

Journal of the House

Wednesday, April 21, 2010

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Message from the Senate No. 37

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 680. An act relating to termination of occupancy of farm employee housing.

And has passed the same in concurrence.

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 62. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

The Governor has informed the Senate that on April 15, 2010, he approved and signed a bill originating in the Senate of the following title:

S. 288. An act relating to the Vermont recovery and reinvestment act of 2010.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

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.

Message from Governor

A message was received from His Excellency, the Governor, by Mr. David M. Coriell, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the twentieth day of April, 2010, he approved and signed bills originating in the House of the following titles:

H. 639 An act relating to motor vehicle insurance for volunteer drivers;

H. 766 An act relating to preventing duplication in certain public health records.

House Bill Introduced

H. 793

Reps. Jerman of Essex and Waite-Simpson of Essex introduced a bill, entitled

An act relating to approval of amendments to the charter of the village of Essex Junction

Which was read the first time and referred to the committee on Government Operations.

Joint Resolution Placed on Calendar

J.R.H. 47

Joint resolution urging the United States Commodity Futures Trading Commission to limit rampant speculation in the energy futures market

Offered by: Representatives Obuchowski of Rockingham, Botzow of Pownal, Klein of East Montpelier, Morley of Barton, Poirier of Barre City and Zuckerman of Burlington

Whereas, more than half of the homes in Vermont are heated with oil, and

Whereas, the more than 150 retail providers of heating oil in Vermont purchase the product after it is traded on the unregulated futures market, and

Whereas, the rampant speculation in oil futures has artificially increased the cost of heating oil at the expense of both the retailers and the more than 340,000 people in Vermont who depend on oil for heat and hot water, and

Whereas, the federal government agency responsible for overseeing energy trading, the Commodity Futures Trading Commission (CFTC), has proposed a new rule placing speculative position limits on energy contracts in order to limit risky trades and prevent big banks from dominating the oil market, and

Whereas, this rule, in combination with passage of federal derivatives market reform legislation, will close loopholes and help return the prices of gasoline, diesel fuel, and heating oil to levels that more accurately reflect supply and demand fundamentals, and

Whereas, by federal law, the CFTC must consider public comments before it decides whether or not to implement the proposed trading rule, and it is important that this legislature express its opinion on this critical public policy matter affecting a large number of Vermont families, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges the United States Commodity Futures Trading Commission to implement speculative position limits in order to reduce volatility in the energy futures market, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commodity Futures Trading Commission and the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 62

By Senator Shumlin,

J.R.S. 62. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 23, 2010, it be to meet again no later than Tuesday, April 27, 2010.

Was taken up read and adopted in concurrence.

House Resolution Placed on Calendar

H.R. 32

House resolution, entitled

House resolution amending the Rules of the House of Representatives relating to the adoption of constitutional amendments

Offered by: Committee on Rules

Resolved by the House of Representatives:

First: That the title of Part VII of the Rules of the House of Representatives be amended to read:

VII

OF BILLS, PROPOSALS OF CONSTITUTIONAL AMENDMENT, AND JOINT RESOLUTIONS

Second: By adding a new section, Rule 51a, to the Rules of the House of Representatives to read:

51a. During each biennium in which the House of Representatives is considering a proposal of amendment to the Vermont Constitution, the committee of jurisdiction shall conduct a public hearing prior to voting on the proposal and entering it on the Calendar, and the House shall not consider the proposal until the fifth day that it has appeared on the Calendar.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Rules Suspended; Bill Committed

H. 782

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Mook of Bennington**, the rules were suspended and House bill, entitled

An act relating to a voluntary school district merger incentive program, supervisory union duties, and other education issues

Was taken up for immediate consideration.

Pending reading of the report of the committee on Education, **Rep. Mook of Bennington**, moved to commit the bill to the committee on Ways and Means.

Which was agreed to.

Proposal of Amendment Agreed to: Third Reading; Bill Passed in Concurrence With Proposal of Amendment

S. 237

Senate bill, entitled

An act relating to operational standards for salvage yards

Was taken up, and pending third reading of the bill **Rep. McCullough of Williston** moved to propose to the Senate to amend the bill as follows:

In Sec. 1, 24 V.S.A. § 2249, following the words “conducted by”, by inserting “or approved by”

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Senate Proposal of Amendment Concurred in

H. 648

The Senate proposed to the House to amend House bill, entitled

An act relating to harassment and hazing policies at independent colleges

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"

Which proposal of amendment was considered and concurred in.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 287

Rep. Clerkin of Hartford, for the committee on Commerce and Economic Development, to which had been referred Senate bill, entitled

An act relating to the licensing and regulation of loan servicers

Reported in favor of its passage in concurrence with proposal of amendment as follows:

In Sec. 1, 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.

Rep. Masland of Thetford for the committee on Ways and Means, recommended that the bill ought to pass in concurrence when amended as recommended by the committee on Commerce and Economic Development.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committees on Commerce and Economic Development and Ways and Means agreed to and third reading ordered.

**Third Reading; Resolution Passed in Concurrence
With Proposal of Amendment**

J.R.S. 50

Joint resolution, entitled

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

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Message from the Senate No. 38

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 527. An act relating to municipal recovery of costs of fire department response.

H. 771. An act relating to approval of amendments to the charter of the town of Stowe.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

H. 759. An act relating to executive branch fees.

H. 784. An act relating to the state's transportation program.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 264. An act relating to stop and hauling charges.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

The Governor has informed the Senate that on April 19, 2010, he approved and signed a bill originating in the Senate of the following title:

S. 77. An act relating to the recycling and disposal of electronic waste.

The Governor has informed the Senate that on April 20, 2010, he approved and signed a bill originating in the Senate of the following title:

S. 150. An act relating to parking reserved for people with disabilities.

Adjournment

At one o'clock and fifty-five minutes in the afternoon, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at one o'clock in the afternoon.