

Senate Calendar

THURSDAY, FEBRUARY 04, 2010

SENATE CONVENES AT: 1:00 P.M.

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ACTION CALENDAR

UNFINISHED BUSINESS OF WEDNESDAY, FEBRUARY 3, 2010

Third Reading

S. 187.

An act relating to municipal financial audits.

S. 218.

An act relating to voyeurism.

S. 278.

An act relating to the department of banking, insurance, securities, and health care administration.

H. 534.

An act relating to fiscal year 2010 budget adjustment.

**PROPOSAL OF AMENDMENT TO H. 534 TO BE OFFERED BY
SENATOR BARTLETT, ON BEHALF OF THE COMMITTEE ON
APPROPRIATIONS, BEFORE THIRD READING**

Senator Bartlett, on behalf of the Committee on Appropriations, moves that the Senate propose to the House to amend the bill as follows:

First: By striking out Sec. 46 in its entirety and inserting in lieu there of a new Sec. 46 to read as follows:

Sec. 46. DELETED

Second: In Sec. 49, by striking out the figure “19,115,745” where it appears twice and inserting in lieu thereof the figure 19,094,794 and by striking out the figure “16,361,710” and inserting in lieu thereof the figure 16,340,759 and by striking out the figure “3,043,197” and inserting in lieu there of the figure 3,022,246

Third: In Sec. 50, by striking out the figure “65,354,476” where it appears twice and inserting in lieu thereof the figure 65,333,525 and by striking out the figure “12,715,861” and inserting in lieu thereof the figure 12,694,910

Fourth: By striking out Sec. 64 in its entirety and inserting in lieu thereof a new Sec. 64 to read as follows:

Sec. 64. Sec. 19 of No. 61 of the Acts of 2009 is amended to read:

Sec. 19. 8 V.S.A. § 4080f is amended to read:

§ 4080f. CATAMOUNT HEALTH

(a) As used in this section:

* * *

(II)(aa) A self-employed individual who was insured through the nongroup market whose insurance coverage ended as the direct result of either the termination of a business entity owned by the individual or the individual's inability to continue in his or her line of work, if the individual produces satisfactory evidence to the office of Vermont health access of the business termination or certifies by affidavit to the office of Vermont health access that he or she is not employed and is no longer seeking employment in the same line of work;

(bb) Subdivision (aa) of this subdivision (II) shall take effect upon issuance by the Centers for Medicare and Medicaid Services of approval of an amendment to the Global Commitment for Health Medicaid Section 1115 Waiver allowing for a self-employment exception to the Catamount Health waiting period, but in no event earlier than July 1, 2011;

* * *

Fifth: In Sec. 71, amending Sec. B.1101(b) of No. 1 of the Acts of the 2009 Special Session, by striking out the words "Government Services Fund"

Committee Bill for Second Reading

S. 280.

An act relating to prohibiting texting while operating on a highway.

By the Committee on Transportation. (Senator Scott for the committee.)

NEW BUSINESS

Second Reading

Favorable with Recommendation of Amendment

S. 90.

An act relating to representative annual meetings.

Reported favorably with recommendation of amendment by Senator Doyle 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. § 2640a is added to read:

§ 2640a. REPRESENTATIVE ANNUAL MEETINGS

(a) A municipality with a population of 5,000 or greater may vote at a special or annual town meeting to establish a representative form of annual or special meeting.

(b) A representative form of annual or special meeting is a meeting of members elected by district to exercise exclusively all powers vested in the voters of the town. At a representative annual or special meeting, the members shall act upon all articles on the warning except those which relate to the election of officers, referenda, and other matters voted upon by Australian ballot.

(c) A vote to establish a representative form of annual or special meeting shall include a vote to establish:

(1) a certain number of elected members, a range of elected members, or a ratio of elected members to the number of voters. However, in no case shall the number of elected members be less than 100;

(2) a certain number of districts and the boundaries of those districts;

(3) who shall be ex officio voting members of the meeting;

(4) the procedure for accomplishing the representative meeting;

(5) any specific action to be taken at the representative meeting; and

(6) a procedure whereby the voters of the municipality may reconsider any action taken at a representative meeting.

(d) A vote establishing a representative form of annual or special meeting shall remain in effect until the municipality votes to discontinue or establish a new representative form of annual or special meeting at an annual or special meeting duly warned for that purpose.

(Committee vote: 5-0-0)

ORDERED TO LIE

S. 99.

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

PENDING ACTION: Third Reading

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.

Robert Kelley of Brandon - Member of the Board of Education - By Senator Flory for the Committee on Education. (1/14/10)

Steven Gurin of Barre - Member of the Vermont Educational & Health Buildings Financing Agency - By Senator Cummings for the Committee on Finance. (2/3/10)

PUBLIC HEARINGS

Wednesday, February 10, 2010 - 9:00 A.M. - Room 10 - Re: Cell phone use while driving - Senate Committee on Transportation.

Tuesday, February 16, 2010 - 2:45 - 4:00 P.M. - Room 11 - Re: Governor's proposed FY2011 state budget - House Committee on Appropriations.

Wednesday, February 17, 2010 - 9:30-10:45 P.M. - Room 11 - Re: Governor's proposed FY2011 State Budget - House Committee on Appropriations.

PUBLIC HEARING

Joint Public Hearing on Fiscal Year 2011 budget on Vermont Interactive Television Appropriations Committees

Monday, February 8, 2009, 4:30 - 7:00 p.m. – The House and Senate Appropriations Committees will hold a joint public hearing on Vermont Interactive Television (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the state budget for fiscal year 2011. All V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Castleton, Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, Waterbury, White River Junction and Williston. V.I.T.'s web site has an up-to-date location listing, including driving directions, addresses and telephone numbers, <http://www.vitlink.org/>.

For information about the format of this event, interested parties may call the House Appropriations Committee office at 802/828-5767. Requests for interpreters should be made to the office by 12:00 noon on Friday, January 29,

2010.

REPORTS ON FILE

Pursuant to the provisions of 2 V.S.A. §20(c), one (1) hard copy of the following reports is on file in the office of the Secretary of the Senate. Effective January 2010, pursuant to Act No. 192, Adj. Sess. (2008) §5.005(g) some reports will automatically be sent by electronic copy only and can be found on the State of Vermont webpage.

28. Vermont Center for Geographic Information Inc. Annual Report 2010. (January 2010)

29. Oversight and Implementation of the Wastewater System and Potable Water Supply Rules Annual Report. (January 2010)

30. Education Legislative Report. (Vermont School Boards Association/Vermont Superintendents Association/Vermont Principals' Association) (January 2010)

31. Vermont Labor Relations Board 2008 and 2009 Annual Reports. (January 2010)

32. Vermont Drinking Water State Revolving Fund Loans Awarded to Certain Nonprofit Privately-Owned Community Water Systems. (Agency of Natural Resources, Department of Environmental Conservation) (January 2010)

33. Regulation of Salvage Yards Report. (Agency of Natural Resources, Department of Environmental Conservation, Compliance and Enforcement Division) (January 2010)

34. Vermont Children's Trust Foundation Tax Check-Off Report. (Department for Children & Families/Child Development Division; Children and Family Council for Prevention Programs; Vermont Children's Trust Foundation) (February 2010)

35. Agency of Natural Resources Report on Mercury Thermostat Collection. (Department of Environmental Conservation) (February 2010)

36. Invasive Species Report. (Agency of Natural Resources, Department of Environmental Conservation) (February 2010)

NOTICE OF JOINT ASSEMBLY

Thursday, February 18, 2010 - 10:30 A.M. - Election of two (2) trustees for the Vermont State Colleges Corporation.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than Thursday, February 11, 2010, by 5:00 P.M. pursuant to

the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.