

# House Calendar

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TUESDAY, JANUARY 12, 2010

8th DAY OF BIENNIAL SESSION

House Convenes at 10:00 A M

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ORDERS OF THE DAY

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**ACTION CALENDAR**

**Action Postponed Until May 28, 2010**

**H. 436**

An act relating to decommissioning funds of nuclear energy generation plants.

**Pending Question:** Shall the House sustain the Governor's veto?

**Ordered to Lie**

**H.R. 19**

House resolution urging the agency of natural resources to retain delegated authority to administer the federal Clean Water Act in Vermont.

**Pending Question:** Shall the House adopt the resolution.

**NOTICE CALENDAR**

**S. 93**

An act relating to commercial vehicle operation on the interstate system.

**Rep. Peaslee of Guildhall**, for the Committee on **Transportation**, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 1391(c) is amended to read:

(c) ~~On those highways designated as the national system of~~ Unless authorized by federal law, on interstate and defense ~~highways~~ highway 189, no single axle load shall be in excess of 20,000 pounds with no tolerance allowed, nor shall any tandem axle load be in excess of 34,000 pounds, with no tolerance allowed, except in the case of vehicles owned by persons to whom special permits have been issued in accordance with section 1400 of this title.

Sec. 2. 23 V.S.A. § 1392 is amended to read:

**§ 1392. GROSS LIMITS ON HIGHWAYS**

Except as provided in section 1400 of this title, a person or corporation shall not operate or cause to be operated a motor vehicle in excess of the total weight, including vehicle, object, or contrivance and load, of:

\* \* \*

(11) ~~Subdivisions~~ Unless authorized by federal law, subdivisions (5) and (6) of this section shall not apply to the highways designated as portions of the national system of interstate and defense highways highway 189.

\* \* \*

(13) Despite the axle-load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a special annual permit, which shall expire coincidentally with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person or corporation ~~transporting unprocessed forest products~~ operating on designated routes on the state highway system and on those highways designated as the national system of interstate and defense highways for a fee of \$310.00 for each vehicle which must be registered for a weight of 80,000 pounds. ~~"Unprocessed forest products" includes whole trees, parts thereof, logs, wood chips, sawdust, shavings, and bark mulch.~~ This special permit shall be issued only for a combination of vehicle and semi-trailer or trailer equipped with five or more axles, with a distance between axles which meets the minimum requirements of registering the vehicle to 80,000 pounds as allowed under subdivision (4) of this section. The maximum gross load under this special permit shall be 90,000 pounds. ~~The~~ Unless authorized by federal law, the provision of this subdivision shall not apply to operation on ~~the~~ interstate and defense highway ~~system~~ 189.

\* \* \*

(16) Notwithstanding any other provision of law, a five or more axle truck tractor, semi-trailer combination, or truck trailer combination, when the load consists solely of unprocessed milk products as defined in subdivision 4(55) of this title, may be registered for and operated with a maximum gross weight of 90,000 pounds on state highways, without permit, and upon posted state and town highways and on those highways designated as the national system of interstate and defense highways when the vehicle has been issued a permit in compliance with the provisions of section 1400 of this title; however:

(A) Vehicles registered pursuant to this subdivision (16) ~~of this section~~ shall be subject to the same axle spacing restrictions as are applied to five or more axle vehicles registered to 80,000 pounds as set forth in subdivision (4) of this section;

(B) The following shall also apply to vehicles registered pursuant to this subdivision (16):

\* \* \*

(vii) no tolerance shall be allowed on the gross weight of any vehicle registered under the provisions of this subdivision, nor shall the axle tolerance permitted in subdivisions (i) and (ii) of this subdivision apply when the vehicle is being operated upon posted state or town highways pursuant to the provisions of section 1400 of this title. On ~~those highways designated as the national system of~~ interstate and defense highways highway 189, the provisions of subsection 1391(c) of this title shall apply.

\* \* \*

(17) Notwithstanding the gross vehicle weight provisions of subdivision (4) of this section, a truck trailer combination or truck tractor, semi-trailer combination with six or more ~~load-bearing~~ load-bearing axles ~~and specially equipped for hauling unprocessed milk, unprocessed forest or unprocessed quarry products~~ shall be allowed to bear a maximum of 99,000 pounds by special annual permit, which shall expire coincidentally with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following the date of issue, for operating on designated routes on the state and town highways and on those highways designated as the national system of interstate and defense highways, subject to the following:

\* \* \*

(E) ~~The~~ Unless authorized by federal law, the provisions of this subdivision shall not apply to operation on ~~the~~ interstate and defense highway ~~system~~ 189.

(F) The fee for the annual permit as provided in this subdivision shall be \$310.00 for vehicles bearing up to 90,000 pounds and \$500.00 for vehicles bearing up to 99,000 pounds.

(G) ~~For the purposes of this subdivision, the following definitions shall apply:~~

~~(i) unprocessed milk products as defined in subdivision 4(55) of this title;~~

~~(ii) unprocessed forest products as defined in subdivision 1392(13) of this title;~~

~~(iii) unprocessed quarry products shall be quarried rock in block or blocks as it would be removed from the quarry. [Repealed.]~~

\* \* \*

~~(20) Notwithstanding the gross vehicle weight provisions of subdivision (4) of this section, a truck trailer combination or truck tractor, semi trailer~~

~~combination with six or more load bearing axles shall be allowed to bear a maximum of 90,000 pounds by special annual permit, which shall expire coincidentally with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following the date of issue, for operating on designated routes on the state and town highways, subject to the following:~~

~~(A) The combination of vehicles must have as a minimum, a distance of 51 feet between extreme axles.~~

~~(B) The following shall also apply to vehicles registered pursuant to this subdivision:~~

~~(i) no single axle load shall be in excess of 22,400 pounds except that a 10 percent tolerance shall be allowed on each single axle;~~

~~(ii) no tandem axle load shall be in excess of 36,000 pounds except that a 10 percent tolerance shall be allowed on each tandem axle;~~

~~(iii) no single axle of a tandem axle unit shall support more than 60 percent of the total weight supported by the tandem unit;~~

~~(iv) no tri axle group, as defined in subdivision (6)(D) of this section, shall support a gross weight in excess of 46,000 pounds; except that a 10 percent tolerance shall be allowed on each tri axle group;~~

~~(v) no single axle of a tri axle group shall support more than 40 percent of the total weight supported by the tri axle group;~~

~~(vi) the maximum load on any axle of the vehicle shall not exceed more than 600 pounds per inch of tire width computed in conformity with the manufacturer's designated width;~~

~~(vii) a tolerance of 1,000 pounds shall be allowed on gross weight for any vehicle permitted under this subdivision.~~

~~(C) The fine for any violation of this subdivision shall be the same as provided in section 1391a of this title.~~

~~(D) The weight permitted by this subdivision shall be allowed for foreign trucks which are registered or permitted for 90,000 pounds in a state or province which recognizes Vermont vehicles for weights consistent with this subdivision.~~

~~(E) The provisions of this subdivision shall not apply to operation on the interstate and defense highway system.~~

~~(F) The fee for the annual permit as provided in this subdivision shall be \$310.00. [Repealed.]~~

\* \* \*

Sec. 3. 23 V.S.A. § 1391(c) is amended to read:

(c) ~~Unless authorized by federal law, on~~ On those highways designated as the national system of interstate and defense highway 189 highways, no single axle load shall be in excess of 20,000 pounds with no tolerance allowed, nor shall any tandem axle load be in excess of 34,000 pounds, with no tolerance allowed, except in the case of vehicles owned by persons to whom special permits have been issued in accordance with section 1400 of this title.

Sec. 4. 23 V.S.A. § 1392 is amended to read:

§ 1392. GROSS LIMITS ON HIGHWAYS

Except as provided in section 1400 of this title, a person or corporation shall not operate or cause to be operated a motor vehicle in excess of the total weight, including vehicle, object, or contrivance and load, of:

\* \* \*

(11) ~~Unless authorized by federal law, subdivisions~~ Subdivisions (5) and (6) of this section shall not apply to the highways designated as portions of the national system of interstate and defense highway 189 highways.

\* \* \*

(13) Despite the axle-load provisions of section 1391 of this title and the maximum gross load of subdivision (4) of this section, a special annual permit, which shall expire coincidentally with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following date of issue, may be issued to a person or corporation operating on designated routes on the state highway system ~~and on those highways designated as the national system of interstate and defense highways~~ for a fee of \$310.00 for each vehicle which must be registered for a weight of 80,000 pounds. This special permit shall be issued only for a combination of vehicle and semi-trailer or trailer equipped with five or more axles, with a distance between axles which meets the minimum requirements of registering the vehicle to 80,000 pounds as allowed under subdivision (4) of this section. The maximum gross load under this special permit shall be 90,000 pounds. ~~Unless authorized by federal law, the~~ The provision of this subdivision shall not apply to operation on the interstate and defense highway 189 system.

\* \* \*

(16) Notwithstanding any other provision of law, a five or more axle truck tractor, semi-trailer combination, or truck trailer combination, when the load consists solely of unprocessed milk products as defined in subdivision

4(55) of this title, may be registered for and operated with a maximum gross weight of 90,000 pounds on state highways, without permit, and upon posted state and town highways and on those highways designated as the national system of interstate and defense highways when the vehicle has been issued a permit in compliance with the provisions of section 1400 of this title; however:

\* \* \*

(vii) no tolerance shall be allowed on the gross weight of any vehicle registered under the provisions of this subdivision, nor shall the axle tolerance permitted in subdivisions (i) and (ii) of this subdivision apply when the vehicle is being operated upon posted state or town highways pursuant to the provisions of section 1400 of this title. On those highways designated as the national system of interstate and defense highway 189 highways, the provisions of subsection 1391(c) of this title shall apply.

\* \* \*

(17) Notwithstanding the gross vehicle weight provisions of subdivision (4) of this section, a truck trailer combination or truck tractor, semi-trailer combination with six or more load-bearing axles shall be allowed to bear a maximum of 99,000 pounds by special annual permit, which shall expire coincidentally with the vehicle's registration, except for vehicles not registered in Vermont in which case the permit shall become void on January 1 following the date of issue, for operating on designated routes on the state and town highways ~~and on those highways designated as the national system of interstate and defense highways~~, subject to the following:

\* \* \*

(E) ~~Unless authorized by federal law, the~~ The provisions of this subdivision shall not apply to operation on the interstate and defense highway 189 system.

\* \* \*

#### Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 1 and 2 of this act shall take effect on passage.

(b) Secs. 3 and 4 of this act shall take effect if, and on the day when, the pilot program created by 23 U.S.C. section 127(a)(13) is terminated.

**(Committee vote: 11-0-0)**

**(No Senate Amendments)**

## **CONSENT CALENDAR**

### **Concurrent Resolutions for Action Under Joint Rule 16**

#### **H.C.R. 181**

House concurrent resolution congratulating Pownal on the 250th anniversary of its municipal charter

#### **H.C.R. 182**

House concurrent resolution honoring Jeffrey R. Cueto for his outstanding public service as chief hydrologist at the agency of natural resources

#### **H.C.R. 183**

House concurrent resolution congratulating the 2009 Colchester High School Lakers Division II championship football team

#### **H.C.R. 184**

House concurrent resolution honoring the public service of Vermont National Guard members being deployed in Operation Phoenix

#### **H.C.R. 185**

House concurrent resolution congratulating the 2009 Hartford High School Hurricanes Division I championship field hockey team

#### **H.C.R. 186**

House concurrent resolution honoring the Hartford High School digital architectural history project

#### **H.C.R. 187**

House concurrent resolution congratulating the Hartford Hurricanes 2009 Division I championship baseball team

#### **H.C.R. 188**

House concurrent resolution congratulating Cathleen Newton on being named the 2009 Vermont winner of the Presidential Award for Excellence in Mathematics and Science Teaching

#### **H.C.R. 189**

House concurrent resolution extending joyful 100th-birthday wishes to Edith (Cameron) Mikkelsen of Williamstown

#### **H.C.R. 190**

House concurrent resolution in memory of Representative Henry Ira Trombley

#### **H.C.R. 191**

House concurrent resolution congratulating the Milton High School Yellow Jackets 2009 Division II championship girls' soccer team

#### **H.C.R. 192**

House concurrent resolution honoring Milton High School soccer coach Stephanie Hurley

**S.C.R. 32**

Senate concurrent resolution congratulating the citizens of Marshfield on the successful restoration and rededication of the Martin Covered Bridge.

**S.C.R. 33**

Senate concurrent resolution commemorating a century of outstanding community-based volunteer firefighting service in the town of Marshfield.

**S.C.R. 34.**

Senate concurrent resolution congratulating Lumbermen's Merchandising Corporation on its 75th anniversary.

**(For text of Resolutions, see Addendums to House and Senate Calendars for Friday, January 8, 2010)**

**PUBLIC HEARING**

**Public Hearing on Fiscal Year 2010 Budget Adjustment**

**Room: 11, State House**

**House Committee on Appropriation**

**Tuesday, January 12, 2010, 2:30 – 4:30 p.m.** – The House Appropriations Committee will hold a public hearing in room 11 of the State House on the Governor's proposed FY 2010 budget adjustment. The proposed budget adjustment can be viewed on the Joint Fiscal website at <http://www.leg.state.vt.us/jfo/FY%202010%20Appropriations.htm>.

Testimony should be limited to 2-3 minutes and time slots should be reserved in advance, if possible. To reserve a time slot or for additional information about this event, interested parties should contact Theresa Utton-Jerman at (802) 828-5767 or e-mail [tutton@leg.state.vt.us](mailto:tutton@leg.state.vt.us)

**Tuesday, January 12, 2010, 6:00 p.m. – 9:00 p.m.** – in the House Chambers. Public Hearing regarding Health Care Reform.

The committees on House Health Care and Senate Health and Welfare and the Health Care Reform Commission will welcome testimony on H.100 and S.88 (Acts Relating To Health Care Financing And Universal Access To Health Care In Vermont) and other legislation or proposals that further the statutory goal "that all Vermonters receive affordable and appropriate health care at the appropriate time and that health care costs be contained over time."