

House Calendar

JUNE 2, 2009

1st DAY OF SPECIAL SESSION

House Convenes at 10:00 a.m.

TABLE OF CONTENTS

	Page No.
For Informational Purposes	
Governor's call for Special Session	2
Letters Allowing Bills to Become Law w/o Governor's Signature	
Letter allowing H. 427 to become law w/o Governor's signature	2
Letter allowing H. 446 to become law w/o Governor's signature	4
Governor's Veto Letters	
Governor's veto letter; H. 436, decommissioning funds.....	6
Governor's veto letter; H. 441, appropriations for state government.....	10
House Resolutions	
H.R. 1 Relating to adoption of rules for Special Session	16
H.R. 2 Relating to designating Nuclear Disarmament Day.....	16
Joint House Resolutions	
J.R.H. 1 Relating to concurrent resolutions during Special Session	17
J.R.H. 2 2009 Girls' State program at the State House.....	18

For Informational Purposes

Governor's Call for Special Session

"PROCLAMATION

**CALL FOR A SPECIAL SESSION
OF THE VERMONT GENERAL ASSEMBLY**

I, James H. Douglas, Governor of the State of Vermont, by virtue of the authority vested in me by the Constitution, find it necessary to call together the Vermont General Assembly, and I do hereby summon the members of the Senate and House of Representatives to meet in their respective chambers in the State House, together with the officers of the two Houses, on Tuesday, the second day of June, A.D., 2009, at 10:00 in the forenoon, for the purposes of making appropriations for government for fiscal year 2010 and taking actions to strengthen the State's economy.

Witness my hand hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier, this fifteenth day of May, A.D., 2009.

/s/ James H. Douglas
Governor

By the Governor
/s/Heidi M. Tringe
Secretary of Civil and Military Affairs"

**Communications Allowing Bills to Become Law
without the Governor's Signature**

H. 427

An act relating to making miscellaneous amendments to education law

"May 21, 2009

The Honorable Donald G. Milne
Clerk of the House of Representatives
State House
Montpelier, VT 05633-5401

Dear Mr. Milne:

I am letting H. 427, *An Act Relating to Making Miscellaneous Amendments to Education Law*, become law without my signature for the reasons described herein.

In the midst of the current recession, Vermonters are feeling the weight of increasing costs and declining personal revenues. State government is feeling the same pressures. One of the largest expenses that state and local taxpayers bear is the cost of education. Over the past decade, spending on K-12 education has increased rapidly, while our student population continues to decline. These increased costs lead directly to high property taxes and crowd out funding for other important services of state government.

Two years ago, the Legislature and my Administration worked together and passed Act 82 in an effort to curb rising costs and skyrocketing property taxes. The “two-vote” system for approving school budgets went into effect this year for the first time. In part, this system contributed to holding down school budget increases to 2.2% - far below previous year increases.

While there are many important changes made in H.427, I am concerned that the exemptions to the “two-vote” system contained in section 20 of this legislation begin to roll back the advances we made, just two years ago, in containing school spending. Excluding expenses such as construction and 21st Century Community Learning Centers masks the true cost of education for local voters and will ultimately pass increased spending onto all Vermont taxpayers.

Further, language in the bill to expand a school district’s ability to designate a public school as the designated school may, in fact, have the consequence of limiting choice. The provision regarding tuition payments would disadvantage independent schools that serve many Vermont students. I encourage the legislature to revisit the caps placed on tuition payments and to decide on a statistically accurate benchmark to base or cap tuition payments that results in an option that is both affordable and fair and does not unduly discourage school choice.

Because this legislation makes necessary changes to our education laws, including efforts to encourage greater levels of high school completion, I believe H.427 should become law. I cannot, however, attach my signature for those reasons I have described above.

Sincerely,
/s/James H. Douglas
Governor

JHD/dc”

H. 446

An act relating to renewable energy and energy efficiency

“May 27, 2009

The Honorable Donald G. Milne
Clerk of the House of Representatives
State House
Montpelier, VT 05633-5401

Dear Mr. Milne:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I will allow H. 446, *An Act Relating to Renewable Energy and Energy Efficiency*, to become law without my signature.

I fully support the development of renewable energy in Vermont and I have worked hard to encourage this industry. I believe this bill, however, fails to recognize the current viability of renewable energy in a competitive setting and will needlessly increase costs to Vermont consumers so as to subsidize this one favored business sector.

Vermont continues to lead the nation in virtually all aspects of energy market transformation. We are globally recognized for our green ethic and commitment to the environment. Our citizens pay more, per capita, than any other people in the nation for electric efficiency. The highly successful Clean Energy Development Fund provides incentives for renewable energy investments. And Vermont's existing electric portfolio is one of the cleanest in the nation. I believe we can still carry the mantle of energy leadership without unnecessarily increasing rates on Vermonters.

As state government struggles to deal with new fiscal realities and tries to contain costs, we cannot lose sight of the fact that working Vermonters are experiencing the same difficulties. We should not add to the burdens of working families, especially when it can be avoided.

This legislation puts in place a so-called “standard offer,” that will establish minimum rates to be paid by electric customers for various renewable sources in long-term fixed price contracts. The rates set out in H. 446 are well beyond the current market price for electricity, and worse, also beyond the price that utilities in Vermont are paying for renewables in the competitive market. If we want additional renewables in our supply, that can be accomplished at a fraction of the prices set in H.446.

This sort of scheme was done before and we are still feeling the effects of it today. Under federal legislation known as PURPA, utilities were forced to purchase electricity from Independent Power Producers under long-term fixed

prices. Vermont consumers to date have paid a premium of more than \$400 million for that electricity.

Furthermore, this legislation reverses a long-standing principle that electric rates pay for the cost of providing Vermonters with clean, reliable and affordable electricity at the lowest cost. In addition, any gains in the renewables sector brought about by this legislation may very well be offset by job losses in other sectors due to the increased cost of doing business from higher electric rates.

I remain committed to renewable energy development in Vermont, especially by building on what we have already done through the Clean Energy Development Fund (CEDF). Since its inception in 2005, the program has distributed \$13.2 million in grants and \$2.2 million in low interest loans to 84 projects in Vermont, resulting in 9.6 MW of capacity for the state. Based on data from the most recent round of applications for CEDF funding, wholesale electricity produced from projects that get this initial funding will cost less than \$.06 per kilowatt hour - after taking into account all credits - almost a 25% reduction in price. This lower, close to the market energy price, demonstrates that the existing incentives can encourage renewable energy without burdening ratepayers.

And significantly, the American Recovery and Reinvestment Act of 2009 (ARRA) provides many exciting new opportunities to affordably develop renewable energy sources in our state. With \$30 million in ARRA energy funds available, leveraged with state funds, an estimated \$150 million of projects will be made possible. And this investment in renewables is made *without* adding to the electric energy prices paid by Vermonters.

While I have serious reservations about H. 446 as outlined above, I do not believe that the process will be well served by my veto of this legislation. This bill does require that by September 15 of this year the Public Service Board open and complete a noncontested case docket to determine whether or not the standard offer prices constitute a reasonable approximation of the prices required to meet the bill's criteria. If the Board finds the prices are inadequate or excessive, it is required to establish new ones.

Further, no later than January 15 of next year, the Public Service Board is required to set prices for standard offers that take into full account the value of all economic incentives--state, federal, including ARRA funds, and other funds. I am confident that the Board will implement fair and balanced pricing for the benefit of Vermont's ratepayers.

Even though this bill does set statutory standard offer rates, which I believe is inappropriate, because the Public Service Board must revisit those rates within

the next four months and periodically thereafter, I will allow this bill to become law without my signature.

Sincerely,
s/sJames H. Douglas
Governor

JHD/sy”

Veto Letter H. 436

“May 22, 2009

The Honorable Donald G. Milne
Clerk of the House of Representatives
State House
Montpelier, VT 05633-5401

Dear Mr. Milne:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning H.436, *An Act Relating To Decommissioning Funds of Nuclear Energy Generation Plants*, without my signature because of my objections described herein.

Many Vermonters are struggling as a result of the current recession and all are facing pressure from rising costs. While I do believe there are opportunities for operational improvements at Vermont Yankee, this legislation does nothing to increase protections for Vermonters, ratepayers or our state’s economy. Rather, H.436 threatens our economic recovery by unnecessarily increasing electric rates for consumers and businesses. Further, this legislation substitutes an objective process with political calculations, it breaks a promise made by the state of Vermont to a private entity and it exposes taxpayers to certain litigation.

The safe and reliable operation of Vermont Yankee nuclear power station remains the most important issue surrounding the plant’s future. To support that goal, my administration is working diligently with the Nuclear Regulatory Commission (NRC), stakeholders and the plant’s owners to ensure the highest standards are achieved. Additionally, in the relicensing case currently underway, the Public Service Department (DPS) has filed a plan to provide funding into the decommissioning fund that adequately protects Vermont interests while not excessively penalizing the owners.

The NRC has completed a lengthy examination and review of the conditions in the plant, and concluded that, subject to some modifications in procedures, it meets the standards necessary to ensure safe operation moving forward.

Similarly, the State of Vermont recently completed a Comprehensive Reliability Assessment of the plant. With the help of consulting experts and under the scrutiny of a Public Oversight Panel, the plant's reliability has been deemed to meet the standards necessary for continued reliable service if the recommendations of the Comprehensive Reliability Assessment and Public Oversight Panel are carried out by Entergy Nuclear Vermont Yankee.

As we ensure the highest levels of safety and reliability at Vermont Yankee, we must also consider the conditions under which Vermont Yankee is allowed to conduct business. It is critical, therefore, that we consider the financial benefits that are provided by the plant's operations – namely, affordable power, a favorable revenue sharing agreement, and economic support for the region and state.

Finally, we must not lose sight of the fact that Vermont Yankee provides a source of power with relatively low carbon emissions, thus helping to limit our greenhouse gas emissions. Now that the cost of carbon is a part of the price that consumers pay for electricity, losing this source of power from our regional portfolio would likely lead to higher costs for ratepayers.

Vernon, Vermont has been home to the Vermont Yankee nuclear power station since 1972, and it currently provides approximately one-third of the state's power. Initially owned by a consortium of Vermont utilities, Vermont Yankee was later sold to Entergy Corporation in 2002 during which time all the financial parameters of the plant's operation until March 21, 2012 in relation to the state were established by order of the Public Service Board (PSB). The plant was sold for \$180 million and the output of the plant was sold back to Vermont utilities under an economically favorable long-term power purchase agreement.

It was understood that Entergy, pursuant to an NRC finding of fund adequacy, would not make financial contributions to the decommissioning trust account and that the SAFSTOR method of extended decommissioning was permissible. The PSB ruled that there was significant value to ratepayers by getting a lower price for power as opposed to continued contributions to the fund and in transferring the risk of increased decommissioning costs away from ratepayers.

Beyond the sale and associated benefits to ratepayers, Vermont Yankee supports the region with over 600 high paying jobs, helping to infuse money into the local, state and regional economies, as well as additional tax revenue for the state. The Clean Energy Development Fund receives millions of dollars each year from Entergy to fund renewable projects throughout the state. In

addition to local impacts, Vermont Yankee is responsible for providing power to neighboring states through the regional grid.

Our state has one of the greenest and cleanest energy portfolios in the nation. Our forested lands remove more carbon than we produce. Vermont is a leader in reducing carbon emissions because of our efforts in encouraging energy efficiency and renewable energy production, along with the power purchase agreements with Hydro Quebec and Vermont Yankee.

At the end of the last biennium, the general assembly passed S.373, *An Act Relating to Full Funding of Decommissioning Costs of a Nuclear Plant*, which called for the total funding for decommissioning of the Vermont Yankee nuclear power facility by 2012. At that time, I sent the legislation back without approval because the legislation was a substantial deviation from standards observed by nuclear power stations across the nation. It was clear that creating such a requirement for total decommissioning in 2012 would result in a significant increase in rates for consumers, and further threaten our already tenuous economic position.

Unfortunately, H.436 made little attempt to change the fundamental flaws in policy and substance in this iteration. Instead, it has aggravated the situation by creating unnecessarily burdensome financial pitfalls for electric ratepayers today and into the future and placing Vermont at great risk for civil liability. This legislation circumvents the existing quasi-judicial process and shortcuts an established fact-finding process, instead substituting legislative politics in their places.

Our reputation as a state is on the line. Our willingness to honor our agreements not only goes to our future business relationships, but speaks volumes of the ethical standard to which we ascribe. During my many years of public service I have seen the consequences when the state attempts to go back on its commitments. I speak of the past power purchase agreements our utilities had with Hydro Quebec, and the attempts to undo them. When all was said and done, the state was required to honor its agreement, but our relationship with a valuable trade partner was damaged, and our motives suspect. It appears the lessons learned from that experience have been forgotten, or worse – ignored. Now I need to step forward and defend the actions of a previous administration that agreed to the use of SAFSTOR as an acceptable decommissioning strategy in the name of honoring the State's commitments.

This legislation appears to have tried to avoid a breach of contract or franchise claim by making the full funding of the fund take place one day after the current license period ends. This attempt, however, is unlikely to be successful. Making the full funding provision date one day later, even if the plant shuts down, does not excuse the state from its obligations under the Memorandum of Understanding agreed to by preceding administrations. Attorneys for the State of Vermont have opined that the state will likely face litigation for breach of contract or breach of a franchise by Entergy if this legislation becomes law. Vermont Yankee's owners very likely would claim that, since the Memorandum of Understanding was breached, the current power purchase agreement is no longer valid, which would cost ratepayers up to \$356 million.

The full funding language in this legislation, whether as a "balloon payment" or a "parental guarantee," would require substantial financial resources, all at once. This is problematic because the amount Entergy is required to pay into the decommissioning fund may come out of the power price we will receive for consumers from a new power purchase agreement. In other words, ratepayers will get a much less favorable price on the power. The requirements of H.436 severely threaten our goal of retaining the option for Vermont consumers to get the best possible price for power generated by Vermont Yankee, subject of course to regulatory and legislative approval.

H.436 does not achieve a greater level of accountability for Entergy. Rather, it is the original sale order, the NRC, and the current case on continued operation now before the PSB that are the means to achieve accountability. This legislation's approach is a direct threat to the Vermont ratepayer and our state's prosperity.

The department's plan currently before the PSB is a far more constructive approach that protects ratepayers. It calls for Entergy to make payments into the decommissioning fund over the course of 20 years instead of immediately. This approach preserves ratepayer benefits by lessening the effect on the power purchase agreement. Further, the department's plan mandates fund review and adjustments every two and a half years, allowing the fund to grow in a steady fashion over the license renewal period.

In contrast to the department's plan, this legislation has purposely removed the authority of the PSB to offer even a preliminary finding in this case. This approach appears designed to prevent the use of a venue that relies on objective fact-based proceedings, replacing it with biases and political consideration.

It is clear that Vermont Yankee will eventually be decommissioned, whether in 2012 or afterward. How it is decommissioned is a question of great importance. This legislation's approach is to extract money in any way possible, creating a hostile business environment. I propose that we work together constructively, observe our own laws and procedures, and design a balanced solution that allows for all parties to benefit.

The question of Vermont Yankee's continued operation remains, and that should be decided by the regulatory process and legislative deliberation of the merits of an additional 20 years, not as an indirect result of ill-conceived legislation. Because this legislation threatens ratepayers, increases long-term electric rates, risks potential job losses, and creates unnecessary liability for the state – while failing to adopt a viable, workable solution – I cannot support this legislation and must return it without my signature.

Sincerely,

/s/James H. Douglas

Governor

JHD/hsw”

Veto Letter H. 441

June 1, 2009

The Honorable Donald G. Milne
Clerk of the House of Representatives
State House
Montpelier, VT 05633

Dear Mr. Milne:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning H.441, *An Act Making Appropriations for the Support of Government*, without my signature because of my objections described herein.

The task of building a balanced, responsible and sustainable budget that addresses the needs of Vermonters and their ability to afford their government is the most important duty of the General Assembly. Today, we find ourselves in the midst of a global recession making this task more difficult than in previous years. The path we choose will have a dramatic effect on future years. We cannot and must not sacrifice fiscal prudence and long-term sustainability to patch together a budget that leaves Vermont and Vermonters exposed to the perils of this recession.

In a few short months my Administration will begin work on the fiscal 2011 budget and by this time next year, legislators will have again cast their votes on a spending plan. According to the Legislature's Joint Fiscal Office (JFO), H.441 will leave a \$67 million General Fund deficit that must be addressed at that time. Further, JFO estimates an even greater \$141 million deficit for fiscal 2012 – when federal stimulus dollars will no longer be available to help fill the hole. Together, the fiscal 2011 and fiscal 2012 deficits account for a staggering \$208 million shortfall if H.441 becomes law.

As early as January, when the American Recovery and Reinvestment Act (ARRA) was being debated in Washington, I warned of the risks of an over-reliance on federal recovery money. While these funds are intended to preserve services and avoid state and local tax increases, we cannot allow them to be an excuse to pass business-as-usual spending plans. Indeed, we are in unusual economic times.

I warned lawmakers that using federal money to pass a budget that keeps spending on an upward trajectory would lead to huge challenges when ARRA funds run out. Unfortunately, H.441 does just that. Under this budget, spending increases by over 3% – well above the current rate of inflation – using one-time federal stimulus money. Spending in human services grows by nearly \$150 million, or 5.6% – though we already have the most generous social safety net in the nation, according to a recent *New York Times* study.

I cannot support a budget that increases spending and, thereby, leaves such large shortfalls in future years, which Vermonters know will have to be filled by deeper cuts, higher taxes or a combination of both. And I cannot support a budget that shifts our challenges to tomorrow, when the consequences of our decisions will be even greater.

In addition to large deficits, the tax increases contained in H.441 compound the already significant struggles facing the people of our state. Vermonters are among the most heavily taxed people in the nation and it has often been observed that we have little capacity for higher taxes. Vermont native David Hale, a highly respected global economist, said in a recent news report that Vermont should, "... avoid tax increases that would undermine [the State's] ability to compete for jobs, compete for investment, compete for business." Yet, this budget asks Vermonters to contribute over \$26 million in

higher taxes – \$9.3 million in higher income taxes on senior citizens, small business owners, farmers and loggers – from a combination of changes in how we tax capital gains, the elimination of the state and local tax deduction and other measures.

I support a change in our capital gains exemption to treat earned and unearned income the same for tax purposes. However, I have been clear that any proposal must be revenue neutral and used to lower our very high marginal income tax rates – not to support increased government spending. The Legislature’s plan fails to meet this test as it does not use every dollar from changes to the capital gains exemption to lower income tax rates. Further, it does not exclude seniors who depend on capital gains in their retirement or farmers and loggers who take capital gains as a course of business. And it makes these changes retroactively, with no advance notice or warning, changing our tax structure after Vermonters have already made decisions about their money.

What is so concerning about these tax proposals is that many of the changes did not receive a public hearing and will result in consequences that many lawmakers, and most Vermonters, do not fully understand. Changes to the capital gains exemption and the elimination of the state and local tax deduction will hit small businesses and farms particularly hard. In fact, more than 2,000 businesses will see an average income tax increase of more than \$3,000. At a time when small businesses are struggling to make ends meet, these taxes will be devastating for them and their employees.

Changes to the estate tax are also worrisome. This tax increase will have a dramatic impact on Vermont agriculture. Farmers seeking to pass their farms to their loved ones may be forced to sell a large portion of the farm to pay the higher death tax.

The tax increases in H.441 are counter to Vermont’s successful emergence from this recession. These increased taxes hurt those we depend on for a robust economic recovery – farmers, small businesses and working Vermonters. I will not support increased taxes on our people so that state government can grow at an unsustainable rate.

As Vermont seeks to emerge from this recession it is critical that we make serious investments in economic development. Unfortunately, the Legislature failed to act on important initiatives and investments that are needed to create jobs and ensure a quick and strong recovery. In this economic crisis, there is

no greater social welfare program than a good-paying job to give a struggling family hope and economic independence.

Through ARRA, \$17.1 million was made available to Vermont for flexible uses from the State Fiscal Stabilization Fund (SFSF). Earlier this year, I proposed spending these funds, over a two-year period, exclusively on economic development initiatives as part of a program called *SmartVermont*. I outlined a plan to spend the maximum amount available for fiscal 2010, \$11 million, and the remaining \$6 million in fiscal 2011. The SFSF dollars can leverage over \$150 million in economic activity and job creation. H.441 dedicates only \$4.1 million for job creation and, instead, uses \$4.4 million of this one-time money to fund ongoing expenditures of state government – building up base spending that will exacerbate our challenges in the coming years.

As we strive to bolster our economy and compete for jobs in the 21st century, we need a highly educated and trained workforce. In recent years we have made substantial investments to meet this objective. H.441, however, takes us backward in our efforts to provide workforce training and higher education opportunities to the people of our state. This budget reduces workforce training funds, jeopardizing up to \$7.2 million in federal stimulus funds, and zeroes out Next Generation scholarships for over 600 Vermont students – tomorrow's nurses, engineers, police officers and inventors. Approximately \$500,000 was cut from the Agency of Commerce and Community Development's Vermont Training Program, which will eliminate training opportunities for over 2,200 Vermonters and deny the state an important economic development tool.

H.441 also reduces funding for the Vermont Telecommunications Authority (VTA) by \$500,000 – effectively shutting down the VTA by September. I will not support a budget that leaves this important economic development work unfinished. To provide economic opportunities for Vermonters in every corner of our state, we must continue to work toward the goal of universal broadband and cell phone coverage by the end of next year.

This budget fails to address the significant deficits we face in our Unemployment Insurance (UI) Trust Fund. There is broad consensus that the need to address the downward trajectory of the fund is urgent. While employers are understandably concerned about increased unemployment insurance taxes, especially in these difficult economic times, they recognize that a balanced approach that also makes reasonable adjustments to benefits is in the best long-term interest of all Vermonters. Failure to take action leaves a

\$160 million deficit in the fund by the end of next year. Vermont will be forced to borrow more money from the federal government that will have to be paid back with interest from the General Fund – placing another burden on the backs of Vermonters and Vermont businesses.

Any plan to address UI must be balanced and comprehensive. It is not enough to raise taxes on businesses and not make a reduction in our incredibly generous benefits structure. While some have suggested that freezing the maximum weekly benefit is a good start, that will not be enough. We must ask benefit recipients to take a modest \$16 reduction in their maximum weekly benefit from \$425 to \$409, helping us begin to bend the curve and shore up this fund.

H.441 contains language that threatens the separation of powers among the branches of government and unduly burdens the Executive Branch as it carries out its constitutional responsibilities.

One of the most troubling language additions interferes with the relationship between the Administration and the Vermont State Employees Association (VSEA). Legislative micro-management impairs the State's ability to carry out the necessary work that Vermonters demand and deserve of their government.

H.441 prevents the Administration from implementing reductions in force without the approval of a legislative committee of 10, should negotiations be unsuccessful. It is the obligation of the Executive branch and its department heads to use their expertise and familiarity with their departments to manage the workforce and to make reductions in the least disruptive manner possible. The budget language impedes this responsibility to carry out the Executive's constitutionally-assigned function.

H.441 also requires the Administration to conduct an incredible 40 new studies and reports, more than double the 17 required last year. Each of these reports and studies requires hardworking state employees to take time away from the programs they administer and the people they serve. Additionally, there are 4 legislatively-led studies that will require a minimum of 15 legislators to continue their work into the summer. Not only do these reports and studies take staff away from more pressing work, but they will cost Vermonters tens of thousands of dollars.

In an effort to increase legislative control over the Vermont Housing and Conservation Board, language unrelated to the budget has been added that will change the composition of the board and eliminate economic development involvement. Such a policy change should be vetted through the normal committee process so that all legislators can understand the implications of this action.

Further, within these very sections is a provision that ostensibly became effective “upon passage by the house and senate.” This is either a blatant disregard for, or a fundamental misunderstanding of, the Vermont Constitution that requires, “[e]very bill which shall have passed the Senate and House of Representatives shall, before it becomes a law, be presented to the Governor....”

H.441 is a budget that fails the most basic test: it is not in the best interests of Vermonters. It needlessly increases taxes, it does not adequately address our economic development needs, and, perhaps most importantly, creates a more than \$200 million deficit in future years. For those reasons and others, I cannot allow H.441 to become law with or without my signature.

If this veto is overridden, legislative leaders shall carry the responsibility of this bill’s effects squarely on their shoulders. Because my Administration must begin work on the fiscal 2011 budget shortly and because we still must address a more than \$200 million deficit in the next two years, I will request from the Speaker of the House and the Senate President Pro Tempore their plan to address these shortfalls.

If this veto is sustained, I will continue to listen to the ideas and concerns of lawmakers so that we can find common ground to craft a compromise budget in the coming days that meets the very real needs of Vermonters.

Sincerely,

/s/James H. Douglas
Governor

JHD/dc

Resolutions For Introduction

H.R. 1

House resolution relating to adoption of rules to govern the Special Session of 2009

By Reps. Nease of Johnson and Komline of Dorset

Resolved by the House of Representatives

That the rules of the House of Representatives in effect on May, 9th, 2009, be the rules of this Special Session of 2009 except for the following additions thereto:

Rule 40A. Bills and resolutions to be placed on the Calendar for notice and subsequent action shall comprise solely those bills and resolutions consisting of new matters introduced during the Special Session. Bills or resolutions may be introduced during this Special Session only with the consent of the Committee on Rules. Upon adjournment sine die of the Special Session all such matters contained in these new bills and resolutions not enacted into law shall terminate automatically and be of no further force and effect and shall not be pending upon the convening of the General Assembly in January, 2010, for the continuation of the 2009 session.

Notwithstanding any other provision of these rules, upon recommendation of the Committee on Rules, the House may take up, for action, any and all matters considered during the first session of the 2009 biennium specifically including consideration of any items vetoed by the Governor such as H. 441 (Budget) and H. 436 (VT Yankee decommissioning).

H.R. 2

House resolution designating August 6, 2009, as Nuclear Disarmament Day

Offered by: Representatives Wizowaty of Burlington, Botzow of Pownal, Deen of Westminster, Donovan of Burlington, Masland of Thetford, Minter of Waterbury, Pellett of Chester, Ram of Burlington, Shand of Weathersfield, Sharpe of Bristol, Spengler of Colchester, Stevens of Waterbury and Weston of Burlington

Whereas, 64 years have passed since the United States dropped the first atomic bomb on the civilian population of Hiroshima, Japan, on August 6, 1945, resulting in 100,000 deaths, and

Whereas, on July 8, 1996, the International Court of Justice concluded that “the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict” and that “there exists an obligation to pursue in good faith and bring to a conclusion negotiations

leading to nuclear disarmament in all its aspects under strict and effective international control,” and

Whereas, the United States has an unfulfilled obligation under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons to conduct negotiations on nuclear disarmament in good faith, and

Whereas, our nation currently has a President who has stated that, as the only country ever to have used a nuclear weapon, the United States has a moral responsibility to lead us to a world without nuclear weapons, and

Whereas, communities around the world will observe August 6, 2009 as an opportunity to reflect upon the consequences of using nuclear weapons and to press for their elimination, now therefore be it

Resolved by the House of Representatives:

That this legislative body designates Thursday, August 6, 2009 as Nuclear Disarmament Day, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Peace and Justice Center in Burlington and to the Vermont Congressional Delegation.

J.R.H. 1

Joint resolution relating to concurrent resolutions during the 2009 Special Session of the general assembly

Offered by: Committee on Rules

Whereas, Rules 16a–16d of the Joint Rules of the General Assembly provide for the adoption of concurrent resolutions “that express sentiments of congratulations, commendations, condolences, or the like and do not address matters related to public policy,” and

Whereas, in accordance with Rule 16b, two legislative days are required for the adoption of a concurrent resolution, and

Whereas, the duration of the 2009 special legislative session is uncertain, now therefore be it

Resolved by the Senate and House of Representatives:

That for the 2009 Special Legislative Session, Rule 16b of the Joint Rules of the Senate and House of Representatives is amended to read:

16b. Upon introduction, if not treated as a bill, the full text of concurrent resolutions shall be published on the calendar of the legislative body where introduced on the legislative day of introduction. The resolutions shall be considered as adopted, and transmitted to the other body, unless a member of

the body requests consideration by the entire body prior to the adjournment on the ~~following~~ legislative day of introduction.

J.R.H. 2

Joint resolution authorizing the 2009 Girls' State civic education program to use the state house

Offered by: Representative Jewett of Ripton

Whereas, studying the state government and how it works requires far more than reading a textbook, and

Whereas, participating in mock simulations of the legislative process and other governmental activities enables students to gain insight and perspective on the operation of state government, and

Whereas, the American Legion Auxiliary sponsors the Girls' State program to enable young women attending high school to examine issues and reconcile conflicting public policy options in the same way as do members of the general assembly, and

Whereas, a highlight of the annual Girls' State education curriculum is a day at the state house, which includes committee meetings that hear lobbyist testimony and deliberation in the wells of the house and senate, and

Whereas, this highly worthwhile day of high school students' studying life under the golden dome on a first-hand basis will occur this year on Wednesday, June 24, 2009, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly authorizes the Girls' State civic education program to use the house and senate chambers and committee and meeting rooms in the state house for its mock legislative sessions and related activities on Wednesday, June 24, 2009 from 8:00 a.m. until 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Auxiliary of Vermont in Montpelier.