

Senate Calendar

FRIDAY, APRIL 24, 2009

108th DAY OF BIENNIAL SESSION

SENATE CONVENES AT: 9:00 A.M.

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ACTION CALENDAR

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 22, 2009

Third Reading

S. 117

An act relating to the date of the primary election.

Second Reading

Favorable with Proposal of Amendment

H. 26

An act relating to plans for treatment of unmarked burial sites.

Reported favorably with recommendation of proposal of amendment by Senator Illuzzi for the Committee on Economic Development, Housing and General Affairs.

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. 18 V.S.A. § 5212b is amended to read:

§ 5212b. UNMARKED BURIAL SITES SPECIAL FUND; REPORTING OF UNMARKED BURIAL SITES

(a) The unmarked burial sites special fund is established in the state treasury for the purpose of protecting, preserving, moving or reintering human remains discovered in unmarked burial sites.

(b) The fund shall be comprised of any monies appropriated to the fund by the general assembly or received from any other source, private or public. Interest earned on the fund, and any balance remaining in the fund at the end of a fiscal year, shall be retained in the fund. This fund shall be maintained by

the state treasurer, and shall be managed in accordance with subchapter 5 of chapter 7 of Title 32.

(c) The commissioner of housing and community affairs may authorize disbursements from the fund for use in any municipality in which human remains are discovered in unmarked burial sites in accordance with a process approved by the commissioner. The commissioner shall approve any process developed through consensus or agreement of the interested parties, including the municipality, ~~the governor's advisory commission on Native American affairs~~ Native American tribes based in Vermont, and private property owners of property on which there are known or likely to be unmarked burial sites, and any other appropriate interested parties, provided the commissioner determines that the process is likely to be effective, and includes all the following:

(1) Methods for determining the presence of unmarked burial sites, including archaeological surveys and assessments and other nonintrusive techniques.

(2) Methods for handling development and excavation on property on which it is known that there is or is likely to be one or more unmarked burial sites.

(3) Options for owners of property on which human remains in unmarked burial sites are discovered or determined to be located.

(4) Procedures for protecting, preserving or moving unmarked burial sites and human remains, subject, where applicable, to the permit requirement and penalties of this chapter.

(5) Procedures for resolving disputes.

(d) If unmarked burial sites and human remains are removed, consistent with the process set forth in this section and any permit required by this chapter, there shall be no criminal liability under 13 V.S.A. § 3761.

(e) The funds shall be used for the following purposes relating to unmarked burial sites:

(1) To monitor excavations.

(2) To protect, preserve, move, or reinter unmarked burial sites and human remains.

(3) To perform archaeological assessments and archaeological site or field investigations, including radar scanning and any other nonintrusive technology or technique designed to determine the presence of human remains.

(4) To provide mediation and other appropriate dispute resolution services.

(5) To acquire property or development rights, provided the commissioner of housing and community affairs determines that disbursements for this purpose will not unduly burden the fund, and further provided the commissioner shall expend funds for this purpose only with the concurrence of the secretary of commerce and community development and after consultation with the legislative bodies of any affected municipality or municipalities.

(6) Any other appropriate purpose determined by the commissioner to be consistent with the purposes of this fund.

(f) When an unmarked burial site is first discovered, the discovery shall be reported immediately to a law enforcement agency or the state medical examiner. If, after completion of an investigation pursuant to section 5205 of this title, a medical examiner determines that the burial site does not fall under the examiner's purview, the medical examiner shall immediately notify the state archeologist.

(g) The commissioner may adopt rules to carry out the intent and purpose of this section.

Sec. 2. UNMARKED BURIAL SITE TREATMENT PLAN COMMITTEE

(a) The unmarked burial site treatment plan committee is created to develop procedures for addressing issues relating to known or discovered unmarked burial sites of human remains including developing treatment plans to be used when an unmarked burial site is discovered on private property. The committee is comprised of nine members to include:

(1) The commissioner of housing and community affairs or the commissioner's designee.

(2) The state archeologist or designee.

(3) A representative from the Vermont League of Cities and Towns, Inc.

(4) A representative from a Native American tribe based in Vermont who has experience in handling unmarked burial sites, appointed by the commissioner of housing and community affairs.

(5) A federal archeologist from the Natural Resources Conservation Service of the U.S.D.A.

(6) The U.S. Forest Service, Green Mountain National Forest archeologist.

(7) The director of the University of Vermont consulting archeology program.

(8) A representative from the Vermont Bankers Association Inc.

(9) A representative from the Home Builders and Remodelers Association of Vermont.

(b) The committee shall:

(1) Develop procedures for responding to reports of a discovery of an unmarked burial site, which for the purposes of this section means the location of any interment of human remains, evidence of human remains, including the presence of red ochre, associated funerary objects, or a documented concentration of burial sites, but does not include a cemetery, mausoleum, or columbarium or any other site that is clearly marked as a site containing human remains.

(2) Develop various treatment plans for addressing issues when an unmarked burial site is discovered on private property. A treatment plan is an outline of the process for providing appropriate and respectful treatment of the burial site while considering the rights of the landowner. Each treatment plan shall include one or all of the following:

(A) Methods for determining the presence of an unmarked burial site, including archeological surveys and assessments and other nonintrusive techniques.

(B) Methods for handling development and excavation on property on which there is a known burial site or likely to be one.

(C) Options for owners of property on which human remains are discovered or known to be located.

(D) Procedures for protecting, preserving, and moving the burial site and the human remains.

(E) Time frames for implementation of the plan.

(F) Procedures for resolving disputes among stakeholders.

(3) The committee shall issue a written report outlining the procedures and treatment plans to the house committee on general, housing and military affairs and the senate committee on economic development, housing and general affairs on or before January 15, 2010.

Sec. 3. 33 V.S.A. § 2301 is amended to read:

§ 2301. BURIAL RESPONSIBILITY

(a)(1) When a person dies in this state, or a resident of this state dies within the state or elsewhere, and the decedent was a recipient of assistance under Title IV or XVI of the Social Security Act, or nursing home care under Title XIX of the Social Security Act, or assistance under state aid to the aged, blind

or disabled, or an honorably discharged veteran of any branch of the U.S. military forces to the extent funds are available and to the extent authorized by department regulations, the decedent's burial shall be arranged and paid for by the department if the decedent was without sufficient known assets to pay for burial. The department shall pay burial expenses when arrangements are made other than by the department to the maximum permitted by its regulations. In any case where other contributions are made these payments shall be deducted from the amount otherwise paid by the department but in no case is the department responsible for any payment when the person arranging the burial selects a funeral the price of which exceeds the department's maximum.

* * *

~~(c) When a person other than one described in subsection (a) or (b) of this section dies in the town of domicile without sufficient known assets to pay for burial, the burial shall be arranged and paid for by the town. The department shall reimburse the town up to \$250.00 for expenses incurred.~~

~~(d) In all other cases the department shall arrange for and pay for the burial of persons who die in this state or residents of this state who die within the state or elsewhere when such persons are without sufficient known assets to pay for their burial.~~

(e) [Omitted.]

(f) In all cases where the department is responsible for funeral ~~and/or~~ or burial expenses or both under this chapter, the department shall provide, by rule, the specific services that are to be provided at public expense, and, on an itemized basis, the maximum price to be paid by the department for each such service.

(g) For the purpose of this chapter, "burial" means the act of interring or cremating the human dead and the ceremonies directly related to that cremation or interment at the gravesite; and "funeral" means the ceremonies prior to burial of the body by interment, cremation or other method.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

and that the bill title be amended to read: "An act relating to treatment of unmarked burial sites and payment for burial of indigent persons"

(Committee Vote: 5-0-0)

(For House amendments, see House Journal for February 26, 2009, page 285; February 27; 2009, page 369.)

**AMENDMENT TO PROPOSAL OF AMENDMENT OF THE
COMMITTEE ON ECONOMIC DEVELOPMENT, HOUSING AND
GENERAL AFFAIRS TO H. 26 TO BE OFFERED BY SENATOR
ILLUZZI**

Senator Illuzzi moves to amend the proposal of amendment of the Committee on Economic Development, Housing and General Affairs by striking out Sec. 4 in its entirety and inserting in lieu thereof the following:

Sec. 4. 20 V.S.A. §§ 1581, 1582, and 1583 are amended to read:

**§ 1581. VERMONT VETERANS' MEMORIAL CEMETERY ~~ADVISORY~~
BOARD**

(a) The Vermont veterans' memorial cemetery ~~advisory~~ board is created to ~~advise the adjutant general on~~ determine all matters relating to the establishment and operation of a Vermont veterans' memorial cemetery to be known as the Vermont Veterans' Memorial Cemetery. The board shall consist of:

(1) ~~The commissioner of the department of buildings and general services, adjutant general or designee,~~ who shall serve as chair of the board.

(2) The commissioner of the department of buildings and general services or designee.

(3) One member of the senate ~~who shall be~~ appointed by the senate committee on committees.

~~(3)~~(4) One member of the house ~~who shall be~~ appointed by the house speaker.

~~(4)~~(5) Four individuals who represent veterans or are members of a veterans' organization, ~~to be~~ appointed by the governor for staggered terms of six years.

~~(5)~~(6) One individual who represents the Vermont granite, Vermont slate, or Vermont marble industry selected by the governor for a six-year term.

(b) The office of the adjutant general shall provide administrative support to the board.

(c) For each meeting, legislative members ~~shall be~~ are entitled to receive compensation and reimbursement for expenses as provided under subsection 406(a) of Title 2. ~~The , and~~ members representing veterans or from veterans' organizations ~~shall be~~ are entitled to per diem as provided in section 1010 of Title 32 and their necessary and actual expenses.

§ 1582. RULES; DAILY OPERATIONS

(a) Vermont veterans' memorial cemetery ~~advisory board may~~ shall adopt rules ~~under the provisions of chapter 25 of Title 3~~ relating to acquisition of land, design of the cemetery, its buildings and grave markers, eligibility for burial, and any other matters necessary to establish and maintain the Vermont veterans' memorial cemetery.

(b) Daily operations shall be overseen by the adjutant general.

§ 1583. ADJUTANT GENERAL; POWERS AND DUTIES

(a) The adjutant general, subject to available funds and with the advice and consent of the Vermont veterans' memorial cemetery ~~advisory committee board~~, shall administer the creation, establishment, operation, and maintenance of the Vermont veterans' memorial cemetery.

* * *

Sec. 5. AMENDMENT OF ACT 250 PERMIT

The adjutant general, the Vermont veterans' memorial cemetery board, and the agency of natural resources shall determine whether there is an environmentally safe alternative to Condition 6 of Land Use Permit # 3RO676 issued on August 20, 1991, which requires that all corpses be embalmed. No later than September 1, 2009, the adjutant general on behalf of the board may apply to the district 3 environmental commission for an amendment to that permit.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

And that the Senate further propose to the House to amend the title to read as follows:

An act relating to treatment of unmarked burial sites, the operation of the Vermont Veterans' Memorial Cemetery, and payment for burial of indigent persons.

**AMENDMENT TO PROPOSAL OF AMENDMENT OF THE
COMMITTEE ON ECONOMIC DEVELOPMENT, HOUSING AND
GENERAL AFFAIRS TO H. 26 TO BE OFFERED BY SENATOR
ILLUZZI**

Senator Illuzzi moves to amend proposal of amendment of the Committee on Economic Development, Housing and General Affairs by striking out Sec. 6 in its entirety and inserting in lieu thereof the following:

Sec. 6. 18 V.S.A. § 5201 is amended to read:

§ 5201. PERMITS; REMOVAL OF BODIES; CREMATION; WAITING PERIOD; INVESTIGATION INTO CIRCUMSTANCES OF DEATH

* * *

~~(c) The person in charge of the body shall not release for cremation the body of a person who died in Vermont until the person in charge has received a certificate from the chief, regional or assistant medical examiner that the medical examiner has made personal inquiry into the cause and manner of death and is satisfied that no further examination or judicial inquiry concerning it is necessary. The certificate shall be retained by the crematory for a period of three years. For the certificate, the medical examiner is entitled to a fee of \$25.00 payable by the person requesting cremation.~~

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

and that the Senate further proposes to the House that the title be amended to read: "An act relating to cremation, the treatment of unmarked burial sites, the operation of the Vermont Veterans' Memorial Cemetery, and payment for burial of indigent persons"

H. 249

An act relating to volunteer nonprofit service organizations and casino nights.

Reported favorably with recommendation of proposal of amendment by Senator Carris for the Committee on Economic Development, Housing and General Affairs.

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. 13 V.S.A. § 2143(d) is amended to read:

(d) Casino events shall be limited as follows:

(1) A location may be the site of no more than:

(A) one casino event in any calendar quarter; ~~;~~ or

(B) three casino events in any calendar year, as long as there are at least 15 days between each event.

(2) A location that is owned by a nonprofit, as defined in 32 V.S.A. § 10201(5) may be the site of no more than three casino events in any calendar

quarter and no more than 12 casino events in any calendar year as long as there are at least 15 days between each event.

(3) A nonprofit organization, as defined in 32 V.S.A. § 10201(5), may organize and execute no more than:

(A) one casino event in any calendar quarter; or

(B) three casino events in any calendar year, as long as there are at least 15 days between each event.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that the bill title be amended to read: “An act relating to nonprofit service organizations and casino nights”

(Committee Vote: 5-0-0)

(No House amendments.)

House Proposal of Amendment to Senate Proposal of Amendment

H. 91

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

The House proposes to the Senate to amend the proposal of amendment as follows:

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

(a) The commissioner of the department for children and families shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort a child subject to this chapter in a manner that:

(1) avoids physical and psychological trauma;

(2) respects the privacy of the individual; and

(3) represents the least restrictive means necessary for the safety of the child.

Joint Resolution for Action

J.R.H. 22

Joint resolution honoring municipal public works employees and designating May 17-23 as Public Works Week in Vermont.

(For text of Resolution, see Senate Journal of April 21, 2009, page 768)

UNFINISHED BUSINESS OF THURSDAY, APRIL 22, 2009

Joint Resolution for Action

J.R.H. 23

Joint resolution relating to the preservation of Vermont's streams and rivers.

(For text of Resolution, see Senate Journal of April 22, 2009, page 848)

NEW BUSINESS

Third Reading

H. 438

An act relating to the state's transportation program.

**AMENDMENT TO SENATE PROPOSAL OF AMENDMENT TO
H. 438 TO BE OFFERED BY SENATOR BROCK BEFORE THIRD
READING**

Senator Brock moves to amend the Senate proposal of amendment as follows:

First: By striking out Secs. 64, 65, 66, 67, 68, 69, and 70 in their entirety.

Second: In Sec. 71, 23 V.S.A. § 304c(a) by striking out the strikethroughs and the words "The plate"

**AMENDMENT TO SENATE PROPOSAL OF AMENDMENT TO
H. 438 TO BE OFFERED BY SENATORS KITTELL AND BROCK
BEFORE THIRD READING**

Senators Kittell and Brock move to amend the Senate proposal of amendment in Sec. 89(b) by adding two new sentences at the end to read as follows: VTrans is additionally instructed to enter into a discussion with the department of buildings and general services, and the Vermont Congressional Delegation to examine alternatives to closing the facility at Highgate on the Vermont Canadian border. The discussion shall include an examination of a public-private cooperative effort to maintain the facility. VTrans is directed to report to the members of the house and senate committees on transportation and appropriations by January 15, 2010.

**PROPOSAL OF AMENDMENT TO H. 438 TO BE OFFERED BY
SENATOR MULLIN BEFORE THIRD READING**

Senator Mullin moves that the Senate proposal of amendment be amended in Sec. 94. 23 V.S.A. § 1432 by striking out subsection (c) in its entirety.

**PROPOSAL OF AMENDMENT TO H. 438 TO BE OFFERED BY
SENATORS MULLIN, CARRIS AND MAYNARD BEFORE THIRD
READING**

Senators Mullin, Carris and Maynard move that the Senate proposal of amendment be amended by adding a new Sec. 101a to read as follows:

Sec. 101a. PILOT PROJECT IN RUTLAND TOWN; VANITY PLATES
FOR LOCAL LAW ENFORCEMENT OFFICERS

(a) A pilot project is established whereby the three local law enforcement officers in Rutland Town are enabled to purchase vanity plates with more than two digits in a row, if the digits are not being used by anyone else, and the plates can serve as the officer's call letters.

(b) The commissioner of motor vehicles is directed to take the necessary steps to implement the provisions of this section.

H. 445

An act relating to capital construction and state bonding.

**AMENDMENT TO SENATE PROPOSAL OF AMENDMENT TO
H. 445 TO BE OFFERED BY SENATORS ILLUZZI, BARTLETT,
KITCHEL, MILLER, SEARS, SHUMLIN AND SNELLING BEFORE
THIRD READING**

Senators Illuzzi, Bartlett, Miller, Sears, Shumlin and Snelling move to amend the Senate proposal of amendment as follows:

First: In Sec. 3(b), at the end of the sec by striking out the following: "250,000" and inserting in lieu thereof the following: 1,000,000, and by striking out the following: "\$2,030,000" and inserting in lieu thereof the following: \$2,780,000

Second: By striking out Sec. 14 in its entirety and inserting in lieu thereof a new Sec. 14 to read as follows:

Sec. 14. CRIMINAL JUSTICE TRAINING COUNCIL; PHASE I,
PROFESSIONAL RANGE DESIGN

(a) The sum of \$800,000 is appropriated to the department of buildings and general services for the Vermont Criminal Justice Training Council in Pittsford to:

- (1) design and construct a new firing range; and
- (2) purchase and locate a three-lane mobile firing unit.

(b) The project shall be phased. The first phase shall be to purchase the mobile firing unit and temporarily locate it on the grounds.

(c) Before finalizing design of the range, the commissioner shall consult with an experienced range professional or military or federal agency experienced in the design and use of firing ranges to ensure the project is optimally designed.

Total Appropriation – Section 14

\$800,000

**AMENDMENT TO SENATE PROPOSAL OF AMENDMENT TO
H. 445 TO BE OFFERED BY SENATOR SHUMLIN BEFORE THIRD
READING**

Senator Shumlin moves to amend the Senate proposal of amendment by adding a new section to be numbered Sec. 26a to read as follows:

Sec. 26a. CAPITAL CONSTRUCTION; WINDHAM COUNTY;
AUTHORITY TO BORROW

(a) The Windham County assistant judges are authorized to borrow up to \$200,000 for the purpose of capital construction renovations. The judges may mortgage county property or obtain an unsecured loan for this purpose. Any project constructed pursuant to this section shall be completed within two years.

**AMENDMENT TO SENATE PROPOSAL OF AMENDMENT TO
H. 445 TO BE OFFERED BY SENATORS NITKA, CAMPBELL AND
McCORMACK BEFORE THIRD READING**

Senators Nitka, Campbell and McCormack move to amend the Senate proposal of amendment by adding a new section to be numbered Sec. 40a to read as follows:

Sec. 40a. SALE OF NATIONAL GUARD PROPERTY IN LUDLOW

Notwithstanding 20 V.S.A. § 542, if the board of armory commissioners sells the armory and associated land in Ludlow to the town of Ludlow, it shall sell the property at the fair market value amount reduced by an amount equal to the current fair market value of the land donated by the town of Ludlow for the armory.

Second Reading

Favorable

H. 64

An act relating to eligibility for the state youth hunting programs.

Reported favorably by Senator Lyons for the Committee on Natural Resources and Energy.

(Committee vote: 4-0-1)

(For House amendments, see House Journal of February 12, 2009, page 160)

NOTICE CALENDAR

Favorable with Proposal of Amendment

H. 6

An act relating to the sale of engine coolants and antifreeze.

Reported favorably with recommendation of proposal of amendment by Senator McCormack for the Committee on Natural Resources and Energy.

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

First: In Sec. 2, 9 V.S.A. § 2843, by striking out the last sentence and inserting in lieu thereof the following:

This section does not provide immunity to any person to the extent that the cause of liability is unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze

Second: In Sec. 2, 9 V.S.A. § 2844, by striking out § 2844 in its entirety and inserting in lieu thereof the following:

§ 2844. EXCEPTIONS

This subchapter does not apply to:

(1) The sale of a motor vehicle that contains engine coolant or antifreeze; or

(2) Antifreeze or engine coolant for use in a manufacturing process, provided that the manufacturer complies with occupational safety and health standards for the use of the antifreeze or engine coolant and complies with the agency of natural resources for the disposal of antifreeze or engine coolant containing ethylene glycol.

(Committee Vote: 4-0-1)

(For House amendments, see House Journal for February 17; 2009, page 175.)

H. 15

An act relating to aquatic nuisance control.

Reported favorably with recommendation of proposal of amendment by Senator Snelling for the Committee on Natural Resources and Energy.

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

First: In Sec. 1, 10 V.S.A. § 1455(i)(4), by striking out the word “three” where it appears and inserting in lieu thereof the word five

Second: In Sec. 8, by striking out the words “regarding water pollution, use of state waters, hunting, or fishing” where they appear and inserting in lieu thereof the words regarding the use of state waters for hunting, fishing, or other recreational uses

Third: In Sec. 9, by striking out the words “that address or relate to the use of state surface waters” and inserting in lieu thereof the words regarding the use of state waters for hunting, fishing, or other recreational uses

Fourth: By adding Sec. 10a to read as follows:

Sec. 10a. 10 V.S.A. § 7113(b) is amended to read:

(b) The advisory committee shall be terminated on January 1, ~~2010~~ 2015, unless extended by the general assembly.

Fifth: In Sec. 11, by striking out subsection (a) in its entirety and inserting in lieu thereof:

(a) This section and Secs. 8 (ANR materials), 9 (department of tourism and marketing materials), 10 (ANR report on financing aquatic nuisance control), and 10a (extension of mercury advisory committee sunset) of this act shall take effect July 1, 2009.

(Committee Vote: 5-0-0)

(For House amendments, see House Journals for March 25, 2009, page 462; March 26, 2009, page 484.)

H. 83

An act relating to underground storage tanks and the petroleum cleanup fund.

Reported favorably with recommendation of proposal of amendment by Senator MacDonald for the Committee on Natural Resources and Energy.

The Committee recommends that the Senate propose to the House to amend the bill by striking out Sec. 9 in its entirety and inserting in lieu thereof the following:

Sec. 9. 10 V.S.A. § 1944 is amended to read:

§ 1944. UNDERGROUND STORAGE TANK LOAN ASSISTANCE PROGRAM

* * *

(b) Loans shall be made to the person who owns the existing motor fuel tanks or will own the new motor fuel tanks. Loans will be in accordance with terms and conditions established by the secretary which shall include but not be limited to requirements that:

* * *

(4) loans have a satisfactory maturity date, in no case later than ten years from the date of the loan. The secretary may, upon a showing of financial hardship by the person who took out the loan, extend the maturity date for not more than an additional five years.

(c) The loans will be at a zero interest rate, ~~except that a person who owns five or more facilities shall have an interest rate of four percent. As used in this subsection, "facility" shall mean the property upon which a category one tank is located.~~

* * *

(Committee Vote: 5-0-0)

(For House amendments, see House Journals for March 18, 2009, page 412; March 19, 2009, page 422.)

H. 152

An act relating to encouraging biomass energy production.

Reported favorably with recommendation of proposal of amendment by Senator Hartwell for the Committee on Natural Resources and Energy.

The Committee recommends that the Senate propose to the House to amend the bill in Sec. 1 by striking out the word "and" where it appears after the semicolon in subdivision (c)(2)(D) and by adding subdivisions (c)(2)(F) and (G) to read as follows:

(F) biomass procurement standards should require third-party certification; and

(G) a standard should be developed that would require biomass electricity generating facilities to provide for a fuel efficiency of at least 50 percent over the course of a full year.

(Committee Vote: 5-0-0)

(For House amendments, see House Journal for April 9, 2009, page 626.)

NOTICE OF INTENT TO WITHDRAW AS A SPONSOR

S. 144

An act relating to patient choice and control at end of life.

Senator Choate of the Caledonia Senate District does hereby give notice of withdrawal of his name as a co-sponsor of S. 144.

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)

Benjamin R. O'Brien of South Burlington – Member of the Occupational Safety and Health Review Board – By Sen. Ashe for the Committee on Economic Development, Housing and General Affairs. (4/22/09)

Benjamin R. O'Brien of South Burlington – Member of the Occupational Safety and Health Review Board – By Sen. Ashe for the Committee on Economic Development, Housing and General Affairs. (4/22/09)

Stephanie O'Brien of South Burlington – Member of the Liquor Control Board – By Sen. Miller for the Committee on Economic Development, Housing and General Affairs. (4/22/09)

David Marvin of Hyde Park – Member of the Sustainable Jobs Fund Board of Directors – By Sen. Illuzzi for the Committee on Economic Development, Housing and General Affairs. (4/22/09)

Bruce Shields of Wolcott – Member of the Sustainable Jobs Fund Board of Directors – By Sen. Illuzzi for the Committee on Economic Development, Housing and General Affairs. (4/22/09)

Thomas G. Weaver of Essex Junction – Member of the Vermont Housing and Conservation Board – By Sen. Racine for the Committee on Economic Development, Housing and General Affairs. (4/22/09)

Joan Goldstein of South Royalton – Member of the Sustainable Jobs Fund Board of Directors – By Sen. Carris for the Committee on Economic Development, Housing and General Affairs. (4/23/09)

David Herlihy of Waitsfield – Commissioner of the Department of Human Resources – By Sen. Doyle for the Committee on Government Operations. (4/23/09)

Thomas Murray of Middlesex – Commissioner of the Department of Information and Innovation – By Sen. Doyle for the Committee on Government Operations. (4/23/09)

Thomas M. Crowley of South Burlington – Member of the State Police Advisory Commission – By Sen. White for the Committee on Government Operations. (4/24/09)

Ugo Sartorelli of Barre – Member of the State Police Advisory Commission
– By Sen. Doyle for the Committee on Government Operations. (4/24/09)

James Reardon of Essex Junction – Commissioner of the Department of
Finance and Management – By Sen. Flanagan for the Committee on
Government Operations. (4/24/09)