

Senate Calendar

FRIDAY, FEBRUARY 07, 2014

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ACTION CALENDAR

UNFINISHED BUSINESS OF WEDNESDAY, FEBRUARY 5, 2014

Second Reading

Favorable with Recommendation of Amendment

S. 296.

An act relating to the Defender General's duty to investigate issues related to the health, safety, and welfare of inmates in correctional facilities.

Reported favorably with recommendation of amendment by Senator Flory for the Committee on Institutions.

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. § 5259 is added to read:

§ 5259. DUTY TO INVESTIGATE

(a) The Defender General shall investigate issues related to the health, safety, and welfare of inmates in correctional facilities and shall receive the cooperation of all State agencies in carrying out this duty. Issues that require an investigation by the Defender General shall, at a minimum, include:

(1) the death of an inmate;

(2) a suicide attempt that requires more than 24 hours of emergency hospitalization; and

(3) a critical incident that results in injury to an inmate from an assault, use of force, or accident in a correctional facility that requires more than 24 hours of emergency hospitalization.

(b)(1) When an incident enumerated in subdivisions (a)(1)–(3) of this section occurs, the Department of Corrections shall notify the Defender General as soon as reasonably practicable.

(2) The Commissioner shall report weekly to the Defender General regarding any critical incidents that negatively impacts the health, safety, or welfare of an inmate, the conditions of confinement, or the adequacy of care provided to inmates.

(c) In carrying out the duties under this section, the Defender General:

(1) Shall be given reasonable unaccompanied access to the correctional facility and inmates and is authorized to speak with any relevant personnel from the Department of Corrections and other State agencies subject to the individual's constitutional rights and to legitimate law enforcement concerns regarding preservation of a criminal investigation, if any.

(2) Shall be given broad access to records concerning the incident and any inmates involved in the incident. In response to a request for records from the Defender General, the Commissioner of Corrections shall provide the records promptly and no subpoena or public records request shall be required. Records subject to this section include video or audio recordings.

(d) The Defender General is authorized to protect the confidentiality of sources in the course of an investigation pursuant to this section. Work product generated in the course of representation of a client that contains confidential communication between an inmate and the Defender General shall not be discoverable and records of communications between inmates and the Defender General may be redacted.

(e) Where appropriate, the Defender General shall report to the Department of Corrections and the Joint Committee on Corrections Oversight identifying any concerns and suggested policy changes that arise from an incident that resulted in an investigation.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 5-0-0)

NEW BUSINESS

Third Reading

S. 215.

An act relating to administering, implementing, and financing water quality improvement in Vermont.

Amendment to S. 215 to be Offered by Senator Zuckerman before Third Reading

Senator Zuckerman moves that the bill be amended in Sec. 1, subsection (c), by striking "2013" where it appears and inserting in lieu thereof 2014

H. 526.

An act relating to the establishment of lake shoreland protection standards.

Second Reading
Favorable with Recommendation of Amendment

S. 299.

An act relating to service of malt beverages by the glass.

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

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. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:

* * *

(37) “Sampler flight” means a flight, ski, paddle, or any similar device by design or name intended to hold alcoholic beverage samples for the purpose of comparison.

Sec. 2. 7 V.S.A. § 222 is amended to read:

§ 222. ~~FIRST AND SECOND CLASS~~ FIRST- AND SECOND-CLASS
LICENSES, GRANTING OF; SALE TO MINORS; CONTRACTING
FOR FOOD SERVICE

With the approval of the Liquor Control Board, the Control Commissioners may grant to a retail dealer for the premises where the dealer carries on business the following:

* * *

(5)(A) The holder of a first-class license may serve a sampler flight of up to 32 ounces in the aggregate of malt beverages to a single customer at one time;

(B) The holder of a first-class license may serve a sampler flight of up to 12 ounces in the aggregate of vinous beverages to a single customer at one time; and

(C) The holder of a third-class license may serve a sampler flight of up to four ounces in the aggregate of spirituous liquors to a single customer at one time.

Sec. 3. 7 V.S.A. § 421 is amended to read:

§ 421. TAX ON MALT AND VINOUS BEVERAGES

(a) Every bottler and wholesaler shall pay to the Commissioner of Taxes the sum of 26 and one-half cents per gallon for every gallon or its equivalent of malt beverage containing not more than ~~six~~ eight percent of alcohol by volume at 60 degrees Fahrenheit sold by them to retailers in the State and the sum of 55 cents per gallon for each gallon of malt beverage containing more than ~~six~~ eight percent of alcohol by volume at 60 degrees Fahrenheit and each gallon of vinous beverages sold by them to retailers in the ~~state~~ State and shall also pay to the Liquor Control Board all fees for bottler's and wholesaler's licenses. A manufacturer or rectifier of malt or vinous beverages shall pay the taxes required by this subsection to the Commissioner of Taxes for all malt and vinous beverages manufactured or rectified by them and sold at retail.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to sampler flights".

(Committee vote: 5-0-0)

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

The Committee recommends that the recommendation of the Committee on Economic Development, Housing and General Affairs, be amended by striking out Sec. 3 (tax on malt and vinous beverages) in its entirety and renumbering the remaining section to be numerically correct.

(Committee vote: 5-1-1)

ORDERED TO LIE

S. 165.

An act relating to collective bargaining for deputy state's attorneys.

PENDING ACTION: Third reading of the bill.

CONCURRENT RESOLUTIONS FOR ACTION

S.C.R. 32-41 (For text of Resolutions, see Addendum to Senate Calendar for February 6, 2014)

H.C.R. 214-221 (For text of Resolutions, see Addendum to House Calendar for February 6, 2014)

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.

Rachel Smith of St. Albans – Member of the Vermont Economic Progress Council – By Sen. Collins for the Committee on Economic Development, Housing and General Affairs. (2/6/14)

Edward F. Flanagan of Montpelier – Member of the Vermont State Lottery Commission – By Sen. Cummings for the Committee on Economic Development, Housing and General Affairs. (2/11/14)

Timothy Briglin of Thetford Center – Member of the Vermont Economic Progress Council – By Sen. Cummings for the Committee on Economic Development, Housing and General Affairs. (2/11/14)

Thomas Nesbitt of Waterbury Center – Member of the Plumbers Examining Board – By Sen. Cummings for the Committee on Economic Development, Housing and General Affairs. (2/11/14)

PUBLIC HEARINGS

Thursday, February 13, 2014 – House Chamber – 7:00 – 9:00 P.M. – Re: H.286 Improving the quality of State Waters – House Committee on Agriculture.

Tuesday, February 18, 2014 – Room 11 – 11:00 A.M. – 12:00 P.M. – Re: Governor's Proposed FY 2015 State Budget – House Committee on Appropriations.

Wednesday, February 19, 2014 – Room 11 – 7:00 – 8:30 P.M. – Re: Judicial Retention of Judges – Joint Committee on Judicial Retention.

Friday, February 21, 2014 – Room 11 – 1:00 P.M. – 2:00 P.M. – Re: Governor’s Proposed FY 2015 State Budget – House Committee on Appropriations.

PUBLIC HEARING

**Joint Public Hearing on Fiscal Year 2015 state budget
via Vermont Interactive Technologies
House and Senate Committees on Appropriations**

Monday, February 10, 2014, 4:00 - 6:30 p.m. – The House and Senate Committees on Appropriations will hold a joint public hearing on Vermont Interactive Technologies (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the state budget for fiscal year 2015. All 13 V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, 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/>.

The budget hearing will be VIEWABLE via the Internet if your computer has Flash-based streaming capabilities. Some mobile devices may require additional software.

Go to www.vitlink.org/streamingmedia/vtcvitopen.php.

The Governor’s budget proposal can be viewed at the Department of Finance’s website: http://finance.vermont.gov/state_budget/rec. For information about the format of this event or to submit written testimony, call the House Appropriations Committee office at (802) 828-5767 or email tutton@leg.state.vt.us. Requests for interpreters should be made to the office by 3:00 p.m. on Monday, January 27, 2014.

NOTICE OF JOINT ASSEMBLY

Thursday, February 20, 2014 - 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 13, 2014, 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.