

# House Calendar

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TUESDAY, APRIL 14, 2009

98th DAY OF BIENNIAL SESSION

House Convenes at 10:00 A. M.

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ORDERS OF THE DAY

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**ACTION CALENDAR**

**Unfinished Business of Monday, April 13, 2009**

**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.

(Pending action: Shall the house adopt the report of the Committee of Conference)

**For text of Committee of Conference report see House Calendar of April 9 2009 pages 1095 to 1147.**

**NEW BUSINESS**

**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**, for the committee on Fish, Wildlife and Water Resources, recommends that the bill be amended as follows:

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)**

#### **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**

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.

**(No House amendments.)**

**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. **(Pending action: Third reading of the bill)**

**Senate Proposal of Amendment**

**H. 91**

An act relating to technical corrections to the juvenile judicial proceedings act of 2008. **(Pending question: Shall the House concur in the Senate proposal of amendment.)**

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

**INFORMATION NOTICE**

The following items were recently received by the Joint Fiscal Committee:

**JFO #2376** — \$30,000.00 grant from the State Justice Institute to the Judiciary. These grant monies will support the work of the Commission on Court Operations on the Vermont Re-Engineer Court Systems Project. This grant requires a cash match from the recipient. JFO #2377 is the source of this cash match.

*[JFO received 4/8/09]*

**JFO #2377** — \$21,600.00 grant from the National Center for State Courts to the Judiciary. These grant monies will support the work of the Commission on Court Operations on the Vermont Re-Engineer Court Systems Project. This grant provides the required cash match for JFO #2376.

*[JFO received 4/08/09]*