

Journal of the Senate

FRIDAY, FEBRUARY 6, 2009

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rebecca Clark of Montpelier.

Message from the House No. 17

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolutions originating in the Senate of the following titles:

J.R.S. 11. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

J.R.S. 12. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2009.

J.R.S. 13. Joint resolution relating to weekend adjournment.

And has passed the same in concurrence.

Bill Referred to Committee on Appropriations

S. 56

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to restoring federally funded positions in the Department of Health.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 60.

By Senators Carris, Ayer, Hartwell, Maynard, Mullin and Scott,
An act relating to the sale, use, or installation of outdoor wood-fired boilers.
To the Committee on Natural Resources and Energy.

S. 61.

By Senators Snelling, Bartlett, Hartwell and Lyons,
An act relating to wastewater permit requirements for the conversion of a seasonal residence.
To the Committee on Natural Resources and Energy.

S. 62.

By Senators White and Shumlin,
An act relating to mopeds.
To the Committee on Transportation.

S. 63.

By Senator Lyons and Hartwell,
An act relating to limiting local zoning powers that would interfere with the functional use of renewable energy generation facilities.
To the Committee on Natural Resources and Energy.

S. 64.

By Senator Lyons,
An act relating to growth center designations and appeals of such designations.
To the Committee on Natural Resources and Energy.

S. 65.

By Senator Lyons and Hartwell,
An act relating to Vermont neighborhood designations and appeals of such designations.

To the Committee on Natural Resources and Energy.

S. 66.

By Senators Kittell, Ayer, Choate, Giard and Lyons,

An act relating to electronic benefit transfer machines for farmers' markets.

To the Committee on Agriculture.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 67.

By the Committee on Transportation,

An act relating to motor vehicles.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 68.

By Senators Kittell, Choate, Giard, McCormack, Miller and Racine,

An act relating to expanding eligibility for the state's high school completion program.

To the Committee on Education.

S. 69.

By Senators White, Ayer, Brock, Doyle and Flanagan,

An act relating to digital campaign finance filings.

To the Committee on Government Operations.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 70.

By the Committee on Transportation,

An act relating to clarifying the procedure for reinstatement of a driver's license based on total abstinence from alcohol and drugs.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 71.

By Senators White, Ashe, Flanagan, Miller and Shumlin,

An act relating to penalties for possession of marijuana.

To the Committee on Judiciary.

S. 72.

By Senator White,

An act relating to freedom of expression for students.

To the Committee on Education.

S. 73.

By Senator Cummings,

An act relating to the universal service fund.

To the Committee on Finance.

S. 74.

By Senator White,

An act relating to removing a school district's portion of special education costs from the calculation of excess spending.

To the Committee on Education.

Senate Resolution Placed on Calendar**S.R. 6.**

Senate resolution of the following title was offered, read the first time and is as follows:

By Senate Committee on Natural Resources and Energy,

S.R. 6. Senate resolution to request the President to support a global treaty on mercury.

Whereas, mercury is a persistent, bio-accumulative and toxic heavy metal that poses a significant risk to human health, wildlife, and the environment; and

Whereas, the National Academy of Sciences has confirmed scientific research demonstrating that maternal consumption of unsafe levels of mercury in fish can cause neurodevelopmental harm in children resulting in learning disabilities, poor motor function, mental retardation, seizures, and cerebral palsy; and

Whereas, both the U.S. Food and Drug Administration (FDA) and the U.S. Environmental Protection Agency (EPA) advise that pregnant and nursing women and young children should eat only limited amounts of canned albacore “white” tuna because of potential hazards from mercury in the fish and further advise this sensitive population to avoid shark, swordfish, king mackerel, and tilefish because of high mercury levels; and

Whereas, as many as 410,000 children born annually in the United States are at risk of neurological problems related to mercury; and

Whereas, one of the most significant sources of mercury exposure to people in the United States and worldwide is ingestion of mercury-contaminated fish, and

Whereas, a report from the Environmental Protection Agency (EPA) on U.S. fish advisories shows that 48 states have issued advisories, covering more than 14 million lake acres and almost 890,000 river miles; and

Whereas, mercury is a ubiquitous environmental contaminant that contaminates the fish that Vermonters catch and eat, and the wildlife that they cherish, and

Whereas, there is increasing evidence presented in two peer reviews linking the increased risk of coronary heart disease to mercury exposure; and

Whereas, since fish with low levels of mercury represent a critical and healthy source of nutrition worldwide, the long-term solution to mercury pollution is not to reduce fish consumption, but rather to minimize global mercury use and releases and thereby eventually to achieve reduced contamination levels in the environment; and

Whereas, mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally, and affecting water bodies near industrial sources

(including Lake Champlain) and remote areas (including the Arctic Circle); and

Whereas, the free trade of mercury and mercury compounds on the world market, at relatively low prices and in ready supply, encourages the continued use of mercury outside the United States, often involving highly dispersive activities such as small-scale gold mining in developing countries; and

Whereas, although the intentional use of mercury is declining in the United States as a consequence of process changes in the manufacturing of products (including batteries, paints, switches, and measuring devices), those uses remain substantial in the developing world, where releases from the products are prevalent due to the limited pollution control and waste management infrastructures in those countries; and

Whereas, the United States has recently joined the European Union in setting a date certain to ban its mercury exports, thereby reducing the supply of commodity mercury into the world market; and

Whereas, the United Nation's Global Mercury Assessment has concluded that: "Despite data gaps, sufficient understanding has been developed of mercury (including knowledge of its fate and transport, health and environmental impacts, and the role of human activity), based on extensive research over half a century, that international actions to address the global mercury problem should not be delayed," and

Whereas, current efforts to reduce risks from mercury are not sufficient to address the challenges posed by mercury and the urgent need for international action, *now therefore be it*

Resolved by the Senate:

That the United States should be a global leader in the effort to reduce mercury pollution, *and be it further*

Resolved: That the Vermont Senate urges the President of the United States to:

1) Support the immediate formation of an international negotiating committee to promote the expeditious development of a free-standing global, legally binding instrument developed in such a manner as to recognize ongoing activities on mercury and other related issues, and differing regional and national conditions, taking into account the special challenges of developing countries and countries with economies in transition;

2) Support on a parallel track the coordinated implementation of a broad international mercury reduction program to promote:

(a) Voluntary measures, which may be implemented as a complement to, or independently of, a legally binding instrument;

(b) Coordination among different regional and international initiatives on mercury to ensure harmonized environmental and health outcomes from mutually supportive and effective programs that avoid overlap and duplication with other international and regional conventions and programs;

(c) Input of scientific, technical and economic expertise and consideration of the ability of existing institutions, experts, and stakeholders to provide this input; and

(d) Mechanisms to support transparency, effective implementation, and compliance with any legally binding instrument, and be it further

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to the President of the United States and to the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the resolution was placed on the Calendar for action the next legislative day.

Joint Resolution Adopted in Concurrence

J.R.H. 5.

Joint House resolution entitled:

Joint resolution supporting the candidacy of Linda M. Perham to serve as national commander of the American Legion.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

Adjournment

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, February 10, 2009, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 13.