resources, Legislative Report. (Department of Environmental Conservation). (January 2009)

26. Compost Study Committee Legislative Report. (Agency of Natural Resources, Department of Environmental Conservation). (January 2009)

27. Solid Waste Working Group Legislative Report. (Agency of Natural Resources, Department of Environmental Conservation). (January 2009)



28. Consolidated Executive Branch Fee Report. (Agency of Administration). (January 2009)

29. Municipal Pollution Control Priority System Legislative Report. (Agency of Natural Resources). (January 2009)

30. Petroleum Cleanup Fund Status Report for 2008. (Agency of Natural Resources; Department of Environmental conservation, Waste Management Division). (January 2009)

31. Gross Operating Revenues of Regulated Utilities for FY-2008. (Public Service Board). (January 2009).

32. Expansion of the Advisory Committee on Mercury Pollution. ((January 2009)

33. Progress Report on River Basin Water Quality Management Planning During 2008. (January 2009) (Agency of Natural Resources, Department of Environmental Conservation)

**The following reports were filed electronically and can be found on the State of Vermont webpage.**

Structures 2009 Bridges, Annual Report Agency of Transportation (1/09)

2009 Report on Act 176 High School Completion Program Department of Education (1/09)

Environmental Contingency Fund 2008 Status Report Agency of Natural Resources (1/09)

Service Planning for High School Graduates with Developmental Disabilities, Act 192 Department of Disabilities, Aging & Independent Living (1/09)

2009 Legislative Report on Complimentary Licenses Table Department of Fish and Wildlife (1/09)

Report\_to\_the\_2009\_General\_Assembly Vermont Department of Buildings and General Services (1/09)

Signage for Bridge Projects Vermont Agency of Transportation (1/09)

2009 Legislative Report on Conservation Plates Vermont Fish & Wildlife Department (1/09)

Economic Development and Workforce Development Vermont Department of Education (1/09)

Act 154, Sec. 3 Agricultural, Forestry, and Horticultural Education Vermont Department of Education (1/09)

2009 Report on Act 200 of 2008, Sec. 8(3) Establishment of a School Energy Grant Program Vermont Department of Education (1/09)

Nutrition Guidelines for Competitive Food and Beverage Sales in Schools Vermont Departments of Health and Education (1/09)

Lands and Facilities Trust Fund Annual Report 2009 Agency of Natural Resources (1/09)

State Lands Forest Management Report Forests, Parks & Recreation (1/09)

Sustainable Certification of State Forest lands, Executive Summary Act 2007 Forests, Parks and Recreation (1/09)

Use Value Appraisal Eligibility Revisions – Forestland Forests, Parks & Recreation (1/09)

Solid Waste Working Group Final Report 1-14-09 Department of Environmental Conservation (1/09)

Legislative Report - Municipal Pollution Control Priority System Agency of Natural Resources (1/09)

Compost Study Committee Report Vermont Agency of Natural Resources (1/09)

Social Worker Case Load Assignments 168 FS Child Abuse Neglect Agency of Human Services (1/09)

Implementation of the Uniform Environmental Enforcement Act, 2008 Agency of Natural Resources (1/09)

Families Receipt of Reach Up Assistance in Excess of 60 Months Agency of Human Services (1/09)

Route Performance Reviews Vermont Agency of Transportation (1/09)

Rail Crossing Summer Study Vermont Agency of Transportation (1/09)

Implementation of Act. 114 Vermont Department of Mental Health (1/09)

Transportation of Individuals in the Custody of Commissioner of Mental Health Vermont Department of Mental Health (1/09)

Vermont Blueprint for Health Annual Report 2009 Vermont Department of Health (1/09)

Workers' Compensation Workgroup Report 2009 Vermont Medical Society (1/09)

Brownfields Advisory Committee 2009 Legislative Report Vermont Agency of Natural Resources (1/09)

Health Insurance Survey of Vermont Households, 2008 Department of Banking, Insurance, Securities, and Health Care Administration (1/09)

Three-year Forecast of Vermont Health Care Expenditures 2009 Department of Banking, Insurance, Securities and health Care Administration (1/09)

Issuance of Distinctive Registration Plates – 2009 Department of Motor Vehicles (1/09)

Enhanced 9-1-1 Report (Enhanced 9-1-1 Board) (1/09)

Independent Study of the Administration of Involuntary Non-Emergency Medications During 2008 Flint Springs Associates (1/09)

Revolving Loan Fund Report Agency of Commerce & Community Development (1/09)

State Surplus Land and its Potential for Housing Development Agency of Commerce & Community Development (1/09)

Report on 3 V.S.A. Section 2222(1) and 2008 Act 206 Section 7(1) Administration Agency (1/09)

Connecticut River Valley Tourism District Annual Status Report Department of Tourism & Marketing (1/09)

Vermont Housing Budget and Investment Report, 2009 Department of Housing and Community Affairs (1/09)

Fair Contracting Standards Workgroup Report, Act 203, Sec.31, 2009 Vermont Medical Society (1/09)

Report to the 2009 General Assembly Department of Buildings and General Services (1/09)

Vermont Tobacco Evaluation and Review Board Agency of Human Services and the Department of Health (1/09)

The Vermont Approach, A Strategic Plan for Comprehensive, Collaborative Sexual Violence Prevention, 2009

Anti-Violence Partnership at UVM and the Sexual Violence Prevention Task Force (1/09)

Goals and Measures 2008 Annual Report Next Generation Workforce Leadership Committee (1/09)

Community High School of Vermont (CHSVT) Department of Corrections (1/09)

2009 Tax Increment Financing District Annual Report Town of Milton (1/09)

Sixth Annual Report on Archival and Records Management Secretary of State (1/09)

Flavored Malt Beverage Study Vermont Department of Liquor Control (1/09)

Lead Poisoning Prevention Vermont Department of Health, Agency of Human Services (1/09)

Basic Needs Budget and the Livable Wage Joint Fiscal Office, Technical Advisory Council (1/09)

2009-01 Vermont Tax Expenditure Report Vermont Department of Taxes (1/09)

Vermont Long Term Care Partnership Program BISCHA, Division of Health Care Administration (1/09)

VTRANS' Plans for Maintenance Facilities in Chittenden & Addison Counties

Vermont Agency of Transportation, Operations Division (1/09)

Medicaid for Working People with Disabilities Department of Disabilities, Aging & Independent Living (1/09)

VDOL Workforce Education & Training Fund Report Vermont Department of Labor & Training (1/09)

Juvenile Justice Committee Report Department for Children & Families (1/09)

Tobacco Compliance Tests Conducted During Calendar year 2008 Department of Liquor Control (1/09)

Report on Progress Benchmarks Vermont Department of Corrections (1/09)

Workforce Report Fiscal Year 2008 and Department of Human Resources Annual Report 2008 Department of Human Resources (1/09)

2009 Insurer Mental Health & Substance Abuse Report Card Department of BISHCA, Mental Health & Substance Abuse Task Force (1/09)

Consumer Information Regarding Fertilizer Use on Nonagricultural Turf Vermont Agency of Agriculture (1/09)

2008 Inventory of Coordinated School Health Programs Vermont Department of Health, Agency of Human Services (1/09)

Healthy Living Initiatives 2008 Vermont Department of Health, Agency of Human Services (1/09)

Use of Military EMS Personnel, VT 2008 Vermont Department of Health, Agency of Human Services (1/09)

Vermont Prescription Monitoring Program Vermont Department of Health (1/09)

Patient Safety, Surveillance, and Improvement System, VT 2008 Vermont Department of Health, Agency of Human Services (1/09)

Funding and Management Plan for Rail Trails Vermont Agency of Transportation, Operations Division (1/09)

VDH-ADAP Strategic Plan Vermont Department of Health, Agency of Human Services (1/09)

Vermont Spay-Neuter Incentive Program (VSNIP) Agency of Agriculture, Food and Markets (1/09)

School Environmental Health Annual Report Vermont Department of Health, Agency of Human Services (1/09)

2007 Annual Report of Banking and Insurance Commissioner Department of Banking, Insurance, Securities & Health Care Administration (1/09)

Transportation of Children in State Custody Department for Children & Families (1/09)

Insurer Mental Health & Substance Abuse Report Card Department of Banking, Insurance, Securities, & Health Care Administration (1/09)