

Senate Calendar

FRIDAY, FEBRUARY 13, 2009

38th DAY OF BIENNIAL SESSION

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

S. 42

An act relating to the Department of Banking, Insurance, Securities, and Health Care Administration.

S. 44

An act relating to indicating anatomical gifts on a driver's license.

Second Reading

Favorable with Recommendation of Amendment

S. 29

An act relating to legislative committee subpoena power.

Reported favorably with recommendation of amendment by Senator Campbell 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. 2 V.S.A. § 22(e) is added to read:

(e) A committee of the general assembly shall have the authority, by a majority vote of the entire committee and with the approval of the respective committee on rules by a majority vote of the entire committee, to subpoena witnesses or the production of papers or other evidence. A joint committee of the general assembly shall have the authority, by a majority vote of the entire committee and with the approval of the joint committee on rules by a majority vote of the entire committee, to subpoena witnesses or the production of papers or other evidence. The authority set forth in this subsection shall apply regardless of whether the general assembly is in session. For the purposes of this section, "committee of the general assembly" or "joint committee of the general assembly" shall mean those committees composed entirely of members of the general assembly.

(Committee vote: 5-0-0)

NOTICE CALENDAR

Favorable with Recommendation of Amendment

S. 12

An act relating to not requiring the physical presence of a defendant or offender at certain court proceedings.

Reported favorably with recommendation of amendment by Senator Sears 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. FINDINGS

The general assembly finds:

(1) Since 1993, the general assembly has expressed concern at the increasing cost of transporting defendants and offenders in state custody from correctional facilities to courts. The financial burden on the ability of the state to pay for such transports has dramatically increased over the past several years.

(2) The general assembly intends to continue to preserve the due process rights granted by the United States and Vermont Constitutions to defendants and offenders in state custody, but in case-appropriate circumstances to preserve these rights through the use of available interactive technologies now deployed with great success in other states and countries.

(3) Many court hearings can be held without the physical presence of defendants and offenders in the courtroom. Some hearings, such as status conferences, pre-trial conferences, calendar calls, and other similar events, can be held without the participation of the defendant or offender, while many others may be held with the use of telephone, IPTV, VoIP, or other interactive technology.

Sec. 2. Vermont Rule of Criminal Procedure 43 is amended to read:

RULE 43. PRESENCE OF THE DEFENDANT

(a) Presence Required. The defendant shall be present at the arraignment, at any subsequent time at which a plea is offered, at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by this rule.

* * *

(d) Interactive Technology.

(1) The defendant may appear via interactive technology instead of being present at the proceeding in cases where there is no right to bail.

(2) An expert witness may appear at trial via interactive technology if:

(A) the prosecution and the defense consent to such appearance; or

(B) in the event the prosecution and the defense cannot reach agreement, the court orders such appearance.

(Committee vote: 5-0-0)

Ordered to Lie

S. 7

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

PENDING QUESTION: Shall the bill be amended as recommended by the Committee on Health and Welfare?

CONSENT CALENDAR

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.

H.C.R. 44

House concurrent resolution in memory of Capitol Police Chief David Alan Janawicz

H.C.R. 45

House concurrent resolution congratulating Robert Matteson of Bennington on his extraordinary accomplishments as a masters runner

H.C.R. 46

House concurrent resolution honoring the exemplary public service of retired Department of Fish and Wildlife Director of Law Enforcement Robert J. Rooks

H.C.R. 47

House concurrent resolution in memory of the American military personnel who have died in the service of their nation in Iraq from March 26, 2008 to January 20, 2009

H.C.R. 48

House concurrent resolution commending the work of the Vermont 2-1-1 telephone support system

H.C.R. 49

House concurrent resolution congratulating the Republic of Kosovo on the first anniversary of its independence and the Vermont National Guard Troops who have served in Kosovo since 1999

H.C.R. 50

House concurrent resolution congratulating the Green Mountain Council Boy Scout Eagle Class of 2008

H.C.R. 51

House concurrent resolution in memory of Sherry Walter Belknap of Bloomfield

H.C.R. 52

House concurrent resolution honoring Mark Tucci and Silent Heat

H.C.R. 53

House concurrent resolution honoring Katherine (Kitty) Langlois for her work at the People's Health & Wellness Clinic in Barre City and in the civic affairs of the town of Berlin

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)

Neale F. Lunderville of Burlington – Secretary of the Agency of Administration – By Sen. Flanagan for the Committee on Government Operations. (2/17)

Neale F. Lunderville of Burlington – Secretary of the Agency of Administration – By Sen. Flanagan for the Committee on Government Operations. (2/17)

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.

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.

PUBLIC HEARINGS

Wednesday, February 17, 2009 – 7-9:00 p.m. – Well of the House – The Future of Vermont Food and Farming – (Senate and House Committees on Agriculture).

Thursday, February 29, 2009 – 7:00-8:00 p.m. – Room 11 – Judicial Retention. Re: Hon. Geoffrey Crawford, Hon. Brian Grearson, Hon. Mary Teachout, Hon. Howard Van Benthuyssen. (Joint Judicial Retention Committee).

Tuesday, February 24, 2009 - 9:00 a.m-12:00 p.m. – Room 11 – FY 2010 STATE BUDGET – (House Committee on Appropriations).

Wednesday, February 25, 2009 – 2:30-4:30 p.m. – Room 11 – FY 2010 STATE BUDGET – (House Committee on Appropriations).

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.

35. Lottery Commission Annual Report. (January 2009)
36. Status Report on Vehicle Emissions Labeling. (Agency of Natural Resources, Department of Environmental Conservation). (February 2009)
37. Vermont Housing Finance Agency Annual Report. (February 2009)
38. Vermont Center for Geographic Information Inc. (February 2009)
39. Requirements of Act 109, Section 24 of the 2008 Legislative Session. (Agency of Administration, Department of Taxes). (February 2009)
40. Vermont Children's Tax Check-off Report. (Department for Children & Families, Child Development Division) (February 2009)
41. Health Care Ombudsman Annual Report. (February 2009)
42. Vermont Information Technology Leaders January 2009 Progress Report. (February 2009)
43. Forest Products Viability Program Report. (Agency of Natural Resources, Department of Forest, Parks and Recreation) (February 2009)
44. Energy Efficiency Utility Program Revenues and Expenditures. (Public Service Board) (February 2009)
45. Vermont State Housing Authority 2008 Annual Report. (February 2009)
46. Vermont Long Term Care Ombudsman Project. (Vermont Legal Aid) (February 2009)

A complete list of paper and electronically filed reports is available in the Senate office.