

# Senate Calendar

THURSDAY, FEBRUARY 25, 2010

SENATE CONVENES AT: 11:00 A.M.

## TABLE OF CONTENTS

Page No.

### ACTION CALENDAR

#### UNFINISHED BUSINESS OF WEDNESDAY, FEBRUARY 24, 2010

##### Third Reading

**S. 255** An amendment to the charter of the Chittenden County Transportation Authority..... 193

##### Second Reading

###### Favorable

**H. 517** Approval of an amendment to the charter of the Village of Enosburg Falls ..... 193

###### Favorable with Recommendation of Amendment

**S. 150** Increasing the fine for illegally using parking reserved for disabled persons ..... 193

**S. 268** The building bright futures council..... 194

##### House Proposal of Amendment

**S. 117** The date of the primary election ..... 199

### NEW BUSINESS

##### Second Reading

###### Favorable

**J.R.S. 50** Urging expedited federal initiation of the National Environmental Policy Act process relating to the proposed federal acquisition of Eagle Point Farm in Derby, Vermont ..... 202

###### Favorable with Recommendation of Amendment

**S. 288** The Vermont recovery and reinvestment act of 2010 ..... 203

**NOTICE CALENDAR**

**Second Reading**

**Favorable with Recommendation of Amendment**

**S. 110** Sheltering livestock ..... 203

**ORDERED TO LIE**

**S. 99** Amending the Act 250 criteria relating to traffic, scattered development,  
and rural growth areas ..... 207

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**UNFINISHED BUSINESS OF WEDNESDAY, FEBRUARY 24, 2010**

**Third Reading**

**S. 255.**

An act relating to an amendment to the charter of the Chittenden County Transportation Authority.

**Second Reading**

**Favorable**

**H. 517.**

An act relating to approval of an amendment to the charter of the Village of Enosburg Falls.

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

(Committee vote: 5-0-0)

**Favorable with Recommendation of Amendment**

**S. 150.**

An act relating to increasing the fine for illegally using parking reserved for disabled persons.

**Reported favorably with recommendation of amendment by Senator Hartwell for the Committee on Transportation.**

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. 23 V.S.A. § 304a(e) is amended to read:

(e) A person, other than a person with a disability, who for his or her own purposes parks a vehicle in a space for persons with disabilities shall be fined ~~\$100.00~~ \$200.00 for each violation and shall be liable for towing charges. He or she shall also be liable for storage charges not to exceed \$12.00 per day, and an artisan's lien may be imposed against the vehicle for payment of the charges assessed. The person in charge of the parking space or spaces for persons with a disability or any duly authorized law enforcement officer shall cause the removal of a vehicle parked in violation of this section. A violation of this

section shall be considered a traffic violation within the meaning of chapter 29 of Title 4.

Sec. 2. 20 V.S.A. § 2904 is amended to read:

§ 2904. PARKING SPACES

Any parking facility on the premises of a public building shall contain at least the number of parking spaces required by ADAAG standards, and in any event at least one parking space, as free designated parking for individuals with ambulatory disabilities or blind individuals patronizing the building. The space or spaces shall be accessibly and proximately located to the building. Consideration shall be given to the distribution of spaces in accordance with the frequency and persistence of parking needs. Such spaces shall be designated by a clearly visible sign that cannot be obscured by a vehicle parked in the space, by the international symbol of access and, where appropriate, by the words “van accessible”; shall otherwise conform to ADAAG standards; and shall be in accordance with the standards established under section 2902 of this title.

and that after passage, the title of the bill be amended to read: “An act relating to parking reserved for disabled persons”

(Committee vote: 5-0-0)

**S. 268.**

An act relating to the building bright futures council.

**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. FINDINGS

The general assembly finds that:

(1) While Vermont has a wide range of high-quality programs for families and young children, a report issued by the Smart Start National Technical Assistance Center states, “Vermont’s early childhood system might be best described as many diverse patches, or pieces, ready to be linked and sewn together into a New England patchwork quilt.”

(2) In order to address issues of overlap and fragmentation, program accountability, and equitable access to services across the state, engaged community members, policy-makers, early childhood service providers, and advocates agree that there is a need for a comprehensive and integrated system

for all children below the age of six and their families in Vermont who are in need of and desiring such services.

(3) Research shows that a child’s “environment of relationships” has a critical impact on developing brain architecture during the first months and years of life.

(4) There are approximately 39,000 children under the age of six in Vermont, including over 5,500 in poverty, 11,000 living in single-parent households, 20,489 living in two-parent households with both parents in the labor force, and approximately 1,300 young children with developmental delays.

(5) An estimated 23,000 children under the age of six are enrolled full- or part-time in over 1,900 registered or licensed child care programs funded by a combination of parent fees and public dollars such as the Child Care Financial Assistance Program and the Education Fund. Programs that receive no public funds generally have little to no formal connection to an overall early childhood system with established goals and policies for addressing the needs of young children.

(6) In addition to the care by their parents and families, thousands of Vermont children from a range of socioeconomic backgrounds receive services, support, or both from state, federal, and private programs. Many children are served by multiple programs with no mechanism in place to ensure a holistic, family-centered approach to service delivery. Early childhood services are important to the economic well-being of families throughout the state. They have a positive impact on the state’s labor supply and influence the overall economic competitiveness of the state.

(7) Section 642B of the federal Improving Head Start for School Readiness Act of 2007 mandates that the governor “designate or establish a council to serve as the State Advisory Council on Early Childhood Education and Care for children from birth to school entry, and the Governor may designate an existing entity in the State to serve as the State Advisory Council.”

(8) In November 2009, the building bright futures state council adopted a conceptual framework based on the work of Dr. Jack Shonkoff, a Harvard University professor and one of the nation’s foremost experts on early childhood learning.

Sec. 2. 33 V.S.A. chapter 46 is added to read:

CHAPTER 46. BUILDING BRIGHT FUTURES COUNCIL

§ 4601. DEFINITIONS

As used in this chapter:

(1) “Early care, health, and education” means all services provided to families expecting a child and to children up to the age of six, including child care, family support, early education, mental and physical health services, nutrition services, and disability services.

(2) “Regional council” means a regional entity linked to the state building bright futures council to support the creation of an integrated system of early care, health, and education at the local level.

#### § 4602. BUILDING BRIGHT FUTURES COUNCIL

(a) The building bright futures program shall be governed by a statewide council comprising no more than 23 members. The building bright futures council’s membership shall be as follows:

(1) the secretary of human services or designee;

(2) the secretary of commerce and community development or designee;

(3) the commissioner of education;

(4) the commissioner for children and families;

(5) the commissioner of health;

(6) the commissioner of mental health;

(7) two members of the house of representatives, appointed by the speaker of the house;

(8) at least one but no more than two members of the senate, appointed by the senate committee on committees;

(9) the Head Start collaboration office director; and

(10) 12 at-large members selected on the basis of their commitment to early childhood well-being and representing a range of perspectives and geographic diversity. One of the at-large members shall be a representative of a local Head Start program.

(b) In the event of a vacancy in one of the at-large member positions on the council, the remaining members shall endeavor to fill the vacancy with an individual representing a perspective or geographic area not currently represented on the council.

(c) Technical assistance to the council shall be provided by staff within the departments of health, of education, and for children and families.

(d) For council meetings held when the general assembly is not in session, the legislative members of the council shall be entitled to per diem compensation and reimbursement of expenses in accordance with section 406 of Title 2. Members of the council who are not state employees or whose participation is not supported through their employment or association may be entitled to compensation and reimbursement for expenses for attending meetings of the council under section 1010 of Title 32 to the extent funds are available.

(e) The council shall function as a public-private partnership with the ability to raise and disburse funds and shall be exempt from all Vermont taxation; provided, however, that the council shall be subject to Vermont taxation on income that is subject to federal taxation under Sections 511 and 514 of the Internal Revenue Code.

(f) The council shall establish and maintain relationships with regional councils providing regional capacity to further the council's goals.

#### § 4603. POWERS AND DUTIES

The council established by section 4602 of this title shall have the following powers and duties necessary and appropriate to effectuating the purposes of this chapter:

(1) Advise the administration and general assembly on the status and needs of the early care, health, and education system by conducting a review of the status of young children in Vermont and the care, health, and education services and systems that support them and by submitting a report every two years to the governor and general assembly regarding the findings and activities of the building bright futures program.

(2) Monitor overall system performance by regularly tracking and reporting system data on the well-being of young children and the performance of the system of care related to the council's commitments to children and selected indicators.

(3) Develop an early care, health, and education system plan for Vermont to serve as the basis for policy and funding recommendations.

(4) Review and formulate recommendations for amendments or revisions to policies, rules, or regulations that may impede the ability to address state and local priorities and the ability to ensure system effectiveness.

(5) Work with the secretaries of human services and of commerce and community development and the commissioner of education to ensure the coordination of existing budgets and policies that affect the care, health, and education of young children.

(6) Work with the agencies of human services and of commerce and community development, the department of education, and the regional councils to coordinate and integrate the development of an early childhood budget that reflects alignment of funding with priorities identified in the system plan.

(7) Contract with state agencies and departments to deliver services as agreed upon.

(8) Pursue and accept funding from diverse sources outside of state government to sustain, expand, and enhance the early care, health, and education system according to the early care, health, and education system plan.

(9) Disburse funds raised through fund development activities in accordance with priorities defined in the system plan.

(10) Increase the instances where the council convenes members of the child care community, medical community, education community, and other organizations, as well as state agencies serving young children, to ensure that families receive quality services in the most efficient and cost-effective manner.

(11) Work within the budget process to help ensure effective and efficient allocation of resources for early care, health, and education, and to identify and reduce duplication of services.

(12) Work with state agencies that provide early childhood services to avoid duplication of services by improving coordination across agencies.

(13) Select the key indicators to be tracked in early childhood and identify priority strategies to improve outcomes.

(14) Make sure children from birth to six years of age are included in data systems being developed by the department of education and in other state efforts aimed at streamlining and coordinating state services.

(15) Monitor and analyze data to assess progress in achieving outcomes and make recommendations for any necessary adjustments.

(16) Report to the governor and the legislative committees of jurisdiction during the first month of each legislative biennium on progress toward outcomes and recommendations for priorities for the biennium.

#### § 4604. LIMITATION OF SCOPE

Nothing in this chapter shall be construed to supersede or usurp the statutory powers or authority of any state agency or department or any school district.



Sec. 2. COMPOSITION OF COUNCIL

The members of the building bright futures council serving as of the effective date of this act shall continue to serve on the council after that date and shall adopt bylaws detailing the council's governance and procedures.

Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage.

(Committee vote: 4-0-1)

**Reported favorably with recommendation of amendment by Senator Bartlett for the Committee on Appropriations.**

The Committee recommends that the bill be amended as recommended by the Committee on Government Operations in Sec. 2, 33 V.S.A. § 4602, with the following amendment thereto: By striking out subsection (e) in its entirety and inserting in lieu thereof the following:

(e) The council shall function as a public-private partnership with the ability to raise and disburse funds.

(Committee vote: 5-0-0)

**House Proposal of Amendment**

**S. 117**

An act relating to the date of the primary election.

The House proposes to the Senate to amend the bill 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.

Sec. 2. 17 V.S.A. § 2352 is amended to read:

§ 2352. NOMINATION OF CANDIDATES PRIOR TO SPECIAL ELECTION

When the governor or any court, pursuant to law, orders a special election to be held for any of the offices covered by section 2351 of this title, a special primary election shall be held on the Tuesday which falls not less than ~~40~~ 60

days nor more than ~~46~~ 66 days prior to the date set for the special election. The nomination of candidates prior to a special election, including nomination both by primary and by other means, shall be governed by the rules applicable to nomination of candidates prior to the general election, except as may be specifically provided in this chapter. The term "general election", as used in this chapter, shall be deemed to include a special election, unless the context requires a different interpretation.

Sec. 3. 17 V.S.A. § 2353(a) is amended to read:

(a) The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party for any office indicated, if petitions containing the requisite number of signatures made by legal voters, in substantially the following form, are filed with the proper official, together with the person's written consent to having his or her name printed on the ballot:

I join in a petition to place on the primary ballot of the ..... party the name of ....., whose residence is in the (city), (town) of ..... in the county of ....., for the office of ..... to be voted for on Tuesday, the ..... day of ~~September~~ August, 20 .....; and I certify that I am at the present time a registered voter and am qualified to vote for a candidate for this office.

Sec. 4. 17 V.S.A. § 2356 is amended to read:

§ 2356. TIME FOR FILING PETITIONS

Primary petitions and statements of nomination from minor party candidates and independent candidates shall be filed no sooner than the ~~first Monday in June~~ second Monday in May and not later than 5:00 p.m. on the ~~third Monday of July~~ second Thursday after the first Monday in June preceding the primary election prescribed by section 2351 of this title, and not later than 5:00 p.m. of the ~~42nd~~ 62nd day prior to the day of a special primary election.

Sec. 5. 17 V.S.A. § 2369 is amended to read:

§ 2369. DETERMINING WINNER; TIE VOTES

Persons who receive a plurality of all the votes cast by a party in a primary shall be candidates of that party for the office designated on the ballot. If two or more candidates of the same party are tied for the same office, the choice among those tied shall be determined:

(1) Upon five days' notice and not later than 10 days following the primary election, ~~by~~ the state committee of a party, for a state or congressional office; the senatorial district committee for state senate; the county committee for county office; or the representative district committee for a representative

to the general assembly shall meet to nominate a candidate from among the tied candidates.

~~(2) By run-off election for a county office, for a state senator, or for a representative to the general assembly. The run-off election shall be held on the fourth Tuesday of September and shall be conducted in the same manner as the primary election. The committee chair shall certify the candidate nomination for the general election to the secretary of state within 48 hours of the nomination.~~

Sec. 6. 17 V.S.A. § 2386 is amended to read:

§ 2386. TIME FOR FILING STATEMENTS

(a) Statements pursuant to this subchapter, except for vacancies created by the death or withdrawal of a candidate after the primary and statements for minor party candidates and independent candidates, shall be filed not ~~more than 60 days~~ earlier than the second Thursday after the first Monday in June before the day of the general election and not later than 5:00 p.m. on the ~~third day~~ Tuesday following the primary election.

(b) In the case of the death or withdrawal of a candidate after the primary election, the party committee shall have seven days from the date of the withdrawal to nominate a candidate. In no event, shall a statement be filed later than ~~40~~ 60 days prior to the election.

Sec. 7. 17 V.S.A. § 2402(d) is amended to read:

(d) A statement of nomination and a completed and signed consent form shall be filed not sooner than the ~~first Monday in June~~ second Thursday after the first Monday in June and not later than the third day after the primary election. No public official receiving nominations shall accept a petition unless a completed and signed consent form is filed at the same time.

Sec. 8. 17 V.S.A. § 2413(a) is amended to read:

(a) The party members in each town, on or before the ~~first Tuesday of September~~ fourth Tuesday of August in each even numbered year, upon the call of the town committee, may meet in caucus and nominate candidates for justice of the peace. The committee shall give notice of the caucus as provided in subsection (d) of this section and the chairman and secretary shall file the statements required in sections 2385 through 2387 of this title.

Sec. 9. 17 V.S.A. § 2479 is amended to read:

§ 2479. MANNER OF DISTRIBUTION

Not later than ~~30~~ 45 days before the election, the secretary of state shall furnish the prepared ballots to the clerk of each town. Ballots shall be sent in

securely fastened packages by mail or in some other safe manner, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots enclosed. The town clerk shall store the ballots, except for ballots used as early or absentee voter or sample ballots, in a secure place until the day of the election, at which time the town clerk shall deliver them in sufficient quantities to the presiding officer in each polling place, together with any ballots prepared by the town clerk.

Sec. 10. 17 V.S.A. § 2811 is amended to read:

**§ 2811. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE, THE GENERAL ASSEMBLY, POLITICAL COMMITTEES, AND POLITICAL PARTIES**

(a) Each candidate for state office, each candidate for the general assembly who has made expenditures or received contributions of \$500.00 or more, and each political committee and each political party required to register under section 2831 of this title shall file with the secretary of state campaign finance reports ~~40 days before the primary election and on the 25th on July 15<sup>th</sup> and on the 15th~~ of each month thereafter ~~and continuing to the general election and 10 days after the general election~~ until and including December 15th.

(b) At any time, but not later than ~~40 days~~ December 15th following the general election, a candidate for state office and each candidate for the general assembly who has made expenditures or received contributions of \$500.00 or more shall file with the secretary of state a "final report" which lists a complete accounting of all contributions and expenditures, and disposition of surplus, and which shall constitute the termination of his or her campaign activities.

\* \* \*

**NEW BUSINESS**

**Second Reading**

**Favorable**

**J.R.S. 50.**

Joint resolution urging expedited federal initiation of the National Environmental Policy Act process relating to the proposed federal acquisition of Eagle Point Farm in Derby, Vermont.

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

(Committee vote: 4-0-1)

**Favorable with Recommendation of Amendment**

**S. 288.**

An act relating to the Vermont recovery and reinvestment act of 2010.

By the Committee on Economic Development, Housing and General Affairs. (By Senator Illuzzi for the Committee)

**Reported favorably with recommendation of amendment by Senator Cummings for the Committee on Finance.**

The Committee recommends that the bill be amended as follows:

First: In Sec. 11, by striking out subdivision (b) (relating to the \$1,000,000.00 appropriation to the Vermont jobs fund as being contingent upon the availability of funds under the clean energy development fund for the entrepreneur's seed capital fund) in its entirety.

Second: By striking out Sec. 22 (relating to the transferability of tax credits to insurers under the downtown and village development program) in its entirety.

Third: By striking out Sec. 23 (relating to the increase of the estate tax exclusion from \$2,000,000.00 to \$3,500,000.00) in its entirety.

Fourth: By striking out Secs. 28-36 (relating to a simplified licensing process for certain commercial lenders) in their entirety.

Fifth: In Sec. 37, by striking out subdivisions (1), (2), and (3) (relating to certain effective dates) in their entirety.

and by renumbering the remaining sections to be numerically correct.

(Committee vote: 6-0-1)

**Reported without recommendation by Senator Bartlett for the Committee on Appropriations.**

(Committee voted: 5-0-2)

**NOTICE CALENDAR**

**Favorable with Recommendation of Amendment**

**S. 110.**

An act relating to sheltering livestock.

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

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. 13 V.S.A. § 365(a) is amended to read:

(a) All livestock and animals ~~which are to be predominantly maintained out-of-doors must be provided with adequate shelter to prevent direct exposure to the elements~~ shall be provided with shelter sufficient to protect the health of the animal.

Sec. 2. LIVESTOCK CARE STANDARDS ADVISORY BOARD;  
GUIDELINES FOR SHELTERING LIVESTOCK

(a) The livestock care standards advisory board in consultation with the alliance for animal welfare, the humane society, and any other interested party shall develop and recommend comprehensive and detailed guidelines for providing appropriate shelter for livestock that protects the health and well-being of the animals to be sheltered. The primary purpose of the guidelines is to protect the health and assure good care of the animals. In order to develop the guidelines, the advisory board shall consider at least the following issues:

(1) The species, breed, age, health, and size of the animals to be sheltered.

(2) The landscape where the animals are kept.

(3) The appropriateness and effectiveness of available natural or constructed shelter to provide sufficient protection from all climactic conditions.

(b) The advisory board shall present written recommendations for these guidelines to the senate committees on agriculture and on judiciary and to the house committees on agriculture and on judiciary no later than January 1, 2011.

(Committee vote: 5-0-0)

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

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. chapter 64 is added to read:

CHAPTER 64. LIVESTOCK CARE STANDARDS  
ADVISORY COUNCIL

§ 791. DEFINITIONS

As used in this chapter:

- (1) "Agency" means the agency of agriculture, food and markets.
- (2) "Council" means the livestock care standards advisory council.
- (3) "Livestock" means cattle, calves, sheep, swine, horses, mules, goats, fallow deer, American bison, poultry, and any other animal that can or may be used in and for the preparation of meat, fiber, or poultry products.
- (4) "Secretary" means the secretary of agriculture, food and markets.

§ 792. ESTABLISHMENT OF LIVESTOCK CARE STANDARDS ADVISORY COUNCIL

(a) There is established a livestock care standards advisory council for the purposes of evaluating the laws of the state and of providing policy recommendations regarding the care, handling, and well-being of livestock in the state. The livestock care standards advisory council shall be composed of the following members, all of whom shall be residents of Vermont:

(1) The secretary of agriculture, food and markets, or his or her designee who shall serve as the chair of the council.

(2) The state veterinarian.

(3) The following four members appointed by the governor:

(A) A person with knowledge of food safety and food safety regulation in the state who is a representative of an agricultural department of a Vermont college or university.

(B) A representative of the Vermont slaughter industry.

(C) A representative of the Vermont livestock dealer, hauler, or auction industry.

(D) A representative of a local humane society or organization registered with the agency and organized under state law.

(3) The following two members appointed by the committee on committees:

(A) A producer of species other than bovidae.

(B) A Vermont licensed livestock or poultry veterinarian.

(4) The following two members appointed by the speaker of the house:

(A) A member of the public representing Vermont consumers.

(B) An operator of a Vermont dairy farm.

(b) Members of the board shall be appointed for staggered terms of three years. Except for the chair and the state veterinarian, no member of the council may serve for more than six consecutive years.

(c) With the concurrence of the chair, the council may use the services and staff of the agency in the performance of its duties.

§ 793. POWERS AND DUTIES OF LIVESTOCK CARE STANDARDS  
ADVISORY COUNCIL

(a) The council shall:

(1) Review and evaluate the laws and rules of the state applicable to the care and handling of livestock. In conducting the evaluation required by this section, the council shall consider the following:

(A) agricultural best management practices;

(B) biosecurity and disease prevention;

(C) animal morbidity and mortality data;

(D) food safety practices;

(E) the protection of local and affordable food supplies for consumers;

(F) the overall health and welfare of livestock species; and

(G) humane transport and slaughter practices.

(2) Submit policy recommendations to the secretary on any of the subject matter set forth under subdivision (1) of this subsection. A copy of the policy recommendations submitted to the secretary shall be provided to the house and senate committees on agriculture. Recommendations may be in the form of proposed legislation.

(3) Meet at least annually and at such other times as the chair determines to be necessary.

(b) The council may engage in education and outreach activities related to the laws and regulations for the care and handling of livestock. The council may accept funds from public or private sources in compliance with 32 V.S.A. § 5.

Sec. 2. EFFECTIVE DATE

This act shall take effect upon passage.

(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.

## **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)

Kenneth Gibbons of Hyde Park - Member of the Vermont Educational & Health Buildings Financing Agency - By Senator McCormack for the Committee on Finance. (2/17/10)

Sandi Murphy of Enosburg Falls - Member of the Valuation Appeals Board - By Senator Giard for the Committee on Finance. (2/24/10)

## **PUBLIC HEARINGS**

**Wednesday March 10, 2010** – 5-8 P.M. - Room 11 – Re: S. 252 – Consolidation – School Districts – Senate and House Committees on Education.