

Senate Calendar

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ACTION CALENDAR

CONSIDERATION POSTPONED TO FRIDAY, MARCH 29, 2013

Third Reading

S. 81.

An act relating to the regulation of octaBDE, pentaBDE, decaBDE, and flame retardant known as Tris in consumer products.

PENDING QUESTION: Shall the bill be committed to the Committee on Economic Development, Housing and General Affairs as moved by Senator Benning? pending the Question, Shall the bill be amended as moved by Senator Hartwell?

**AMENDMENT TO S. 81 TO BE OFFERED BY SENATORS AYER,
LYONS, AND MULLIN BEFORE THIRD READING**

Senators Ayer, Lyons, and Mullin move to amend the bill as follows:

First: In Sec. 1, 9 V.S.A. § 2972, by adding a new subdivision (a)(1) to read as follows:

(1) “Article” means an object that during production is given a special shape, surface, or design which determines its function to a greater degree than its chemical composition.

and in subdivision (a)(13), by striking out the “;” after the expression “(as of the effective date of this section)” where it appears for the first time in the subsection, and inserting in lieu thereof the word and

and in subsection (a)(13), by striking out “; or tris(2-chloro-1-methylethyl) phosphate (TCPP) chemical abstracts service number 13674-84-5, (as of the effective date of this section)”

and by renumbering the subdivisions of subsection (a) to be numerically correct

Second: In Sec. 1, by striking out 9 V.S.A. § 2974 in its entirety and inserting in lieu thereof the following:

§ 2974. CHLORINATED FLAME RETARDANTS

(a) Except for inventory manufactured prior to January 1, 2014, no person, other than a retailer, shall, as of January 1, 2014, manufacture, offer for sale, distribute for sale, or knowingly sell in or into this State any children’s product

or residential upholstered furniture that contains Tris in any product component in an amount greater than 1,000 parts per million.

(b) A retailer shall not, as of July 1, 2014, knowingly sell or offer for sale in or into this State any children's product or residential upholstered furniture containing Tris in any product component in an amount greater than 1,000 parts per million.

(c)(1) Notwithstanding the requirements of subsections (a) and (b) of this section, the 1,000-parts-per-million threshold for Tris shall be applied to an individual article and not to individual product components for the following:

(A) personal computers, audio and video equipment, calculators, wireless telephones, game consoles, handheld devices incorporating a screen that are used to access interactive software and their associated peripherals, and cable and other similar connecting devices; and

(B) interactive software intended for leisure and entertainment, such as computer games, and their storage media, such as compact discs.

(2) In applying the requirements of the 1,000-parts-per-million threshold for Tris to an individual article under this subsection, the Attorney General shall interpret what constitutes an "article" in a manner that is consistent with industry practices and guidance, including the European Union's Registration, Evaluation, and Restriction on Chemical Substances regulation, known as "REACH", Regulation (EC) Number 1907/2006, Art. 3(3).

Third: In Sec. 1, by striking out 9 V.S.A. § 2977 in its entirety and inserting in lieu thereof:

§ 2977. EXEMPTIONS

The requirements and prohibitions of this chapter shall not apply to:

- (1) the sale or resale of used products;
- (2) motor vehicles or parts for use on motor vehicles; and
- (3) building insulation materials.

Fourth: In Sec. 1, by adding 9 V.S.A. § 2980 to read:

§ 2980. DEPARTMENT OF HEALTH RULEMAKING; TCPP

(a) The Commissioner of Health may adopt by rule:

(1) a prohibition on the manufacture, offer for sale, distribution for sale, or knowing sale at retail in or into the State of the flame retardant tris(2-chloro-1-methylethyl) phosphate (TCPP) if the Commissioner of Health determines, based on the weight of available, scientific studies, that the toxicity

of TCPP and its potential exposure pathways pose a hazard to human health; and

(2) exemptions from a prohibition adopted under subdivision (1) of this subsection.

(b) A violation of a prohibition or requirement adopted by rule under this section shall be enforceable by the Attorney General under section 2978 of this title as a violation of this chapter.

(c) In addition to the public participation requirements of 3 V.S.A. chapter 25 and prior to submitting a rule authorized under this section to the Secretary of State under 3 V.S.A. § 838, the Commissioner of Health shall consult with interested parties within the State regarding a proposed prohibition on the manufacture, offer for sale, distribution for sale, or knowing sale at retail in the State of the flame retardant TCPP. The Commissioner of Health may satisfy the consultation requirement of this section through the use of workshops, focused work groups, dockets, meetings, or other forms of communication.

(d) A rule proposed by the Commissioner of Health under this section shall go into effect one calendar year after the Commissioner of Health files an adopted rule under 3 V.S.A. § 843.

**AMENDMENT TO S. 81 TO BE OFFERED BY SENATORS
ZUCKERMAN AND GALBRAITH BEFORE THIRD READING**

Senators Zuckerman and Galbraith move that the bill be amended in Sec. 1, 9 V.S.A. § 2974 (Chlorinated flame retardants) by adding a subsection (c) to read:

(c) A retailer shall not, as of July 1, 2014, knowingly sell or offer for sale in or into this State any children's bedding, clothing, or stuffed toys containing Tris in any product component in an amount greater than 50 parts per million.

UNFINISHED BUSINESS OF TUESDAY, MARCH 26, 2013

Second Reading

Favorable with Recommendation of Amendment

S. 129.

An act relating to worker's compensation liens.

PENDING QUESTION: Shall the bill be amended as recommended by the Committee on Finance, *as substituted*, in the first instance?

(For text of recommendation of amendment of the Committee on Finance, *as substituted*, see Senate Journal of March 22, 2013, page 304.)

**AMENDMENT TO S. 129 TO BE OFFERED BY SENATOR
CAMPBELL**

Senator Campbell moves to amend the bill by striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read:

Sec. 1. STUDY

(a) The Department of Labor in consultation with interested parties shall evaluate:

(1) how workers' compensation cases are resolved under 21 V.S.A. § 624(e), including whether the operation of workers' compensation liens may or may not result in an equitable distribution of third party payments to the employer and employee, and the equities and appropriateness of using third party payments as an advance on any future workers' compensation benefits; and

(2) whether there should be any limitations placed on how independent medical examinations are conducted, included their timing and location.

(b) The Department shall report its findings and any recommendations to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on or before December 15, 2013.

UNFINISHED BUSINESS OF THURSDAY, MARCH 28, 2013

Third Reading

S. 18.

An act relating to automated license plate recognition systems.

**AMENDMENT TO S. 18 TO BE OFFERED BY SENATOR CAMPBELL
BEFORE THIRD READING**

Senator Campbell moves to amend the bill in Sec. 2, 23 V.S.A. § 1608(a), by striking out subdivision (1) in its entirety and inserting in lieu thereof the following:

(1) A law enforcement agency or the Department of Motor Vehicles may apply to the Criminal Division of the Superior Court for an extension of up to 90 days of the 18-month retention period established under subdivision 1607(d)(2) of this title if the agency or department offers specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data are relevant and material to an ongoing criminal or missing persons investigation, or to a pending proceeding in the Judicial Bureau. Requests for additional 90-day extensions or for longer periods may be made

to the Superior Court subject to the same standards applicable to an initial extension request under this subdivision.

S. 40.

An act relating to establishing an interim committee that will develop policies to restore the 1980 ratio of state funding to student tuition at Vermont State Colleges and to make higher education more affordable.

**AMENDMENT TO S. 40 TO BE OFFERED BY SENATORS
GALBRAITH AND CAMPBELL BEFORE THIRD READING**

Senators Galbraith and Campbell move to amend the bill as follows:

First: In Sec. 2(b)(1), by striking out the words “United Professions American Federation of Teachers Vermont” and inserting the words the Faculty Senate

Second: In Sec. 2(b)(2), by striking out the words “United Professions American Federation of Teachers Vermont” and inserting the words the Faculty Senates

NEW BUSINESS

Third Reading

S. 27.

An act relating to respectful language in the Vermont Statutes Annotated.

**AMENDMENT TO S. 27 TO BE OFFERED BY SENATOR SEARS
BEFORE THIRD READING**

Senator Sears moves to amend the bill by striking out Sec. 222 in its entirety and inserting in lieu thereof the following:

Sec. 222. STATUTORY REVISION

The Office of Legislative Council, in its statutory revision capacity under 2 V.S.A. § 424, is authorized and directed to make such amendments to the Vermont Statutes Annotated as are necessary to effect the purpose of this act by replacing any term amended in one or more statutes by this act which was inadvertently left unchanged elsewhere in statute with a term identical or similar to that which was used to replace it in this act, where appropriate.

S. 154.

An act relating to classification of crimes.

ORDERED TO LIE

S. 82.

An act relating to campaign finance law.

PENDING QUESTION: Shall the bill be amended as recommended by the Committee on Government Operations, as amended?

CONCURRENT RESOLUTIONS FOR ACTION

S.C.R. 19 (For text of Resolution, see Addendum to House Calendar for March 28, 2013)

H.C.R. 73-83 (For text of Resolutions, see Addendum to House Calendar for March 28, 2013)

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.

Heidi Pelletier of Montpelier – Member of Vermont State Colleges Board of Trustees – By Sen. Doyle for the Committee on Education. (3/13/13)

M. Jerome Diamond of Montpelier – Member of Vermont State Colleges Board of Trustees – By Sen. Doyle for the Committee on Education. (3/13/13)

Harlan Sylvester of Burlington – Chair of the Vermont Racing Commission – By Sen. Mullin for the Committee on Economic Development, Housing and General Affairs. (3/14/13)

Cheryl DeVos of North Ferrisburgh – Member of the Vermont Housing and Conservation Board – By Sen. Collins for the Committee on Economic Development, Housing and General Affairs. (3/19/13)

Megan Smith of Mendon – Commissioner, Tourism and Marketing - By Sen. Mullin for the Committee on Economic Development, Housing and General Affairs. (3/19/13)

Lawrence Miller of Montpelier – Secretary, Agency of Commerce and Community Development – By Sen. Doyle for the Committee on Economic Development, Housing and General Affairs. (3/19/13)

Chris Recchia of Randolph – Commissioner of Department of Public Service - By Sen. MacDonald for the Committee on Finance. (3/22/13)

David Mears of Montpelier – Commissioner, Vermont Department of Environmental Conservation – By Sen. Snelling for the Committee on Natural Resources and Energy. (3/27/13)

Michael Snyder of Stowe – Commissioner, Department of Forest, Parks and Recreation - By Sen. Galbraith for the Committee on Natural Resources and Energy. (3/27/13)

Patrick Berry of Middlebury – Commissioner, Fish and Wildlife – By Sen. Hartwell for the Committee on Natural Resources and Energy. (3/27/13)

Carolyn Dwyer of Montpelier – Member, University of Vermont Board of Trustees – By Sen. Baruth for the Committee on Education. (3/27/13)

Margaret D. MacLean of Peacham – Member of the State Board of Education - By Sen. McCormack for the Committee on Education. (3/27/13)

Jim Gish of Middlebury – Member of the Board of Libraries – By Sen. McCormack for the Committee on Education. (3/27/13)

Matthew Valerio of Proctor – Defender General – By Sen. Benning for the Committee on Judiciary. (3/28/13)

Stacy Weinberger of Burlington – Member of the State Board of Education – By Sen. Zuckerman for the Committee on Education. (3/29/13)

Christopher Macfarlane of Essex Junction – Member of the Vermont State Colleges Board of Trustees – By Sen. Zuckerman for the Committee on Education. (3/29/13)

Charles Ross, Jr. of Hinesburg – Secretary, Agriculture Food and Markets – By Sen. Starr for the Committee on Agriculture. (4/2/13)

PUBLIC HEARINGS

Thursday, April 18, 2013 - Room 11 - 6:00 - 8:00 P.M. Re: H. 208 Earned Sick Days - House Committee on General, Housing and Military Affairs.

SENATE APPROPRIATIONS COMMITTEE

FY 2014 Budget

ADVOCATES TESTIMONY

On **Monday, April 1, 2013** beginning at **3:00 pm**, the Senate Appropriations Committee will be taking testimony from advocates regarding the Fiscal Year 2014 Budget (H.530) in Room 10 of the State House. All

available time slots have been filled. To submit written testimony to the committee please contact Becky Buck at the Legislative Joint Fiscal Office located at 1 Baldwin Street (phone: 828-5969) or via email at: rbuck@leg.state.vt.us

FOR INFORMATION ONLY

CROSSOVER DEADLINES

(1) The date for standing committees to report Senate bills out of committee was March 15, 2013.

(2) The date for the Committees on Appropriations and Finance to report Senate bills referred pursuant to Senate Rule 31 was March 22, 2013.

(3) These deadlines may be waived for any bill or committee **only** by consent given by the Committee on Rules.