

Journal of the House

Tuesday, April 22, 2014

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

Devotional Exercises

Devotional exercises were conducted by Counterpoint, a Vermont vocal ensemble.

Pledge of Allegiance

Page Madelyn Koff of Hartford led the House in the Pledge of Allegiance.

Message from Governor

A message was received from His Excellency, the Governor, by Mr. Louis Porter, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the eighteenth day of April, 2014, he approved and signed bills originating in the House of the following titles:

H. 576 An act relating to applications for the Lifeline program

H. 602 An act relating to municipal budget committees

H. 676 An act relating to regulation of land uses within flood hazard areas

Message from the Senate No. 50

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 650. An act relating to establishing the Ecosystem Restoration and Water Quality Improvement Special Fund.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

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

H. 872. An act relating to the State's Transportation Program and miscellaneous changes to the State's transportation laws.

And has concurred therein.

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

S.C.R. 55. Senate concurrent resolution congratulating the NorthWoods Stewardship Center on its 25th anniversary.

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

H.C.R. 309. House concurrent resolution congratulating the *Reporter* newspaper on winning eight 2014 New England Newspaper and Press Association awards.

H.C.R. 310. House concurrent resolution congratulating the Town of Weybridge on winning State and Addison County honors in the Vermont Home Energy Challenge.

H.C.R. 311. House concurrent resolution congratulating 2014 Vermont Spelling Bee champion, Liam Lustberg.

H.C.R. 312. House concurrent resolution congratulating the 2014 Division II Lyndon Institute Vikings championship boys' basketball team.

H.C.R. 313. House concurrent resolution congratulating the 2014 Proctor High School Lady Phantoms Division IV championship girls' basketball team.

H.C.R. 314. House concurrent resolution congratulating the 2013 Peoples Academy Lady Wolves Division III championship girls' soccer team.

H.C.R. 315. House concurrent resolution congratulating the 2014 Danville High School Division IV championship boys' basketball team.

H.C.R. 316. House concurrent resolution commemorating the third annual Turkic Cultural Day in Vermont.

H.C.R. 317. House concurrent resolution congratulating the 2014 Mt. Abraham Union High School Division II championship girls' basketball team.

H.C.R. 318. House concurrent resolution commemorating the 200th anniversary of the Battle of Plattsburgh and honoring those who fought on Lake Champlain's western shore.

H.C.R. 319. House concurrent resolution congratulating Chloe Johnson of Fairfield on her service as the 2013 Miss Vermont Outstanding Teen.

H.C.R. 320. House concurrent resolution in memory of Brandon Allen Gleason of Enosburg Falls.

H.C.R. 321. House concurrent resolution congratulating the 2014 Black River High School State rock climbing championship team.

H.C.R. 322. House concurrent resolution designating April 23, 2014 as Iraq and Afghanistan Veterans Honor and Appreciation Day and recognizing their service and sacrifice on behalf of our nation.

H.C.R. 323. House concurrent resolution congratulating the 2014 University of Vermont Catamounts America East Regular Season title winning men's basketball team.

H.C.R. 324. House concurrent resolution congratulating the Vermont-associated 2014 U.S. Winter Olympic Team members.

H.C.R. 325. House concurrent resolution congratulating Jeanelle Achee of Rochester on her service as the 2013 Miss Vermont.

H.C.R. 326. House concurrent resolution congratulating the 2013 Randolph Union High School Galloping Ghosts Division II championship baseball team.

H.C.R. 327. House concurrent resolution congratulating Madison Cota on being named the 2014 Miss Vermont Teen USA.

H.C.R. 329. House concurrent resolution designating April 30, 2014 as National Walk@Lunch Day in Vermont.

Message from the Senate No. 51

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 a bill originating in the House of the following title:

H. 871. An act relating to miscellaneous pension changes.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

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

H. 631. An act relating to lottery commissions.

And has concurred therein.

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

J.R.S. 56. 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. 20. Joint resolution authorizing Green Mountain Boys State educational program to use the State House.

And has adopted the same in concurrence.

Bill Referred to Committee on Ways and Means

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

S. 239

Senate bill, entitled

An act relating to the regulation of toxic substances

Bill Referred to Committee on Appropriations

S. 220

House bill, entitled

An act relating to furthering economic development

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

Joint Resolution Referred to Committee

J.R.H. 23

Joint resolution relating to the cleanup of Lake Champlain

Offered by: Representatives Deen of Westminster, Stevens of Shoreham, Bartholomew of Hartland, Browning of Arlington, Connor of Fairfield, Martin of Springfield, Toleno of Brattleboro, Walz of Barre City, and Zagar of Barnard

Whereas, the quality of life in Vermont is tied to clean water that attracts businesses and tourists to Vermont; provides opportunities for swimming, boating, fishing, and viewing wildlife; and is a source of clean drinking water, making clean water an important driver of the State economy and a vital part of our quality of life, and

Whereas, nutrient loading of phosphorous and nitrogen resulting from activities on the land in the Lake Champlain, Connecticut River, and Lake Memphremagog basins causes negative impacts on water quality, including algal blooms of cyanobacteria or blue-green algae that harms animals and people, impairs recreational uses, diminishes aesthetic enjoyment, adversely affects the taste of drinking water, and harms the biological community, and

Whereas, the cost of addressing the negative effects of nutrient pollution in Vermont waters will continue to mount unless Vermont takes action now to reduce the impact of land uses in order to curb the loading of nutrients into our waters, including Lake Champlain, and

Whereas, a Total Maximum Daily Load (TMDL) is a pollution budget approved under the Clean Water Act that caps the total amount of a pollutant that may enter an impaired body of water, and

Whereas, the Clean Water Act is concerned with controlling both “point sources” of pollution that include discharges from “discernible, confined and discrete conveyances” such as pipes, ditches, and tunnels, as well as “nonpoint sources” of pollution that include discharges from overland runoff, precipitation, atmospheric deposition, drainage, seepage, or hydrologic modification, and

Whereas, in January 2011, the U.S. Environmental Protection Agency (EPA) revoked its approval of the Vermont portion of the Lake Champlain TMDL, primarily because the plan did not provide sufficient reasonable assurances that the necessary reductions would be achieved from nonpoint sources of phosphorous, and

Whereas, EPA is developing a new TMDL to reduce the total loading of phosphorous into Lake Champlain from Vermont sources from 533 metric tons per year to 343 metric tons per year, a reduction of 39 percent, and

Whereas, the Vermont Department of Environmental Conservation (DEC) prepared a draft Phase I Implementation Plan for the new Lake Champlain TMDL that was presented to EPA that includes, among other measures, reduction of nonpoint phosphorous pollution from urban and suburban stormwater, agricultural stormwater, stormwater from roads, sediment and phosphorous discharges caused by stream bank erosion, and sediment and phosphorous discharges from forestry practices, and

Whereas, the broad policy commitments in the Phase I Implementation Plan are intended to provide EPA with reasonable assurance that the State can achieve reduced phosphorous loading largely through those nonpoint sources of phosphorous, and

Whereas, the Phase I Implementation Plan will serve as a model to improve water quality in water basins throughout Vermont, and

Whereas, implementation of the new TMDL will require significant resources over the next two decades, placing demands on Vermont municipalities, businesses, and farmers, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests that EPA accept as “reasonable assurance” Vermont’s proposed Phase I Implementation Plan, when funded appropriately, and be it further

Resolved: That the General Assembly requests the U.S. Congress provide federal funds for a significant portion of the costs of implementing a comprehensive approach to cleaning up all of Vermont waters for the new Lake Champlain TMDL, and be it further

Resolved: That the General Assembly requests the Administration propose additional new dedicated revenue sources to pay for an appropriate portion of the costs of cleaning up all the waters of Vermont and to implement the new Lake Champlain TMDL in a manner that minimizes financial impacts on Vermont farmers, businesses, and communities and spreads those costs fairly, and be it further

Resolved: That, despite the Administration’s unwillingness to work with the General Assembly this year, the General Assembly will work with the Administration during the next biennium to enact legislation to ensure that Vermont has the legal authority and resources necessary to implement the cleanup of Vermont waters and the new TMDL, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Administrator of the Environmental Protection Agency and the Vermont Congressional Delegation.

Which was read and, in the Speaker’s discretion, treated as a bill and referred to the committee on Fish, Wildlife & Water Resources.

Third Reading; Bill Passed in Concurrence with Proposal of Amendment

S. 299

Senate bill, entitled

An act relating to sampler flights

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Action on Bill Postponed

H. 112

House bill, entitled

An act relating to the labeling of food produced with genetic engineering

Was taken up and pending the question, shall the House concur in the Senate proposal of amendment? on motion of **Rep. Zagar of Barnard**, action on the bill was postponed until the next legislative day.

Bill Committed

H. 260

House bill, entitled

An act relating to electronic insurance notices and credit for reinsurance

Appearing on the Calendar for action, was taken up and pending the question, Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Botzow of Pownal**, the bill was committed to the committee on Commerce and Economic Development.

Bill Committed

H. 483

House bill, entitled

An act relating to adopting revisions to Article 9 of the Uniform Commercial Code

Appearing on the Calendar for action, was taken up and pending the question, Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Botzow of Pownal**, the bill was committed to the committee on Commerce and Economic Development.

Joint Resolution Adopted

J.R.H. 22

Joint resolution, entitled

Joint resolution authorizing the use of the State House on June 18, 2014 for the 2014 Green Mountain Girls State Day;

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

Adjournment

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