

Senate Calendar

TUESDAY, APRIL 14, 2009
98th DAY OF BIENNIAL SESSION

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ORDERS OF THE DAY

ACTION CALENDAR

CALLED UP

Third Reading

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, on behalf of the Committee on Judiciary, moves that the Senate propose to the House to amend the bill in Sec. 2, by striking out 14 V.S.A. § 322 in its entirety and inserting in lieu thereof a new 14 V.S.A. § 322 to read as follows:

§ 322. UNLAWFUL KILLING AFFECTING INHERITANCE

Notwithstanding sections 311 through 314 of this title or provisions otherwise made, in any case in which an individual is entitled to inherit or receive property under the last will of a decedent, or otherwise, or stands to benefit under the terms of any trust of a decedent, such individual's share in the decedent's estate or benefits from any trust shall be forfeited and shall pass to the remaining heirs or beneficiaries of the decedent if the individual intentionally and unlawfully kills the decedent or intentionally and unlawfully kills another person and by doing so stands to inherit under the decedent's will, or otherwise, or to become a beneficiary under any trust of the decedent. In any proceedings to contest the right of an individual to inherit or receive property under a will, or otherwise, or to benefit under the terms of any trust, the record of that individual's conviction of intentionally and unlawfully killing the decedent or other person shall be admissible evidence for purposes of this section.

**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.

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.

UNFINISHED BUSINESS OF WEDNESDAY, APRIL 1, 2009

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. White for the Committee)

AMENDMENT TO S. 134 TO BE OFFERED BY SENATOR WHITE

Senator White moves to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2 V.S.A. § 653(c) is added to read:

(c)(1) The legislative advisory committee on the state house shall oversee the administration of the art acquisition fund. Specifically, the committee shall:

(A) oversee the administration of chapter 2 of Title 29;

(B) establish guidelines for the selection of works of art; and

(C) establish guidelines for the composition of the art selection panel.

(2) The selection of works of art to be installed under this chapter in facilities of the University of Vermont and State Agricultural College and of the Vermont State Colleges shall be made pursuant to procedures of these institutions for this purpose.

Sec. 2. 2 V.S.A. 902(b) is amended to read:

~~(b) Nothing in this section shall modify the jurisdiction of the health access oversight committee to monitor Medicaid and Medicaid waiver programs.~~

The commission shall carry on a continuing review of the operation of the Medicaid program and all Medicaid waiver programs that may affect the administration and beneficiaries of these programs. The commission shall work with, assist, and advise other committees of the general assembly, members of the executive branch, and the public on matters relating to the state Medicaid program and other state health care programs. Annually, no later than January 15, the committee shall report to the governor and the general assembly. In conducting its review and in order to fulfill its duties, the commission shall consult the following:

(1) Consumers and advocacy groups regarding their satisfaction and complaints.

(2) Health care providers regarding their satisfaction and complaints.

(3) The office of Vermont health access.

(4) The department of banking, insurance, securities, and health care administration.

(5) The agency of human services.

(6) The attorney general.

(7) The health care ombudsman.

(8) The Vermont program for quality in health care.

(9) Any other person or entity as determined by the commission.

Sec. 3. 16 V.S.A. § 2731 is amended to read:

§ 2731. APPOINTMENT OF STATE MEMBERS OF BOARD

Eight persons shall represent the state as members of the board. ~~One~~ Two board ~~member~~ members shall be ~~a member~~ members of the ~~senate~~ general assembly, ~~appointed by the president of the senate; one shall be a representative appointed by the speaker of the house of representatives~~ general assembly, elected by the commission on higher education; one board member shall be appointed by the Vermont Council on Higher Education, Inc., and three shall be appointed by the governor. Each of the board members appointed under this section shall serve for a term of six years. However, not more than two board members' terms shall expire in any year, and appointments for terms of less than six years may be made as necessary for this purpose. A board member may be appointed to fill the unexpired term of a member who dies, resigns, or becomes disqualified to serve. The president of the University of Vermont and State Agricultural College and the presiding officer of the Vermont State Colleges corporation shall be ex officio members of the board.

Sec. 4. 16 V.S.A. § 2886 is amended to read:

§ 2886. COMMISSION ON HIGHER EDUCATION ~~FUNDING~~

(a) A commission on higher education funding is created for the purpose of:

* * *

(4) reviewing expenditures made from the higher education endowment trust fund, evaluating the impact of the expenditures made, and making recommendations to the general assembly for further expenditures from the fund;

(5) electing two of its legislative members to serve on the New England board of higher education.

* * *

Sec. 5. REPEAL

(a) 2 V.S.A. chapter 24 (health access oversight committee); 10 V.S.A. §§ 425 (scenery preservation council); 2223 (forest resources advisory council); and 2224 (powers and duties of the forest resources advisory council); 29 V.S.A. § 47 (advisory committee to oversee the administration of the art acquisition fund); and 30 V.S.A. § 212b (review board on retail sales of electricity) are repealed.

(b) Sec. 28 of No. 43 of the Acts of 2005 (state house committee) is repealed.

UNFINISHED BUSINESS OF FRIDAY, APRIL 3, 2009

Second Reading

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)

**SUBSTITUTE AMENDMENT TO S. 111 TO BE OFFERED BY
SENATORS BROCK AND DOYLE**

Senators Brock and Doyle move that the recommendation of amendment of the Committee on Government Operations be substituted with the following:

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~~ ten percent of the votes cast for governor at the last preceding general election, 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.

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)

NEW BUSINESS

Third Reading

S. 126

An act relating to digital forensic specialists.

Second Reading

Favorable

H. 36

An act relating to repealing the charter of the Enosburg Falls Incorporated School District.

Reported favorably by Senator Brock for the Committee on Education.

(Committee vote: 5-0-0)

(No House amendments)

H. 131

An act relating to the codification of and approval of an amendment to the charter of Cold Brook Fire District No. 1.

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

(Committee vote: 4-0-1)

(No House amendments)

H. 348

An act relating to the interstate pest control compact.

Reported favorably by Senator Giard for the Committee on Agriculture.

(Committee vote: 5-0-0)

(No House amendments)

Favorable with Proposal of Amendment

H. 145

An act relating to composting.

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

The Committee recommends that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The general assembly finds that:

(1) Composting is a process by which organic material is mixed and tilled to create a soil amendment that reduces runoff, increases plant fertility, and builds living soil;

(2) Composting is an agricultural practice that farmers traditionally have practiced in order to recycle nutrients and manage wastes on their farms;

(3) The benefits of composting include the recapture of nutrients and the rebuilding of soils, both of which also help to protect surface waters from nutrient runoff, improve soil productivity, mitigate the generation of greenhouse gases, and reduce the demands on the state's solid waste management system;

(4) Several state agencies have regulatory authority over composting activities or components of composting activities. It is important that the state clarify the scope of the jurisdiction and authority that state agencies possess over composting; and

(5) Clarifying the regulatory requirements over composting in the state will allow the development of composting activities and facilities that support Vermont's goals for waste recycling, nutrient redistribution, farm viability, and sustainable food systems.

Sec. 2. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

When used in this chapter:

* * *

(3)(A) "Development" means:

* * *

(D) The word "development" does not include:

* * *

(vi) The construction of improvements below the elevation of 2,500 feet for the on-site storage, preparation, and sale of compost, provided that:

(I) The compost is produced from no more than 100 cubic yards of material per year;

(II) The compost is principally produced on the farm;

(III) The compost is principally used on the farm where it was produced;

(IV) The compost is made only from clean, high carbon bulking agents from any source and manure produced on the farm; or

(V) The compost is produced on a tract of land of fewer than 10 acres and the production of the compost utilizes no more than 40,000 cubic yards of combined organic material per year, including no more than 5,000 cubic yards of food residuals per year.

(E) When development is proposed to occur on a parcel or tract of land that is devoted to farming activity as defined in subdivision 6001(22) of this section, only those portions of the parcel or the tract that support the development shall be subject to regulation under this chapter. Permits issued under this chapter shall not impose conditions:

(i) on other portions of the parcel or tract of land which do not support the development and ;or

(ii) that restrict or conflict with accepted agricultural practices adopted by the secretary of agriculture, food and markets.

* * *

(31) “Compost” means a stable humus-like material produced by the controlled biological decomposition of organic matter through active management, but shall not mean sewage or septage or materials derived from sewage or septage.

Sec. 3. 10 V.S.A. § 6605h is added to read:

§ 6605h. SOLID WASTE REGISTRATION

(a) Notwithstanding sections 6605, 6605f, and 6611 of this title, the secretary may, by rule, authorize a person engaged in the following activities to register with the secretary instead of obtaining a facility certification under section 6605 or 6605c of this title:

(1) construction, alteration, or operation of a facility managing certain solid waste categories; or

(2) construction, alteration, or operation of a facility producing or managing compost, as that term is defined in subdivision 6001(31) of this title.

(b) This section shall not apply to the storage, treatment, or disposal of:

(1) Municipal solid waste;

(2) Sludge;

(3) Septage; or

(4) Mineral processing waste. For purposes of this section, mineral processing waste means solid waste from an industrial or manufacturing facility that processes materials from a mining activity and where chemicals, as defined by the secretary by rule, are intentionally added as a part of that processing.

Sec. 4. 10 V.S.A. § 6605j is added to read:

§ 6605j. ACCEPTED COMPOSTING PRACTICES

(a) The secretary, in consultation with the secretary of agriculture, food and markets, shall adopt by rule, pursuant to chapter 25 of Title 3, and shall implement and enforce accepted composting practices for the management of composting in the state. These accepted composting practices may include standards for:

(1) Facility operation, including acceptable quantities of product or inputs, vector management, odors, noise, traffic, litter control, contaminant management, operator training and qualifications, recordkeeping, and reporting;

(2) Siting of composting facilities, including siting and operation of compost storage areas, compost bagging areas, and roads and parking areas;

(3) The composting process, including rotation, management of compost piles, compost pile size, and monitoring of compost operations;

(4) Management of runoff from compost facilities, including liquids management from the feedstock area, active composting areas, curing area, and compost storage area; the use of swales or stormwater management around or within a compost facility; vegetative buffer requirements; and run-off management from tipping areas.

(b) A person operating a small scale composting facility or operating a composting facility on a farm who follows the accepted composting practices shall not be required to obtain a discharge permit under section 1263 or 1264 of this title, a solid waste facility certification under chapter 159 of this title, or an air emissions permit under chapter 23 of this title unless a permit is required by federal law or the secretary of natural resources determines that a permit is necessary to protect public health or the environment.

(c) The secretary of natural resources shall coordinate with the secretary of agriculture, food and markets in implementing and enforcing the accepted composting practices. The secretary of agriculture, food and markets and the secretary of natural resources may, after opportunity for public review and comment, develop a memorandum of understanding for implementation and enforcement of the accepted composting practices.

(d) For purposes of this section, “small-scale composting facility” means a facility that:

(1) is located on a tract of land of no more than four acres in size; and

(2) uses no more than 5,000 cubic yards of total organics per year in the production of compost, including no more than 2,000 cubic yards per year of food residuals.

Sec. 5. AGENCY OF NATURAL RESOURCES REPORT ON RULES FOR ACCEPTED COMPOSTING PRACTICES

Prior to filing a final proposal of rules under section 841 of Title 3, the agency of natural resources shall submit to the house committee on fish, wildlife and water resources, the senate committee on natural resources and energy, and the house and senate committees on agriculture the proposed final rules required under 10 V.S.A. § 6605j for accepted composting practices. The house committee on fish, wildlife and water resources, the senate committee on natural resources and energy, and the house and senate committees on agriculture shall review the proposed final rules and shall recommend whether the proposed final rules should be amended or whether the proposed final rules should be filed with the secretary of state and the legislative committee on administrative rules under section 841 of Title 3. If the general assembly is not in session when the agency of natural resources is prepared to file a final proposal of rules addressing accepted composting practices, the agency may submit the proposed rules to the secretary of the senate, the clerk of the house, and the chairs of the house committee on fish, wildlife and water resources, the senate committee on natural resources and energy, and the house and senate committees on agriculture.

(Committee Vote: 4-0-1)

(For House amendments, see House Journal for March 18, 2009, page 415; March 19, 2009, 423)

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 April 10, 2009, page 684)

J.R.H. 16

Joint resolution designating April as Fair Housing Month in Vermont.

(For text of Resolution, see Senate Journal of April 10, 2009, page 684.)

J.R.H. 19

Joint resolution authorizing the 2009 Boy's State Program to use the state house.

(For text of Resolution, see Senate Journal of April 10, 2009, page 685)

NOTICE CALENDAR

Favorable

H. 135

An act relating to wireless communication facilities and project approvals for municipal and cooperative utilities.

Reported favorably by Senator Carris for the Committee on Finance.

(Committee vote: 5-0-2)

(For House amendments, see House Journal of March 18, 2009, page 415)

H. 160

An act relating to approval of the charter of the Town of Hartford.

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

(Committee vote: 5-0-0)

(For House amendments, see House Journal of March 17;, 2009, page 402)

H. 186

An act relating to authorizing the department of fish and wildlife to administer polygraph examinations to applicants for law enforcement positions.

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

(Committee vote: 4-0-1)

(No House amendments)

Favorable with Recommendation of Amendment

S. 89

An act relating to a maximum retail price for milk.

Reported favorably with recommendation of amendment by Senator Starr 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. VERMONT MILK COMMISSION; MILK PREMIUM; PRODUCER PRICE STABILIZATION

(a) The general assembly finds that the recent precipitous drop in producer prices is causing a tremendous burden on Vermont dairy producers and the industry at large, and that this burden must be alleviated as quickly as possible by regulatory action. Accordingly, the general assembly directs the Vermont milk commission to conduct without delay the proceedings necessary to determine whether a “retail fluid milk premium,” including its distribution to producers, should be enacted in accordance with 6 V.S.A. § 2924(e) and the regulations adopted under chapter 161 of Title 6.

(b) To facilitate these expedited proceedings, not later than five days after the enactment of this act, the chair of the commission shall direct the issuance of a further notice of hearing on the latest version of the commission’s “proposed order to establish a retail fluid milk premium” first issued on September 9, 2008. The commission is further directed to conduct this hearing as quickly as procedurally allowable, and to so proceed as expeditiously as possible with all subsequent regulatory actions required by law for its determination of whether to establish a retail fluid milk premium.

Sec. 2. 6 V.S.A. § 2924 is amended to read:

§ 2924. POWERS AND DUTIES; PRICING AUTHORITY; PUBLIC HEARINGS

(a) Authority over milk prices. The commission may establish an equitable minimum or maximum price, or both, and the manner of payments, which shall be paid producers or associations of producers by handlers, and the prices charged consumers and others for milk used in dairy products by distributors or handlers. The cost of the contracts and employment pursuant to section 2923 of this title and of administering the collection and distribution of monies collected under this section shall not exceed \$100,000.00 annually, and shall be collected independently from any assessment imposed under this section. The commission may impose a one-time assessment to cover the initial costs of establishing a pricing order as authorized by this section.

(b) Equitable minimum producer prices. The commission may establish by order after notice and hearing an equitable minimum price to be paid to dairy producers for milk produced in Vermont on the basis of the use thereof in the various classes, grades, and forms. Prices so established which exceed federal order prices shall be collected by the commission from the handlers for distribution to dairy producers as a blend price. ~~The cost of the contracts and~~

~~employment pursuant to section 2923 of this title and of administering the collection and distribution of these moneys shall be covered by such moneys, not to exceed \$100,000.00.~~

* * *

Sec. 3. PREMIUM START-UP FUNDING

(a) The commission shall impose a one-time assessment to cover the administrative costs of its regulatory activities required by Sec. 1 of this act. The assessment required by this section shall not exceed \$35,000.00.

(b) The agency of agriculture, food and markets may borrow from its own general fund to cover these administrative expenses and the milk commission shall reimburse the agency of agriculture, food and markets' general fund upon receipt of the proceeds of the assessment authorized by subsection (a) of this section.

Sec. 4. PRODUCER REFERENDUM

(a) If adopted pursuant to this act, a final order by the Vermont milk commission to establish a retail fluid milk premium shall be submitted by Vermont dairy producers to a producer referendum in accordance with part II, section 7 of the "Vermont Milk Commission Procedure, Development and Issuance of an Order to Establish a Retail Fluid Milk Premium, Or Amendment of Such Order." Notwithstanding the provisions of part III, section 8 of this commission procedure, however, the referendum shall not be conducted as a "qualified cooperative representative vote," but shall instead provide for individual ballot and vote by each Vermont producer.

(b) The referendum shall be carried out and certified not more than 30 days after the adoption of a final order.

(c) The commission shall file with the secretary of state and the legislative committee on administrative rules a letter explaining that a qualified cooperative representative vote pursuant to part III, section 8 of the "Vermont Milk Commission Procedure, Development and Issuance of an Order to Establish a Retail Fluid Milk Premium, Or Amendment of Such Order" will not apply to an order adopted under this act. The commission shall also submit a copy of this act to the secretary of state and the legislative committee on administrative rules.

Sec. 5. ANTI-TRUST INQUIRY; REPORT BY THE ATTORNEY GENERAL

(a) Findings. The general assembly is concerned that the highly concentrated market structure of the New England dairy industry, throughout all sectors, is operating to the disservice of Vermont dairy farmers and milk

consumers alike. The raw milk sector of the industry is increasingly dominated by one large, nationally based dairy farm cooperative, and Vermont dairy farmers now have very few options for the initial marketing of their milk. The downstream processing sector is dominated by just two fluid milk processing concerns, which control both the procurement of raw milk from dairy farms and the sale of packaged milk to retail outlets. Finally, the dominant supermarket segment of the Vermont retail market is controlled by a few large firms, many of whom are nationally based or multinational companies.

(b) Therefore, the attorney general shall undertake a study of the Northeast fluid milk market, and the Vermont segment of that market, and further work with the United States Congress and the United States attorney general to investigate possible anticompetitive practices of dairy cooperatives, processors, and retail firms operating in the Vermont marketplace.

(c) As part of the study, the attorney general shall determine whether operation of the Capper-Volstead Act of 1922 continues to serve its intended purpose and function in the public interest.

(d) By January 15, 2010, the attorney general shall report back to the house and senate committees on agriculture with the findings and recommendations of the study required by this section.

Sec. 6. EFFECTIVE DATE

This act shall take effect upon passage.

and that the title of the bill be amended to read:

“An act relating to stabilization of prices paid to Vermont dairy farmers”

(Committee vote: 5-0-0)

Reported without recommendation by Senator Maynard for the Committee on Finance.

(Committee vote: 5-0-2)

Favorable with Proposal of Amendment

H. 34

An act relating to automated external defibrillators.

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

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 1, 18 V.S.A. § 907(d)(1), after the words “person’s acts or

omissions” by adding the following: with respect to such use, ownership, or training in the operation of an AED

(Committee Vote: 5-0-0)

(For House amendments, see House Journal for March 24, 2009, page 440.)

H. 287

An act relating to uniform prudent management of Institutional Funds Act.

Reported favorably with recommendation of proposal of amendment by Senator Ayer for the Committee on Finance.

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 2, by striking out 14 V.S.A. § 3419 in its entirety and inserting in lieu thereof the following:

§ 3419. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103 of that act, 15 U.S.C. Section 7003.

(Committee Vote: 6-0-1)

(For House amendments, see House Journal for March 24, 2009, page 442.)

ORDERED TO LIE

S. 54

An act relating to clean energy assessment districts.

Pending Question: Shall the bill pass?

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)

Michelle Fairbrother of Rutland – Member of the Vermont State Colleges Board of Trustees – By Sen. Nitka for the Committee on Education. (4/14/09)

John Hall of West Danville – Member of the State Board of Education – By Sen. Doyle for the Committee on Education. (4/14/09)

Judith Livingston of Manchester – Member of the State Board of Education – By Sen. Brock for the Committee on Education. (4/14/09)

Carol Bokan of Shelburne – Member of the Community High School of Vermont Board – By Sen. Nitka for the Committee on Education. (4/14/09)

INFORMATION NOTICE

The following items were recently received by the Joint Fiscal Committee:

JFO #2376 — \$30,000.00 grant from the State Justice Institute to the Judiciary. These grant monies will support the work of the Commission on Court Operations on the Vermont Re-Engineer Court Systems Project. This grant requires a cash match from the recipient. JFO #2377 is the source of this cash match. [*JFO received 4/8/09*]

JFO #2377 — \$21,600.00 grant from the National Center for State Courts to the Judiciary. These grant monies will support the work of the Commission on Court Operations on the Vermont Re-Engineer Court Systems Project. This grant provides the required cash match for JFO #2376. [*JFO received 4/08/09*]