

House Calendar

Friday, February 05, 2010

32nd DAY OF ADJOURNED SESSION

House Convenes at 9:30 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

S. 163

An act relating to technical corrections to 2009 sex offender legislation

Action Postponed Until May 28, 2010

Governors Veto

H. 436

An act relating to decommissioning funds of nuclear energy generation plants.

Pending Question: Shall the House sustain the Governor's veto?

NOTICE CALENDAR

Favorable with Amendment

H. 507

An act relating to fostering connections to success in guardianships

Rep. French of Randolph, for the Committee on **Human Services**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 14 V.S.A. § 2664(a) is amended to read:

(a) The family court may establish a permanent guardianship at a permanency planning hearing or at any other hearing in which a permanent legal disposition of the child can be made, including a child protection proceeding pursuant to 33 V.S.A. § ~~5528~~ 5318, or a delinquency proceeding pursuant to 33 V.S.A. § ~~5529~~ 5232. The court shall also issue an order permitting or denying visitation, contact or information with the parent at the same time the order of permanent guardianship is issued. Before issuing an order for permanent guardianship, the court shall find by clear and convincing evidence all of the following:

(1) Neither parent is capable or willing to provide adequate care to the child, requiring that parental rights and responsibilities be awarded to a permanent guardian.

(2) Neither returning the child to the parents nor adoption of the child is ~~reasonably likely during the remainder of the child's minority~~ likely within a reasonable period of time.

(3) The child is at least 12 years old unless the proposed permanent guardian is:

(A) a relative; or

(B) the permanent guardian of one of the child's siblings.

(4) The child has resided with the permanent guardian for at least a year; ~~unless or~~ the permanent guardian is a relative with whom the child has a relationship and with whom the child has resided for at least six months.

(5) A permanent guardianship is in the best interests of the child.

(6) The proposed permanent guardian:

(A)(i) is emotionally, mentally, and physically ~~and financially~~ suitable to become the permanent guardian; and

(ii) is financially suitable, with kinship guardianship assistance provided for in 33 V.S.A. § 4903 if applicable, to become the permanent guardian;

(B) has expressly committed to remain the permanent guardian for the duration of the child's minority; and

(C) has expressly demonstrated a clear understanding of the financial implications of becoming a permanent guardian including an understanding of any resulting loss of state or federal benefits or other assistance.

Sec. 2. 33 V.S.A. § 4903(7) is added to read:

(7) Providing aid to a child in the permanent guardianship of a relative if the child was in the care and custody of the department and was placed in the home of the relative for at least six months prior to the creation of the guardianship.

Sec. 3. 33 V.S.A. § 4904(b)(2) is amended to read:

(2) The department shall require a youth receiving services under this section to be employed, to participate in a program to promote employment or remove barriers to employment, or to attend an educational or vocational program, and, if the youth is working, require that he or she contribute to the cost of services based on a sliding scale, unless the youth meets the criteria for an exception to the employment and educational or vocational program requirements of this section based on a disability or other good cause. The

department shall establish rules for the requirements and exceptions under this subdivision.

Sec. 4. 33 V.S.A. § 4904(c) is amended to read:

(c) The commissioner shall establish by rule a program to provide a range of age-appropriate services for youth to ensure a successful transition to adulthood, including foster care and other services provided under this chapter to children as appropriate, housing assistance, transportation, case management services, assistance with obtaining and retaining health ~~insurance care~~ coverage or employment, and other services. At least twelve months prior to a child attaining his or her 18th birthday, the department shall assist the child in developing a transition plan. When developing the transition plan, the child shall be informed about the range of age-appropriate services and assistance available in applying for or obtaining these services.

Sec. 5. 14 V.S.A. § 2663(c)(2) is amended to read:

(2) If the child has been in the custody of the commissioner ~~of social and rehabilitation services for children and families~~ immediately prior to the creation of the guardianship, the commissioner shall have no further duty of support or care for the child after the establishment of the permanent guardianship unless the family is eligible for kinship guardianship assistance provided for in 33 V.S.A. § 4903 or the commissioner contractually agrees in writing to that support.

* * * Technical Corrections * * *

Sec. 6. 14 V.S.A. § 2666 is amended to read:

§ 2666. MODIFICATION; TERMINATION

(a) A modification or termination of the permanent guardianship may be requested by the permanent guardian, the child if the child is age 14 or older, or the commissioner ~~of social and rehabilitation services for children and families~~. A modification or termination may also be ordered by the probate court on its own initiative.

(b) Where the permanent guardianship is terminated by the probate court order or the death of the permanent guardian, the custody and guardianship of the child shall not revert to the parent, but to the commissioner ~~of social and rehabilitation services for children and families~~ as if the child had been abandoned.

* * *

Sec. 7. 14 V.S.A. § 2667(b) is amended to read:

(b) Upon a showing by affidavit of immediate harm to the child, the probate court may temporarily stay the order of visitation or contact on an ex parte basis until a hearing can be held, or stay the order of permanent guardianship and assign parental rights and responsibilities to the commissioner of social and rehabilitation services for children and families.

Sec. 8. 33 V.S.A. § 5307(h) is added to read:

(h) The department shall provide information regarding the legal options for persons to participate in the care and placement of the child or for taking custody of the child and regarding the services and supports, including kinship guardianship assistance, that may be available to those persons.

(Committee Vote: 10-0-1)

H. 517

An act relating to approval of an amendment to the charter of the Village of Enosburg Falls

Rep. Hubert of Milton, for the Committee on **Government Operations**, recommends the bill be amended as follows:

in Sec. 2, 24 V.S.A. App. chapter 129, § 2, in the first sentence, by striking out “from time to time”

(Committee Vote: 8-0-3)

H. 542

An act relating to transfers of mobile homes and rent-to-own transactions

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. 9 V.S.A. § 2602 is amended to read:

§ 2602. SALE OR TRANSFER; PRICE DISCLOSURE; UNIFORM
MOBILE HOME UNIFORM BILL OF SALE

* * *

(b)(1) No mobile home may be sold or its ownership otherwise transferred unless a completed mobile home uniform bill of sale as described in subsection (c) is ~~completed~~ endorsed by the clerk of the town in which the mobile home is located and furnished by the seller or transferor to the buyer or transferee. ~~The mobile home uniform bill of sale must be filed with the town clerk of the town in which the mobile home is to be located. Prior to resale, a mobile home uniform bill of sale must be endorsed by the town clerk of the~~

~~town in which the mobile home is located and a copy sent to the town clerk where the mobile home will be located.~~

(2) If a mobile home is sold or transferred separately from the real property on which it is located, the seller or transferor shall provide a copy of the mobile home uniform bill of sale by certified mail, return receipt requested, to the record owner of the real property on which the mobile home is located.

(3) A clerk shall not endorse a mobile home uniform bill of sale unless:

(A) all property taxes due and payable as of the most recent assessment or installment thereof on the mobile home, but not the real property on which the mobile home is located if separately owned, have been paid in full; and

(B) if a mobile home is sold or transferred separately from the real property on which it is located, the seller or transferor has provided a copy of the mobile home uniform bill of sale to the owner of the real property on which the mobile home is located.

(4) The buyer or transferee shall file the bill of sale with the clerk of the town in which the mobile home will be located within 10 days of receipt from the seller or transferor. If the mobile home will be relocated to real property that is not owned by the buyer or transferee, the buyer or transferee shall provide a copy of the mobile home uniform bill of sale to the record owner of the real property on which the mobile home will be located.

(5) A clerk shall not accept for filing a mobile home uniform bill of sale that is not endorsed as required by this subsection.

(6) The requirements of this subsection shall apply to a mobile home that is physically relocated by its owner to another town.

(7) This subsection shall not apply to:

(A) the valid transfer of a mobile home by deed when financed as residential real estate pursuant to this chapter;

(B) the valid transfer of a mobile home by a mobile home uniform bill of sale pursuant to the abandonment process set forth in 10 V.S.A. § 6249;

(C) the physical relocation of a mobile home that is held as inventory by a manufacturer, distributor, or dealer, is stored or displayed on a sales lot, and is not connected to utilities.

~~(e) No mobile home shall be moved over the highways of this state unless the operator of the vehicle hauling such mobile home has in his or her possession a copy of the mobile home uniform bill of sale endorsed pursuant to 32 V.S.A. § 5079 by the town clerk of the town in which the mobile home was~~

~~last listed and by the clerk of the town in which the mobile home was last located. The mobile home uniform bill of sale shall contain the make, model, serial, size, year manufactured and location of each mobile home. It shall give the name and address of the owner of the property and whether the property is subject to a security interest and shall be substantially in the following form:~~

~~VERMONT MOBILE HOME UNIFORM BILL OF SALE~~

~~KNOW ALL PEOPLE BY THESE PRESENTS THAT~~

~~....., Seller(s), of County of
..... and State of in
consideration of Dollars (\$ ---) paid by
....., Buyer(s), of
County of and State of
the receipt and sufficiency whereof is hereby acknowledged, do hereby grant,
sell, transfer and deliver unto said Buyer(s) the following goods and chattels,
namely:~~

~~Mobile Home Make: Model: Year:
..... Serial Number: Size:
Color: presently located~~

~~at in the Town of~~

~~Mobile Home will remain at above location.~~

~~Mobile Home will be located at in Town of
.....~~

~~TO HAVE AND TO HOLD all and singular the goods and chattels to the said
Buyer(s) and Buyer(s) executors, administrators, and
assigns, to Buyer(s) own use and behoof forever. And the Seller(s) hereby
covenant(s) with the said Buyer(s) that Seller(s) is/are the lawful owner(s) of
said goods and chattels, that they are free from all encumbrances, that Seller(s)
has/have good right to sell the same as aforesaid, and that Seller(s) will warrant
and defend the same against the lawful claims and demands of all persons.~~

~~IN WITNESS WHEREOF, the Seller(s) hereto set(s) his/her/their
hand(s), this day of A.D. 20~~

~~.....
Witness Seller~~

~~.....
Witness Seller~~

~~NOTICE: Title 32 V.S.A. § 5079 requires that this Mobile Home Uniform Bill of Sale be signed by Sellers, Town Clerk of the Town where the Mobile Home is located prior to sale, and filed by Buyer with the Town Clerk of the Town where the Mobile Home will be located after the sale.~~

~~SECURITY INTEREST~~

~~This property is subject to the following security interest or interests of record:~~

~~Secured Party _____ Date _____ Discharged _____ Town Record Number _____~~

~~TO BE COMPLETED BY TOWN CLERK WHERE MOBILE HOME IS PRESENTLY LOCATED.~~

~~I hereby acknowledge that:~~

~~1. Notation of above transfer has been made on the margin of the retained copy of the Mobile Home Uniform Bill of Sale whereby Seller(s) herein acquired title.~~

~~2. Copy of this bill of sale has been forwarded to Town Clerk of Town where above Mobile Home will be located.~~

~~3. Notation of security interest has been made.~~

~~DATED: _____ ATTEST: _____ TOWN CLERK~~

(c)(1) A mobile home uniform bill of sale shall contain the following information regarding each mobile home being transferred:

(A) the name and address of each seller or transferor;

(B) the name and address of each buyer or transferee;

(C) the make, model, serial number, size, and year manufactured;

(D) the current address or location of the mobile home;

(E) whether the mobile home will be moved following the sale or transfer, and if so, the future address of the mobile home;

(F) the name and address of the owner of the real property on which the mobile home is located;

(G) the name and address of the owner of the real property on which the mobile home will be located following the sale or transfer;

(H) if the mobile home is sold separately from the real property on which it is located, confirmation that the seller or transferor has provided notice of the sale to the owner of the real property on which the mobile home is located; and

(1) if the property is subject to a security interest, the name of the debtor, the name of the secured party, and the effective date of the security agreement under which the security interest was created.

(2) A mobile home uniform bill of sale shall be substantially in the following form:

VERMONT MOBILE HOME UNIFORM BILL OF SALE

NOTICE

Vermont statute requires that this Mobile Home Uniform Bill of Sale be signed by each Buyer and Seller, endorsed by the Town Clerk of the Town where the Mobile Home is located at the time of sale, and filed by Buyer with the Town Clerk of the Town where the Mobile Home will be located after the sale.

Seller or Transferor ("Seller"):

Name:.....

Street:.....

Town/State/ZIP:.....

County:.....

Mailing Address (if different):

Street:.....

Town/State/ZIP:.....

Buyer or Transferee ("Buyer"):

Name:.....

Street:.....

Town/State/ZIP:.....

County:.....

Mailing Address (if different):

Street:.....

Town/State/ZIP:.....

Mobile Home Being Sold or Transferred ("Mobile Home")

Specifications:

Make:

Model:

Year:.....

Serial Number:

Size:.....

Color:.....

Current Location:

Street:.....

Town/State/ZIP:.....

County:.....

Owner of Real Property on which Mobile Home is Located:

Name:.....

Street:.....

Town/State/ZIP:.....

Mailing Address (if different):

Street:.....

Town/State/ZIP:.....

Seller(s)/Transferor(s) has (have) provided a copy of this bill of sale to the owner of the real property on which mobile home is currently located.

Location of Mobile Home Following Sale

Mobile Home will remain at current location.

Mobile Home will be relocated to the following address:

Street:.....

Town/State/ZIP:.....

County:.....

Owner of Real Property on which Mobile Home will be Located:

Name:.....

Street:.....

Town/State/ZIP:.....

Mailing Address (if different):

Street:.....

Town/State/ZIP:.....

Security Interest

The Mobile Home is subject to the following security interests of record:

Debtor	Secured Party	Date
.....
.....

For good and valuable consideration, the receipt and sufficiency of which is acknowledged, Seller hereby transfers to the Buyer the Mobile Home identified in this Bill of Sale, and Seller covenants with Buyer that Seller is the lawful owner of the Mobile Home, that it is free from all encumbrances, that Seller has good right to sell the Mobile Home, and that Seller will warrant and defend the same against the lawful claims and demands of all persons.

Seller Signature.....Date.....

Buyer Signature.....Date.....

TOWN CLERK ENDORSEMENT

TO BE COMPLETED BY TOWN CLERK WHERE MOBILE HOME IS CURRENTLY LOCATED.

I hereby acknowledge that:

1. Notation of above transfer has been made on the margin of the retained copy of the Mobile Home Uniform Bill of Sale whereby Seller acquired title.
2. Notation of security interest has been made.
3. All property taxes due and payable as of the most recent assessment or installment thereof on the Mobile Home, but not the real property on which the Mobile Home is located if separately owned, have been paid in full.
4. If the Mobile Home is sold or transferred separately from the real property on which it is located, Seller has provided a copy of the Mobile Home Uniform Bill of Sale to the Owner of the real property on which the Mobile Home is located.

Town Clerk Signature:.....Date:.....

(3) Within 14 days of filing, the town clerk in the town in which a mobile home uniform bill of sale is filed shall mail a copy of the recorded bill of sale to each buyer, seller, and owner of real property for whom a mailing address is provided.

(d) A mobile home shall not be moved over the highways of this state unless the operator of the vehicle hauling the mobile home has in his or her possession a copy of the mobile home uniform bill of sale endorsed pursuant to subsection (b) of this section. In addition to any penalty or remedy imposed under section 2607 of this title, a violation of this subsection shall be subject to the collection and enforcement provisions set forth in 32 V.S.A. § 5079.

(e)(1) For purposes of this subsection, “an agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis” means any agreement, other than an agreement to purchase a mobile home, that will be financed as residential real estate, under which:

(A) a buyer or lessee, however named, agrees to pay consideration in one or more installments to the owner of a mobile home, or to a third party designated by the owner of the mobile home to receive payment on behalf of the owner, for the right to use or occupy the mobile home;

(B) upon full compliance with the terms of the agreement, the buyer or lessee, however named, is bound to become, or for no further or a merely nominal additional consideration, has the option of becoming, the owner of the mobile home.

(2) An agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis shall not transfer ownership of the mobile home, or the rights, duties, and liabilities arising from ownership of the mobile home, unless and until:

(A) the buyer and seller execute a written retail installment contract complying with the requirements set forth in chapter 59 of this title;

(B) the seller furnishes to the buyer an executed mobile home uniform bill of sale endorsed pursuant to subsection (b) of this section; and

(C) the buyer executes and records the mobile home uniform bill of sale with the town clerk of the town in which the mobile home will be located within 10 days of receipt from the seller.

(3) An agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis that meets the requirements of subdivision (2) of this subsection shall constitute a “retail installment transaction” as defined in subdivision 2351(4) of this title, and in addition to any other applicable law, shall be subject to chapter 59 of this title and 9A V.S.A. Article 2 of the Uniform Commercial Code (Sale of Goods).

(4) An agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis that does not meet the requirements of subdivision (2) of this subsection shall constitute a residential rental agreement

as defined in subdivision 4451(8) of this title, and in addition to any other applicable law, shall be governed by chapter 137 of this title, and as appropriate, 9A V.S.A. Article 2A of the Uniform Commercial Code (Leases) and chapter 153 of Title 10.

(5) Notwithstanding subdivisions (2)–(4) of this subsection, a buyer or seller may pursue any remedies available at law or at equity for:

(A) damages resulting from another party’s breach of a valid agreement to purchase a mobile home on a rent-to-own, lease-purchase, or similar basis; and

(B) damages resulting from a failed transfer of ownership under subdivision (2) of this subsection arising from another party’s act or omission.

(f)(1) The sale of a mobile home under this section is a sale of goods under Article 2 of the Uniform Commercial Code, as codified in Title 9A of the Vermont Statutes Annotated. The provisions of this section should be harmonized with the provisions of the Uniform Commercial Code to the furthest possible extent, but in the event of a direct conflict, this section shall govern.

(2) The sale of a mobile home under this section is subject to the provisions governing express and implied warranties on the sale of goods set forth in 9A V.S.A. Article 2, Part 3, with the following modifications:

(A) the warranty of title in a contract of sale under 9A V.S.A. § 2-312 may be excluded or modified only by a written agreement that is executed by the buyer and seller prior to sale and clearly states any deficiency or limitation on the seller’s title, as well as any security interest, lien, or encumbrance on the mobile home that excludes or modifies the warranty of title; and

(B) the implied warranty of merchantability under 9A V.S.A. § 2-314 and the implied warranty of fitness for a particular purpose under 9A V.S.A. § 2-315 may not be waived if the seller has notice, as that term is defined in 9A V.S.A. § 1-202, that the mobile home will be used by the buyer as his or her primary residence.

(3) In addition to any additional penalties or remedies available at law or at equity, the sale of a mobile home in violation of subdivision (2)(A) or (B) of this subsection shall be unenforceable against the buyer.

Sec. 2. 32 V.S.A. § 5079 is amended to read:

§ 5079. SALE OR TRANSFER OF MOBILE HOMES; COLLECTION OF TAXES

~~(a) Within 10 days of acquiring ownership by sale, trade, transfer, or other means, an owner of a mobile home as defined in 9 V.S.A. § 2601 or 10 V.S.A. § 6201 shall file with the clerk of the municipality in which the mobile home is located a mobile home uniform bill of sale, containing the make, model, serial number, size, year manufactured, and location of the mobile home. It shall give the name and address of the owner of the property, and whether the property is subject to a security interest, and shall be substantially in the form prescribed in 9 V.S.A. § 2602(c). This subsection shall not apply to mobile homes held solely for sale by a manufacturer, distributor, or dealer that are stored or displayed on a sales lot and are not connected to utilities. A transfer of ownership of a mobile home shall be made pursuant to the requirements set forth in chapter 72 of Title 9.~~

~~(b) An owner of a mobile home, except those held for sale by a manufacturer, distributor or dealer that are stored or displayed on a sales lot and are not connected to utilities, may not sell, trade, transfer, or move the home without a mobile home uniform bill of sale endorsed by the clerk of the municipality in which it is located. In the case of removal of a mobile home from the municipality, or of a sale, trade, or transfer that will result in the removal of the mobile home from the municipality, the clerk shall not endorse the mobile home uniform bill of sale unless all property taxes assessed with regard to the mobile home, but not the mobile home site, have been paid. The owner of the mobile home shall file a copy of the endorsed mobile home bill of sale with the clerk of the new municipality within 10 days of the date on which the mobile home is moved into the new municipality. Where ownership of an abandoned mobile home is transferred pursuant to a court order issued pursuant to 10 V.S.A. § 6249, the order shall not constitute a release of the mobile home from any lien for penalties, interest and taxes due the town to the date of the bill of sale, prorated as of that date. Where ownership of an abandoned mobile home is transferred pursuant to 10 V.S.A. § 6249 to an owner who certifies to the court that the mobile home will be disposed of, the order shall not constitute a release of the mobile home from any lien for taxes due the town and an authorization to remove the mobile home from the town for the purpose of disposal.~~

~~(c) Any person, including the owner of a mobile home or agent, who removes a mobile home from the town in which it was listed without having in his or her possession a mobile home uniform bill of sale endorsed by the clerk of the municipality where the mobile home was located as required by subsection (b) of this section shall be fined not more than \$300.00.~~

~~(d) A mobile home removed from a town without a mobile home uniform bill of sale endorsed by the clerk of the municipality where the mobile home was located as required by subsection (b) of this section 9 V.S.A. § 2602 may~~

be taken into possession by any sheriff, deputy sheriff, constable, or police officer, or by the treasurer or tax collector of the town in which the mobile home was last listed if known, or by the commissioner of taxes if that town is unknown. A mobile home taken into possession under this section by an officer other than the collector of taxes shall be delivered promptly to the collector of taxes of the town in which the mobile home was last listed. In taking possession, the authorized officer may proceed without judicial process only in the event that the taking of possession can be done without breach of the peace. Proceedings for collection of the taxes assessed against and due with respect to the mobile home shall then be conducted in accordance with subchapter 9 of chapter 133 of this title.

(e) Taxes assessed against a mobile home shall be considered due for purposes of this section as of the date of removal of the mobile home from the town in which the mobile home was last listed, and the owner shall be liable for fees provided for in section 1674 of this title from the date of removal.

(f) The treasurer or tax collector of any town from which a mobile home is removed, without an endorsed mobile home uniform bill of sale as required by ~~subsection (b) of this section~~ 9 V.S.A. § 2602(b) may notify the director of the division of property valuation and review of the removal giving a description of the mobile home by serial or other number if known. If the director is notified of the seizure of a mobile home as provided in subsection (d) of this section, he or she shall immediately notify the treasurer or tax collector of the town, if known, in which the mobile home was last listed on the grand list.

(g) Taxes lawfully assessed upon a mobile home shall attach as a lien on the mobile home as provided in section 5061 of this title.

Sec. 3. 10 V.S.A. § 6204(d) is amended to read:

(d) A mobile home occupied on the basis of a lease-purchase or ~~“rent to own”~~ rent-to-own contract shall be subject to the provisions of 9 V.S.A. ~~chapter 59 § 2602(e).~~

Sec. 4. AVAILABILITY OF MOBILE HOME UNIFORM BILL OF SALE

The department of housing and community affairs shall make publicly available on its website a mobile home uniform bill of sale in a format substantially similar to the form set forth in 9 V.S.A. § 2602(c).

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2010.

(Committee Vote: 8-0-0)

Committee Relieved

H. 385

An act relating to laptops for legislators

Senate Proposal of Amendment

H. 534

An act relating to fiscal year 2010 budget adjustment

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

First: In Sec. 2, in the section title, by striking out the word “heath” and inserting in lieu thereof the word health

Second: By striking out Sec. 46 in its entirety and inserting in lieu thereof a new Sec. 46 to read as follows:

Sec. 46. DELETED

Third: In Sec. 49, by striking out the figure “19,115,745” where it appears twice and inserting in lieu thereof the figure 19,094,794 and by striking out the figure “16,361,710” and inserting in lieu thereof the figure 16,340,759 and by striking out the figure “3,043,197” and inserting in lieu thereof the figure 3,022,246

Fourth: In Sec. 50, by striking out the figure “65,354,476” where it appears twice and inserting in lieu thereof the figure 65,333,525 and by striking out the figure “12,715,861” and inserting in lieu thereof the figure 12,694,910

Fifth: In Sec. 60(a), at the end of “21638 Atty Gen Fees-Reimbursements 1,500,000” by adding the word Approx.

Sixth: By striking out Sec. 64 in its entirety and inserting in lieu thereof a new Sec. 64 to read as follows:

Sec. 64. Sec. 19 of No. 61 of the Acts of 2009 is amended to read:

Sec. 19. 8 V.S.A. § 4080f is amended to read:

§ 4080f. CATAMOUNT HEALTH

(a) As used in this section:

* * *

(II)(aa) A self-employed individual who was insured through the nongroup market whose insurance coverage ended as the direct result of either the termination of a business entity owned by the individual or the individual’s inability to continue in his or her line of work, if the individual produces satisfactory evidence to the office of Vermont health access of the

business termination or certifies by affidavit to the office of Vermont health access that he or she is not employed and is no longer seeking employment in the same line of work;

(bb) Subdivision (aa) of this subdivision (II) shall take effect upon issuance by the Centers for Medicare and Medicaid Services of approval of an amendment to the Global Commitment for Health Medicaid Section 1115 Waiver allowing for a self-employment exception to the Catamount Health waiting period, but in no event earlier than July 1, 2011;

* * *

Seventh: In Sec. 71, amending Sec. B.1101(a) of No. 1 of the Acts of the 2009 Special Session, by adding a new subdivision (15) to read as follows:

(15) To the treasurer's office for Benefits For The Survivors Of Emergency Personnel to be used in accordance with the requirements of 20 V.S.A. § 3173. \$70,000

Eighth: In Sec. 71, amending Sec. B.1101(b) of No. 1 of the Acts of the 2009 Special Session, by striking out the words "Government Services Fund"

Ninth: After Sec. 71, by adding a new section to be numbered Sec 71a to read as follows:

Sec. 71a. Sec. D.104 of No. 1 of the Acts of the 2009 Special Session is amended to read:

Sec. D.104. TRANSFER OF TOBACCO TRUST FUNDS

(a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of investment earnings of the tobacco trust fund at the end of fiscal year 2010 and any additional amount necessary to ensure the balance in the tobacco litigation settlement fund at the close of fiscal year 2010 is not negative, shall be transferred from the tobacco trust fund to the tobacco litigation settlement fund in fiscal year 2010.

Tenth: In Sec. 76, amending Sec. 10(b) of No. 2 of the Acts of the 2009 Special Session, by adding a sentence at the end of subsection (b) to read as follows:

The alternate plan may include fund transfers and shall be proportionate in terms of total general funds for the judicial and legislative branches.

Eleventh: In Sec. 79, amending Sec. H.1(c) of No. 1 of the Acts of the 2009 Special Session, by striking out the number "15" and inserting in lieu thereof the number 16

Twelfth: By striking out Sec. 82 in its entirety and inserting in lieu thereof a new Sec. 82 to read as follows:

Sec. 82. REALLOCATION OF FUNDS

(a) Of the funds transferred to the municipal and regional planning fund in Sec. 10(a) of No. 178 of the Acts of 2006, \$20,951 shall be available for municipal planning grants in fiscal year 2010. Any additional amounts in the municipal and regional planning fund from the above transfer that are deemed unencumbered through award recapture by the commissioner of finance and management shall be available for municipal planning grants in fiscal year 2010.

(b) Of the funds appropriated in Sec. 219(c) of No. 65 of the Acts of 2007 as amended by Sec. 64 of No. 90 of the Acts of 2008 (DeptID 7110010150), and Sec. 233a(a)(6)(B) of No. 65 of the Acts of 2007 (DeptID 7110890702), and Sec. 220 of No. 215 of the Acts of 2006 as amended by Sec. 361 of No. 65 of the Acts of 2007 (DeptID 7110010170); any amounts in the above appropriations that are deemed unencumbered through award recapture by the commissioner of finance and management shall be available for municipal planning grants in fiscal year 2010.

Thirteenth: By striking out Sec. 88 in its entirety and inserting in lieu thereof two new sections to be numbered Sec. 88 and Sec. 88a to read as follows:

Sec. 88. 9 V.S.A. § 2458(b) is amended to read:

(b) In addition to the foregoing, the attorney general or a state's attorney may request and the court is authorized to render any other temporary or permanent relief, or both, as may be in the public interest including, but not limited to:

(1) the imposition of a civil penalty of not more than \$10,000.00 for each violation;

(2) an order for restitution of cash or goods on behalf of a consumer or a class of consumers similarly situated;

(3) an order requiring reimbursement to the state of Vermont for the reasonable value of its services and its expenses in investigating and prosecuting the action;

(4) amounts other than consumer restitution recovered by the attorney general or department of state's attorneys under this chapter, ~~subject to appropriation each fiscal year, but not to exceed amounts annually appropriated,~~ or authorized pursuant to Sec. 167 of Title 3 or Sec. 511 of Title 32, shall be deposited into special funds which shall be available to the

attorney general or department of state's attorneys, respectively to offset the costs of providing legal services.

Sec. 88a. 3 V.S.A. § 167 is added to read:

§ 167. PUBLIC FUNDS INVESTIGATION SPECIAL FUND

There is established a public funds investigation special fund, pursuant to subchapter 5 of chapter 7 of Title 32. At the end of each fiscal year revenue available to the attorney general under 9 V.S.A. § 2458(b)(4) may be used to bring the unencumbered fund balance up to \$100,000.00. Monies in the fund shall be available for expenditure by the attorney general and state's attorneys to pay expenses, as the attorney general and the state auditor shall agree, for independent contractors, including accountants, necessary for investigation and prosecution of embezzlement or other financial crimes in which public funds are alleged to have been misused.

Fourteenth: After Sec. 95, by adding a new section to be numbered Sec. 95a to read as follows:

Sec. 95a. FIVE PERCENT PAY CUT; STATE'S ATTORNEYS

(a) For the remainder of fiscal year 2010 and for fiscal year 2011, the compensation of all states attorneys shall be reduced by five percent from the rate of compensation which would otherwise be paid under the provisions of 32 V.S.A. § 1183.

Fifteenth: After Sec. 112, by adding a new section to be numbered Sec. 112a to read as follows:

Sec. 112a. EMERGENCY HOUSING FUNDING

(a) Of the additional funds provided to the General Assistance program in Sec. 32 of this Act, \$400,000 is for emergency housing as follows:

(1) \$150,000 for emergency shelters participating in the Emergency Shelter Grant Program (ESGP) to provide overflow shelter and services, and to be administered by the Office of Economic Opportunity; and

(2) \$250,000 for General Assistance targeted to those individuals and families who do not meet the income and/or sustainability criterion of the Homeless Prevention and Rapid Rehousing Program. These funds may be used for rental assistance, security deposits, first month's rent and emergency housing in motels, to be administered directly by the secretary of human services.

Sixteenth: After Sec. 112a, by adding a new section to be numbered Sec. 112b to read as follows:

Sec. 112b. VERMONT STATE HOSPITAL; CANTEEN PLAN

(a) The director of the Vermont State Hospital, in collaboration with staff who provide professional mental health services to patients of the facility, shall develop a plan to be included in the fiscal year 2011 appropriations act to reopen the canteen or commissary on July 1, 2010, which shall be accessible to patients, staff, and visitors to the facility. The plan shall be submitted to the house and senate committees on appropriations and house committee on human services and senate committee on health and welfare on or before March 15, 2010. The plan shall be cost neutral to the general fund, but shall recognize that patients may have limited funds to purchase products.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.

(For text see House Journal 1/21/10)

Ordered to Lie

H.R. 19

House resolution urging the agency of natural resources to retain delegated authority to administer the federal Clean Water Act in Vermont.

Pending Question: Shall the House adopt the resolution?

Consent Calendar

Concurrent Resolutions

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 230

House concurrent resolution congratulating the 2009 Windsor High School Yellow Jackets Division III championship football team

H.C.R. 231

House concurrent resolution honoring Tanner Dow for his artistic and literary accomplishments

H.C.R. 232

House concurrent resolution in memory of Representative Richard Hube of Londonderry

H.C.R. 233

House concurrent resolution congratulating the Windsor High School Yellow Jackets 2009 Division II field hockey championship team

H.C.R. 234

House concurrent resolution congratulating the Shelburne Community School Wind Ensemble on its selection as a participant in the 25th annual Walt Disney World's Magic Music Days

H.C.R. 235

House concurrent resolution congratulating Front Porch Forum, Inc. on its 10th anniversary

H.C.R. 236

House concurrent resolution honoring Brittany Gilbert for her remarkable humanitarian work in Haiti

H.C.R. 237

House concurrent resolution congratulating all Vermonters competing for the United States in the 2010 Olympics in British Columbia

S.C.R. 37

Senate concurrent resolution in memory of Joan Wing

S.C.R. 38

Senate concurrent resolution congratulating Winona Greaves of Montpelier on her 100th birthday

S.C.R. 39

Senate concurrent resolution in memory of Vermont artist Stephen Huneck of St. Johnsbury

S.C.R. 40

Senate concurrent resolution honoring Good Beginnings of Central Vermont and its outstanding volunteer support programs for families of newborn and adopted infants

Reports 2010

The following reports can be found on the State of Vermont webpage, www.leg.state.vt.us. Please note that some reports have been filed electronically and must be downloaded if you prefer a hard copy.

The Vermont Children's Trust Fund Tax Check-Off Report January 2010

Submitted in partnership by: Vermont Department for Children and Families, Child Development Division; Children and Family Council for Prevention Programs; Vermont Children's Trust Foundation

Vermont Labor Relations Board 2009 Annual Report (3 V.S.A. § 924(a))

Vermont Labor Relations Board

Vermont Labor Relations Board 2008 Annual Report (3 V.S.A. § 924(a))

Vermont Labor Relations Board

Vermont GIS 2010: The Yearly Status Report

Annual Report of the Vermont Center for Geographic Information, Inc. (VCGI) and the Vermont Geographic Information System (VGIS)

Vermont Clean and Clear Action Plan 2009 (submitted in accordance with 10 V.S.A. § 1386(d))

Vermont Agency of Natural Resources and Vermont Agency of Agriculture, Food, and Markets

Excess Receipts Report for 1st Quarter of FY 2010 (7/1/09 – 9/30/09) per 32 V.S.A. § 511

Vermont Agency of Administration, Office of the Secretary

Vermont Community Development Program Annual Summary of Program Activities (7/1/08-6/30/09)

Vermont Department of Economic, Housing and Community Development

Registry of Nonprofit Revolving Loan Funds- No Registry Fees Required

Vermont Department of Economic, Housing and Community Development

Annual Report on Mercury Thermostat Collection Program (Title 10 V.S.A. Chapter 164 §7116)

Department of Environmental Conservation, Vermont Agency of Natural Resources

Public Hearings

Wednesday, February 10, 2010 - Room 11 - Senate Committee on Transportation - Cell phone use while driving

Tuesday, February 16, 2010 – 2:45 – 4:00 PM – House Committee on Appropriations – Governor’s Proposed FY 2011 State Budget

Wednesday, February 17, 2010 – 9:30-10:45AM – House Committee on Appropriations – Governor’s Proposed FY 2011 State Budget

Information Notice

Joint Public Hearing on Fiscal Year 2011 budget on Vermont Interactive Television Appropriations Committees

Monday, February 8, 2010, 4:30 - 7:00 p.m. – The House and Senate Appropriations Committees will hold a joint public hearing on Vermont Interactive Television (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the state budget for fiscal year 2011. All V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Castleton, Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, Waterbury, White River Junction and Williston. V.I.T.'s web site has an up-to-date location listing, including driving directions, addresses and telephone numbers, <http://www.vitlink.org/>.

For information about the format of this event, interested parties may call the House Appropriations Committee office at 802/828-5767. Requests for interpreters should be made to the office by 12:00 noon on Friday, January 29, 2010.

Joint Assembly

February 18, 2010 - 10:30 A.M. – Election of two (2) trustees for the Vermont State Colleges Corporation.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than February 11, 2010 , by 5:00 P.M. pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.