

# Senate Calendar

FRIDAY, APRIL 17, 2009

101st DAY OF BIENNIAL SESSION

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ORDERS OF THE DAY

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**ACTION CALENDAR**

**Consideration Postponed until Friday, April 17, 2009**

**S. 54**

An act relating to clean energy assessment districts.

**Pending Question:** Shall the bill pass?

**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 FRIDAY, APRIL 3, 2009**

**Second Reading**

**Favorable with Recommendation of Amendment**

**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)

**UNFINISHED BUSINESS OF WEDNESDAY, APRIL 15, 2009**

**Second Reading**

**Favorable with Proposal of Amendment**

**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.)

**NEW BUSINESS**

**Third Reading**

**S. 89**

An act relating to a maximum retail price for milk.

**H. 34**

An act relating to automated external defibrillators.

**H. 135**

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

**H. 160**

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

### H. 186

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

#### **PROPOSAL OF AMENDMENT TO H. 186 TO BE OFFERED BY SENATOR SEARS BEFORE THIRD READING**

Senator Sears moves that the Senate propose to the House to amend the bill in Sec. 1, 21 V.S.A. § 494b(1), by inserting after the words “for applicants for law enforcement positions;” the words the department of liquor control and the liquor control board for applicants for investigator positions;

### H. 348

An act relating to the interstate pest control compact.

#### **NOTICE CALENDAR**

#### **Favorable with Proposal of Amendment**

### H. 11

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

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

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

First: By adding a Sec. 1a to read as follows:

Sec. 1a. 4 V.S.A. § 278 is added to read:

§ 278. AUTHORIZATION OF ASSISTANT JUDGES TO RUN FOR THE OFFICE OF PROBATE JUDGE

(a) Notwithstanding any law to the contrary, an assistant judge or a candidate for the office of assistant judge may also stand for election to the office of probate judge, and if elected to both offices, may serve as both an assistant judge and a probate judge.

(b) In the event a probate matter arises in the superior court over which an assistant judge is also the probate judge that presides, or has presided, over the same or related probate matter in the probate court, the assistant judge will be disqualified from sitting on the probate matter in the superior court.

(c) In the event a probate matter arises in the probate court over which a probate judge is also an assistant judge that presides, or has presided, over or sat on the same or related probate matter in the superior court, the probate judge will be disqualified from sitting on the probate matter in the probate court.

(d) This section shall take effect immediately and shall also be applied retroactively and is intended to validate and authorize any person's contemporaneous election to both offices of assistant judge and probate judge as it pertains to subsection (a) of this section prior to and following the enactment of this law.

Second: In Sec. 2, 14 V.S.A. § 314, in subdivision (b)(2), by striking out the word “or” and inserting in lieu thereof the word and

Third: In Sec. 2, 14 V.S.A § 322, by striking out § 322 in its entirety and inserting in lieu thereof a new § 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, the 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.

Fourth: In Sec. 2, 14 V.S.A. § 336, by striking out the last sentence in its entirety and inserting in lieu thereof a new sentence to read: Before an order is made for the payment or distribution of any money or estate as authorized in this section, notice shall be given as provided by the Vermont Rules of Probate Procedure.

Fifth: 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) Secs. 1, 1a, 2, 4, and 6 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 Sec. 2 of this act.

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

(Committee Vote: 4-0-1)

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

### 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. Plaustiner 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)