

# Journal of the Senate

THURSDAY, APRIL 7, 2011

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Message from the House No. 43

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 passed House bills of the following titles:

**H. 155.** An act relating to property-assessed clean energy districts.

**H. 420.** An act relating to the office of professional regulation.

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

The House has considered joint resolution originating in the Senate of the following title:

**J.R.S. 25.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

## Rules Suspended; Bill Committed

Appearing on the Calendar for notice, Senate bill entitled:

**S. 17.** An act relating to medical marijuana dispensaries.

Was taken up.

Thereupon, pending the reading of the report of the Committee on Government Operations, as the bill had not made cross-over the bill was committed to the Committee on Rules with the report of the Committee on Government Operations *intact*.

**Joint Resolution Placed on Calendar****J.R.S. 26.**

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

By Senate Committee on Transportation,

**J.R.S. 26.** Joint resolution strongly reaffirming the general assembly's enthusiastic support for the Vermont Association of Snow Travelers' conversion of the Lamoille Valley Railroad rail bed into a four-season recreational trail and alternative transportation path.

*Whereas*, the St. Johnsbury and Lake Champlain Railroad was completed in 1877 as a 93-mile rail line extending from St. Johnsbury in the east to Swanton in the west, and

*Whereas*, the rail line continued as a privately owned commercial transportation corridor until the state of Vermont purchased it in 1973, renaming it the Lamoille Valley Railroad (LVR), and

*Whereas*, in 1995 and 1997, severe flooding caused major damage to the tracks and ties of the railroad, and

*Whereas*, at the agency of transportation's (AOT's) request, the regional planning commissions, local chambers of commerce, and economic development officials, operating as the Mountain Valley Corridor Consortium, assumed responsibility for conducting the LVR corridor proposal process, and the proposal of the Vermont Association of Snow Travelers (VAST) to create a four-season recreational corridor and alternative transportation path was selected, and

*Whereas*, in accordance with Sec. 16 of No. 141 of the Acts of the 2001 Adj. Sess. (2002), the AOT was directed to obtain federal approval for discontinuance of rail service, as required under the Surface Transportation Act, and to gain approval to designate the LVR rail bed for interim trail use, and subject to receiving the federal approval, to enter into leases with VAST to construct the four-season recreational corridor and alternative transportation path and with St. Johnsbury and Swanton for municipally managed recreation trails on small segments of the LVR located in those towns, and

*Whereas*, in Sec. 78 of No. 93 of the Acts of the 2005 Adj. Sess. (2006), the general assembly authorized the establishment of the Lamoille Valley Rail Trail (LVRT) project and the acceptance of federal funding that was authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub.L. No. 109-59) which provided \$5.3 million of federal funds, and

*Whereas*, also in 2006, AOT entered into a long-term lease agreement with VAST to build and maintain the LVRT, and

*Whereas*, on June 1, 2009, the Act 250 district 5, 6, and 7 Act 250 coordinators issued a joint initial jurisdictional opinion, concluding that the LVRT did not require an ACT 250 permit because it qualified for the act's "repair and maintenance exemption," but in response to a number of landowners' requests for reconsideration, two of the three coordinators reversed their original opinions, concluding on September 30, 2009 that the LVRT will require an Act 250 permit (with the other coordinator dissenting), and

*Whereas*, the proposed LVRT project provides an unprecedented opportunity to enhance the protection of natural and cultural resources within the project corridor through the repair of existing areas of trail washout and soil erosion, improved stream crossings, the cleanup of existing hazards, eliminating existing encroachments, and the refurbishment of existing drainage infrastructure, combined with implementation of ongoing maintenance activities, and

*Whereas*, the economic, environmental, and recreational tourism benefits of the LVRT would be of enormous benefit to Vermonters and especially the towns along its path, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the General Assembly reaffirms its enthusiastic support for the Vermont Association of Snow Travelers' conversion of the Lamoille Valley Railroad rail bed into a four-season recreational trail and alternative transportation path, *and be it further*

***Resolved:*** That the executive branch of Vermont state government is urged to demonstrate similarly enthusiastic support, including:

1) That the agencies of transportation and of natural resources support VAST in the acquisition of an Act 250 permit, including that the agency of natural resources, where possible, assist VAST with the filing and issuance of that agency's required permits.

2) That the agencies of commerce and community development, of natural resources, and of transportation assist VAST in the securing of the remaining funding necessary to proceed with the full conversion of the rail bed.

3) That the agency of transportation adhere to all commitments it made in the 2006 lease agreement with VAST, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to VAST Executive Director Bryant Watson, to Secretary of

Transportation Brian Searles, to Secretary of Natural Resources Deborah Markowitz, and to Secretary of Commerce and Community Development Lawrence Miller.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action tomorrow.

#### **Bills Referred**

House bills of the following titles were severally read the first time and referred:

##### **H. 155.**

An act relating to property-assessed clean energy districts.

To the Committee on Rules.

##### **H. 420.**

An act relating to the office of professional regulation.

To the Committee on Rules.

#### **Bills Passed**

Senate bills of the following titles were severally read the third time and passed:

**S. 34.** An act relating to the collection and disposal of mercury-containing lamps.

**S. 90.** An act relating to respectful language in state statutes in referring to people with disabilities.

#### **Adjournment**

On motion of Senator Mazza, the Senate adjourned until eleven o'clock and thirty minutes in the morning.