

House Calendar

Friday, February 19, 2010

46th DAY OF ADJOURNED SESSION

House Convenes at 9:30 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 524

An act relating to interference with or cruelty to a service animal

Amendment to be offered by Rep. Shaw of Pittsford to H. 524

First: In Sec. 1, by striking the second sentence of 13 V.S.A. § 355(b), and inserting in lieu thereof “A person who violates this subsection shall be fined not more than \$20,000.00.”

Second: In Sec. 1, by striking the second sentence of 13 V.S.A. § 355(c), and inserting in lieu thereof “A person who violates this subsection shall be fined not more than \$2,000.00.”

Third: In Sec. 1, by striking the first sentence of 13 V.S.A. § 355(e), and inserting in lieu thereof “As provided in section 7043 of this title, restitution shall be considered by the court under this section if the victim has suffered any material loss.”

H. 763

An act relating to establishment of an agency of natural resources’ river corridor management program

Amendment to be offered by Reps. Johnson of Canaan, Rodgers of Glover to H. 763

In Sec. 7, 24 V.S.A. § 4414(1)(G), by striking “require provisions for access to public waters for all residents and owners of the development;” where it appears in the last sentence and inserting in lieu thereof the following “reserve existing public access to public waters”

Amendment to be offered by Reps. Johnson of Canaan, Rodgers of Glover to H. 763

First: In Sec. 3, 10 V.S.A. § 1422, by striking subdivision (12) in its entirety and inserting in lieu thereof the following:

(12) “River corridor” means the land adjacent to a river that is located in the 100-year floodplain.

Second: In Sec. 7, 24 V.S.A. § 4414(1)(G), by striking “require provisions for access to public waters for all residents and owners of the development;” where it appears in the last sentence

Committee Bill for Second Reading

H. 765

An act relating to establishing the Vermont agricultural innovation authority.

(Rep. Malcolm of Pawlet will speak for the Committee on Agriculture.)

H. 766

An act relating to preventing duplication in certain public health records.

(Rep. Andrews of Rutland City will speak for the Committee on Human Services.)

Favorable with amendment

H. 607

An act relating to codifying and amending the charter of the Chittenden County Transportation Authority

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

Sec. 1. CHITTENDEN COUNTY TRANSPORTATION AUTHORITY;
CHARTER; CODIFICATION

The legislative council shall, consistent with section 424 of Title 2, codify the charter of the Chittenden County Transportation Authority as set forth in No. 122 of the acts of 1973 and as that act is further amended by this act. Codification may include the correction of internal cross-references.

Sec. 2. Secs. 2, 3, 6, and 7 of No. 122 of the Acts of 1973 are amended to read:

Sec. 2. Area of Operation

The area of operation shall be Chittenden County, and may additionally include the boundaries of municipalities in adjoining counties, if such municipalities determine to join the authority as set forth in section 3 of this act, Franklin, Grand Isle, and Washington Counties and the towns of Orange, Washington, and Williamstown. The area of operation shall include Addison and Caledonia counties and the towns of Orange County other than Orange, Washington, and Williamstown, but only for the provision of commuter services. The area of operation shall include Lamoille County, but only for the provision of published scheduled services.

Sec. 3. Membership in the authority

Membership in the authority shall consist of those municipalities which elect to join the authority by majority vote of its voters present and voting on ~~said~~ the question at an annual or special meeting duly warned for ~~such~~ the purpose prior to July 1, 2010. Beginning July 1, 2010, a municipality may hold an annual meeting or a special meeting for the purpose of determining through election by a majority vote of its voters present and voting on the question only if the municipality is specifically authorized to join the authority either under Sec. 13 of this charter or by resolution duly passed by the Chittenden County Transportation Authority Board of Commissioners. The initial meeting of a municipality called to determine whether or not to join the authority shall be warned in the manner provided by law, except that for such meeting only, any warning need not be posted for a period in excess of 20 days, any other provision of law or municipal charter to the contrary notwithstanding. Membership may be terminated only in the manner provided in section 8 of this act.

Sec. 6. Government and organization

(a) The officers of the authority, and their election or designation shall be as follows:

(1) Board of commissioners. The purposes, powers, duties and responsibilities of the authority shall be exercised by the board of commissioners, consisting of ~~two commissioners~~ one commissioner from each municipality which is a member of this authority and two commissioners from the City of Burlington. ~~Such~~ The commissioners shall be appointed by and serve at the pleasure of the legislative body of the member municipality. Any vacancies on the board of commissioners shall be filled by the legislative body of the respective member municipality, but in the event that the legislative body fails to appoint a commissioner within two months from the date of the occurrence of the vacancy, ~~such~~ the vacancy shall be filled by the board of commissioners. Commissioners shall serve without pay.

* * *

Sec. 7. Annual budget and assessments

* * *

(c) The treasurer of the authority, following adoption of the budget, shall apportion the sums required to be contributed by each member municipality according to the ~~average number of weekly miles of service for the 12 month period preceding the adoption of the budget, for each member community, as~~

~~compared to the average number of weekly miles of service for all member communities for the same period~~ formula for apportionment. The formula for apportionment may be changed by the board of commissioners with the concurrence of ~~all~~ the legislative bodies of at least three-quarters of the member municipalities.

* * *

Sec. 3. Sec. 48 of No. 56 of the Acts of 2003 is amended to read:

Sec. 48. Sec. 4(c)(11) of No. 122 of the Acts of 1973 is amended to read:

* * *

(11) Within Chittenden County and its member municipalities, to acquire by the exercise of the power of eminent domain any real property which it may have found necessary for its purposes, in the manner provided for the condemnation of land or rights therein as set forth in sections 221-233 of Title 19, and acts amendatory thereof or supplementary thereto;

Sec. 4. No. 122 of the Acts of 1973 is amended by adding new sections 12, 13, and 14 to read:

Sec. 12. ASSESSMENTS OF NEW MEMBERS OUTSIDE OF CHITTENDEN COUNTY

Municipalities outside of Chittenden County that vote to join Chittenden County Transportation Authority on or after July 1, 2010, shall negotiate with the board of commissioners of the Chittenden County Transportation Authority on the amount of the levy to be assessed upon the municipality and terms of payment of that assessment; and the municipality may not join prior to agreement with the authority on terms of the levy and payment. Upon the addition of one municipality to the membership of the Chittenden County Transportation Authority from outside Chittenden County, said authority shall immediately begin work on the formula for assessment that will be approved in accordance with this act.

Sec. 13. MUNICIPALITIES AUTHORIZED TO VOTE FOR MEMBERSHIP IN THE CHITTENDEN COUNTY TRANSPORTATION AUTHORITY

The following municipalities are authorized to hold an election for the purpose of determining membership in the Chittenden County Transportation Authority: Barre City, Berlin, Colchester, Hinesburg, Montpelier, Morristown, Richmond, St. Albans City, Stowe, and Waterbury.

Sec. 14. OTHER REPRESENTATION

If Washington, Lamoille, Franklin, or Grand Isle county does not have a municipal member from its county on the board of commissioners of the Chittenden County Transportation Authority, the regional planning commission serving the county may appoint a board member to the Chittenden County Transportation Authority from a member of its regional planning commission or regional planning commission staff to represent its interests on the Chittenden County Transportation Authority board.

Sec. 5. REPEAL

Secs. 46 and 47 of No. 56 of the Acts of 2003 are repealed.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2011. However, a municipality that is authorized to vote for membership in the Chittenden County Transportation Authority under Secs. 3 and 13 of No. 122 of the Acts of 1973 as amended by this act, shall be authorized to do so at its 2011 annual meeting.

(Committee Vote: 11-0-0)

H. 622

An act relating to solicitation by prescreened trigger lead information

Rep. Dickinson of St. Albans Town, for the Committee on **Commerce and Economic Development**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 10206 is added to read:

§ 10206. TRIGGER LEAD SOLICITATIONS

(a) In this section:

(1) “Consumer” means a natural person residing in this state.

(2) “Trigger lead” means information about a consumer, including the consumer’s name, address, telephone number, and an identification of the amount, terms, or conditions of credit for which the consumer has applied, that is:

(A) submitted by a financial institution to a consumer-reporting agency for the purpose of obtaining a credit report, as defined in 9 V.S.A. § 2480a, in conjunction with the consumer’s application for credit; and

(B) furnished by the consumer-reporting agency to a third party that is not affiliated with the financial institution or the credit-reporting agency.

(3) “Trigger lead solicitation” means a written or verbal offer or attempt to sell any property, rights, or services to a consumer based on a trigger lead.

(b) A person conducting a trigger lead solicitation shall disclose to a consumer in the initial phase of the solicitation that:

(1) the person is not affiliated with the financial institution to which the consumer has submitted an application for credit; and

(2) the financial institution to which the consumer has submitted an application for credit has not supplied the person with any personal or financial information.

(c) A financial institution which has had its name, trade name, or trademark misrepresented in a trigger lead solicitation in violation of this section may, in addition to any other remedy provided by law, bring an action in superior court in the county of its primary place of business, or if its primary place of business is located outside Vermont, in Chittenden or Washington superior court. The court shall award damages for each violation in the amount of actual damages demonstrated by the financial institution or \$5,000.00, whichever is greater. In any successful action for injunctive relief or for damages, the court shall award the financial institution reasonable attorney's fees and costs, including court costs.

Sec. 2. EFFECTIVE DATE

This act shall take effect upon passage.

(Committee Vote: 11-0-0)

Favorable

H. 761

An act relating to authorization of High-Speed Intercity Passenger Rail Program grants.

(Rep. Aswad of Burlington will speak for the Committee on Transportation.)

Rep. Minter of Waterbury, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

**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. 66

An act relating to including secondary students with disabilities in senior year activities and ceremonies

Rep. Mook of Bennington, 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. 16 V.S.A. § 2944(g)–(i) are added to read:

(g) Any public or approved independent secondary school receiving state education funds shall allow an enrolled student to choose to participate in the graduation ceremony and senior year activities of the student’s peers if:

(1) the student is receiving specialized instruction or services, from or through the school, described in an individualized education plan (“IEP”) or a Section 504 plan;

(2) under the IEP or Section 504 plan, the student will need to remain enrolled in the school after that graduation ceremony in order to complete his or her secondary education, including special education and transition services; and

(3) the student, as a result of his or her disability or impairment, needs to remain enrolled in the school after that graduation ceremony in order to complete his or her secondary education.

(h) A student who participates in a graduation ceremony pursuant to subsection (g) of this section shall not receive a diploma as part of that ceremony, but shall receive a certificate of recognition in a form determined by the school. If on an IEP, the student shall receive a regular high school diploma upon satisfactory completion of all necessary graduation requirements and at a time determined by the IEP team. If on a Section 504 plan, the student shall receive a regular high school diploma upon satisfactory completion of all necessary graduation requirements. Unless a school determines otherwise, a student may participate in no more than one graduation ceremony.

(i) A student’s participation in a graduation ceremony pursuant to subsection (g) of this section shall not affect or limit the student’s eligibility for special education services, related services, transition services, or Section 504 services following the ceremony.

(Committee Vote: 10-1-0)

H. 725

An act relating to 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. 6 V.S.A. chapter 216 is added to read:

CHAPTER 216. FARMERS' MARKETS

§ 5001. DEFINITION

In this chapter, "farmers' market" shall mean an event or series of events at which two or more vendors of agricultural products, as defined in 11 V.S.A. § 991, gather for purposes of offering for sale to the public their agricultural products.

§ 5002. VERMONT FARMERS' MARKET ASSOCIATION MEMBERSHIP

(a) Farmers' markets in this state that meet the minimum standards and best practices set forth in subsection (b) of this section may become members of the Vermont Farmers' Market Association.

(b) The Vermont Farmers' Market Association shall:

(1) develop minimum standards and best practices for the management and use of farmers' markets in this state and shall submit them to the agency of agriculture, food and markets for recommendations; and

(2) extend memberships to farmers' markets that meet the standards and best practices established under subdivision (1) of this subsection.

(3) prepare an annual report of its activities, including a financial statement, and make the report available to the agency of agriculture, food and markets and other interested parties no later than February 1 of each year.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2010.

(Committee Vote: 11-0-0)

Favorable

H. 764

An act relating to the state teachers' retirement system of Vermont.

(Rep. Atkins of Winooski will speak for the Committee on Government Operations.)

Rep. Miller of Shaftsbury, for the Committee on **Appropriations**, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

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?

Public Hearings

Wednesday, February 24, 2010 – Room 11 – 5:00 – 8:00 P.M. –House and Senate Education Committees – S. 252 Consolidation – School Districts