

Journal of the House

Thursday, April 9, 2009

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

Devotional Exercises

Devotional exercises were conducted by Rev. Al Lamos of the Lamoille Valley Church of the Nazarene.

Message from the Senate No. 35

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

Mr. Speaker:

I am directed to inform the House that:

S. 115. An act relating to civil marriage.

Has been delivered to the Secretary of State.

House Bills Introduced

H. 446

By the committee on Natural Resources and Energy,
An act relating to renewable energy and energy efficiency;
Under the rule, placed on the Calendar for notice.

H. 447

By the committee on Fish, Wildlife & Water Resources,
An act relating to wetlands protection;
Under the rule, placed on the Calendar for notice.

H. 448

By Reps. Consejo of Sheldon and Savage of Swanton,
An act relating to codification and approval of amendments to the charter of the village of Swanton;

To the committee on Government Operations.

Bills Referred to Committee on Ways and Means

Bills of the following titles, appearing on the Calendar, affecting the revenue of the state, under the rule, were referred to the Committee on Ways and Means:

H. 444

House bill, entitled

An act relating to health care reform;

S. 86

Senate bill, entitled

An act relating to the administration of trusts.

House Resolution Placed on Calendar**H.R. 12**

House resolution, entitled

House resolution relating to the treatment of individuals at the U.S. and Canadian ports of entry along the Vermont-Quebec international border

Offered by: Representatives Consejo of Sheldon, Adams of Hartland, Atkins of Winooski, Branagan of Georgia, Evans of Essex, Higley of Lowell, Hubert of Milton, Kilmartin of Newport City, Kitzmiller of Montpelier, Krawczyk of Bennington, Lewis of Derby, Lorber of Burlington, Marcotte of Coventry, Marek of Newfane, Moran of Wardsboro, Mrowicki of Putney, Nease of Johnson, Pearce of Richford, Perley of Enosburg, Savage of Swanton, South of St. Johnsbury, Stevens of Shoreham, Sweaney of Windsor, Townsend of Randolph, Turner of Milton, Wheeler of Derby, Young of St. Albans City and Zenie of Colchester

Whereas, Vermont and Quebec share a common border, with multiple ports of entry, that stretches from Alburgh to Beecher Falls, and

Whereas, thousands of individuals cross the border weekly, in both directions, for many purposes, including business, family, and recreational activities, and

Whereas, everyone recognizes that in the post-911 era, international border security has assumed a heightened importance for both the United States and Canada, and

Whereas, despite these legitimate security concerns, the agents of the Canadian Border Security Agency (an agency under the jurisdiction of the Canadian Minister for Public Safety), who staff the port of entries on the

northern side of the Vermont-Quebec border, have routinely demonstrated a courteous and friendly persona toward individuals seeking entry into Canada while still reserving the right to deny entry or to take other law enforcement measures, when a specific situation so warrants, and

Whereas, to the contrary, all too frequently, individuals entering the United States at one of the Vermont ports of entry are subjected to a gruff and harsh reception even when there is no suspicion on the part of a U.S. Customs and Border Protection agent of any attempt at illegal entry, the bringing into the United States of unauthorized goods, or of criminal activity, and

Whereas, the House of Representatives fully recognizes that the agents of U.S. Customs and Border Protection (an agency of the U.S. Department of Homeland Security) are following the protocols established on the national level from which they may not individually deviate, and their dedication to serving our nation is not being questioned, and

Whereas, agents of U.S. Customs and Border Protection are the first official contact with Americans for visitors to our nation, and the impression that is left can be extremely negative, disconcerting, and at times hostile, and

Whereas, the reception that visitors receive at our international borders reflects on our nation as a whole and can lead to personal ill will toward the United States that is neither justified nor necessary, and

Whereas, it is imperative that U.S. Customs and Border Protection develop new and more diplomatic methods for assessing and screening potentially illegal entrants into the United States without displaying the hostility and rudeness that has unfortunately been all too commonly exhibited toward both visitors and citizens of the United States, and

Whereas, U.S. Customs and Border Protection should adopt a more friendly and positive approach similar to the one its Canadian counterpart has adopted, now therefore be it

Resolved by the Senate and House of Representatives:

That this legislative body urges U.S. Customs and Border Protection to rethink and redesign its protocols for welcoming and inquiring of entrants to the United States at ports of entry in Vermont and nationwide, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to U.S. Secretary of Homeland Security Janet Napolitano and Acting Commissioner of U.S. Customs and Border Protection Jayson Ahern in Washington, D.C., to the Canadian Minister of Public Safety, the Honourable Peter Van Loan P.C., M.P., to the President of the Canada Border Security

Agency, Stephen Rigby, in Ottawa, and to the Consulate General of Canada in Boston.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

House Resolution Adopted

H.R. 13

House resolution, entitled

House resolution expressing concern for and demanding the immediate release of Captain Richard Phillips of Underhill

Offered by: All members of the House of Representatives

Whereas, on Wednesday morning, April 8, 2009, Somali pirates seized the U.S.-flagged Maersk Alabama, a cargo ship carrying humanitarian food aid destined for Somalia and Uganda in ocean waters 380 miles east of the Somali capital of Mogadishu, and

Whereas, this is the first time that the dangerous Somali pirates have seized a United States' registered ship and crew, and

Whereas, Captain Richard Phillips of Underhill is the captain of the Maersk Alabama, and his crew and he, without any weapons, were able to negotiate their freedom except for his own, and

Whereas, according to news reports, as of 12:00 p.m. today, April 9, 2009, the Somali pirates continue to hold Captain Phillips hostage, and

Whereas, Vermonters are keeping Captain Phillips foremost in their thoughts, hoping for his immediate release, and that he will be returned to his ship unharmed, now therefore be it

Resolved by the House of Representatives:

That this Legislative body expresses its utmost concern for the safety and well-being of Captain Richard Phillips and demands that he be released immediately, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to President Obama, to the ship's owner, Maersk Line Limited in Norfolk, Virginia, and to Captain Phillips' wife, Andrea, in Underhill.

Which was read and adopted.

Rules Suspended; Bill Recommitted**H. 447**

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. McCullough of Williston**, the rules were suspended and House bill, entitled

An act relating to wetlands protection

Was taken up for immediate consideration.

Pending second reading of the bill, **Rep. McCullough of Williston** moved to recommit the bill to Fish, Wildlife & Water Resources, which was agreed to.

Rules Suspended; Favorable Report; Bill Read Second Time and Third Reading Ordered**H. 445**

On motion of **Rep. Leriche of Hardwick**, the rules were suspended and House bill, entitled

An act relating to An act relating to capital construction and state bonding;

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

Rep. Emmons of Springfield, spoke for the committee on Corrections and Institutions.

Rep. Crawford of Burke, for the committee on Appropriations, recommended the bill ought to pass.

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

Bill Amended; Third Reading Ordered**H. 147**

Rep. Grad of Moretown, for the committee on Judiciary, to which had been referred House bill, entitled

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

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

Sec. 1. SHORT TITLE

This act shall be known as and may be cited as the “Highway Traffic Safety Act of 2009.”

* * * Legislative Findings * * *

Sec. 2. LEGISLATIVE FINDINGS

The general assembly finds that:

* * * General Findings * * *

(1) In December 2006, the governor transmitted to the Division Administrator of the Federal Highway Administration the Strategic Highway Plan for Vermont that stated “The first half of 2006 was trending toward a near record-breaking year for highway deaths and incapacitating injuries.” In response to this trend, the Strategic Highway Safety Plan for Vermont was created with the mission to “minimize the occurrence and severity of crashes, related human suffering, and economic losses on the Vermont transportation network.”

(2) According to the governor’s highway safety office, traffic crashes cost the nation about \$230 billion each year in medical expenses, lost productivity, property damage, and related costs. Vermont pays \$221 million of those costs. In 2008, workplace traffic crash injuries cost Vermonters more than \$39 million.

(3) According to the governor’s highway safety program, each highway fatality cost the state of Vermont more than \$900,000.00.

(4) In recognition of the terrible toll in terms of human suffering and financial loss resulting from motor vehicle crashes, on July 6, 2006, the Vermont department of health’s injury prevention program hosted the 2006 Symposium on Preventing Crashes Among Young Drivers at the Inn at Essex, Vermont. The symposium brought together key leaders in highway safety, transportation, public health, and youth development for an in-depth multidisciplinary exploration of the causes of crashes among young drivers and opportunities for prevention.

* * * Teen Driving Safety * * *

(1) The Strategic Highway Safety Plan for Vermont of 2006, signed by the governor and endorsed by state agencies, stated that “new language” should be added to the existing graduated driver license legislation to achieve:

(A) Restrictions on passengers in cars driven by young drivers.

(B) Nighttime limitations for young drivers.

(C) Primary safety belt enforcement to the age of 18.

(D) No cell phone or electronic device use by junior operators.

(2) From a public health perspective, “motor vehicle crashes are among the most serious problems facing teenagers.” (Anatomy of Crashes Involving Young Drivers-Preventing Teen Motor Crashes.) According to the Centers for Disease Control, highway injuries and deaths constitute the largest reason for youth injuries and deaths, and therefore constitute a public health risk warranting remedial action.

(3) According to the above sources, the 2002 cost of crashes involving drivers ages 20 through 25 was \$40.8 billion (National Center for Injury Prevention and Control, 2006).

(4) According to the Vermont Safety Education Center (VSEC), junior operator passenger restrictions are essential components of graduated licensing. Crash risks for teenage drivers increases incrementally with one, two, three or more passengers. With three or more passengers, fatal crash risk is about three times higher than when a beginner is driving alone.

(5) According to VSEC, the presence of passengers is a major contributor to the teenage death toll. About two-thirds of all crash deaths of teens that involve 16-year-old drivers occur when the beginners were driving with teen passengers. Studies indicate that passenger restrictions can reduce this problem.

(6) According to VSEC, four out of every 10 deaths of teens in motor vehicles occur between 9 p.m. and 6 a.m. Nighttime is one of the riskiest times of day for junior operators due to DUI, darkness, and sleep deprivation in teens. Midnight to 2 a.m. is the most dangerous nighttime period.

* * * Cell Phones and Electronic Devices * * *

(1) The National Highway Traffic Safety Administration policy on cell phones states, “The primary responsibility of the driver is to operate a motor vehicle safely. The task of driving requires full attention and focus. Cell phone use can distract drivers from this task, risking harm to themselves and others. Therefore, the safest course of action is to refrain from using a cell phone while driving.”

(2) Teens, driving, and cell phones are a dangerous mix due to teens’ vulnerability to distractions and accidents (“Most Wanted Transportation Safety Improvements,” National Transportation Safety Board, November 2008).

(3) In 2008, the National Safety Council called for a ban on cell phones while driving, stating that “drivers talking on a cell phone are four times as likely to have an accident as drivers who are not.”

* * * Safety Belts * * *

(1) States with primary enforcement average 10-percent higher usage than states with secondary enforcement.

(2) A crash involving an unrestrained person costs 55 percent more than for someone who was restrained.

(3) Approximately 74 percent of the costs associated with crashes are paid for by society; the victim pays the balance.

(4) Drivers who do not wear safety belts are also most likely to engage in risky behavior such as speeding or drinking and driving.

(5) Traffic crashes are not just an enforcement issue.

* * * Junior Operator Nighttime Restriction * * *

Sec. 3. 23 V.S.A. § 614(c) and (d) are added to read:

(c) A person operating with a junior operator’s license shall not operate a motor vehicle between 1:00 a.m. and 5:00 a.m., except when carrying the signed and dated written permission of a parent or guardian that contains the parent’s or guardian’s contact information, including a home and work address and telephone numbers, or except when:

(1) traveling on a direct route between work and home;

(2) traveling for a school-related activity; or

(3) going to or returning from hunting or fishing, provided the operator has in his or her possession hunting or fishing equipment and a valid hunting or fishing license.

(d) A person in violation of subsection (c) of this section shall be allowed to drive his or her vehicle on a direct route home, following issuance of a traffic ticket by a law enforcement officer.

* * * Safety Restriction on the Use of Wireless Telephones and Handheld Electronic Devices by Junior Operators * * *

Sec. 4. 23 V.S.A. § 1095a is added to read:

§ 1095a. WIRELESS TELEPHONE USE; HANDHELD ELECTRONIC DEVICES; LEARNERS AND JUNIOR OPERATORS

A person operating a motor vehicle with a learner's permit under the provisions of section 617 of this title or with a junior operator's license under the provisions of section 607 of this title shall not use any wireless telephone or handheld electronic device while operating on the traveled portion of the highway. This prohibition shall not apply if it is necessary to place an emergency 911 call.

* * * Use of Wireless Telephones and other Electronic Devices by a Person Operating a Vehicle with an Operator's License * * *

Sec. 5. 23 V.S.A. § 1095b is added to read:

§ 1095b. USE OF HANDS-FREE WIRELESS TELEPHONES AND ELECTRONIC DEVICES BY A PERSON WITH AN OPERATOR'S LICENSE

(a) A person operating a motor vehicle with a valid operator's license shall be restricted to using only a hands-free wireless telephone or hands-free electronic communication device while operating on the traveled portion of the highway. This prohibition shall not apply if it is necessary to place an emergency 911 call.

(b) As used in this section, "hands-free" means a mobile telephone or electronic communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of the mobile telephone or electronic communication device, by which a user engages in a conversation without the use of either hand; provided, however, this definition shall not preclude the use of either hand to activate, deactivate, or initiate a function of the telephone or device.

* * * Primary Enforcement of Safety Belt Law; Federal Funds * * *

Sec. 6. REPEAL; PRIMARY ENFORCEMENT OF SAFETY BELT LAW; ACCEPTANCE OF FEDERAL FUNDS

(a) 23 V.S.A. § 1259(e) (secondary enforcement of safety belt law) is repealed.

(b) The state is authorized to accept any additional funding available from the federal government attributable to the passage of this section.

* * * Operation by a Junior Operator After Recall is a Civil Violation * * *

Sec. 7. 23 V.S.A. § 676 is amended to read:

§ 676. OPERATION AFTER SUSPENSION, REVOCATION, ~~OR~~ REFUSAL, OR RECALL - CIVIL VIOLATION

(a) A person whose license or privilege to operate a motor vehicle has been revoked, suspended ~~or~~, refused, or recalled by the commissioner of motor vehicles for any reason other than a violation of sections 1091(b), 1094(b), 1128(b) or (c), or 1201 or a suspension under section 1205 of this title and who operates or attempts to operate a motor vehicle upon a public highway before the license or privilege of the person to operate a motor vehicle has been reinstated by the commissioner commits a civil traffic violation.

(b) In establishing a prima facie case against a person accused of violating this section, the judicial bureau shall accept as evidence, a printout attested to by the law enforcement officer as the person's motor vehicle record showing convictions and resulting license suspensions. The admitted motor vehicle record shall establish a permissive inference that the person was under suspension or had his or her license revoked or recalled on the dates and time periods set forth in the record. The judicial bureau shall not require a certified copy of the person's motor vehicle record from the department of motor vehicles to establish the permissive inference.

Sec. 8. EFFECTIVE DATE

This act shall take effect from passage.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the House amend the bill as recommended by the committee on Judiciary? **Rep. Rodgers of Glover** moved to amend the recommendation of amendment offered by the committee on Judiciary, as follows:

By striking in Sec. 2, under the heading *****Safety Belts***** the following:

(4) Drivers who do not wear safety belts are also most likely to engage in risky behavior such as speeding or drinking and driving.

and renumbering the remaining section to be numerically correct.

Which was agreed to.

Pending the question, Shall the House amend the bill as recommended by the committee on Judiciary, as amended? **Rep. Rodgers of Glover** moved to amend the recommendation of amendment offered by the committee on Judiciary, as amended, as follows:

First: By striking Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read:

Sec. 6. REPEAL; SAFETY BELT LAW

23 V.S.A. § 1259 (safety belts; persons age 16 and over) is repealed.

Second: By inserting a new Sec. 8 to read as follows:

Sec. 8. 23 V.S.A. § 1258 is amended to read:

§ 1258. CHILD RESTRAINT SYSTEMS; PERSONS UNDER AGE ~~16~~ 18

(a) No person shall operate a motor vehicle, other than a type I school bus, in this state upon a public highway unless every occupant under age ~~16~~ 18 is properly restrained in a federally-approved child passenger restraining system as defined in 49 C.F.R. § 571.213 (1993) or a federally-approved safety belt, as follows:

* * *

and by renumbering existing Sec. 8 (Effective date) to be Sec. 9

Pending the question, Shall the House amend the recommendation of amendment offered by the committee on Judiciary, as amended, as recommended by Rep. Rodgers of Glover? **Rep. Jewett of Ripton** moved to substitute an amendment offered by Rep. Rodgers of Glover, as follows:

First: By striking Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read:

Sec. 6. REPEAL; SAFETY BELT LAW

23 V.S.A. § 1259 (safety belts; persons age 16 and over) is repealed.

Second: By inserting a new Sec. 8 to read as follows:

Sec. 8. 23 V.S.A. § 1260 is added to read:

The operator of a motor vehicle shall be guilty of a violation of this section if any person occupying the motor vehicle is restrained by a safety belt system while the motor vehicle is in motion on a public highway.

and by renumbering existing Sec. 8 (Effective date) to be Sec. 9

Thereupon, **Rep. Jewett of Ripton** asked and was granted leave of the House to withdraw his amendment and the question, Shall the House amend the recommendation of amendment offered by the committee on Judiciary, as amended, as recommended by Rep. Rodgers of Glover? was disagreed to.

Pending the question, Shall the House amend the bill as recommended by the committee on Judiciary, as amended? **Rep. Rodgers of Glover** moved to amend the recommendation of amendment offered by the committee on Judiciary, as amended, as follows:

By inserting a new Sec. 8 to read as follows:

Sec. 8. 23 V.S.A. § 1256 is amended to read:

§ 1256. ~~MOTORCYCLES—HEADGEAR~~ MOTORCYCLES; HEADGEAR

Use of motorcycle helmets shall be as follows:

(1) ~~No~~ A person under the age of 21 may not operate or ride upon a motorcycle upon a highway unless he ~~wears upon his head~~ or she is properly wearing protective headgear reflectorized in part and of a type approved by the commissioner. The headgear shall be equipped with either a neck or chin strap.

(2) A person may not operate or ride upon a motorcycle without the protective headgear referred to in subdivision (1) of this section if the operator has held a motorcycle endorsement for less than one year.

(3) All other persons operating or riding upon a motorcycle shall have the option of wearing protective headgear.

and by renumbering the existing Sec. 8 (Effective date) to be Sec. 9

Which was disagreed to.

Pending the question, Shall the House amend the bill as recommended by the committee on Judiciary, as amended? **Rep. Rodgers of Glover** moved to amend the recommendation of amendment offered by the committee on Judiciary, as amended, as follows:

By inserting a new Sec. 8 to read:

Sec. 8. 23 V.S.A. § 614 is amended to read:

§ 614. RIGHTS UNDER LICENSE

(a) An operator's license shall entitle the holder to operate a registered motor vehicle with the consent of the owner whether employed to do so or not. A junior operator's license shall entitle the holder to operate a registered motor vehicle, with the consent of the owner, but shall not entitle him or her to operate a motor vehicle in the course of his or her employment or for direct or indirect compensation for one year following issuance of the license. A junior operator's license shall not entitle the holder to carry passengers for hire. During the first three months of operation, the holder of a junior operator's license is restricted to driving alone, ~~or~~ with a licensed parent or guardian, with a licensed or certified driver education instructor or licensed person at least 25 years of age, or with family members that the holder is transporting to or from school or school-related events with a parent's permission. During the following three months, a junior operator may additionally transport family members. No person operating with a junior operator's license shall transport

more passengers than there are safety belts unless he or she is operating a vehicle that has not been manufactured with a federally approved safety belt system.

* * *

and by renumbering the existing Sec. 8 (effective date) to be Sec. 9

Which was disagreed to.

Thereupon, the report of the committee on Judiciary, as amended, was agreed to on a Division vote. Yeas, 73. Nays, 28, and third reading was ordered.

Bill Recommitted

H. 280

House bill, entitled

An act relating to authorizing the assistant judges of Windham County to borrow funds for capital construction.

Appearing on the Calendar for action, was taken up and pending the reading of the report of the committee on Government Operations, on motion of **Rep. Sweaney of Windsor**, the bill was recommitted to the committee on Government Operations.

Action on Bill Postponed

H. 232

House bill, entitled

An act relating to fiscal year 2009 budget adjustment

Was taken up and pending the question, Shall the House adopt the Committee of Conference report? on motion of **Rep. Heath of Westford**, action on the bill was postponed until Tuesday, April 14, 2009.

Bill Amended; Third Reading Ordered

H. 152

Rep. Bray of New Haven, for the committee on Agriculture, to which had been referred House bill, entitled

An act relating to encouraging biomass energy production

Reported in favor of its passage when amended as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. BIOMASS ENERGY DEVELOPMENT WORKING GROUP

(a) The biomass energy development working group is established to enhance the growth and development of Vermont's biomass industry while also maintaining forest health. In order to meet these goals, the working group shall analyze current issues in the biomass industry in order to develop a coherent body of recommendations. These recommendations may include incentives, harvesting guidelines, and procurement standards for the development and operation of biomass energy in the state of Vermont. The working group shall also include the following members:

- (1) One member of the house, appointed by the speaker of the house;
- (2) One member of the senate, appointed by the committee on committees;
- (3) The secretary of natural resources or his or her designee;
- (4) The commissioner of the department of public service or his or her designee;
- (5) A representative of the biomass energy resource center, appointed by the committee on committees;
- (6) Two representatives of the forest products industry that represent logging, processing, or wholesale operator interests, one appointed by the committee on committees and the other appointed by the speaker of the house;
- (7) Two representatives of natural resources or environmental organizations that represent wildlife and biodiversity and forest health and sustainability interests, one appointed by the committee on committees and the other appointed by the speaker of the house;
- (8) Two representatives of an industry, organization, utility, or corporation that either produces electricity or heat from biomass or purchases power from biomass, appointed by the governor.
- (9) A representative of the Vermont woodlands association appointed by the governor;
- (10) A representative of a university or college with a focus on biomass policy or research appointed by the speaker of the house;
- (11) A representative of the consulting foresters association of Vermont appointed by the governor; and

(12) A representative of the forest guild appointed by the speaker of the house.

(b) The working group is authorized to hold meetings and operate for a maximum of three years in order to review the adequacy of its initial recommendations, continue research and analysis, and make additional recommendations to the legislature. The working group shall elect co-chairs at its initial meeting, and one of the co-chairs shall be a member of the general assembly. For attendance at a meeting when the general assembly is not in session, legislative members of the commission shall be entitled to the same per diem compensation and reimbursement for actual and necessary expenses as provided members of standing committees under 2 V.S.A. § 406.

(c) On or before November 15, 2010, the working group shall issue an interim report to the house committee on agriculture and the house and senate committees on natural resources and energy with:

(1) recommended fiscal and regulatory incentives for the promotion of efficient and sustainable uses of local biomass for energy production and opportunities for offering more predictability in the permitting process;

(2) recommended guidelines or standards for maintaining forest health, including model harvesting and silvicultural guidelines for retaining dead wood and coarse woody material; maintaining soil productivity, wildlife, and biodiversity and other indicators of forest health; and wood procurement standards. In reviewing and recommending standards for biomass procurement, the working group shall review whether:

(A) separate procurement standards are necessary for certain consumers of biomass, such as retail electricity;

(B) there are obstacles or policy considerations that need to be overcome to establish model procurement standards for biomass energy facilities;

(C) a uniform procurement standard for maintaining forest health would offer more predictability in the permitting process;

(D) procurement standards can be designed to effectively monitor whether the collective demand for energy produced from biomass does not impair long-term site productivity and forest health; and

(E) it is feasible to coordinate with adjoining states to develop a regional procurement standard for biomass energy facilities.

(3) Recommend standards and policies for the design of new renewable energy from biomass that are designed to promote sustainable, efficient, local, and fair use of biomass supplies.

(4) Recommend additional research and analysis that is needed to ensure that forest health is maintained while providing for a sustainable, long-term supply of local biomass for the production of energy and forest products.

(d) On or before January 15, 2011, the working group shall submit to the house committee on agriculture and the house and senate committees on natural resources and energy a final report addressing the issues in subdivisions (c)(1)–(4) of this section.

(e) Prior to reporting to the general assembly under subsections (c) and (d) of this section, the working group shall allow for public review and comment of any proposed recommendations for incentives, guidelines, or standards for the development and operation of biomass energy. At a minimum, the working group shall allow the department of forests, parks and recreation; the department of fish and wildlife; the public service board; the agency of agriculture, food, and markets; the Vermont economic development authority; and the department of public service to review and offer comments on any proposed recommendations for incentives, guidelines, or standards. In addition, the working group should coordinate with the Forest Roundtable to hold a minimum of two meetings to collect stakeholder input and gather expert testimony on the issues included in this section.

(f) The working group shall seek funding from the clean energy development fund or other available funding sources to hire consultants and conduct research and analysis related to the issues included in this section. In no event shall the working group seek more than \$200,000.00 under this subsection. Funding acquired by the working group shall be administered by the office of legislative council.

(g) As used in this section, “biomass” means material from trees, woody plants, or grasses, including limbs, tops, needles, leaves, and other woody parts, grown in a forest, woodland, farm, rangeland, or wildland-urban environment that is the product of forest management, land clearing, ecosystem restoration, or hazardous fuel reduction treatment.

(h) Legislative council shall provide legal and administrative services to the working group. The department of forests, parks and recreation shall provide technical and economic advice to the working group.

Rep. Johnson of South Hero, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Agriculture and when further amended as follows:

In Sec. 1 by striking subsection (b) in its entirety and inserting in lieu thereof the following:

(b) The working group is authorized to operate for a maximum of three years in order to review the adequacy of its initial recommendations, continue research and analysis, and make additional recommendations to the legislature. The working group is authorized to hold four meetings each year during the interim between sessions of the general assembly. The working group shall elect co-chairs at its initial meeting, and one of the co-chairs shall be a member of the general assembly. For attendance at a meeting when the general assembly is not in session, legislative members of the commission shall be entitled to the same per diem compensation and reimbursement for actual and necessary expenses as provided members of standing committees under 2 V.S.A. § 406.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Agriculture and Appropriations agreed to.

Pending the question, Shall the bill be read the third time? **Rep. Bray of New Haven** moved to amend the bill as follows:

First: In Sec. 1, subsection (c), by striking in its entirety the introductory language through the colon and inserting in lieu thereof the following:

“(c) The working group shall issue interim reports to the house committee on agriculture and the house and senate committees on natural resources and energy on or before November 15 of 2009 and 2010. The reports shall include:”

Second: In Sec. 1, subsection (d), by striking “January” where it appears and inserting in lieu thereof “November”

Third: In Sec. 1, subsection (f), by striking the words “the clean energy development fund or other” where they appear in the first sentence

Which was agreed to and third reading was ordered.

Favorable Report; Action on Resolution Postponed

J.R.H. 11

Rep. Krawczyk of Bennington, for the committee on Natural Resources and Energy, to which had been referred Joint resolution, entitled

Joint resolution urging Vermonters and public and private organizations in the state to institute a voluntary 20 percent reduction in energy use

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

Pending the question, Shall the resolution be read the third time? on motion of **Rep. Krawczyk of Bennington** action on the resolution was postponed until the next legislative day.

Action on Bill Postponed

H. 91

House bill, entitled

An act relating to technical corrections to the juvenile judicial proceedings act of 2008

Was taken up and pending the question, Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Lippert of Hinesburg**, action on the bill was postponed until Wednesday, April 15, 2009.

Joint Resolution Adopted

J.R.H. 19

Joint resolution, entitled

Joint resolution authorizing the 2009 Boys' State program to use the state house;

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

Joint Resolution Adopted in Concurrence

J.R.S. 28

Joint resolution, entitled

Joint resolution designating April as sexual violence awareness month

Was taken up and adopted in concurrence.

Adjournment

At five o'clock and ten minutes in the afternoon, on motion of **Rep. McDonald of Berlin**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.