

Journal of the House

Tuesday, February 17, 2009

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

Devotional Exercises

Devotional exercises were conducted by Rev. David Hall of Christ Episcopal Church, Montpelier, VT.

Pledge of Allegiance

Page Emma Horowitz-McCadden of Plainfield 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. Komline of Dorset**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 218

By Rep. O'Donnell of Vernon,

An act relating to the unified health care claims database ;

To the committee on Health Care.

H. 219

By Reps. Koch of Barre Town and McFaun of Barre Town,

An act relating to including hydrocephalus in the birth information network;

To the committee on Human Services.

H. 220

By Reps. Maier of Middlebury and Milkey of Brattleboro,

An act relating to health care contract standards;

To the committee on Health Care.

H. 221

By Reps. Marcotte of Coventry, Clerkin of Hartford, Dickinson of St. Albans Town, Komline of Dorset, McDonald of Berlin, Scheuermann of Stowe and Turner of Milton,

An act relating to economic development in Vermont;

To the committee on Commerce and Economic Development.

H. 222

By Reps. Kitzmiller of Montpelier, Bissonnette of Winooski, Botzow of Pownal, Clerkin of Hartford, Dickinson of St. Albans Town, Keenan of St. Albans City, Lorber of Burlington, Marcotte of Coventry, Milkey of Brattleboro, Shand of Weathersfield, Smith of Mendon, Turner of Milton and Wilson of Manchester,

An act relating to senior protection and financial services;

To the committee on Commerce and Economic Development.

H. 223

By Reps. Koch of Barre Town and McFaun of Barre Town,

An act relating to assault of a health care worker;

To the committee on Judiciary.

H. 224

By Reps. Condon of Colchester, Howard of Rutland City, Johnson of S. Hero, Keenan of St. Albans City, Marcotte of Coventry, Morley of Barton and Spengler of Colchester,

An act relating to tax amnesty;

To the committee on Ways and Means.

H. 225

By Reps. Trombley of Grand Isle, Hubert of Milton, Johnson of S. Hero and Turner of Milton,

An act relating to tax increment financing;

To the committee on Commerce and Economic Development.

H. 226

By Reps. Poirier of Barre City, Aswad of Burlington, Bissonnette of Winooski, Botzow of Pownal, Bray of New Haven, Deen of Westminster, Donovan of Burlington, Head of S. Burlington, Howard of Rutland City, Howrigan of Fairfield, Kitzmiller of Montpelier, Larson of Burlington, Macaig of Williston, Malcolm of Pawlet, Martin of Springfield, Milkey of Brattleboro, Moran of Wardsboro, Mrowicki of Putney, Nuovo of Middlebury, Obuchowski of Rockingham, Peltz of Woodbury, Sharpe of Bristol, South of

St. Johnsbury and Zuckerman of Burlington,
An act relating to privatization contracts;
To the committee on Government Operations.

H. 227

By Reps. Edwards of Brattleboro, Minter of Waterbury, Evans of Essex and Scheuermann of Stowe,

An act relating to the regulation of landscape architects;
To the committee on Government Operations.

H. 228

By Rep. Branagan of Georgia,
An act relating to child victims of sexual assault;
To the committee on Judiciary.

H. 230

By Reps. Mook of Bennington, Andrews of Rutland City, Botzow of Pownal, Donovan of Burlington, Edwards of Brattleboro, Emmons of Springfield, Evans of Essex, Jewett of Ripton, Lenes of Shelburne, Lippert of Hinesburg, Miller of Shaftsbury, Peltz of Woodbury, Sweaney of Windsor, Till of Jericho, Waite-Simpson of Essex and Wizowaty of Burlington,

An act relating to insurance coverage for oral anticancer medications;
To the committee on Health Care.

H. 231

By Reps. Lorber of Burlington and Bray of New Haven,
An act relating to the creation of the Farm-to-Plate Corporation;
To the committee on Commerce and Economic Development.

H. 232

By the committee on Appropriations,
An act relating to the fiscal year 2009 budget adjustment;
Under the rule, placed on the Calendar for notice tomorrow.

Joint Resolution Referred to Committee

J.R.S. 17

By Senators Illuzzi, Bartlett, Brock, Doyle, Kittell, Shumlin and Starr,

Joint resolution requesting the Department of Health to complete and update its study on the relationship of the closed Vermont Asbestos Group mine in the towns of Eden and Lowell to occurrences of asbestos-related illness.

Whereas, asbestos is a common fibrous mineral found worldwide which has been used in over 3,000 different products such as textiles, paper, ropes, wicks, stoves, filters, floor tiles, roofing shingles, clutch facings, water pipe, cements, fillers, felt, fireproof clothing, gaskets, battery boxes, clapboards, wallboard, fire doors, fire curtains, insulation and brake linings, and

Whereas, for most of the 20th century, until its closure in 1993, a chrysotile asbestos mine operated on a 1,540-acre site located in the towns of Eden and Lowell, most recently under the ownership of the Vermont Asbestos Group (VAG), and

Whereas, in 2007 and 2008 the Vermont Department of Health (the department) undertook a study to see if evidence existed of a higher incidence of asbestosis and lung cancer in association with living in towns surrounding the closed mine compared to the rest of Vermont, and

Whereas, the study specifically sought to eliminate anyone exposed to asbestos in the work place and include only those who may have become sick from non occupational exposure, and

Whereas, the report released on November 3, 2008, included findings now known to be materially inaccurate: it found an increased incidence of lung cancer in the 13 towns surrounding the mine, but that conclusion was based on a mishandling of the data, and

Whereas, on December 9, the department updated its original report, now finding no increased incidence of lung cancer in the 13 towns, and

Whereas, in evaluating a possible increased risk of asbestos-related disease, the department used death statistics where asbestosis was listed anywhere on the death certificate, and

Whereas, of the five deaths that occurred in the specified towns during the years 1996-2005, three were people identified as not having worked at the VAG mine; and there is now documented evidence that all three were exposed to asbestos through occupational sources, one at the VAG mine - one in shipbuilding, and one in shipbuilding and welding - dying at the ages of 83, 75, and 77, respectively, and

Whereas, the federal Agency for Toxic Substance and Disease Registry (ATSDR), a division of the Centers for Disease Control and Prevention, reviewed a draft of the report in October 2008 and recommended that the

department review the death certificates to ensure elimination of occupationally explained deaths, and the department agreed to do so, and

Whereas, using hospital discharge data, the department concluded there was a higher incidence of asbestos-related discharges in the 13 towns compared to the rest of Vermont, and

Whereas, a citation of 14 asbestos-related hospital discharges from 1996 through 2005 did not distinguish if this was one patient visiting a hospital 14 times or 14 separate individuals with asbestos-related health issues or some other statistical combination, and

Whereas, the discharge data were neither compared to death records to evaluate for any possible duplication nor screened for occupational exposure, and these screenings are essential to meet the study's goal of including only non occupational exposures, and

Whereas, the report seeks to study asbestos-related death and disease from non occupational proximity to the closed mine and defines proximity as the outside boundaries of 13 towns surrounding the mine; and the study's statistical conclusions are entirely dependent on the drawing of this boundary line, which has the effect of including areas as far as 30 miles from the mine site, and

Whereas, no explanation is provided in the report clarifying the rationale for this specific boundary line, nor is there is any analysis of how the results might change if the study area were redefined, and

Whereas, in its review of the draft report, the ATSDR commented that the drawing of the boundary line without explanation is "the most significant limitation of the work," *now therefore be it*

Resolved by the Senate and House of Representatives:

That the Department of Health is requested by April 1, 2009 to:

1) complete its analysis of the asbestos-related deaths to determine whether the three reported deaths are in fact explained by occupational exposures and risks;

2) take whatever steps are necessary to (i) understand the case histories and exposures to asbestos of the deceased, including interviewing friends, family and doctors, and (ii) screen the hospital discharge data for occupational exposures; and if it is not possible to obtain further screening information, then the department should make the data's meaning, or lack thereof, plain in its conclusions; and

3) clarify in a revised report that the area of “exposure” is in fact the outside boundaries of the 13 towns and not the 10-mile radius that was used to select those towns, *and be it further*

Resolved: That the Department of Health is requested to complete its additional scientific research and report its findings to the Senate Committee on Economic Development, Housing and General Affairs and to the House Committee on Commerce and Economic Development as soon as possible, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioners of the Vermont Departments of Health, of Environmental Conservation; and Banking, Insurance, Securities, and Health Care Administration; to the Vermont Bankers’ Association, to Vermont Asbestos Group; to the regional offices in Boston of the United States Agency for Toxic Substances and Disease Registry and the United States Department of Health and Human Services; and to the selectboards in the towns of Albany, Bakersfield, Belvidere, Craftsbury, Eden, Enosburg, Hyde Park, Irasburg, Johnson, Lowell, Montgomery, Newport Town, Troy, Waterville, Westfield and Wolcott.

Which was read and, in the Speaker’s discretion, treated as a bill and referred to the Committee on Human Services.

Bill Amended; Third Reading Ordered

H. 6

Rep. Young of St. Albans City, for the committee on Natural Resources and Energy, to which had been referred House bill, entitled

An act relating to the sale of engine coolants and antifreeze

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. chapter 76, subchapter 1 is added to read:

Subchapter 1. Hydraulic Brake Fluids

Sec. 2. 9 V.S.A. chapter 76, subchapter 2 is added to read:

Subchapter 2. Sale of Engine Coolants and Antifreeze

§ 2841. AVERSIVE AGENT REQUIRED

As of January 1, 2011, a person shall not sell or offer to sell in this state any engine coolant or antifreeze that contains more than 10 percent ethylene glycol unless the engine coolant or antifreeze includes denatonium benzoate at a

minimum of 30 parts per million and a maximum of 50 parts per million as an aversive agent within the product so as to render it unpalatable, except that this subchapter shall not apply to product inventory purchased by retailers prior to January 1, 2011.

§ 2842. RECORDS OF MANUFACTURER AND PACKAGER

Any manufacturer or packager of engine coolant or antifreeze subject to this subchapter shall maintain a record of the trade name, the scientific name, and the active ingredients of the aversive agent used pursuant to this subchapter. Information and documentation maintained pursuant to this subchapter must be furnished to any member of the public upon request.

§ 2843. LIMITATION OF LIABILITY

A manufacturer, distributor, recycler, or seller of any engine coolant or antifreeze that contains denatonium benzoate as required under this subchapter is not liable to any person for any personal injury, death, property damage, damage to the environment or natural resources, or economic loss that results from the inclusion of denatonium benzoate if included in concentrations mandated by this subchapter. This section provides immunity to a person for liability to the extent that the cause of liability is related to the inclusion of denatonium benzoate in any engine coolant or antifreeze as required by this subchapter.

§ 2844. EXCEPTIONS

This subchapter does not apply to the sale of a motor vehicle that contains engine coolant or antifreeze.

Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage.

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

Favorable Report; Third Reading Ordered

H. 65

Rep. Devereux of Mount Holly, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to hunting and fishing licenses for Vermont veterans

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Message from the Senate No. 17

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 on its part passed Senate bills of the following titles:

S. 42. An act relating to the Department of Banking, Insurance, Securities, and Health Care Administration.

S. 44. An act relating to indicating anatomical gifts on a driver's license.

S. 93. An act relating to commercial vehicle operation on the interstate system.

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

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

J.R.S. 19. 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. 8. Joint resolution designating October 17, 2009 as Vermont Pumpkin Carving Day.

And has adopted the same in concurrence.

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

H.C.R. 44. House concurrent resolution in memory of Capitol Police Chief David Alan Janawicz.

H.C.R. 45. House concurrent resolution congratulating Robert Matteson of Bennington on his extraordinary accomplishments as a masters runner.

H.C.R. 46. Honoring the exemplary public service of retired Department of Fish and Wildlife Director of Law Enforcement Robert J. Rooks.

H.C.R. 47. House concurrent resolution in memory of the American military personnel who have died in the service of their nation in Iraq from March 26, 2008 to January 20, 2009.

H.C.R. 48. House concurrent resolution commending the work of the Vermont 2-1-1 telephone support system.

H.C.R. 49. House concurrent resolution congratulating the Republic of Kosovo on the first anniversary of its independence and the Vermont National Guard Troops who have served in Kosovo since 1999.

H.C.R. 50. House concurrent resolution congratulating the Green Mountain Council Boy Scout Eagle Class of 2008.

H.C.R. 51. House concurrent resolution in memory of Sherry Walter Belknap of Bloomfield.

H.C.R. 52. House concurrent resolution honoring Mark Tucci and Silent Heat.

H.C.R. 53. House concurrent resolution honoring Katherine (Kitty) Langlois for her work at the People's Health and Wellness Clinic in Barre City and in the civic affairs of the town of Berlin.

Recess

At ten o'clock and thirty minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At one o'clock in the afternoon, the Speaker called the House to order.

Rules Suspended; Bill Committed to Committee

S. 13

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Komline of Dorset**, the rules were suspended and Senate bill, entitled

An act relating to improving Vermont's sexual abuse response system

Was taken up for immediate consideration.

Pending reading the report of the committee on Judiciary, **Rep. Komline of Dorset** moved to commit the bill to the committee on Appropriations, which was agreed to.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 147

Rep. Potter of Clarendon moved that the committee on Transportation be relieved of House bill, entitled

An act relating to the operation of a motor vehicle by junior operators and primary safety belt enforcement

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

Adjournment

At one o'clock and five minutes in the forenoon, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 44

House concurrent resolution in memory of Capitol Police Chief David Alan Janawicz

H.C.R. 45

House concurrent resolution congratulating Robert Matteson of Bennington on his extraordinary accomplishments as a masters runner

H.C.R. 46

House concurrent resolution honoring the exemplary public service of retired Department of Fish and Wildlife Director of Law Enforcement Robert J. Rooks

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[The full text of the concurrent resolutions appeared in the Senate and House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2009, seventieth Biennial session.]