

House Calendar

Wednesday, March 27, 2013

78th DAY OF THE BIENNIAL SESSION

House Convenes at 9:00 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Committee Bill for Second Reading

H. 526

An act relating to the establishment of lake shoreland protection standards.

(Rep. Deen of Westminster will speak for the Committee on Fish, Wildlife & Water Resources.)

Amendment to be offered by Rep. Deen of Westminster to H. 526

First: In Sec. 1, prior to the first sentence in subdivision (6), by inserting the following:

The shorelands of the state owned by private persons remain private property, and this act does not extend the common-law public trust doctrine to private shoreland that is not currently public trust land.

Second: In Sec. 2, 10 V.S.A. § 1442, by adding a new subdivision (11) to read as follows:

(11) "Private road" means a road or street other than a highway, as that term is defined in 19 V.S.A. § 1(12), that is owned by one or more person and that is used as a means of travel from a highway to more than one parcel of land.

and by reordering the subsequent subdivisions to be numerically correct

Third: In Sec. 2, 10 V.S.A. § 1443, by adding subdivision (a)(3) to read:

(3) When the emergency repair, repair, and replacement of a private road or highway, as that term is defined in 19 V.S.A. § 1(2), results in the construction, creation, or expansion of impervious surface or cleared area on a property adjacent to the private road or highway, the impervious surface or cleared area constructed or created on the adjacent property shall not be calculated as square footage of impervious surface or cleared area for purposes of permitting under subdivision (a)(1) of this subsection.

Fourth: In Sec. 2, 10 V.S.A. § 1444, by inserting a new subdivision (b)(5) to read:

(5) for areas of the State where mosquito populations create a public health hazard, as that term is defined in 18 V.S.A. § 2, physical practices or activities that create cleared area or remove vegetative cover in order to reduce mosquito breeding habitat, provided that any activity authorized under this

subdivision shall comply with the Vermont wetlands rules;

and by reordering the subsequent subdivisions to be numerically correct

Fifth: In Sec. 2, 10 V.S.A. § 1445, in subsection (d) after “Historic and urban development.” by striking all until the colon and inserting in lieu thereof the following:

In a municipality that does not qualify for delegation under subsection (a) or (b) of this section, construction, creation, or expansion of impervious surface or cleared area within a protected shoreland area shall not require a permit under this chapter if

Sixth: In Sec. 2, 10 V.S.A. § 1446, by striking subdivision (3) in its entirety and inserting in lieu thereof the following:

(3) Transportation infrastructure and private roads. The maintenance, emergency repair, repair, and replacement of:

(A) transportation infrastructure by the Vermont Agency of Transportation or by a municipality; or

(B) a private road that does not require a permit under section 1264 of this title, provided that emergency repair, repair, and replacement of the private road shall comply with the applicable water quality best management practices within the Vermont Agency of Transportation town road and bridge standards for controlling stormwater runoff and direct discharges to state waters. The requirement to comply with the water quality best management practices shall apply even if the municipality in which the private road is located has not adopted the town road and bridge standards. Under this subdivision, expansion of a private road in order to allow for passage of emergency vehicles shall be considered repair that does not require a permit under section 1443 of this title.

Seventh: In Sec. 2, 10 V.S.A. § 1447, by adding subsection (c) to read:

(c) Agency lands. All lands held by the Agency within a protected shoreland area shall be managed according to the requirements of this chapter when consistent and not in conflict with applicable federal requirements for the management of a parcel of land held by the Agency.

Amendment to be offered by Rep. Helm of Fair Haven to H. 526

In Sec. 2, 10 V.S.A. § 1443, by striking “500 square feet” in each instance where it appears in subsection (a) and inserting in lieu thereof “1,200 square feet”

Amendment to be offered by Rep. Helm of Fair Haven to H. 526

In Sec. 2, 10 V.S.A. § 1442, by striking subdivision (8) in its entirety and inserting in lieu thereof the following:

(8) “Lake” means a body of standing water, including a pond or reservoir, which may have natural or artificial water level control and which is listed by the Agency as an impaired water under the federal Clean Water Act, 33 U.S.C. § 1313(d). Private ponds shall not be considered lakes.

Amendment to be offered by Rep. Helm of Fair Haven to H. 526

First: In Sec. 2, 10 V.S.A. § 1442, by adding a new subdivision (11) to read as follows:

(11) “Private road” means a road or street other than a highway, as that term is defined in 19 V.S.A. § 1(12), that is owned by one or more persons and that is used as a means of travel from a highway to more than one parcel of land.

and by reordering the subsequent subdivisions to be numerically correct

Second: In Sec. 2, 10 V.S.A. § 1446, by striking subdivision (3) in its entirety and inserting in lieu thereof the following:

(3) Transportation infrastructure and private roads. The maintenance, emergency repair, repair, and replacement of:

(A) transportation infrastructure by the Vermont Agency of Transportation or by a municipality; or

(B) a private road that does not require a permit under section 1264 of this title.

Amendment to be offered by Rep. Johnson of Canaan to H. 526

First: In Sec. 2, 10 V.S.A. § 1442, by adding a subdivision (10) to read:

(10) “Offsite mitigation” means a practice or activity that:

(A) mitigates the adverse impacts of construction, creation, or expansion of impervious surface on the water quality of lakes or on protected shoreland areas; and

(B) occurs on property other than the property where the construction, creation, or expansion of impervious surface is proposed.

and by renumbering the remaining subdivisions to be numerically correct

Second: In Sec. 2, 10 V.S.A. § 1444, in subsection (b)(1) by adding a new subdivision (b)(1)(D) to read:

(D) authorizing offset mitigation as a best management practice, provided that any authorized mitigation shall be conducted within the watershed of the lake in which the proposed construction, creation, or expansion of impervious surface will occur. If within one year of the proposed construction, creation, or expansion of impervious surface, the applicant cannot identify a suitable offset mitigation project within the watershed of the lake where construction, creation, or expansion will occur, the Secretary shall authorize completion of the offset project in an alternative lake watershed.

and by relettering the remaining subdivisions to be alphabetically correct

Amendment to be offered by Rep. Helm of Fair Haven to H. 526

Rep. Helm of Fair Haven moves that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. AGENCY OF NATURAL RESOURCES REPORT ON LAKE
SHORELAND PROTECTION

(a) On or before January 15, 2014, the Secretary of Natural Resources shall submit to the House Committee on Fish, Wildlife and Water Resources, the Senate Committee on Natural Resources and Energy, and the House and Senate Committees on Appropriations a report with recommendations for how the shoreland areas adjacent to lakes in the State should be managed or regulated. The report shall include recommendations regarding:

(1) whether and to what extent activities in lake shorelands should be regulated, including whether the construction, creation, or expansion of impervious surface or cleared area in lake shorelands should be regulated;

(2) if the Secretary recommends regulation of activities in shorelands, how regulation would occur, including whether regulation of the relevant activities would be delegated to municipalities in the State;

(3) the activities in a lake shoreland that would be exempt from regulation by the State;

(4) how to fund recommended regulation in lake shorelands, including an estimate of how much regulation would cost and any revenue source, including permit fees, that would be used to pay for the cost of the program.

(b) In developing the recommendations required under subsection (a) of this section, the Secretary of Natural Resources shall consult with lake organizations, owners of property adjacent to lakes, and any other person directly affected by the regulation of lake shorelands.

H. 528

An act relating to revenue changes for fiscal year 2014 and fiscal year 2015.
(**Rep. Ancel of Calais** will speak for the Committee on **Ways and Means.**)

NOTICE CALENDAR

Committee Bill for Second Reading

H. 530

An act relating to making appropriations for the support of government.
(**Rep. Heath of Westford** will speak for the Committee on **Appropriations.**)

Favorable with Amendment

H. 60

An act relating to providing state financial support for school meals for children of low-income households

Rep. Donovan of Burlington, for the Committee on **Education**, recommends the bill ought to pass.

(**Committee Vote: 7-4-0**)

Rep. Manwaring of Wilmington, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as follows:

By striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. APPROPRIATION

Of the funds appropriated in 2013 Acts and Resolves No. _____, Sec. B.501 (House Bill No. 530), the sum of \$322,250.00 is appropriated from the General Fund in fiscal year 2014 to the Agency of Education for the student share of the cost of lunches provided to all students eligible for a reduced-price lunch under the federal school lunch program.

(**Committee Vote: 10-1-0**)

H. 169

An act relating to relieving employers' experience-rating records

Rep. Bouchard of Colchester, 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. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;
DISCLOSURE TO SUCCESSOR ENTITY; ~~EMPLOYEE PAID
\$1,000.00 OR LESS DURING BASE PERIOD~~

(a)(1) The ~~commissioner~~ Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

~~(1)~~(A) The individual's employment with that employer was terminated under disqualifying circumstances.

~~(2)~~(B) The individual's employment or right to reemployment with that employer was terminated by retirement of the individual pursuant to a retirement or lump-sum retirement pay plan under which the age of mandatory retirement was agreed upon by the employer and its employees or by the bargaining agent representing those employees.

~~(3)~~(C) As of the date on which the individual filed an initial claim for benefits, the individual's employment with that employer had not been terminated or reduced in hours.

~~(4)~~(D) The individual was employed by that employer as a result of another employee taking leave under subchapter 4A of chapter 5 of this title, and the individual's employment was terminated as a result of the reinstatement of the other employee under subchapter 4A of chapter 5 of this title.

~~(5)~~(E) [Repealed.]

(2) If an individual's unemployment is directly caused by a major natural disaster declared by the President of the United States pursuant to

42 U.S.C. § 5122 and the individual would have been eligible for federal disaster unemployment assistance benefits but for the receipt of regular benefits, an employer shall be relieved of charges for benefits paid to the individual with respect to any week of unemployment occurring due to the natural disaster up to a maximum amount of four weeks.

* * *

Sec. 2. UNEMPLOYMENT COMPENSATION; EMPLOYERS AFFECTED BY NATURAL DISASTERS OCCURRING IN 2011

(a) The Department of Labor shall establish a system to provide unemployment compensation tax relief to employers paying a higher rate of contributions due to layoffs directly caused by federally declared natural disasters occurring in 2011.

(b) Unemployment compensation tax relief shall be available to an employer provided that the employer's employees were separated from employment as a direct result of the disaster. Benefits paid beyond eight weeks shall remain chargeable to the employer.

(c) The relief described in subsection (b) of this section shall not be available to employers electing to make payments in lieu of contributions pursuant to 21 V.S.A. § 1321.

(d) Benefit charge relief provided under subsections (a) and (b) of this section shall not result in the recalculation of previously assigned rate classes for nondisaster-impacted employers.

(e) The Department shall notify employers in the counties covered by the federal disaster relief declaration of the provisions of this section. An employer seeking relief shall apply to the Department within 20 days of notification by the Department. The application shall be made in a manner prescribed and approved by the Commissioner and shall be accompanied by a certified statement of the employer that the employees were separated from employment as a direct result of the disaster and would have not been otherwise. False statements made in connection with the certification shall subject the employer to the provisions of 21 V.S.A. § 1369. The employer shall provide the Department with the name, address, last known phone number, and social security number of each employee alleged to have been separated from employment as a result of the disaster.

(f) If an employer's application for relief is denied, the employer may appeal the decision pursuant to 21 V.S.A. §§ 1348 and 1349.

Sec. 3. AUTHORIZATION OF LIMITED SERVICE POSITIONS

The Commissioner of Labor is authorized to hire two limited service

positions in order to assist in providing the unemployment compensation tax relief in Sec. 2 of this act.

Sec. 4. APPROPRIATION

Up to \$40,000.00 is appropriated to the Department of Labor for the costs of postage necessary to notify employers of the unemployment compensation tax relief program described in Sec. 2 of this act.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

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

Rep. Keenan of St. Albans City, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as recommended by the Committee on **Commerce and Economic Development** and when further amended as follows:

First: by striking out Secs. 3 and 4 in their entirety

Second: by inserting a new Sec. 3 to read:

Sec. 3. APPROPRIATION

Of the appropriations made to the Department of Labor in Sec. B.400 of House Bill 530 (An act relating to making appropriations for the support of government), the amount of \$60,000.00 is appropriated for the costs of postage and for hiring temporary positions necessary to implement the unemployment compensation tax relief program described in Sec. 2 of this act.

and by renumbering the remaining section to be numerically correct.

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

H. 329

An act relating to the Use Value Program

Rep. Clarkson of Woodstock, for the Committee on **Ways and Means**, recommends the bill be amended as follows:

First: In Sec. 1, § 3757(a), in the fourth sentence after the words “If the property has been continuously enrolled by the same owner for 12 to 20 years, the tax rate shall be” by striking out the words “five percent” and inserting in lieu thereof the words “eight percent”

Second: In Sec. 1, § 5757(a), in the fifth sentence after the words “If the property has been continuously enrolled by the same owner for over 20 years, the tax rate shall be” by striking out the words “three percent” and inserting in

lieu thereof the words “five percent”

Third: In Sec. 1, 32 V.S.A. § 3757, in subsection (c) after the words “has petitioned for withdrawal from” by striking the words “the Program” and inserting in lieu thereof “use value appraisal”

Fourth: In Sec. 1, § 3757(c), in the last sentence after the words “The local assessing officials shall notify” by striking out the words “the owner and”

Fifth: In Sec. 1, § 3757(e), after the words “The owner of any classified land receiving use value appraisal under this subchapter shall immediately notify the ~~director~~ Director,” by adding the words “who in turn shall notify the”

Sixth: In Sec. 6, after the words “this act shall not be available for any” by striking out the word “parcel” and inserting in lieu thereof the word “land”

Seventh: In Sec. 7(a) in the first sentence, after the words “There is created a Use Value” by striking the word “Program” and inserting in lieu thereof the word “Appraisal”

Eighth: In Sec. 7(a)(8), after the words “who shall be a land owner” by striking the words “enrolled in the Use Value Program” and inserting in lieu thereof the words “with land subject to use value appraisal”

Ninth: In Sec. 7(a), in the second sentence, by striking the words “House Committees on Agriculture, on Natural Resources and Energy, on Fish, Wildlife and Water Resources, and on Ways and Means and to the Senate Committees on Agriculture, on Natural Resources and Energy, and on Finance” and inserting in lieu thereof the words “House Committees on Agriculture and Forest Products and on Ways and Means and to the Senate Committees on Agriculture and on Finance”

Tenth: By striking Sec. 9 (report on additional issues) in its entirety and renumbering accordingly

Eleventh: In the renumbered Sec. 10, after the words “property withdrawn from” by striking the words “the Use Value Appraisal Program” and inserting in lieu thereof the words “use value appraisal”

Twelfth: By striking the renumbered Sec. 10(c) in its entirety and relettering subsection (d) to be (c)

and that after passage the title of the bill be amended to read: “An act relating to use value appraisals”

(Committee Vote: 10-0-1)

Rep. Winters of Williamstown, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as recommended by the Committee on **Ways and Means** and when further amended as follows:

further amended in Sec. 7 (use value appraisal study committee) by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b) Reimbursement. Members of the Committee who are not employees of the State of Vermont shall be entitled to compensation as provided in 32 V.S.A. § 1010. Legislative members of the Committee shall be entitled to the same per diem compensation and reimbursement for necessary expenses for attendance at a meeting when the General Assembly is not in session as provided to members of standing committees under 2 V.S.A. § 406.

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

Public Hearings

April 18, 2013 - Room 11 - 6:00-8:00 PM - H. 208 Earned Sick Days - House General, Housing and Military Affairs

Information Notice

House Appropriations Committee Members' amendments to Fiscal Year 2014 Proposed Omnibus Appropriations Bill (H.530)

The House Committee on Appropriations requests all members of the House, who intend to introduce amendments to the proposed FY 2014 omnibus appropriations bill (H.530), to meet with the committee in room 42 at 8:30 a.m. on Thursday, March 28, before 2nd reading, OR at 8:15 a.m. on Friday, March 29, before 3rd reading. If possible, please schedule a time with Theresa Utton-Jerman (828-5767, Room: 40 or tutton@leg.state.vt.us) to meet with the Committee.

Joint Assembly

Wednesday, March 27, 2013 - 9:00 A.M. - Retention of seven Superior Judges and on Magistrate