

# House Calendar

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MONDAY, APRIL 13, 2009

97th DAY OF BIENNIAL SESSION

House Convenes at 1:00 p. m.

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ORDERS OF THE DAY

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**ACTION CALENDAR**

**Third Reading**

**H. 93**

An act relating to leasing state forestland for maple sugar production.

**H. 331**

An act relating to technical changes to the records management authority of the Vermont State Archives and Records Administration.

**H. 430**

An act relating to approval of an amendment to the charter of the town of St. Johnsbury.

**H. 433**

An act relating to approval of amendments to the charter of the town of Berlin.

**J. R. H. 11**

Joint resolution urging Vermonters and public and private organizations in the state to institute a voluntary 20 percent reduction in energy use.

**Action Postponed Until Tuesday, April 14, 2009  
Report Committee of Conference**

**H. 232**

An act relating to fiscal year 2009 budget adjustment.

**(For text see House Calendar Thursday, April 9, 2009)**

**Action Postponed Until Wednesday, April 15, 2009  
Third Reading**

**H. 147**

An act relating to the operation of a motor vehicle by junior operators and primary safety belt enforcement

**Senate Proposal of Amendment**

**H. 91**

An act relating to technical corrections to the juvenile judicial proceedings act of 2008.

**(For text see House Calendar April 9, 2009)**

**NOTICE CALENDAR**  
**Favorable with Amendment**  
**H. 92**

An act relating to rent-to-own agreements.

**Rep. South of St. Johnsbury**, for the Committee on **General, Housing and Military Affairs**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. STUDY; SPECIAL COMMITTEE ON MOBILE HOME OWNERSHIP

(a) There is created a special committee on mobile home ownership, the organization of which shall be as follows:

(1) The committee shall hold its first meeting no later than June 30, 2009 at a place and time agreed to by a majority of the members. The commissioner of the department of housing and community affairs, or his or her designee, shall chair the first meeting, at which the committee shall elect a chair and vice chair and shall establish a schedule for accomplishing its duties under this act.

(2) Following its first meeting, the committee shall provide bi-monthly progress reports to the chairs of the house committee on general, housing and military affairs and the senate committee on economic development, housing and general affairs, and shall submit its final report to those committees on or before January 15, 2010.

(3) The staff of the department of housing and community affairs shall provide technical and clerical support to the committee.

(b) The committee shall consist of the following individuals:

(1) The commissioner of the department of housing and community affairs or designee.

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

(3) A representative of the banking industry with experience in real estate transactions recommended by the Vermont Bankers Association, Inc.

(4) A member representing the interests of Vermont town clerks who shall be appointed collaboratively by the Vermont League of Cities and Towns, Inc. and the Vermont Municipal Clerks' & Treasurers' Association.

(5) Two members representing the interests of mobile home tenants, one of whom shall be appointed by Vermont Legal Aid, and one of whom shall be appointed by the Champlain Valley Office of Economic Opportunity.

(6) A member representing the interests of mobile home park owners who shall be appointed by the Vermont Apartment Owners Association, LLC.

(c) The committee shall take such testimony and review such reports or other information to examine and develop proposals to address the following issues, and any additional issues it deems necessary, to accomplish its duties under this act:

(1) The historical and current practice of mobile home purchases on a “rent-to-own” basis, including:

(A) The prevalence of purchases on a rent-to-own basis.

(B) Whether rent-to-own purchases occur pursuant to written agreement, the form and content of those agreements, whether those agreements comply with current law, and whether a standard agreement unique to rent-to-own purchases of mobile homes should be adopted.

(C) The extent to which rent-to-own sellers and purchasers are aware of, and follow, notice and documentation requirements, including bills of sale, UCC filings, tax filings, and related recording requirements, and whether these requirements are sufficient to create an adequate public record of ownership.

(D) The extent to which rent-to-own purchasers utilize counsel or other resources when entering into agreements to purchase a mobile home.

(2) The current framework regulating foreclosure of interests in mobile homes and whether and how that framework sufficiently addresses rent-to-own purchases.

(3) The treatment of mobile homes as personal property, with emphasis on whether such treatment causes legal, financial, or other uncertainty with respect to ownership, and any potential resolution of these issues.

### Sec. 3 EFFECTIVE DATE

This act shall take effect upon passage.

**(Committee vote: 8-0-0)**

## H. 192

An act relating to electronic benefit machines for farmers’ markets.

**Rep. Stevens of Shoreham**, for the Committee on **Agriculture**, recommends the bill be amended by striking all after the enacting clause and

inserting in lieu thereof the following:

Sec. 1. ELECTRONIC BENEFIT MACHINES; FARMERS' MARKETS;  
DEPARTMENT FOR CHILDREN AND FAMILIES' FUNDING

(a) The department for children and families will receive funding through the American Recovery and Reinvestment Act (ARRA) of 2009, Pub.L. 111-5, a portion of which is dedicated to administrative expenses of the 3SquaresVT (formerly food stamp) program.

(b) With respect to federal monies available to the department for children and families under the ARRA, the general assembly directs the department to dedicate at least \$35,000.00 for the purpose of helping Vermont farmers' markets cover the costs of electronic benefit machines and related expenses, or to use the money for other administrative programs that facilitate access to healthy local foods.

**(Committee vote: 11-0-0)**

**Rep. Johnson of South Hero**, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as recommended by the Committee on **Agriculture**.

**(Committee Vote: 11-0-0)**

**H. 405**

An act relating to K-12 and higher education partnerships.

**Rep. Clark of Vergennes**, for the Committee on **Education**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. POLICY, FINDINGS, AND PURPOSE

(a) It is the policy of the state of Vermont to make available as many opportunities as possible for Vermont students to succeed in their Pre-K-12 education, to encourage and facilitate high school students to progress toward higher education, and to prepare postsecondary students to succeed.

(b) Completing high school cannot be considered the minimum educational attainment. As stated by President Obama in his address before Congress on February 24, 2009, every American should "commit to at least one year or more of higher education or career training. This can be community college or a four-year school; vocational training or an apprenticeship. But whatever the training may be, every American will need to get more than a high school diploma. And dropping out of high school is no longer an option. It's not just quitting on yourself, it's quitting on your country — and this country needs and values the talents of every American. That is why we will provide the

support necessary to ... meet a new goal: By 2020, America will once again have the highest proportion of college graduates in the world.”

(c) For Vermont to thrive economically it must develop, attract, and retain a well-educated and highly skilled citizenry, who will in turn enable the development, recruitment, and retention of successful businesses and support healthy communities.

(d) Higher levels of educational attainment translate into higher earnings and tax revenues, increased civic engagement and community contributions, better overall health, decreased dependency on government services, and an improved quality of life.

(e) To increase educational attainment among Vermonters, educational partnerships between higher education and the Pre-K-12 educational system are crucial to increasing postsecondary aspirations, increasing the enrollment of Vermont high school graduates in higher education programs, increasing the postsecondary degree completion rates of Vermont students, and increasing public awareness of the economic, intellectual, and societal benefits of higher education.

## Sec. 2. STRATEGIES TO EXPAND EDUCATIONAL OPPORTUNITIES

(a) The Vermont state colleges, the university of Vermont, the association of Vermont independent colleges, the Vermont student assistance corporation, and the department of education (collectively, the “working group”) shall work together to develop strategies to expand educational opportunities for Vermont students to succeed in elementary and secondary school and to be prepared to succeed in postsecondary education as well. The working group, which shall be chaired by the Vermont state colleges, shall consult with representatives of institutions of higher education and of the Pre-K -12 education system, and with the workforce development, business, and industry communities.

(b) On or before January 15, 2010, the working group shall submit a report to the general assembly detailing its recommended strategies. When developing its recommendations, the working group shall consider and evaluate:

(1) Evidence-based educational models in Vermont and elsewhere, including early college programs, alternatives to a senior year, Pre-K-12 laboratory schools, state-wide career awareness and post secondary aspiration programs, and alternative school calendars.

(2) Partnerships between higher education and the Pre-K-12 system to improve instruction and increase postsecondary aspiration, continuation, and completion rates.

(3) Potential funding sources for implementing its recommendations.

And that after passage the title of the bill be amended to read: "An act relating to PreK-12 and higher education partnerships"

**(Committee vote: 9-2-0)**

#### **H. 447**

An act relating to wetlands protection.

**(Rep. McCullough of Williston** will speak for the Committee on **Fish, Wildlife and Water Resources**)

**Amendment to be offered by Rep. McCullough of Williston to H. 447**

Moves the bill be amended in Sec. 5, 10 V.S.A. § 913, by striking subsection (b) in its entirety and inserting in lieu thereof the following:

(b) A permit shall not be required under this section for:

(1) any activity that occurred before the effective date of this section unless the activity occurred within:

(A) an area identified as a wetland on the Vermont significant wetlands inventory maps.

(B) a wetland that was contiguous to an area identified as a wetland on the Vermont significant wetlands inventory maps.

(C) the buffer zone of a wetland referred to in subdivision (A) or (B) of this subsection.

(2) any construction within a wetland that is identified on the Vermont significant wetlands inventory maps or within the buffer zone of such a wetland, provided that the construction was completed prior to February 23, 1992, and no action for which a permit is required under the rules of the panel was taken or caused to be taken on or after February 23, 1992.

**(Committee vote: 7-0-2)**

#### **S. 27**

An act relating to tastings and sale of wines, fortified wines and spirits.

**Rep. Baker of West Rutland**, for the Committee on **General, Housing and Military Affairs**, recommends 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. 7 V.S.A. § 2(15), (16), (27), and (28) are amended to read:



(15) “Manufacturer’s or rectifier’s license”: a license granted by the liquor control board that permits the holder to manufacture or rectify, as the case may be, malt beverages and vinous beverages for export and for sale to bottlers or wholesale dealers, or spirituous liquors for export and for sale to the liquor control board, upon application of a manufacturer or rectifier and the payment to the liquor control board of the license fee as required by subdivision 231(1) of this title for either license. The liquor control board may grant to a licensed manufacturer or rectifier a first class restaurant or cabaret license or first and third class restaurant or cabaret license permitting the licensee to sell alcoholic beverages to the public only at the manufacturer’s premises. A manufacturer of malt beverages who also holds a first class restaurant or cabaret license may serve to a customer malt beverages by the glass, not to exceed eight glasses at one time and not to exceed four ounces in each glass. The liquor control board may grant to a licensed manufacturer or a rectifier of malt or vinous beverages a second class license permitting the licensee to sell alcoholic beverages to the public only at the manufacturer’s or rectifier’s premises. A licensed manufacturer or rectifier of vinous beverages may serve, with or without charge, at an event held on premises of the licensee or the vineyard property, vinous and malt beverages, provided the licensee gives the department written notice of the event, including details required by the department, at least 15 days before the event. Any beverages not manufactured by the licensee and served at the event shall be purchased on invoice from a licensed manufacturer or wholesale dealer. Upon application and payment of the license fee as required by subdivision 231(11) of this title, the liquor control board may grant to a licensed manufacturer or rectifier of vinous beverages fourth class or farmers’ market licenses permitting the licensee to sell ~~these~~ fortified wines and vinous beverages by the bottle to the public at the licensed premises or at a farmers’ market, provided that the beverages were produced by the manufacturer or rectifier. No more than a combined total of ten fourth class and farmers’ market licenses may be granted to any licensed manufacturer or rectifier. An application for a farmers’ market license shall include copies of the farmers’ market regulations, the agreement between the farmers’ market and the applicant, and the location and dates of operation of the farmers’ market. A farmers’ market license shall be valid for all dates of operation for a specific farmers’ market location. However, in no case may a person with an interest in more than one manufacturer’s or rectifier’s license have an interest in more than four fourth class licenses. The manufacturer or rectifier shall pay directly to the commissioner of taxes the sum of \$0.265 cents per gallon for every gallon of malt beverage and the sum of \$0.55 cents per gallon for each gallon of vinous beverage manufactured by the manufacturer or rectifier and provided for sale pursuant to the first class license or the second class license or the fourth class license or combination

thereof held by the manufacturer or rectifier. Holders of a manufacturer's or rectifier's second class license for malt beverages may distribute, with or without charge, malt beverages by the glass, not to exceed two ounces per product and eight ounces in total, to all persons of legal drinking age. The malt beverages must be consumed upon the premises of the holder of the license. At the request of a person holding a first class or second class license, a holder of a manufacturer's or rectifier's license for malt beverages may distribute without charge to the management and staff of the license holder, provided they are of legal drinking age, no more than four ounces per person of a malt beverage for the purpose of promoting the beverage. Written notice shall be provided to the department of liquor control at least 10 days prior to the date of the tasting. A licensed manufacturer or rectifier of spirits may do either or both of the following only on the manufacturer's or rectifier's premises:

(A) Sell by the glass or bottle to the public spirits manufactured by the licensee.

(B) Dispense by the glass, with or without charge, spirits manufactured by the licensee, provided that no more than one-quarter ounce per product and no more than one ounce in total is dispensed to each individual of legal age.

(16) "Person," as applied to licensees: means individuals who are ~~both~~ citizens ~~and residents of the state~~ of the United States, partnerships composed ~~solely~~ of individuals, a majority of whom are ~~both~~ citizens ~~and residents~~ of the ~~state~~ United States, and ~~to~~ corporations organized under the laws of this or another state ~~whereof in which~~ a majority of the directors are ~~both~~ citizens of the United States ~~and residents of this state~~, or to corporations subject to the jurisdiction of the public service board, and to limited liability companies organized under the laws of this or another state in which a majority of the members or managers are ~~both~~ citizens of the United States ~~and residents of this state~~.

(27) "Special events permit": a permit granted by the liquor control board permitting a person holding a manufacturer's or rectifier's license to attend an event open to the public, which has been approved by the local licensing authority, to sell by the glass or by unopened bottle ~~the~~ spirits, malt, or vinous beverage beverages manufactured or rectified by the license holder. The permit holder may distribute, with or without charge, beverages manufactured by the permit holder, provided that the permit holder distributes no more than two ounces per product and eight ounces total of malt or vinous beverages and no more than one ounce in total of spirits to individuals of legal age. No more than 12 special events' permits shall be issued to a holder of a manufacturer's or rectifier's license during a year. The fee for the permit is as

required by subdivision 231(13) of this title, and shall be paid to the department of liquor control. Requests for a special events' permit shall be submitted to the department of liquor control and received by the department at least 15 days prior to the date of the event. Each manufacturer or rectifier planning to attend a single special event under this permit may be listed on a single permit. However, each attendance at a special event shall count toward the manufacturer's or rectifier's 12 special-event-permit limitation.

(28) "Fourth class license": the license granted by the liquor control board permitting a manufacturer or rectifier of vinous beverages to sell fortified wines manufactured by the licensed manufacturer or rectifier and vinous beverages by the bottle and distribute, with or without charge, vinous those beverages by the glass as hereinbefore defined.

Sec. 2. 7 V.S.A. § 223 is amended to read:

§ 223. ~~FIRST AND SECOND CLASS LICENSES; RESIDENCE REQUIREMENTS; LICENSES TO ENFORCEMENT OFFICER OR CONTROL BOARD MEMBER; EXCEPTIONS~~

~~(a) No first or second class license for the sale of malt or vinous beverages shall be granted to an individual, unless the individual is, at the time of application, a legal resident of the town or city in which the application is made. No first or second class license shall be granted to a partnership unless one or more of its general partners is a legal resident of the town or city in which the application is made and a majority of the partners are both legal residents of Vermont and U.S. citizens. No license of any class shall be granted to any enforcement officer or to any person or corporation acting in his or her the officer's behalf. A member of a local control board to whom or in behalf of whom a first or second class license was issued by that board shall not participate in any control board action regarding any first or second class license. If a majority of the members of a local control board is unable to participate in a control board action regarding any first or second class license, that action shall be referred to the state liquor control board for investigation and action. An application for a first or second class license by or in behalf of a member of the local control board or a complaint or disciplinary action regarding a first or second class license issued by a board on which any member is a licensee shall be referred to the state liquor control board for investigation and action. The provisions of this section, however, shall not apply where application is made by a citizen and legal resident of a town or city in Vermont for a license to sell malt or vinous beverages in a town or city wherein he or she is not a legal resident, provided such applicant owns improved real estate or personal property other than stock of goods for sale in the town wherein such license is to be issued upon which he or she pays taxes~~

~~appraised by the listers at not less than \$2,500.00 on real estate or \$1,000.00 on personal property. The provisions of this title shall not apply to an individual who applies for a license to be used at the site of flood control projects or national guard encampments whose application is approved by the commanding officer thereof.~~

~~(b) A second class license may be granted, however, where an application is made by a citizen and legal resident of any town or city in the state and who has openly conducted a place of business in such town or city in which the application is made for one year next prior to the making of the application, or who has purchased a going business which has been conducted openly in such town or city for a period of one year next prior to the making of the application, and who is a legal resident of the town or city in which he resides~~

### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

**(Committee vote: 7-0-1)**

### **Favorable**

#### **H. 442**

An act relating to miscellaneous tax provision.

**(Rep. Ancel of Calais will speak for the Committee on Ways and Means)**

**Rep. Heath of Westford**, for the Committee on **Appropriations**, recommends the bill ought to pass.

**( Committee Vote: 7-4-0)**

### **Senate Proposal of Amendment**

#### **H. 204**

An act relating to payment of diversion program fees.

The Senate proposes to the House to amend the bill as follows:

First: By adding a Sec. 3 to read as follows:

### Sec. 3. REPORT

The attorney general shall report to the senate and house committees on judiciary no later than January 15, 2011 on the impact of Sec. 1 and Sec. 2 of this act on the state's court diversion programs, including the impact on the number of people successfully completing diversion programs.

Second: By adding a Sec. 4 to read as follows:

### Sec. 4. SUNSET

Sec. 1 of this act (juvenile court diversion project) and Sec. 2 of this act (adult court diversion project) shall be repealed on July 1, 2011.

## **CONSENT CALENDAR**

### **Concurrent Resolutions for Adoption Under Joint Rule 16**

The following concurrent resolutions will be adopted automatically unless a member requests floor consideration before the end of today's legislative session. Requests for floor consideration should be communicated to the Clerk of the House or to a member of his staff

**(For text of Resolutions, see Addendum to House and Senate Calendar for Friday, April 10, 2009)**

#### **H.C.R. 99**

House concurrent resolution congratulating Joseph Wassick on completing 50 years of outstanding volunteer service at the Bennington Fire Department

#### **H.C.R. 100**

House concurrent resolution honoring Dr. David Henderson for his exemplary work as a primary care physician in Bristol and at the Porter Medical Center, Inc.

#### **H.C.R. 101**

House concurrent resolution honoring Effie (Bartlett) Chamberlain in recognition of her outstanding nursing and administrative career at the Grace Cottage Hospital

#### **H.C.R. 102**

House concurrent resolution congratulating Brooke Werner of Granville on winning the 2009 Miss Vermont USA competition

#### **S.C.R. 17.**

Senate concurrent resolution in memory of former Representative and Senator George E. Little, Jr. of Shelburne.

#### **S.C.R. 18.**

Senate concurrent resolution congratulating the organizers of the 2009 St. Johnsbury Maple Sugar Festival.