

Senate Calendar

THURSDAY, APRIL 2, 2009

86th DAY OF BIENNIAL SESSION

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ACTION CALENDAR

SPECIAL ORDER

FRIDAY, APRIL 3, 2009

TIME: 9:00 A.M.

(Third Reading per Chapter II, §72, Vermont Constitution and Senate Rule 83)

Proposed Amendment to the Constitution

PROPOSAL 5

Pursuant to Rule 83 of the Senate Rules, the proposed amendment to the Constitution, Proposal 5, set forth below, will be read the third time and acted upon. The question is: "Shall the Senate concur in the proposal and request the concurrence of the House?" [majority of whole Senate is required for passage]

SUBJECT: Elections; voter's oath; self-administration

PENDING ACTION: Third reading of the proposal (second biennium)

PROPOSAL 5

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide that a person who will attain the age of 18 by the date of the general election shall have the right to vote in the primary election.

Sec. 2. Section 42 of Chapter II of the Vermont Constitution is amended to read:

§ 42. [VOTER'S QUALIFICATIONS AND OATH]

Every person of the full age of eighteen years who is a citizen of the United States, having resided in this State for the period established by the General Assembly and who is of a quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a voter of this state:

You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to

the best good of the same, as established by the Constitution, without fear or favor of any person.

Every person who will attain the full age of eighteen years by the date of the general election who is a citizen of the United States, having resided in this State for the period established by the General Assembly and who is of a quiet and peaceable behavior, and will take the oath or affirmation set forth in this section, shall be entitled to vote in the primary election.

Sec. 3. EFFECTIVE DATE

This proposal of amendment shall take effect from the date of its approval by a majority vote of the voters of the state.

CONSIDERATION INTERRUPTED BY ADJOURNMENT

H. 232

An act relating to fiscal year 2009 budget adjustment.

Pending Question: Shall the Senate concur in and adopt the report of the Committee of Conference on its part?

(For text of report of the Committee of Conference, see Senate Journal for Wednesday, April 1, 2009, page 538)

UNFINISHED BUSINESS OF WEDNESDAY, MARCH 25, 2009

Third Reading

S. 99

An act relating to amending the Act 250 criteria relating to traffic, scattered development, and rural growth areas.

H. 11

An act relating to the disposition of property upon death, transfer of interest in vehicle upon death, and homestead exemption.

PROPOSAL OF AMENDMENT TO H. 11 TO BE OFFERED BY SENATOR CAMPBELL BEFORE THIRD READING

Senator Campbell moves that the Senate propose to the House to amend the bill by striking out Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. EFFECTIVE DATE

(a) Sections 1, 2, and 4 of this act shall take effect upon passage. Sec. 2 of this act shall apply only to the estates of persons dying on or after the effective date of this act.

(b) Sections 3 and 5 of this act shall take effect July 1, 2009.

**PROPOSAL OF AMENDMENT TO H. 11 TO BE OFFERED BY
SENATOR McCORMACK BEFORE THIRD READING**

Senator McCormack moves that the Senate propose to the House to amend the bill by adding two new sections to be numbered Secs. 7 and 8 to read as follows:

Sec. 7. 32 V.S.A. § 6068(d) is added to read:

(d) The deadline for filing a tax adjustment claim under subsection (a) of this section shall be extended 24 months if the claimant's spouse died within the 12-month period preceding the original filing deadline; and any claimant eligible for a filing extension under this subsection may elect to file based on household income from the calendar year preceding the original filing deadline or from the calendar year in which the original filing deadline occurred.

Sec. 8. EFFECTIVE DATE

Sec. 7 of this act (property tax adjustment for recently widowed claimant) shall apply to filing deadlines occurring on or after April 15, 2007.

Second Reading

Favorable with Recommendation of Amendment

S. 94

An act relating to licensing state forestland for maple sugar production.

Reported favorably with recommendation of amendment by Senator Choate for the Committee on Agriculture.

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. MAPLE SUGAR LICENSES ON STATE FOREST LAND

The commissioner of forests, parks and recreation shall consult with the Vermont maple sugar makers association to develop a procedure under which the commissioner shall issue additional licenses for the use of state forestland for the tapping of maple trees, the collection of maple sap, and the right to transport such sap to a processing site located off state forest land or to sites located on state forest land if approved by the commissioner. In addition, the commissioner of forests, parks and recreation shall consult with the Vermont maple sugar makers association to develop guidelines for tapping maple trees.

(Committee vote: 5-0-0)

UNFINISHED BUSINESS OF FRIDAY, MARCH 27, 2009

Second Reading

Favorable

H. 31

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

Reported favorably by Senator Flanagan for the Committee on Government Operations.

(Committee vote: 5-0-0)

H. 95

An act relating to the approval of an amendment to the charter of the city of Burlington.

Reported favorably by Senator Flanagan for the Committee on Government Operations.

(Committee vote: 5-0-0)

UNFINISHED BUSINESS OF TUESDAY, MARCH 31, 2009

S. 127

An act relating to small school districts that pay tuition for their resident students.

Pending Question: Shall the bill be read the third time?

Committee Bills for Second Reading

S. 121

An act relating to miscellaneous election laws.

By the Committee on Government Operations. (Senator White for the Committee)

**AMENDMENT TO S. 121 TO BE OFFERED BY SENATOR WHITE
ON BEHALF OF THE COMMITTEE ON GOVERNMENT
OPERATIONS**

Senator White, on behalf of the Committee on Government Operations, moves to amend the bill by adding a new Sec. 4a to read as follows:

Sec. 4a. 17 V.S.A. § 2685 is amended to read:

§ 2685. INSPECTION OF BALLOTS

At the time and place specified by the clerk, the board of civil authority shall break the seal, open the ballot container and recount the votes, unless the candidate who petitions for a recount requests that the recount be conducted by optical scanner. The petitioner, the opposing candidates and their designated representatives may inspect the ballots and observe the recount under the guidance of the board. The board shall certify the result to the clerk, who shall declare the result. After the recount the board shall seal the ballots and other materials back in the containers and the town clerk shall safely store them as provided in section 2590 of this title.

S. 129

An act relating to containing health care costs by decreasing variability in health care spending and utilization.

By the Committee on Health and Welfare (Senator Racine for the Committee)

Reported favorably by Senator Bartlett for the Committee on Appropriations.

(Committee vote: 5-0-2)

Joint Resolutions for Action

J.R.S. 26

Joint resolution relating to the legalization of industrial hemp.

(For text of Resolution, see Senate Journal of March 27, 2009, page 474)

J.R.H. 14

Joint resolution relating to the closure and rehabilitation of the Vilas Bridge.

(For text of Resolution, see Senate Journal of March 27, 2009, page 476)

UNFINISHED BUSINESS OF WEDNESDAY, APRIL 1, 2009

S. 126

An act relating to digital forensic specialists.

Pending Question: Shall the bill be read the third time?

Third Reading

S. 19

An act relating to extension of filing deadlines for homestead declarations and property tax adjustment claims.

S. 28

An act relating to the regulation of landscape architects.

S. 58

An act relating to electronic payment of wages.

S. 128

An act relating to workers' compensation benefits and misclassification.

Committee Bill for Second Reading

S. 134

An act relating to the reduction and consolidation of certain nonstanding legislative committees.

By the Committee on Government Operations. (Sen. Doyle for the Committee)

NEW BUSINESS

Third Reading

S. 54

An act relating to clean energy assessment districts.

S. 77

An act relating to the disposal of electronic waste.

Committee Bill for Notice

S. 136

An act relating to reducing the drop-out rate in Vermont secondary schools to zero by the year 2020.

By the Committee on Education.

NOTICE CALENDAR

Favorable with Recommendation of Amendment

S. 111

An act relating to legislative apportionment board appointments.

Reported favorably with recommendation of amendment by Senator White for the Committee on Government Operations.

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. 17 V.S.A. § 1904(a) is amended to read:

(a) There is hereby created the legislative apportionment board, consisting of: a special master designated by the chief justice of the supreme court; ~~one freeman,~~ a resident of the state of Vermont for five years immediately preceding the appointment, appointed by the governor from each political party ~~which polled at least twenty five percent of the votes cast for governor at the last preceding general election,~~ that has had more than three members serve as members of the general assembly, who are not all from the same county, for at least three of the five biennial legislative sessions since the taking of the previous decennial census of the United States; and one ~~freeman,~~ a resident of the state of Vermont for the five years immediately preceding the appointment, elected by the state committee of each of those political parties, a quorum of each committee being present and voting. No member of the board shall serve as a member or employee of the general assembly, or of either house thereof. The special master so designated shall be ~~chairman~~ chair of the board, and shall call such meetings as may be necessary for the accomplishment of the duties of the board hereafter set forth. The secretary of state of Vermont shall be secretary of the board, but shall have no vote.

(Committee vote: 3-2-0)

S. 117

An act relating to the date of the primary election.

Reported favorably with recommendation of amendment by Senator Ayer for the Committee on Government Operations.

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. 17 V.S.A. § 2351 is amended to read:

§ 2351. PRIMARY ELECTION

A primary election shall be held on the ~~second~~ fourth Tuesday ~~of September~~ in August in each even numbered year for the nomination of candidates of major political parties for all offices to be voted for at the succeeding general election, except candidates for president and vice-president of the United States, their electors, and justices of the peace.

(Committee vote: 3-2-0)

S. 122

An act relating to recounts in elections for statewide offices.

Reported favorably with recommendation of amendment by Senator Ayer for the Committee on Government Operations.

The Committee recommends that the bill be amended in Sec. 1, in the first sentence, by striking out the following: “, divided by the number of persons to be elected,”

(Committee vote: 5-0-0)

Favorable with Proposal of Amendment

H. 91

An act relating to technical corrections to the juvenile judicial proceedings act of 2008.

Reported favorably with recommendation of proposal of amendment by Senator Nitka for the Committee on Judiciary.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

In Sec. 2, 33 V.S.A. § 5123 in subsection (a) by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) minimizes physical and psychological trauma;

(Committee Vote: 5-0-0)

(For House amendments, see House Journal for February 26, 2009, page 364.)

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)

Michael Welch of St. Johnsbury – Member of the Valuation Appeals Board – By Sen. McCormack for the Committee on Finance. (2/18/09)

David R. Coates of Colchester – Member of the Vermont Municipal Bond Bank – By Sen. Carris for the Committee on Finance. (2/18/09)

Sonia D. Alexander of Wilmington – Member of the Valuation Appeals Board – By Sen. Hartwell for the Committee on Finance. (2/25/09)

Paulette Thabault of South Burlington – Commissioner of the Department of Banking, Insurance, Securities and Health Care Administration – By Sen. Cummings for the Committee on Finance. (3/3/09)

Kathryn T. Boardman of Shelburne – Member of the Vermont Municipal Bond Bank – By Sen. Maynard for the Committee on Finance. (3/4/09)

John D. Burke of Castleton – Member of the Public Service Board – By Sen. Maynard for the Committee on Finance. (3/24/09)

Kenneth Linsley of Danville – Member of the Vermont Educational and Health Buildings Financing Agency – By Sen. Maynard for the Committee on Finance. (3/26/09)

Gary Moore of Bradford – Member of the Vermont State Colleges Board of Trustees – By Sen. Starr for the Committee on Education. (3/31/09)

Linda R. Milne of Montpelier – Member of the Vermont State Colleges Board of Trustees – By Sen. Doyle for the Committee on Education. (3/31/09)

Mark Young of Orwell – Member of the University of Vermont Board of Trustees – By Sen. Giard for the Committee on Education. (3/31/09)

Donald Collins of Swanton – Member of the State Board of Education – By Sen. Brock for the Committee on Education. (3/31/09)

Matthew F. Valerio of Proctor – Defender General – By Sen. Mullin for the Committee on Judiciary. (4/3/09)

Joseph C. Benning of Lyndonville – Chair, Human Rights Commission - By Sen. Sears for the Committee on Judiciary. (4/3/09)

Shelley J. Gartner of Rutland – Magistrate, Vermont Family Court - By Sen. Nitka for the Committee on Judiciary. (4/3/09)

Mary Gleason Harlow of Clarendon – Magistrate, Vermont Family Court – By Sen. Campbell for the Committee on Judiciary. (4/3/09)

Christine A. Hoyt of Tunbridge – Magistrate, Vermont Family Court – By Sen. Campbell for the Committee on Judiciary. (4/3/09)