

House Calendar

Tuesday, January 31, 2012

29th DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 a.m.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

Unfinished Business of Monday, January 30 2012

Favorable with Amendment

H. 464 Hydraulic fracturing wells for natural gas and oil production 71
Rep. McCullough for Fish, Wildlife and Water Resources

ACTION CALENDAR

Favorable with Amendment

H.R. 13 Declaring the inalienable right of all Vermonters to save and grow
seeds 73
Rep. Conquest for Agriculture

NOTICE CALENDAR

Committee Bill for Second Reading

H. 629 Reapportioning the initial districts of the House of Representatives .. 74
Rep. Sweaney for Government Operations
H. 630 Reforming Vermont's mental health system..... 74
Rep. Pugh for Human Services

ORDERS OF THE DAY

ACTION CALENDAR

Unfinished Business of Monday, January 30 2012

Favorable with Amendment

H. 464

An act relating to hydraulic fracturing wells for natural gas and oil production

Rep. McCullough of Williston, for the Committee on **Fish, Wildlife & Water Resources**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The general assembly finds and declares that:

(1) The drilling practice of hydraulic fracturing for natural gas exploration and production uses a variety of chemicals that are injected into natural gas or oil wells.

(2) During hydraulic fracturing, injected chemicals may be introduced into drinking water aquifers.

(3) The agency of natural resources' (ANR's) underground injection control rules provide that no natural gas or oil well proposed for use in hydraulic fracturing will be permitted if injection into the well results in movement of contaminating fluid into underground sources of drinking water.

(4) As ANR's underground injection control rules are implemented currently, an underground injection control permit is not available for hydraulic fracturing because permit applicants are not able to show that contaminating fluid will not move into an underground source of drinking water.

(5) To ensure that the state's underground sources of drinking water remain free of contamination and to formalize ANR's interpretation of the state underground injection control rules, the general assembly should enact a moratorium on the issuance of a permit for the discharge to an underground injection well for conventional or enhanced recovery of natural gas or oil.

Sec. 2. 10 V.S.A. § 1263 is amended to read:

§ 1263. DISCHARGE PERMITS

(a) Any person who intends to discharge waste into the waters of the state or who intends to discharge into an injection well or who intends to discharge into any publicly owned treatment works any waste which interferes with, passes through without treatment, or is otherwise incompatible with that works or would have a substantial adverse effect on that works or on water quality shall make application to the secretary for a discharge permit. Application shall be made on a form prescribed by the secretary. An applicant shall pay an application fee in accordance with 3 V.S.A. § 2822.

* * *

(h) No permit shall be issued under this section for a discharge into an injection well for conventional or enhanced recovery of natural gas or oil.

Sec. 3. TRANSITION; AGENCY OF NATURAL RESOURCES
RULEMAKING

During the interim between the effective date of this act and July 1, 2015, the agency of natural resources continues to be authorized to exercise its authority under 10 V.S.A. chapter 47 (water pollution control) to adopt or amend rules regulating the discharge of waste into an injection well, including rules regulating discharges into an injection well for oil and gas recovery. The moratorium enacted under this act shall not prohibit or limit the agency of natural resources to amend or adopt rules regulating underground injection control in the state.

Sec. 4. REPEAL

10 V.S.A. § 1263(h) (discharge permit for injection of conventional or enhanced recovery of natural gas or oil) shall be repealed on July 1, 2015.

Sec. 5. AGENCY OF NATURAL RESOURCES REPORT;

UNDERGROUND INJECTION CONTROL RULES

On or before January 15, 2015, the agency of natural resources shall submit to the house committee on fish, wildlife and water resources and the house and senate committees on natural resources and energy a report regarding the status of the agency of natural resources' underground injection control rules. The report shall summarize any amendment to the underground injection control rules, how or if any amendment to the rules regulates enhanced recovery of natural gas or oil, and how, at the time of the report, the agency intends to regulate underground injection control for oil and gas recovery upon repeal of 10 V.S.A. § 1263(h) under Sec. 4 of this act.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

and, after passage, by amending the title to read “An act relating to a moratorium on hydraulic fracturing wells for natural gas and oil production”

(**Committee Vote: 9-0-0**)

NEW BUSINESS

Favorable with Amendment

H.R. 13

House resolution declaring the inalienable right of all Vermonters to save and grow seeds

Rep. Conquest of Newbury, for the Committee on **Agriculture**, recommends the resolution be amended by striking all beginning at the first whereas clause and inserting in lieu thereof the following:

Whereas, the Vermont Constitution declares that all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending of life and liberty, and acquiring, possessing, and protecting property, and

Whereas, the Vermont Constitution declares that the foregoing rights ought not to be violated on any pretence whatsoever, and

Whereas, the basis of human sustenance rests on the Constitutional right of every person to acquire, possess, save, grow, and protect seeds, and

Whereas, the Vermont House of Representatives, the people’s house, has an obligation to protect and advance these rights, and

Whereas, the state of Vermont has a proud agricultural heritage of its citizens’ acquiring, possessing, growing, saving, and protecting seeds essential for their food security, and

Whereas, protection and advancement of these rights are essential to the liberties and independence of our citizens and the welfare and integrity of our nation, state, and society, now therefore be it

Resolved by the House of Representatives:

That this legislative body declares seed acquiring, possessing, saving, growing, and protecting are the inherent and inalienable rights of each Vermonter, and that these rights shall not be violated on any pretense whatsoever.

(**Committee Vote: 8-2-1**)

NOTICE CALENDAR
Committee Bill for Second Reading

H. 629

An act relating to reapportioning the initial districts of the house of representatives.

(Rep. Sweaney of Windsor will speak for the Committee on Government Operations.)

H. 630

An act relating to reforming Vermont's mental health system.

(Rep. Pugh of South Burlington will speak for the Committee on Human Services.)

Information Notice

Deadline for Introducing Bills

Pursuant to Rule 40(b) of the Rules and Orders of the Vermont House of Representatives, during the second year of the biennium, except with the prior consent of the Committee on Rules, no member may introduce a bill into the House drafted in standard form after the last day of January. Bills may be introduced in Short Form until the second Friday after Town Meeting Day.

In order to meet this deadline all sign out sheets must be submitted to the Legislative Council no later than the close of business on Friday, January 27, 2012. Requests for short form bills may be made until Wednesday, February 15, 2012.

Pursuant to Rule 40(c) during the second year of the biennium, except with the prior consent of the Committee on Rules, no committee, except the Committees on Appropriations, Ways and Means or Government Operations, may introduce a bill drafted in standard form after the last day of March. The Committees on Appropriations, Ways and Means bills may be drafted in standard form at any time, and Government Operations bills, pertaining to city or town charter changes, may be drafted in standard form at any time.

PUBLIC HEARING

**Joint Public Hearing on Fiscal Year 2013 state budget
on Vermont Interactive Television
House and Senate Committees on Appropriations**

Monday, February 13, 2011, 4:00 - 6:30 p.m. – The House and Senate Committees on Appropriations 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 2013. All 14 V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Castleton, 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 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 12:00 noon on Monday, January 30, 2011.

INFORMATION NOTICE

The following items were recently received by the Joint Fiscal Committee:

JFO #2551 – \$262,756 grant from the U.S. Department of Agriculture to the Vermont Department of Education. This grant will be used to provide training for school food service and child care staff in the areas of nutrition education, and for implementation of wellness policies.

[JFO received 1/19/12]

JFO #2552 – \$600,000 grant from the U.S. Department of Justice to the Vermont Department of Corrections. This grant will be used to implement prevention, identification and response mechanisms aimed at reducing the incidence of sexual abuse in prison facilities. One (1) limited service position is included with this request.

[JFO received 1/19/12]

Joint Assembly

NOTICE OF JOINT ASSEMBLY

Thursday, February 16, 2012 - 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 9, 2012, 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.