

Journal of the House

Tuesday, January 12, 2010

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

Devotional Exercises

Devotional exercises were conducted by Father Michael Augustenowitz of St. Augustine Church, Montpelier.

Pledge of Allegiance

Page Leah Hanzas of Bradford 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. 486

By Reps. Deen of Westminster and Nuovo of Middlebury,

An act relating to an environmental board that hears appeals of decisions of district commissions and the secretary of natural resources;

To the committee on Natural Resources and Energy.

H. 487

By Reps. Branagan of Georgia, Clerkin of Hartford, Consejo of Sheldon, Dickinson of St. Albans Town, Gilbert of Fairfax, Howrigan of Fairfield, Keenan of St. Albans City, McAllister of Highgate, Pearce of Richford, Perley of Enosburg, Savage of Swanton and Young of St. Albans City,

An act relating to an income tax credit for active duty military members serving overseas;

To the committee on Ways and Means.

H. 488

By Rep. Deen of Westminster,

An act relating to prohibiting the manufacture and sale of felt-soled boots and waders;

To the committee on Fish, Wildlife & Water Resources.

H. 489

By Rep. Lawrence of Lyndon,
An act relating to the inspection of amusement rides;
To the committee on General, Housing and Military Affairs.

H. 490

By Rep. Fisher of Lincoln,
An act relating to access to case managers for Reach Up participants;
To the committee on Human Services.

H. 491

By Reps. Davis of Washington, Burke of Brattleboro, Edwards of Brattleboro, Haas of Rochester and Zuckerman of Burlington,
An act relating to a single-payer health care system;
To the committee on Health Care.

H. 492

By Reps. Adams of Hartland and Clarkson of Woodstock,
An act relating to minimum training standards for constables;
To the committee on Government Operations.

H. 493

By Reps. Grad of Moretown, Donaghy of Poultney, Jewett of Ripton, Marek of Newfane, Minter of Waterbury, Pellett of Chester and Potter of Clarendon,
An act relating to texting and safe driving practices;
To the committee on Judiciary.

H. 494

By Reps. Grad of Moretown, Donaghy of Poultney, Jewett of Ripton, Minter of Waterbury, Pellett of Chester and Potter of Clarendon,
An act relating to restrictions on nighttime operation of motor vehicles by junior operators and holders of learner's permits;
To the committee on Transportation.

H. 495

By Reps. Pearce of Richford, Acinapura of Brandon, Adams of Hartland, Branagan of Georgia, Canfield of Fair Haven, Consejo of Sheldon, Devereux of Mount Holly, Dickinson of St. Albans Town, Fagan of Rutland City, Geier of South Burlington, Gilbert of Fairfax, Higley of Lowell, Howrigan of Fairfield, Hubert of Milton, Keenan of St. Albans City, Kilmartin of Newport City, McAllister of Highgate, McNeil of Rutland Town, Mook of Bennington, Moran of Wardsboro, Peltz of Woodbury, Perley of Enosburg, Potter of Clarendon, Reis of St. Johnsbury, Savage of Swanton, Turner of Milton, Waite-Simpson of Essex, Wilson of Manchester, Young of St. Albans City and Zenie of Colchester,

An act relating to reducing the number of board members on the community high school of Vermont board;

To the committee on Corrections and Institutions.

**Rules Suspended; Proposal of Amendment Agreed to;
Third Reading Ordered; Rules Suspended; Bill Read Third Time and
Passed in Concurrence with Proposal of Amendment; Rules Suspended
and Bill was Ordered Messaged to the Senate Forthwith**

S. 93

On motion of **Rep. Komline of Dorset**, the rules were suspended and Senate bill, entitled

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

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

Rep. Peaslee of Guildhall, for the committee on Transportation, to which had been referred the bill recommended 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.

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

On motion of **Rep. Komline of Dorset**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Komline of Dorset**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Message from the Senate No. 3

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 considered House proposal of amendment to Senate bill of the following title:

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

And has concurred therein.

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

J.R.S. 41. 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. 15. Joint resolution relating to the designation of commemorative observances in concurrent resolutions.

And has adopted the same in concurrence.

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

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 Lumbermens Merchandising Corporation on its 75th anniversary.

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

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.

Adjournment

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

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 the Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

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 Lumbermens Merchandising Corporation on its 75th anniversary;

[The full text of the concurrent resolutions appeared in the House and Senate Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2010, seventieth Biennial session.]