

# Journal of the House

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Thursday, March 11, 2010

**Rep. Jewett of Ripton** in Chair.

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

## Devotional Exercises

Devotional exercises were conducted by Joseph Byrd, Poet from the State of Georgia.

## House Bills Introduced

### H. 771

By Rep. Scheuermann of Stowe,

An act relating to approval of amendments to the charter of the town of Stowe;

To the committee on Government Operations.

### Third Reading; Bill Passed

### H. 88

House bill, entitled

An act relating to adding a dental assistant to the state board of dental examiners

Was taken up, read the third time and passed.

### Bill Amended, Read Third Time and Passed

### H. 647

House bill, entitled

An act relating to misclassification of employees to lower premiums for workers' compensation and unemployment compensation

Was taken up and pending third reading of the bill, **Rep. Hubert of Milton** moved to amend the bill as follows:

First: In Sec. 5, 29 V.S.A. § 161(e), in the first sentence, by striking “to accurately classify” and inserting in lieu thereof “to classify accurately”

Second: In Sec. 7, 21 V.S.A. § 1314a(f)(2), in the first sentence, by striking “to properly classify” and inserting in lieu thereof “to classify properly”

Third: In Sec. 13, by striking subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read:

(a) There is created an insurance compliance and fraud task force to be composed of 11 members to include the following:

(1) The commissioner of banking, insurance, securities, and health care administration or designee.

(2) The commissioner of the department of labor or designee.

(3) The commissioner of the department of public safety or designee.

(4) The attorney general or designee.

(5) Two members of the house to be appointed by the speaker.

(6) Two members of the senate to be appointed by the committee on committees.

(7) A member of the insurance industry appointed by the American Insurance Association.

(8) Two members, one to represent the interests of large businesses and one to represent the interests of small businesses, appointed by the Vermont Chamber of Commerce.

Which was agreed to.

Pending third reading of the bill, **Reps. Kitzmiller of Montpelier** moved to amend the bill as follows:

First: In Sec. 1, 21 V.S.A. § 692 by inserting a new subsection (g) to read:

(g) If the commissioner determines that issuing a stop-work order pursuant to subsection (b) of this section would immediately threaten the safety or health of the public, the commissioner may permit work to continue until the immediate threat to public safety or health is removed. The commissioner shall document the reasons for permitting work to continue and the document shall be available to the public.

Second: In Sec. 5, by striking 29 V.S.A. § 161(e)(1) and renumbering the remaining subdivisions of subsection (e) to be numerically correct.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

**Third Reading; Bill Passed****H. 695**

House bill, entitled

An act relating to definition of premises for award of liquor license

Was taken up, read the third time and passed.

**Bill Amended; Third Reading Ordered****H. 614**

**Rep. McCullough of Williston**, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to the regulation of composting

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

Sec. 1. 10 V.S.A. § 6001(3)(D) is amended to read:

(D) The word “development” does not include:

\* \* \*

(vii) The construction of improvements below the elevation of 2,500 feet for the onsite storage, preparation, and sale of compost, provided that the chair of the district commission does not determine, in his or her discretion, that action has been taken to circumvent the requirements of this chapter and:

(I) The compost is produced from no more than 100 cubic yards of material per year; or

(II) The compost is principally produced from inputs grown or produced on the farm; or

(III) The compost is principally used on the farm where it was produced; or

(IV) The compost is produced on a farm primarily used for the raising, feeding, or management of livestock, only from:

(aa) manure produced on the farm; and

(bb) unlimited clean, dry, high-carbon bulking agents from any source; or

(V) The compost is produced on a farm primarily used for the raising, feeding, or management of livestock, only from:

(aa) manure produced on the farm;

(bb) up to 2,000 cubic yards per year of organic inputs allowed under the agency of natural resources' acceptable management practices, including food residuals or manure from off the farm, or both; and

(cc) unlimited clean, dry, high-carbon bulking agents from any source; or

(VI) The compost is produced on a farm primarily used for the cultivation or growing of food, fiber, horticultural, or orchard crops, that complies with the agency of natural resources' solid waste management rules, only from up to 5,000 cubic yards per year of total organic inputs allowed under the agency of natural resources' acceptable management practices, including up to 2,000 cubic yards per year of food residuals.

Sec. 2. 10 V.S.A. § 6001(3)(E) is amended to read:

(E) When development is proposed to occur on a parcel or tract of land that is devoted to farming activity as defined in subdivision 6001(22) of this section, only those portions of the parcel or the tract that support the development shall be subject to regulation under this chapter. Permits issued under this chapter shall not impose conditions on other portions of the parcel or tract of land which do not support the development and that restrict or conflict with accepted agricultural practices adopted by the secretary of agriculture, food and markets. Any portion of the tract that is used to produce compost ingredients for a composting facility located elsewhere on the tract shall not constitute land which supports the development unless it is also used for some other purpose that supports the development.

Sec. 3. 10 V.S.A. § 6001(31) and (32) are added to read:

(31) "Farm," for purposes of subdivisions (3)(D)(vii)(V) and (VI) of this section, means a parcel of land devoted primarily to farming, as farming is defined in subdivision (22)(A) or (B) of this section, and from which parcel, annual gross income from farming, as defined in subdivision 6001(22) of this title, exceeds the annual gross income from a composting operation on that parcel; and

(A) for purposes of subdivision 6001(3)(D)(vii)(V) of this title, uses no more than 10 acres or 10 percent of the parcel, whichever is smaller, for commercial compost management, not including land used for liquid nutrients management;

(B) for purposes of subdivision 6001(3)(D)(vii)(VI) of this title, uses no more than four acres or 10 percent of the parcel, whichever is smaller, for commercial compost management, not including land used for liquid nutrients management.

(32) "Livestock" means cattle, sheep, goats, equines, fallow deer, red deer, American bison, swine, water buffalo, poultry, pheasant, chukar partridge, courtnix quail, camelids, ratites (ostriches, rheas, and emus), llamas, alpacas, yaks, rabbits, cultured trout propagated by commercial trout farmers, or other animal types designated by the secretary of agriculture, food and markets by procedure.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect upon 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 bill be amended as recommended by the committee on Fish, Wildlife and Water Resources? **Rep. Deen of Westminster** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the committee on Fish, Wildlife and Water Resources? was decided in the affirmative. Yeas, 94. Nays, 46.

Those who voted in the affirmative are:

Adams of Hartland	Donovan of Burlington	Jerman of Essex
Ancel of Calais	Edwards of Brattleboro	Johnson of South Hero
Andrews of Rutland City	Emmons of Springfield	Keenan of St. Albans City
Aswad of Burlington	Evans of Essex	Kitzmiller of Montpelier
Atkins of Winooski	Fagan of Rutland City	Klein of East Montpelier
Bissonnette of Winooski	Fisher of Lincoln	Komline of Dorset
Bohi of Hartford	Frank of Underhill	Krawczyk of Bennington
Botzow of Pownal	French of Shrewsbury	Krebs of South Hero
Brennan of Colchester	French of Randolph	Lanpher of Vergennes
Burke of Brattleboro	Geier of South Burlington	Larson of Burlington
Cheney of Norwich	Gilbert of Fairfax	Lenes of Shelburne
Clarkson of Woodstock	Grad of Moretown	Leriche of Hardwick
Condon of Colchester	Haas of Rochester	Lewis of Derby
Conquest of Newbury	Head of South Burlington	Lippert of Hinesburg
Copeland-Hanzas of Bradford	Heath of Westford	Lorber of Burlington
Corcoran of Bennington	Helm of Castleton	Macaig of Williston
Courcelle of Rutland City	Hooper of Montpelier	Maier of Middlebury
Deen of Westminster	Howard of Rutland City	Malcolm of Pawlet
	Howrigan of Fairfield	Manwaring of Wilmington

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Marek of Newfane	Partridge of Windham	Till of Jericho
Martin of Springfield	Peltz of Woodbury	Toll of Danville
Masland of Thetford	Poirier of Barre City	Townsend of Randolph
McCullough of Williston	Potter of Clarendon	Waite-Simpson of Essex
Miller of Shaftsbury	Pugh of South Burlington	Webb of Shelburne
Minter of Waterbury	Ram of Burlington	Weston of Burlington
Mitchell of Barnard	Shand of Weathersfield	Wheeler of Derby
Moran of Wardsboro	Sharpe of Bristol	Wilson of Manchester
Mrowicki of Putney	Smith of Mendon	Wizowaty of Burlington
Nease of Johnson	Spengler of Colchester	Young of St. Albans City
O'Brien of Richmond	Stevens of Waterbury	Zenie of Colchester
Obuchowski of Rockingham	Sweaney of Windsor	Zuckerman of Burlington
Orr of Charlotte	Taylor of Barre City	

Those who voted in the negative are:

Acinapura of Brandon	Donahue of Northfield	Morrissey of Bennington
Ainsworth of Royalton *	Greshin of Warren	Myers of Essex
Baker of West Rutland	Higley of Lowell	Olsen of Jamaica *
Branagan of Georgia	Howard of Cambridge	Pearce of Richford
Bray of New Haven	Hubert of Milton	Peaslee of Guildhall
Browning of Arlington	Johnson of Canaan	Perley of Enosburg
Canfield of Fair Haven	Kilmartin of Newport City	Reis of St. Johnsbury
Clark of Vergennes	Koch of Barre Town	Savage of Swanton
Clerkin of Hartford	Larocque of Barnet	Scheuermann of Stowe
Consejo of Sheldon	Lawrence of Lyndon	Shaw of Pittsford
Crawford of Burke	Marcotte of Coventry	South of St. Johnsbury
Davis of Washington	McAllister of Highgate	Stevens of Shoreham
Devereux of Mount Holly	McDonald of Berlin	Turner of Milton
Dickinson of St. Albans Town *	McFaun of Barre Town	Winters of Williamstown
Donaghy of Poultney	McNeil of Rutland Town	Wright of Burlington
	Morley of Barton	

Those members absent with leave of the House and not voting are:

Audette of South Burlington	Mook of Bennington	Pellett of Chester
Martin of Wolcott	Nuovo of Middlebury	Rodgers of Glover
Milkey of Brattleboro	O'Donnell of Vernon	Smith of Morristown

**Rep. Ainsworth of Royalton** explained his vote as follows:

“Mr. Speaker:

I don't like laws that use the term at “his or her discretion”. That may adversely affect the Agriculture industry..”

**Rep. Dickinson of St. Albans Town** explained her vote as follows:

“Mr. Speaker:

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I support the underlying intent of the bill, but cannot support the bill as written with all the jurisdictional questions unanswered.”

**Rep. Olsen of Jamaica** explained his vote as follows:

“Mr. Speaker:

This bill fails to recognize that many Vermont farms are comprised of non-contiguous parcels. I vote no in support of the farmers who have so eloquently expressed their concerns. I hope the deficiencies with this bill can be rectified.”

Thereupon, third reading was ordered.

#### **Action on Bill Postponed**

#### **S. 280**

House bill, entitled

An act relating to prohibiting texting while operating on a highway

Was taken up and pending the reading of the report of the committee on Judiciary, on motion of **Rep. Grad of Moretown**, action on the bill was postponed until Tuesday, March 16, 2010.

#### **Adjournment**

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