

# House Calendar

---

Tuesday, April 20, 2010

106th DAY OF ADJOURNED SESSION

House Convenes at 10:00 A.M.

---

## TABLE OF CONTENTS

---

	<b>Page No.</b>
<b>ACTION CALENDAR</b>	
<b>Action Postponed Until April 20, 2010</b>	
<b>Senate Proposal of Amendment</b>	
<b>H. 648</b> Harassment and hazing policies at independent colleges.....	1471
<b>NEW BUSINESS</b>	
<b>Third Reading</b>	
<b>S. 239</b> Retiring outdoor wood-fired boilers that do not meet the 2008 emission standard for particulate matter.....	1471
<b>Favorable with amendment</b>	
<b>S. 237</b> Operational standards for salvage yards.....	1471
Rep. McCullough for Fish, Wildlife and Water Resources	
<b>J.R.S. 50</b> Urging expedited federal initiation of the National Environmental Policy Act process relating to the proposed federal acquisition of Eagle Point Farm in Derby, Vermont .....	1478
Rep. Lewis Fish, Wildlife and Water Resources	
<b>Senate Proposal of Amendment</b>	
<b>H. 408</b> Improving nutrition programs .....	1481
<b>NOTICE CALENDAR</b>	
<b>Favorable with Amendment</b>	
<b>S. 287</b> The licensing and regulation of loan servicers.....	1481
Rep. Clerkin for Commerce and Economic Development	
Rep. Masland for Ways and Means.....	1483
<b>Ordered to Lie</b>	
<b>H.R. 19</b> Urging the agency of natural resources to retain delegated authority to administer the federal Clean Water Act in Vermont.....	1483

## Consent Calendar

<b>H.C.R. 317</b> Honoring Carl Johnson for his outstanding half century of public service as a law enforcement officer and for his dedicated work as a Franklin County historian .....	1484
<b>H.C.R. 318</b> Congratulating the 2010 Windsor High School Yellow Jackets Division III girls' basketball championship team .....	1484
<b>H.C.R. 319</b> Designating April 28, 2010, as National Walk@Lunch Day in Vermont .....	1484
<b>H.C.R. 320</b> Honoring Meredith Sumner for her dedicated public service as a legislative council attorney .....	1484
<b>H.C.R. 321</b> Honoring E. Anne Winchester's extraordinary public service as a legislative council drafter and policy analyst .....	1484
<b>H.C.R. 322</b> Honoring Stanley Michael Slater on the conclusion of his outstanding legislative council career .....	1484
<b>H.C.R. 323</b> Congratulating the 2010 Norwich University Cadets championship NCAA Division III men's ice hockey team .....	1484
<b>H.C.R. 324</b> Recognizing Vermont students' excellent performance on the national reading examination .....	1484
<b>H.C.R. 325</b> Congratulating Philip Swanson on the 25th anniversary of his exemplary public service as Woodstock's town and village manager .....	1484
<b>H.C.R. 326</b> Commemorating the World War II friendship and military service of Raymond Sanville and Bill Spriggs .....	1484
<b>H.C.R. 327</b> In memory of the Rev. Michael A. DeMasi .....	1484
<b>H.C.R. 328</b> Congratulating Andrea Rogers on 30 years of extraordinary leadership and commitment to artistic excellence and community involvement .....	1484
<b>H.C.R. 329</b> In memory of Mark Richard Skakel .....	1484
<b>H.C.R. 330</b> Congratulating Charles Hunter on being named the Great Falls Regional Chamber of Commerce Person of the Year .....	1485
<b>H.C.R. 331</b> Recognizing American Craft Beer Week in Vermont .....	1485
<b>H.C.R. 332</b> Designating the Deerfield Valley as the Blueberry Capital of Vermont .....	1485

---

---

**ORDERS OF THE DAY**

---

---

**ACTION CALENDAR**

**Action Postponed Until April 20, 2010**

**Senate Proposal of Amendment**

**H. 648**

An act relating to harassment and hazing policies at independent colleges

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

First: By striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read:

Sec. 2. REPEAL

The following sections in Title 16 are repealed:

(1) 16 V.S.A. § 2182 (harassment and hazing prevention policies; Vermont state colleges).

(2) 16 V.S.A. § 2284 (harassment and hazing prevention policies; University of Vermont).

Second: In Sec. 4, by striking the words "Independent postsecondary" and inserting in lieu thereof the word "Postsecondary"

and that after passage the title of the bill be amended to read: "An act relating to harassment and hazing policies at postsecondary schools"

(For text see House Journal 3/16/10 -3/17/10 )

**NEW BUSINESS**

**Third Reading**

**S. 239**

An act relating to retiring outdoor wood-fired boilers that do not meet the 2008 emission standard for particulate matter

**Favorable with amendment**

**S. 237**

An act relating to operational standards for salvage yards

**Rep. McCullough of Williston**, for the Committee on Fish, Wildlife & Water Resources, 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. 24 V.S.A. §§ 2248 and 2249 are added to read:

§ 2248. SALVAGE YARD OPERATIONAL STANDARDS

(a) Beginning July 1, 2010, a salvage yard shall meet the following operational standards:

(1) The salvage yard shall comply with the screening and fencing requirements of section 2257 of this title.

(2) Motor vehicles shall be drained of all fluids prior to crushing and within 365 days of receipt by the salvage yard, except that a vehicle with visible signs of leaking fluids shall be drained immediately. Fluids shall be drained, collected, and stored according to standards established by the secretary in order to prevent release to the environment. The fluids that shall be drained, collected, and stored under this subdivision include antifreeze, oil, brake fluid, fuel, refrigerants, and transmission fluid.

(3) Vehicles shall be drained and crushed:

(A) on or over a surface that is designed to retain seepage or draining fluids and that is designed to prevent releases to groundwater, discharges to surface waters, or other releases to the environment; or

(B) by a crusher with an onboard fluid-recovery and storage system that prevents releases to groundwater, discharges to surface waters, or other releases to the environment.

(4) A salvage yard issued a certificate of registration under section 2242 of this title after July 1, 2010, shall not be sited or operated within 100 feet of a Class I or Class II wetland as those terms are defined in 10 V.S.A. § 902. This subdivision shall not apply to the renewal of a valid certificate of registration under this subchapter.

(5)(A) A salvage yard issued a certificate of registration under section 2242 of this title after July 1, 2010, shall not be sited or operated within 300 feet of a potable water supply, as that term is defined in 10 V.S.A. § 1972, unless:

(i) the water supply provides water to the salvage yard; or

(ii) the agency of natural resources approves management practices or remedial measures to prevent contamination of the potable water supply.

(B) This subdivision shall not apply to the renewal of a valid

certificate of registration under this subchapter.

(b) On or before March 31, 2011, the secretary shall adopt by rule requirements for the siting, operation, and closure of salvage yards. The rules shall establish requirements for:

(1) the siting of salvage yards, including setbacks from surface waters, wetlands, and potable water supplies. Siting requirements under this subdivision may include site-specific conditions for salvage yards operating under a valid certificate of registration under section 2242 of this title, provided that such site-specific conditions are designed to prevent releases to groundwater, discharges to surface waters, or other risks to public health and the environment. A site-specific condition under this subdivision may include the requirement that the owner or operator of a salvage yard obtain an individual certificate of registration under section 2242 of this title instead of operating under a general permit adopted by the secretary under subsection (c) of this section;

(2) exemptions from the requirement to obtain a certificate of registration under section 2242 of this title;

(3) when an instrument of financial responsibility may be required by the secretary in amounts necessary to:

(A) remediate potential or existing environmental contamination caused by the salvage yard; or

(B) assure proper management of salvage materials upon closure of the salvage yard;

(4) removal of solid waste or tires from the salvage yard for proper disposal;

(5) establishment and maintenance of screening or fencing of salvage yards from public view;

(6) assuring proper closure of a salvage yard facility;

(7) postclosure environmental monitoring of a salvage yard;

(8) classes or categories of salvage yards, including those handling total loss vehicles from insurance; and

(9) additional measures that the secretary determines necessary for the protection of public health, safety, and the environment.

(c)(1) The secretary may issue a general permit for a certificate of registration issued to salvage yards under section 2242 of this title. The general permit may include a provision allowing a holder of a valid certificate

of registration issued under this subchapter to self-certify compliance with the applicable standards of this subchapter and rules adopted under this subchapter. A general permit issued under this section shall be adopted by rule and may be incorporated into the rule required under subsection (b) of this section.

(2) If the secretary adopts a general permit for the regulation of salvage yards under subdivision (1) of this subsection, the secretary may require an owner or operator of a salvage yard that is operating under the general permit or that is applying for coverage under the general permit to obtain an individual certificate of registration under section 2242 of this title if any one of the following applies:

(A) the salvage yard does not qualify for the general permit;

(B) a salvage yard operating under the general permit is in violation of the terms and conditions of the general permit;

(C) the size, scope, or nature of the activity of the salvage yard exceeds the parameters of the general permit;

(D) the owner or operator of the salvage yard has a history of noncompliance; or

(E) the salvage yard presents a potential risk to public health or the environment.

(d) No person may deliver salvage vehicles to or operate a mobile salvage vehicle crusher at a salvage yard that does not hold a certificate of registration under this subchapter. A salvage yard holding a certificate of registration under this subchapter shall post a copy of its current certificate in a clearly visible location in the proximity of each entrance to the salvage yard.

(e) The requirement under subdivision (a)(2) of this section or rules adopted under this section to drain a vehicle within 365 days of receipt shall not apply to a salvage yard holding a certificate of registration under this subchapter that, as of January 1, 2010, is conducting business, the primary activity of which is the handling of total loss vehicles from insurance companies.

#### § 2249. SALVAGE YARD OPERATOR TRAINING

At least annually, the owner or operator of a salvage yard shall attend a training workshop conducted by the agency of natural resources regarding the requirements of this subchapter, best management practices, existing and proposed environmental standards, and other applicable federal, state, or municipal requirements.

Sec. 2. 24 V.S.A. § 2241 is amended to read:

§ 2241. DEFINITIONS

For the purposes of this subchapter:

- (1) “Abandoned” means a motor vehicle as defined in 23 V.S.A. § 2151.
- (2) “Board” means the state transportation board, or its duly delegated representative.
- (3) “Highway” means any highway as defined in ~~section 19 V.S.A. § 1 of Title 19.~~
- (4) “Interstate or primary highway” means any highway, including access roads, ramps and connecting links, which have been designated by the state with the approval of the Federal Highway Administration, Department of Transportation, as part of the National System of Interstate and Defense Highways, or as a part of the national system of primary highways.
- (5) “Junk” means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including but not limited to rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof.
- (6) “Junk motor vehicle” means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof, or ~~one a motor vehicle,~~ other than an on-premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of ~~ninety~~ 90 days from the date of discovery.
- (7) “Salvage yard” means any place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility. “Salvage yard” also means any ~~place of outdoor storage or deposit, not in connection with a business which is maintained or used for storing or keeping four or more junk motor vehicles which are visible from any portion of a public highway or navigable water, as that term is defined in section 1422 of Title 10~~ outdoor area used for operation of an automobile graveyard. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.
- (8) “Legislative body” means the city council of a city, the board of selectmen of a town, or the board of trustees of a village.
- (9) “Main traveled way” means the portion of a highway designed for the movement of motor vehicles, shoulders, auxiliary lanes, and roadside picnic, parking, rest, and observation areas and other areas immediately adjacent and contiguous to the traveled portion of the highway and designated

by the transportation board as a roadside area for the use of highway users and generally but not necessarily located within the highway right-of-way.

(10) “Motor vehicle” means any vehicle propelled or drawn by power other than muscular power, including trailers.

(11) “Notice” means by certified mail with return receipt requested.

(12) “Scrap metal processing facility” means a manufacturing business which purchases sundry types of scrap metal from various sources including the following: industrial plants, fabricators, manufacturing companies, railroads, junkyards, auto wreckers, salvage dealers, building wreckers, and plant dismantlers and sells the scrap metal in wholesale shipments directly to foundries, ductile foundries, and steel foundries where the scrap metal is melted down and utilized in their manufacturing process.

(13) “Secretary” means the secretary of natural resources or the secretary’s designee.

(14) “Automobile hobbyist” means a person who is not primarily engaged in the business of:

(A) selling motor vehicles or motor vehicle parts; or

(B) accepting, storing, or dismantling junk motor vehicles.

(15) “Automobile graveyard” means a yard, field, or other outdoor area on a property owned or controlled by a person and used or maintained for storing or depositing four or more junk motor vehicles. “Automobile graveyard” does not include:

(A) an area used by an automobile hobbyist to store, organize, restore, or display motor vehicles or parts of such vehicles, provided that the hobbyist’s activities comply with all applicable federal, state, and municipal law;

(B) an area used for the storage of motor vehicles exempt from registration under chapter 7 of Title 23;

(C) an area owned or used by a dealer registered under 23 V.S.A. § 453 for the storage of motor vehicles; or

(D) an area used or maintained for the parking or storage of operational commercial motor vehicles, as that term is defined in 23 V.S.A. § 4103(4), that are temporarily out of service and unregistered but are expected to be used in the future by the vehicle operator or owner.

Sec. 3. 24 V.S.A. § 2242 is amended to read:

§ 2242. REQUIREMENT FOR OPERATION OR MAINTENANCE



(a) A person shall not operate, establish, or maintain a salvage yard unless he or she:

(1) Holds a certificate of approval for the location of the salvage yard; and

(2) Holds a certificate of registration issued by the secretary to operate, establish, or maintain a salvage yard.

(b) The issuance of a certificate of registration under subsection (a) of this section shall not relieve a salvage yard from the obligation to comply with existing state and federal environmental laws and to obtain all permits required under state or federal environmental law.

(c) The secretary may require a person to obtain a salvage yard certificate of registration under this section upon a determination, based on available information, that the person has taken action to circumvent the requirements of this subchapter.

Sec. 3. 24 V.S.A. § 4454(a) is amended to read:

(a) An action, injunction, or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required municipal land use permit may be instituted under ~~sections~~ section 1974a, 4451, or 4452 of this title against the alleged offender if the action, injunction, or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred and not thereafter, except that the 15-year limitation for instituting an action, injunction, or enforcement proceeding shall not apply to any action, injunction, or enforcement proceeding instituted for a violation of subchapter 10 of chapter 61 of this title. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

Sec. 4. 27 V.S.A. § 612(a) is amended to read:

(a) Notwithstanding the majority decision in *Bianchi v. Lorenz* (1997), for land development, as defined in 24 V.S.A. § 4303~~(3)~~(10), no encumbrance on record title to real estate or effect on marketability shall be created by the failure to obtain or comply with the terms or conditions of any required municipal land use permit as defined in 24 V.S.A. § 4303~~(24)~~(11).

Sec. 5. 24 V.S.A. § 4303(11) is amended to read:

(11) “Municipal land use permit” means any of the following whenever issued:

(A) A zoning, subdivision, site plan, or building permit or approval, any of which relate to “land development” as defined in this section, that has

received final approval from the applicable board, commission, or officer of the municipality.

(B) A wastewater system permit issued under any municipal ordinance adopted pursuant to chapter 102 of this title.

(C) Final official minutes of a meeting that relate to a permit or approval described in subdivision (11)(A) or (B) of this section that serve as the sole evidence of that permit or approval.

(D) A certificate of occupancy, certificate of compliance, or similar certificate that relates to the permits or approvals described in subdivision (11)(A) or (B) of this section, if the bylaws so require.

(E) An amendment of any of the documents listed in subdivisions (11)(A) through (D) and (F) of this section.

(F) A certificate of approved location for a salvage yard issued under subchapter 10 of chapter 61 of this title.

#### Sec. 6. REPEAL

24 V.S.A. § 2248(a) (statutory operational standards for salvage yards) is repealed March 31, 2011.

#### Sec. 7. EFFECTIVE DATE

This act shall take effect July 1, 2010.

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

**(For text see Senate Journal 3/19/10 - 3/24/10 )**

### **J.R.S. 50**

Joint resolution urging expedited federal initiation of the National Environmental Policy Act process relating to the proposed federal acquisition of Eagle Point Farm in Derby, Vermont.

**Rep. Lewis of Derby**, for the Committee on **Fish, Wildlife & Water Resources**, recommends the House propose to the Senate to amend the resolution by striking all after the title and inserting in lieu thereof the following:

*Whereas*, the late Michael Dunn, the owner of the 800-acre Eagle Point Farm (approximately one-half of which is located in Derby, Vermont, and the balance in Quebec), conditionally donated through his trust the Vermont portion of this exceptional parcel as a gift to the United States of America for purposes of permanent preservation and public enjoyment, and

*Whereas*, Eagle Point Farm's Vermont acreage includes diverse freshwater

wetland, woodland, and riparian habitats, rich agricultural land, and more than a mile of frontage on 27-mile-long Lake Memphremagog, and

*Whereas*, this impressive acreage provides land for high quality breeding, migratory, and wintering habitats for priority waterfowl and grassland bird species, and

*Whereas*, many rare plants and unique natural communities are also located at Eagle Point Farm, and

*Whereas*, for many decades, through the generosity of the Dunn family, many Vermonters have enjoyed Eagle Point Farm for walking, fishing, hunting, trapping, wildlife observation, and access to Lake Memphremagog, and

*Whereas*, because Eagle Point Farm is waterfront land, it is valuable monetarily and is at high risk of being developed should the United States not ultimately accept Michael Dunn's generous gift, and

*Whereas*, not only is this land attractive to developers, but also, in accordance with the terms of Michael Dunn's conditional donation, should the federal government not acquire the Vermont portion of Eagle Point Farm by September 1, 2010, then the trustee must dispose of the property in a manner that would maximize its cash value for the benefit of a secondary institutional beneficiary, and

*Whereas*, the northeastern office of the United States Fish and Wildlife Service (USFWS), in close collaboration with the state of Vermont, has assessed the conservation value of the Vermont portion of Eagle Point Farm, and

*Whereas*, there is mutual agreement among federal and state authorities that the optimal disposition of the Vermont portion of Eagle Point Farm is to proceed with a proposal that the Vermont Land Trust has put forward – to wit: that the USFWS should acquire title to the land and that the Vermont Agency of Natural Resources should then administer Eagle Point Farm in Derby as a coordination area for recreational use in accordance with the Wildlife Management Area (WMA) guidelines of the Vermont Department of Fish and Wildlife and a jointly entered memorandum of understanding, and

*Whereas*, the Province of Quebec is simultaneously working toward accepting a gift of that portion of Michael Dunn's property located in the province, and such an acquisition would provide opportunities for cross-border collaboration, and

*Whereas*, the Vermont Fish and Wildlife Conservation Group, located in nearby East Charleston, has written to the Vermont congressional delegation,

offering its full support for both the federal acquisition and subsequent state management of Eagle Point Farm, and

*Whereas*, the Memphremagog Watershed Association (MWA) in Derby, whose mission is “the preservation of the environment and natural beauty of the Memphremagog watershed,” has written to public officials that it “cannot overstate the importance of and their support for keeping Michael Dunn’s property in the public trust and for public use,” and

*Whereas*, the MWA has worked collaboratively with Memphremagog Conservation, Inc. for the preservation of Eagle Point Farm on both sides of the border, and it has reminded public officials that preservation of the property is “consistent with the efforts and goals of the Quebec/Vermont Steering Committee which is charged with the restoration and protection of the international waters of Lake Memphremagog,” and

*Whereas*, the northeastern office of the USFWS has submitted a proposal to its national office in Washington, D.C., to move forward immediately with the scientific assessment and public comment requirements of the National Environmental Policy Act (NEPA) in order that the acquisition process can occur prior to the September 1, 2010, deadline, and

*Whereas*, the NEPA process will provide the opportunity for the general public to offer its comments on the proposed federal acquisition and state management of Eagle Point Farm in Derby to help determine the best long-term outcome for this special piece of Vermont, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the General Assembly urges the United States Fish and Wildlife Service to expedite the National Environmental Policy Act process relating to the proposed federal acquisition of Eagle Point Farm in Derby, Vermont, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to the United States Secretary of the Interior, the United States Fish and Wildlife Service Commissioner, the United States Fish and Wildlife Service Northeast Regional Director, the Vermont Congressional Delegation, and the Vermont Secretary of Natural Resources.

**(Committee Vote: 9-0-0)**

**(For Text of Senate resolution, see House Journal 2/26/10, Pages 342-348)**

## Senate Proposal of Amendment

### H. 408

An act relating to improving nutrition programs

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

First: By inserting a new Sec. 4a to read:

Sec. 4a. SUMMER EDUCATIONAL PROGRAMS; CAMPS

On or before October 1, 2010, the department of education shall report to the house committee on human services, the senate committee on health and welfare, and the house and senate committees on appropriations and on education regarding the number of school districts that operated or funded summer educational or recreational programs or camps.

Second: By striking out Sec. 5 and inserting a new Sec. 5 to read:

Sec. 5. DIRECT CERTIFICATION FOR SCHOOL MEALS PROGRAMS

The department for children and families and the department of education shall continue to improve the monthly direct certification process through the use of automated data matches in order to certify children receiving 3SquaresVT or other programs or benefits deemed by federal law to make those children eligible for school breakfast, lunch, and summer meals programs.

**(For text of House amendments see House Journal 3/16/10, Pages 409-412)**

**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**

### S. 287

An act relating to the licensing and regulation of loan servicers

**Rep. Clerkin of Hartford, for the Committee on Commerce and Economic Development, recommends that the House propose to the Senate**

that the bill be amended in Sec. 1, 8 V.S.A. chapter 83, by striking § 2900 and inserting in lieu thereof the following:

§ 2900. DEFINITIONS

As used in this chapter:

(1) “Commercial loan” means any loan or extension of credit that is described in 9 V.S.A. § 46(1), (2), or (4). The term does not include a loan or extension of credit that is secured by an owner occupied one- to four-unit dwelling.

(2) “Commissioner” means the commissioner of banking, insurance, securities, and health care administration.

(3) “Control” means the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing 10 percent or more of the voting securities or other interest of any other person.

(4) “Depository institution” has the same meaning as in Section 3 of the Federal Deposit Insurance Act, 12 U.S.C. § 1813(c), which includes any bank and any savings association as defined in Section 3 of the Federal Deposit Insurance Act. For purposes of this chapter, “depository institution” also includes any credit union organized and regulated as such under the laws of the United States or any state or territory of the United States.

(5) “Dwelling” has the same meaning as in subsection 103(v) of the Truth in Lending Act, 15 U.S.C. § 1602(v).

(6) “Individual” means a natural person.

(7) “Loan” means a residential mortgage loan.

(8) “Nationwide Mortgage Licensing System and Registry” means a licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, or any successor to the Nationwide Mortgage Licensing System and Registry.

(9) “Person” shall have the meaning set forth in 1 V.S.A. § 128 and includes a natural person, corporation, company, limited liability company, partnership, or association.

(10) “Residential mortgage loan” means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on either a dwelling or residential real estate, upon which is constructed or intended to be constructed a dwelling.

(11) “Residential real estate” means any real property located in Vermont, upon which is constructed or intended to be constructed a dwelling.

(12) “Servicing” means receiving a scheduled periodic payment from a borrower pursuant to the terms of a loan, including amounts for escrow accounts, and making the payments to the owner of the loan or other third party of principal and interest and other payments with respect to the amounts received from the borrower as may be required pursuant to the terms of the servicing loan document or servicing contract. In the case of a home equity conversion mortgage or a reverse mortgage, servicing includes making payment to the borrower.

(13) “Third party loan servicer” means a person who engages in the business of servicing a loan, directly or indirectly, owed or due or asserted to be owed or due another.

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

**(no Senate amendments )**

**Rep. Masland of Thetford**, for the Committee on **Ways and Means**, recommends the bill ought to pass when amended as recommended by the Committee on **Commerce and Economic Development**.

**(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?

**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. 317**

House concurrent resolution honoring Carl Johnson for his outstanding half century of public service as a law enforcement officer and for his dedicated work as a Franklin County historian

**H.C.R. 318**

House concurrent resolution congratulating the 2010 Windsor High School Yellow Jackets Division III girls' basketball championship team

**H.C.R. 319**

House concurrent resolution designating April 28, 2010, as National Walk@Lunch Day in Vermont

**H.C.R. 320**

House concurrent resolution honoring Meredith Sumner for her dedicated public service as a legislative council attorney

**H.C.R. 321**

House concurrent resolution honoring E. Anne Winchester's extraordinary public service as a legislative council drafter and policy analyst

**H.C.R. 322**

House concurrent resolution honoring Stanley Michael Slater on the conclusion of his outstanding legislative council career

**H.C.R. 323**

House concurrent resolution congratulating the 2010 Norwich University Cadets championship NCAA Division III men's ice hockey team

**H.C.R. 324**

House concurrent resolution recognizing Vermont students' excellent performance on the national reading examination

**H.C.R. 325**

House concurrent resolution congratulating Philip Swanson on the 25th anniversary of his exemplary public service as Woodstock's town and village manager

**H.C.R. 326**

House concurrent resolution commemorating the World War II friendship and military service of Raymond Sanville and Bill Spriggs

**H.C.R. 327**

House concurrent resolution in memory of the Rev. Michael A. DeMasi

**H.C.R. 328**

House concurrent resolution congratulating Andrea Rogers on 30 years of extraordinary leadership and commitment to artistic excellence and community involvement

**H.C.R. 329**

House concurrent resolution in memory of Mark Richard Skakel



**H.C.R. 330**

House concurrent resolution congratulating Charles Hunter on being named the Great Falls Regional Chamber of Commerce Person of the Year

**H.C.R. 331**

House concurrent resolution recognizing American Craft Beer Week in Vermont

**H.C.R. 332**

House concurrent resolution designating the Deerfield Valley as the Blueberry Capital of Vermont

INFORMATION NOTICE

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

**JFO #2439** — \$410,215 grant from the USDA Food and Nutrition Service to the Vermont Department of Health. These funds will support Women, Infants Children program improvement projects in the areas of cash value benefit cards and replacement of the legacy computer system.

*[JFO received 3/29/10]*

**JFO #2440** — \$6,647 grant from the University of Vermont to Agriculture, Food & Markets. These funds will be used to support the Farm First program in providing dairy producers and their families with counseling, resources, and referral information related to stress and other concerns.

*[JFO received 3/29/10]*

**JFO #2441** — \$700,000 grant from the U.S. Department of Justice to the Vermont Department of Children and Families. This grant will be used to fund 12 sub-awards to schools and non-profits targeting youth delinquency prevention.

*[JFO received 4/06/10]*

**JFO #2442** — \$807,454 grant from the Centers for Disease Control & Prevention to the Vermont Department of Health. These funds will be used to support efforts to reduce tobacco use and expand tobacco cessation quit lines. This grant is awarded under the American Recovery and Reinvestment Act.

*[JFO received 4/06/10]*

**JFO #2443** — \$5,034,328 grant from the U.S. Department of Health & Human Services to the Office of Vermont Health Access. This grant will be used to establish a statewide health information exchange (HIE) network and interstate HIE interoperability.

*[JFO received 4/06/10]*

**JFO #2444 — Request to establish one (1) limited service position** in the Agency of Agriculture, Food & Markets. This position is associated with a grant approved by the Joint Fiscal Committee for the Agriculture Innovation Demonstration Project (JFO #2425).

*[JFO received 4/06/10]*

**JFO #2445 — \$10,000 grant from the Wildlife Management Institute** to the Vermont Department of Forests, Parks and Recreation. These funds will be used to create a roost field for American woodcock through reclamation of a gravel pit.

*[JFO received 4/12/10]*