

Journal of the House

Tuesday, January 31, 2012

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Peter Plagge of the Waterbury Congregational Church, Waterbury, VT.

Pledge of Allegiance

Page Isabel Colby of Worcester led the House in the Pledge of Allegiance.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 631

By Reps. Koch of Barre Town, Bohi of Hartford, Courcelle of Rutland City, Dickinson of St. Albans Town, Hooper of Montpelier, Hubert of Milton, Masland of Thetford, Savage of Swanton and Turner of Milton,

House bill, entitled

An act relating to insurance reimbursement for ambulance and EMS services;

To the committee on Health Care.

H. 632

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to pretrial home detention;

To the committee on Judiciary.

H. 633

By Reps. Lippert of Hinesburg and Wizowaty of Burlington,

House bill, entitled

An act relating to referral to court diversion for driving with a suspended license;

To the committee on Judiciary.

H. 634

By Reps. Wilson of Manchester, Browning of Arlington, Condon of Colchester, Olsen of Jamaica and Ram of Burlington,

House bill, entitled

An act relating to remedies for failure to pay municipal tickets;

To the committee on Judiciary.

H. 635

By Rep. Johnson of Canaan,

House bill, entitled

An act relating to limiting income sensitivity adjustments to the amount of property taxes owed;

To the committee on Ways and Means.

H. 636

By Reps. Johnson of Canaan and Peaslee of Guildhall,

House bill, entitled

An act relating to reimbursements for towns affected by a recent current use decision;

To the committee on Ways and Means.

H. 637

By Reps. Johnson of Canaan, Martin of Wolcott and Sharpe of Bristol,

House bill, entitled

An act relating to tax-exempt property owned by the Vermont Housing Finance Agency;

To the committee on Ways and Means.

H. 638

By Rep. Wizowaty of Burlington,

House bill, entitled

An act relating to creating a study committee to examine how to encourage the development and construction of electric charging stations;

To the committee on Ways and Means.

H. 639

By Reps. Wilson of Manchester, Cheney of Norwich, Hooper of Montpelier and Masland of Thetford,

House bill, entitled

An act relating to the taxation of online retailers;

To the committee on Ways and Means.

H. 640

By Reps. Manwaring of Wilmington, Bohi of Hartford, Botzow of Pownal, Champion of Bennington, Christie of Hartford, Clarkson of Woodstock, Condon of Colchester, Consejo of Sheldon, Courcelle of Rutland City, Greshin of Warren, Keenan of St. Albans City, Komline of Dorset, Lanpher of Vergennes, Lenes of Shelburne, McCullough of Williston, Miller of Shaftsbury, Moran of Wardsboro, Olsen of Jamaica, Russell of Rutland City, Scheuermann of Stowe, Stuart of Brattleboro, Waite-Simpson of Essex, Wilson of Manchester and Yantachka of Charlotte,

House bill, entitled

An act relating to promoting tourism and marketing;

To the committee on Commerce and Economic Development.

H. 641

By Rep. Browning of Arlington,

House bill, entitled

An act relating to customer rights regarding smart meters;

To the committee on Commerce and Economic Development.

H. 642

By Rep. Wilson of Manchester,

House bill, entitled

An act relating to electric residential service rates;

To the committee on Commerce and Economic Development.

H. 643

By Rep. Scheuermann of Stowe,

House bill, entitled

An act relating to commercial building energy standards;

To the committee on Natural Resources and Energy.

H. 644

By Reps. Kupersmith of South Burlington, Marcotte of Coventry and Savage of Swanton,

House bill, entitled

An act relating to the use of fishing access areas;

To the committee on Fish, Wildlife & Water Resources.

H. 645

By Rep. Grad of Moretown,

House bill, entitled

An act relating to cruelty to children;

To the committee on Judiciary.

H. 646

By Reps. Browning of Arlington, Condon of Colchester, Dickinson of St. Albans Town, Koch of Barre Town, Shaw of Pittsford, Stevens of Shoreham and Waite-Simpson of Essex,

House bill, entitled

An act relating to consumer choices in health care;

To the committee on Health Care.

H. 647

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to operating a motor vehicle while under the influence of alcohol with a child in the vehicle;

To the committee on Judiciary.

H. 648

By Reps. Turner of Milton and Savage of Swanton,

House bill, entitled

An act relating to disposing of, or better utilizing, vacant state buildings and properties;

To the committee on Government Operations.

H. 649

By Reps. Clark of Vergennes, Lippert of Hinesburg and Savage of Swanton,

House bill, entitled

An act relating to failure to report the death or disappearance of a child;

To the committee on Judiciary.

H. 650

By Reps. Crawford of Burke and Campion of Bennington,

House bill, entitled

An act relating to providing elementary school education;

To the committee on Education.

H. 651

By Rep. Buxton of Tunbridge,

House bill, entitled

An act relating to public funding of approved independent schools;

To the committee on Education.

H. 652

By Reps. Wizowaty of Burlington and Martin of Springfield,

House bill, entitled

An act relating to community justice centers;

To the committee on Judiciary.

H. 653

By Reps. Savage of Swanton, Bouchard of Colchester, Clark of Vergennes, Fagan of Rutland City, McNeil of Rutland Town and Shaw of Pittsford,

House bill, entitled

An act relating to criminal record checks and fingerprinting of employees of child care facilities and vulnerable adult facilities;

To the committee on Human Services.

H. 654

By Reps. Canfield of Fair Haven, Branagan of Georgia, Browning of Arlington, Dickinson of St. Albans Town, Donaghy of Poultney, Hebert of

Vernon, Helm of Fair Haven, Larocque of Barnet, Lewis of Derby, McNeil of Rutland Town, Olsen of Jamaica, Shaw of Pittsford and Turner of Milton,

House bill, entitled

An act relating to disturbing a funeral service;

To the committee on Judiciary.

H. 655

By Reps. Canfield of Fair Haven, Branagan of Georgia, Browning of Arlington, Dickinson of St. Albans Town, Grad of Moretown and Hebert of Vernon,

House bill, entitled

An act relating to moose permits for veterans;

To the committee on Fish, Wildlife & Water Resources.

H. 656

By Rep. Haas of Rochester,

House bill, entitled

An act relating to automated external defibrillators in nursing homes;

To the committee on Human Services.

H. 657

By Reps. Savage of Swanton, Bouchard of Colchester, Canfield of Fair Haven, Clark of Vergennes, Fagan of Rutland City, McNeil of Rutland Town and Shaw of Pittsford,

House bill, entitled

An act relating to establishing an aggravated DUI offense;

To the committee on Judiciary.

H. 658

By Reps. Savage of Swanton and Bouchard of Colchester,

House bill, entitled

An act relating to parental consent to mental health treatment of minors under age 18;

To the committee on Human Services.

H. 659

By Reps. Botzow of Pownal and Ellis of Waterbury,

House bill, entitled

An act relating to state website auditing;

To the committee on Commerce and Economic Development.

H. 660

By Reps. Buxton of Tunbridge, Koch of Barre Town, Trieber of Rockingham and Young of Glover,

House bill, entitled

An act relating to requiring the names of natural persons in campaign finance reports;

To the committee on Government Operations.

H. 661

By Reps. Marcotte of Coventry, Botzow of Pownal, Kitzmiller of Montpelier, Kupersmith of South Burlington, Ralston of Middlebury, Russell of Rutland City, Scheuermann of Stowe, Shand of Weathersfield and Young of Glover,

House bill, entitled

An act relating to portable electronics insurance;

To the committee on Commerce and Economic Development.

H. 662

By Reps. Olsen of Jamaica and Ram of Burlington,

House bill, entitled

An act relating to limiting legislative sessions;

To the committee on Government Operations.

H. 663

By Reps. Canfield of Fair Haven, Branagan of Georgia, Dickinson of St. Albans Town, Grad of Moretown, Hebert of Vernon and Helm of Fair Haven,

House bill, entitled

An act relating to a veteran designation on motor vehicle licenses;

To the committee on Transportation.

H. 664

By Rep. Olsen of Jamaica,

House bill, entitled

An act relating to secondary public and independent school choice;

To the committee on Education.

H. 665

By Reps. Marcotte of Coventry, Batchelor of Derby, Kilmartin of Newport City, Lewis of Derby and McNeil of Rutland Town,

House bill, entitled

An act relating to the naturopathic formulary and advertising practices of naturopathic physicians;

To the committee on Health Care.

H. 666

By Reps. Pearson of Burlington, Komline of Dorset, Poirier of Barre City and Till of Jericho,

House bill, entitled

An act relating to reducing the cost shift;

To the committee on Health Care.

H. 667

By Reps. Lorber of Burlington, Bohi of Hartford, Burke of Brattleboro, Cheney of Norwich, Courcelle of Rutland City, Davis of Washington, Hooper of Montpelier, Klein of East Montpelier, Lanpher of Vergennes, Lenes of Shelburne, Macaig of Williston, McCullough of Williston and Ram of Burlington,

House bill, entitled

An act relating to bicycle racks at state buildings;

To the committee on Government Operations.

H. 668

By Reps. Gilbert of Fairfax, Andrews of Rutland City, Atkins of Winooski, Bohi of Hartford, Branagan of Georgia, Christie of Hartford, Consejo of Sheldon, Courcelle of Rutland City, Degree of St. Albans City, Dickinson of St. Albans Town, Howrigan of Fairfield, Keenan of St. Albans City, Koch of Barre Town, Komline of Dorset, Kupersmith of South Burlington, Lanpher of

Vergennes, Larocque of Barnet, Lenes of Shelburne, Macaig of Williston, Martin of Springfield, McAllister of Highgate, Mook of Bennington, Mrowicki of Putney, Pearce of Richford, Pearson of Burlington, Perley of Enosburgh, Ralston of Middlebury, Ram of Burlington, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Spengler of Colchester, Stevens of Shoreham, Stuart of Brattleboro, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne and Young of Glover,

House bill, entitled

An act relating to secondary and postsecondary credit for advanced level coursework;

To the committee on Education.

H. 669

By Rep. Grad of Moretown,

House bill, entitled

An act relating to confidentiality of applications for compensation to the victims' compensation board;

To the committee on Judiciary.

H. 670

By Rep. Fagan of Rutland City,

House bill, entitled

An act relating to the types of facilities for elderly or disabled citizens subject to Vermont's meals and room tax;

To the committee on Ways and Means.

H. 671

By Rep. Olsen of Jamaica,

House bill, entitled

An act relating to the recapture of home weatherization assistance program funds;

To the committee on Human Services.

H. 672

By Reps. Savage of Swanton, Acinapura of Brandon, Andrews of Rutland City, Bouchard of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Clark of Vergennes, Clarkson of Woodstock, Consejo of Sheldon, Courcelle of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans

Town, Eckhardt of Chittenden, Fagan of Rutland City, French of Shrewsbury, Gilbert of Fairfax, Greshin of Warren, Hebert of Vernon, Helm of Fair Haven, Johnson of Canaan, Kupersmith of South Burlington, Larocque of Barnet, Lenes of Shelburne, Lewis of Berlin, Lippert of Hinesburg, McNeil of Rutland Town, Myers of Essex, Olsen of Jamaica, Pearce of Richford, Peaslee of Guildhall, Perley of Enosburgh, Russell of Rutland City, Shaw of Pittsford, Townsend of Randolph, Waite-Simpson of Essex and Webb of Shelburne,

House bill, entitled

An act relating to the purchase of prescription drugs;

To the committee on Health Care.

H. 673

By Reps. Frank of Underhill, French of Randolph, Haas of Rochester, Mrowicki of Putney and Pugh of South Burlington,

House bill, entitled

An act relating to surrogate decision-making;

To the committee on Human Services.

H. 674

By Reps. Canfield of Fair Haven, Browning of Arlington, McNeil of Rutland Town, Savage of Swanton and Till of Jericho,

House bill, entitled

An act relating to pharmacy audits;

To the committee on Health Care.

H. 675

By Reps. Peaslee of Guildhall and Johnson of Canaan,

House bill, entitled

An act relating to highly efficient wood biomass plants and the standard offer program for small renewable energy generation;

To the committee on Natural Resources and Energy.

H. 676

By Rep. Turner of Milton,

House bill, entitled

An act relating to environmental and land use permits;

To the committee on Natural Resources and Energy.

H. 677

By Reps. Turner of Milton and Savage of Swanton,
House bill, entitled
An act relating to transparency in billing for electric power;
To the committee on Natural Resources and Energy.

H. 678

By Reps. Courcelle of Rutland City, Bohi of Hartford and Lanpher of Vergennes,
House bill, entitled
An act relating to reducing the population of uninsured motorists in Vermont;
To the committee on Transportation.

H. 679

By Reps. Cheney of Norwich, Edwards of Brattleboro, Jerman of Essex and Masland of Thetford,
House bill, entitled
An act relating to creating a uniform generation tax for renewable energy plants;
To the committee on Natural Resources and Energy.

H. 680

By Reps. Olsen of Jamaica, Condon of Colchester and Greshin of Warren,
House bill, entitled
An act relating to the simplification of the statewide education property tax by reducing the property component of the tax and adding an income-based education tax;
To the committee on Ways and Means.

H. 681

By Reps. Buxton of Tunbridge, Christie of Hartford, Stuart of Brattleboro and Zagar of Barnard,
House bill, entitled
An act relating to promoting small-scale dairies;
To the committee on Agriculture.

H. 682

By Reps. Turner of Milton and Savage of Swanton,

House bill, entitled

An act relating to requiring a standards-based performance assessment prior to graduation from secondary school;

To the committee on Education.

H. 683

By Rep. Johnson of Canaan,

House bill, entitled

An act relating to encumbrances on title and the marketability of leasehold conveyances and to the division of rents derived from glebe lands;

To the committee on Judiciary.

H. 684

By Reps. Manwaring of Wilmington and Moran of Wardsboro,

House bill, entitled

An act relating to examining how to alter the education funding system and governance structures to ensure equal educational opportunities and improved outcomes for all children;

To the committee on Education.

H. 685

By Reps. Campion of Bennington, Buxton of Tunbridge, Christie of Hartford, Lewis of Berlin, Perley of Enosburgh and Stuart of Brattleboro,

House bill, entitled

An act relating to the mentoring of new teachers;

To the committee on Education.

H. 686

By Reps. Davis of Washington and Winters of Williamstown,

House bill, entitled

An act relating to encouraging agreements among school districts and to the relative powers of school districts and supervisory unions;

To the committee on Education.

H. 687

By Reps. Campion of Bennington, Buxton of Tunbridge, Christie of Hartford, Kupersmith of South Burlington and Stuart of Brattleboro,

House bill, entitled

An act relating to alternative licensing of secondary teachers;

To the committee on Education.

H. 688

By Reps. Campion of Bennington, Buxton of Tunbridge, Christie of Hartford, Lewis of Berlin and Stuart of Brattleboro,

House bill, entitled

An act relating to the assessment of new teachers;

To the committee on Education.

H. 689

By Reps. Turner of Milton and Savage of Swanton,

House bill, entitled

An act relating to reducing income sensitivity adjustments to homestead property taxes;

To the committee on Ways and Means.

H. 690

By Rep. Buxton of Tunbridge,

House bill, entitled

An act relating to tuition paid by a school district that designates a secondary school;

To the committee on Education.

H. 691

By Rep. Marek of Newfane,

House bill, entitled

An act relating to prohibiting collusion as an antitrust violation;

To the committee on Commerce and Economic Development.

H. 692

By Reps. Turner of Milton and Savage of Swanton,

House bill, entitled

An act relating to the repeal of small school grants;

To the committee on Education.

H. 693

By Rep. Browning of Arlington,

House bill, entitled

An act relating to a statewide electric distribution cooperative;

To the committee on Commerce and Economic Development.

H. 694

By Rep. Greshin of Warren,

House bill, entitled

An act relating to franchise agreements;

To the committee on Commerce and Economic Development.

H. 695

By Rep. Turner of Milton,

House bill, entitled

An act relating to dogs;

To the committee on Government Operations.

H. 696

By Reps. Partridge of Windham, Conquest of Newbury, Lawrence of Lyndon, McAllister of Highgate, Stevens of Shoreham, Taylor of Barre City, Trieber of Rockingham and Zagar of Barnard,

House bill, entitled

An act relating to farmer eligibility for the Vermont health access plan;

To the committee on Health Care.

H. 697

By Rep. Turner of Milton,

House bill, entitled

An act relating to teacher quality, teacher assessments, and the state teachers' retirement system of Vermont;

To the committee on Education.

H. 698

By Rep. Turner of Milton,

House bill, entitled

An act relating to guidelines for developing school budgets and to education costs and student performance;

To the committee on Education.

H. 699

By Reps. Russell of Rutland City, Lewis of Derby, Andrews of Rutland City, Botzow of Pownal, Canfield of Fair Haven, Courcelle of Rutland City, Deen of Westminster, Fagan of Rutland City, French of Shrewsbury, Heath of Westford, Kitzmiller of Montpelier, Kupersmith of South Burlington, Lenex of Shelburne, Marek of Newfane, McNeil of Rutland Town, Munger of South Burlington, Savage of Swanton, Shand of Weathersfield, Sharpe of Bristol, Shaw of Pittsford, Stevens of Shoreham, Townsend of Randolph, Waite-Simpson of Essex, Yantachka of Charlotte and Young of Glover,

House bill, entitled

An act relating to scrap metal processors;

To the committee on Natural Resources and Energy.

H. 700

By Reps. Greshin of Warren and Stevens of Shoreham,

House bill, entitled

An act relating to curbing the spread of invasive plant species;

To the committee on Agriculture.

H. 701

By Rep. Lippert of Hinesburg,

House bill, entitled

An act relating to invasive plants on state grounds;

To the committee on Corrections and Institutions.

H. 702

By Reps. Lorber of Burlington, Campion of Bennington, Lippert of Hinesburg, Russell of Rutland City, Trieber of Rockingham and Wizowaty of Burlington,

House bill, entitled

An act relating to prohibiting discrimination in government contracting;
To the committee on Government Operations.

H. 703

By Rep. Johnson of Canaan,
House bill, entitled

An act relating to reimbursing unified towns and gores for expenses incurred in conducting grievance hearings;
To the committee on Government Operations.

H. 704

By Reps. Partridge of Windham, Conquest of Newbury, Stevens of Shoreham and Trieber of Rockingham,
House bill, entitled

An act relating to allowing the netting of losses in the calculation of household income;
To the committee on Ways and Means.

H. 705

By Reps. Partridge of Windham and Trieber of Rockingham,
House bill, entitled

An act relating to setting values for property tax grievances;
To the committee on Ways and Means.

H. 706

By Reps. Clarkson of Woodstock, Webb of Shelburne, Eckhardt of Chittenden, French of Shrewsbury and Lenex of Shelburne,
House bill, entitled

An act relating to reducing the sale of stolen property;
To the committee on Judiciary.

H. 707

By Rep. Kupersmith of South Burlington,
House bill, entitled

An act relating to execution of court judgments on personal property ;
To the committee on Judiciary.

H. 708

By Reps. Partridge of Windham and Trieber of Rockingham,
House bill, entitled
An act relating to abolishing adverse possession actions;
To the committee on Judiciary.

H. 709

By Reps. Stevens of Shoreham and Taylor of Barre City,
House bill, entitled
An act relating to disclosure of information to the parents of a child
suspected of abusing another child;
To the committee on Human Services.

H. 710

By Reps. Martin of Wolcott and Woodward of Johnson,
House bill, entitled
An act relating to the standard for substantiation of child abuse or neglect;
To the committee on Human Services.

H. 711

By Reps. Buxton of Tunbridge, Stuart of Brattleboro, Young of Glover and
Zagar of Barnard,
House bill, entitled
An act relating to animal investigators and sheltering livestock;
To the committee on Agriculture.

H. 712

By Reps. Masland of Thetford, Cheney of Norwich and Christie of
Hartford,
House bill, entitled
An act relating to emergency management;
To the committee on Government Operations.

Joint Resolution Adopted**J.R.H. 22**

Joint resolution urging each university and college in Vermont to establish offices to assist students who are United States military veterans

Offered by: Representatives Canfield of Fair Haven, Acinapura of Brandon, Andrews of Rutland City, Batchelor of Derby, Bissonnette of Winooski, Bouchard of Colchester, Branagan of Georgia, Brennan of Colchester, Browning of Arlington, Burditt of West Rutland, Buxton of Tunbridge, Cheney of Norwich, Christie of Hartford, Clark of Vergennes, Clarkson of Woodstock, Condon of Colchester, Consejo of Sheldon, Courcelle of Rutland City, Crawford of Burke, Dakin of Chester, Degree of St. Albans City, Devereux of Mount Holly, Donaghy of Poultney, Donahue of Northfield, Donovan of Burlington, Eckhardt of Chittenden, Edwards of Brattleboro, Evans of Essex, Fagan of Rutland City, French of Shrewsbury, French of Randolph, Grad of Moretown, Head of South Burlington, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Jerman of Essex, Johnson of South Hero, Keenan of St. Albans City, Klein of East Montpelier, Koch of Barre Town, Komline of Dorset, Larocque of Barnet, Lawrence of Lyndon, Leriche of Hardwick, Lewis of Berlin, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Marek of Newfane, Martin of Wolcott, McAllister of Highgate, McFaun of Barre Town, McNeil of Rutland Town, Miller of Shaftsbury, Moran of Wardsboro, Mrowicki of Putney, Myers of Essex, Nuovo of Middlebury, O'Brien of Richmond, Olsen of Jamaica, Pearce of Richford, Perley of Enosburgh, Poirier of Barre City, Potter of Clarendon, Pugh of South Burlington, Ram of Burlington, Reis of St. Johnsbury, Russell of Rutland City, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Smith of New Haven, South of St. Johnsbury, Stevens of Shoreham, Strong of Albany, Till of Jericho, Toll of Danville, Turner of Milton, Waite-Simpson of Essex, Webb of Shelburne and Yantachka of Charlotte

Whereas, in recent years, a large number of young men and women have served our nation in Iraq and Afghanistan as members of the United States Air Force, Army, Marines, and Navy, as well as National Guard units, and

Whereas, as these military veterans return from the battlefields to civilian life, an important avenue for career development is college studies on either a full- or part-time basis, and

Whereas, although the United States Department of Veterans Affairs and the Vermont Office of Veterans Affairs each provide myriad informational and support services, college students who have served our nation often need immediate access to qualified professionals who can individually assist them with matters related to career and educational options, personal finances, and health care that are unique to veterans, and include navigating through the labyrinth of the United States Department of Veterans Affairs' bureaucracy and the intricacies of the GI Bill, and

Whereas, college students' academic schedules often limit their ability to travel to off-campus locations to visit federal and state offices serving veterans, and

Whereas, these veterans' inquiries and support requirements may have a direct correlation with their lives as students, and an information counselor who is well versed in educational matters would bring a more knowledgeable perspective to questions that may be posed, and

Whereas, encouraging veterans to attend college is both individually and societally beneficial, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges each university and college in Vermont to establish an on-campus veterans affairs office to provide specialized assistance and support to college students who are military veterans, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Governor's Veterans Advisory Council and to each university and college president in Vermont.

Was taken up and adopted on the part of the House.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 531

Rep. Fisher of Lincoln moved that the committee on Health Care be relieved of House bill, entitled

An act relating to prescribing a controlled substance

And that the bill be committed to the committee on Human Services, which was agreed to.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 608

Rep. Fisher of Lincoln moved that the committee on Health Care be relieved of House bill, entitled

An act relating to reporting lost or stolen prescription drugs

And that the bill be committed to the committee on Human Services, which was agreed to.

Bill Amended; Third Reading Ordered

H. 464

Rep. McCullough of Williston, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

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

Reported in favor of its passage when 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”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Fish, Wildlife & Water Resources agreed to and third reading ordered.

Action on House Resolution Postponed

H.R. 13

House resolution, entitled

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

Was taken up and pending the reading of the report of the committee on Agriculture, on motion of **Rep. Conquest of Newbury**, action on the resolution was postponed until the next legislative day.

Rules Suspended; Bill Committed

H. 630

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to reforming Vermont’s mental health system;

Appearing on the Calendar for notice was taken up for immediate consideration.

Pending second reading of the bill, on motion of **Rep. Turner of Milton**, the bill was committed to the committee on Corrections and Institutions.

Message from the Senate No. 9

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 507. An act relating to authorizing the city of Burlington to issue in fiscal year 2013 the school bond approved in 2009.

And has passed the same in concurrence.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 43. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 21. Joint resolution supporting the establishment of the National Women's History Museum in Washington, D.C..

And has adopted the same in concurrence.

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 34. Senate concurrent resolution in memory of former Representative Alice Cook Bassett.

S.C.R. 35. Senate concurrent resolution in memory of Arthur Rush Hogan Jr. of Burlington.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 243. House concurrent resolution designating January 20, 2012 as Alzheimer's Awareness Day at the State House.

H.C.R. 244. House concurrent resolution designating nurse anesthetists week in Vermont.

H.C.R. 245. House concurrent resolution honoring the heroic radio coverage and community service of WDEV radio during Tropical Storm Irene and congratulating the broadcaster on its 80th anniversary.

H.C.R. 246. House concurrent resolution congratulating *The Vermont Cynic* on winning a 2011 Pacemaker Award for excellence in college journalism.

H.C.R. 247. House concurrent resolution in memory of Dr. Philip Harold Dunham of Brattleboro.

H.C.R. 248. House concurrent resolution congratulating the Proctor High School Phantoms 2011 Division IV championship girls' soccer team.

H.C.R. 249. House concurrent resolution congratulating the outstanding Vermont high school women runners who participated in the 2011 Nike Cross Nationals competition.

H.C.R. 250. House concurrent resolution honoring former Director of Retirement Policy & Outreach Cynthia Webster.

H.C.R. 251. House concurrent resolution congratulating the Proctor High School Phantoms 2011 Division IV championship boys' soccer team.

Adjournment

At ten o'clock and thirty-five minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.