

House Calendar

Friday, January 27, 2012

25th DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 a.m.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 59

An act relating to unfair housing practices

H. 449

An act relating to the designation of brook trout and walleye pike as the state fish of Vermont

H. 552

An act relating to payment of workers' compensation benefits by electronic payroll card

NOTICE CALENDAR

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**)

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of 1/26/2012.

H.C.R. 243

House concurrent resolution designating January 20, 2012 as Alzheimer's Awareness Day at the State House

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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

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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.

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.