

# House Calendar

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Wednesday, February 05, 2014

30th DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 P.M.

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**ACTION CALENDAR**

**Third Reading**

**H. 260**

An act relating to insurance notices by electronic means

**Favorable with Amendment**

**H. 578**

An act relating to administering State funds for loans to individuals for replacement of failed wastewater systems and potable water supplies

**Rep. Carr of Brandon**, 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. 24 V.S.A. § 4753 is amended to read:

§ 4753. REVOLVING LOAN FUNDS; AUTHORITY TO SPEND; REPORT

(a) There is hereby established a series of special funds to be known as:

\* \* \*

(10) The Vermont Wastewater and Potable Water Revolving Loan Fund which shall be used to provide loans to individuals, in accordance with section ~~4763a~~ 4763b of this title, for the design and construction of repairs to or replacement of wastewater systems and potable water supplies when the wastewater system or potable water supply is a failed system or supply as defined in 10 V.S.A. § 1972. The amount of \$275,000.00 from the fees collected pursuant to 3 V.S.A. § 2822(j)(4) shall be deposited on an annual basis into this Fund.

(b) Each of such funds shall be established and held separate and apart from any other funds or moneys of State and shall be used and administered exclusively for the purpose of this chapter with the exception of transferring funds from the Vermont Drinking Water Planning Loan Fund and the Vermont Drinking Water Source Protection Fund to the Vermont Environmental Protection Agency (EPA) Drinking Water State Revolving Fund, and from the Vermont Pollution Control Revolving Fund to the Vermont Environmental Protection Agency (EPA) Pollution Control Revolving Fund, when authorized by the Secretary. These funds shall be administered by the Bond Bank on behalf of the State, except that: ~~the fund Fund~~ shall be administered by VEDA concerning loans to privately owned water systems under subdivision (a)(3) of

this section; and the Fund may be administered by a community development credit union, as that term is defined in 8 V.S.A. § 30101(3) or another financial institution, as that term is defined in 8 V.S.A. § 11101, that is contracted with by the State for the purpose of providing loans to individuals for failed wastewater systems and potable water supplies under subdivision (a)(10) of this section. The funds shall be invested in the same manner as permitted for investment of funds belonging to the State or held in the Treasury. The funds shall consist of the following:

(1) Such sums as may be appropriated or transferred thereto from time to time by the General Assembly, the State Emergency Board or the Joint Fiscal Committee during such times as the General Assembly is not in session.

(2) Principal and interest received from the repayment of loans made from each of such funds.

(3) Capitalization grants and awards made to the State by the United States of America for any of the purposes for which such funds have been established.

(4) Interest earned from the investment of fund balances.

(5) Private gifts, bequests, and donations made to the State for any of the purposes for which such funds have been established.

(6) Other funds from any public or private source intended for use for any of the purposes for which such funds have been established.

\* \* \*

Sec. 2. 24 V.S.A. § 4757 is amended to read:

§ 4757. REVOLVING LOAN FUNDS; ADDITIONAL USES

In addition to providing a source of funds from which loans may be made to municipalities under this chapter, each fund created under section 4753 of this chapter may be used for one or more of the following purposes:

(1) to make loans, to refund bonds or notes of a municipality issued after March 7, 1985 for sewerage works, or after July 1, 1993 for water supply systems for the purpose of financing the construction of any capital improvements or management program described in section 4753 and certified under section 4756 of this title;

(2) to guarantee or insure, directly or indirectly, the payment of notes or bonds issued or to be issued by a municipality for the purpose of financing the construction of any capital improvement or management program described in section 4754 of this title and certified under section 4756;

(3) to guarantee or insure, directly or indirectly, funds established by municipalities for the purpose of financing construction of any capital improvement described in section 4754 of this title;

(4) to invest available fund balances, and to credit the net interest income thereon to the particular fund providing investment funds; ~~and~~

(5) to pay the costs of the ~~bond bank~~ Bond Bank, VEDA, and the agency associated with the administration of each fund; provided, however, that no more than four percent of the aggregate of the highest fund balances in any fiscal year shall be used for such purposes, and that a separate account be established outside the ~~drinking water state revolving fund~~ Drinking Water State Revolving Fund for such purposes. As used in this subsection, costs shall include fiscal, clerical, administrative, and issuance expenditures directly attributable and allocated to the maintenance implementation and administration of the loan funds created under this chapter; and

(6) to pay from the Vermont Wastewater and Potable Water Revolving Loan Fund the costs of administration of loans awarded under subdivision 4753(a)(10) of this title.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

#### **Favorable**

#### **H. 612**

An act relating to Gas Pipeline Safety Program penalties

**Rep. Bouchard of Colchester**, for the Committee on **Commerce and Economic Development**, recommends the bill ought to pass.

( **Committee Vote: 8-0-3** )

#### **NOTICE CALENDAR**

#### **Favorable with Amendment**

#### **H. 62**

An act relating to prohibiting the handheld use of a portable electronic device while driving

**Rep. Koch of Barre Town**, for the Committee on **Judiciary**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 1095b is amended to read:

§ 1095b. ~~HANDHELD USE OF PORTABLE ELECTRONIC DEVICE IN~~  
~~WORK ZONE PROHIBITED~~

(a) Definition. As used in this section, “hands-free use” means the use of a portable electronic device without use of either hand ~~and outside the immediate proximity of the user’s ear~~, by employing an internal feature of, or an attachment to, the device.

(b) Use of handheld portable electronic device ~~in work zone~~ prohibited. A person shall not use a portable electronic device while operating a moving motor vehicle ~~within on a highway work zone in this State~~. The prohibition of this subsection shall not apply ~~unless the work zone is properly designated with warning devices in accordance with subdivision 4(5) of this title, and shall not apply:~~

(1) to hands-free use, or to use of the device to activate or deactivate hands-free use; or

(2) when use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances;

(3) to communications among law enforcement or emergency service personnel in the performance of their official duties; or

(4) to use of an ignition interlock device, as defined at 23 V.S.A. § 1200.

(c) Penalty. A person who violates this section commits a traffic violation and shall be subject to a penalty of not less than \$100.00 and not more than \$200.00 ~~upon adjudication of~~ for a first violation, and of not less than \$250.00 and not more than \$500.00 ~~upon adjudication of~~ for a second or subsequent violation within any two-year period.

(d)(1) Operators of commercial motor vehicles shall be governed by the provisions of 23 V.S.A. chapter 39 (Commercial Driver License Act) instead of the provisions of this chapter with respect to the handheld use of mobile telephones, and texting, while operating a commercial motor vehicle.

(2) A person shall not be issued more than one complaint for any violation of this section, section 1095a of this title (junior operator use of portable electronic devices), or section 1099 of this title (texting prohibited) that arises from the same conduct.

Sec. 2. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Any person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

(1) Two points assessed for:

\* \* \*

(LL)(i) § 1095. Entertainment picture visible to operator;

(ii) § 1095b. Use of portable electronic device ~~in-work zone~~—first offense;

\* \* \*

(4) Five points assessed for:

\* \* \*

(D) § 1095b. Use of portable electronic device ~~in-work zone~~—second and subsequent offenses;

\* \* \*

Sec. 3. 23 V.S.A. § 1095a is amended to read:

§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC DEVICES

A person under 18 years of age shall not use any portable electronic device as defined in subdivision 4(82) of this title while operating a moving motor vehicle on a highway. This prohibition shall not apply ~~if it is necessary to place an emergency 911 call;~~

(1) when use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances; or

(2) to communications among law enforcement or emergency service personnel in the performance of their official duties.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

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

## J.R.H. 14

Joint resolution requesting the United States Congress to pass the Homeowners Flood Insurance Affordability Act.

**Rep. Marcotte of Coventry**, for the Committee on **Commerce and Economic Development**, recommends that the resolution be amended as follows:

First: By amending the final Whereas clause to read:

Whereas, Representative Waters, ranking member of the House Committee on Financial Services, said she is committed to fixing the “unintended consequences” of the 2012 law and passing legislation to delay most rate changes for three years “to give FEMA the opportunity to ensure its maps are accurate and allow Congress to make certain rates are affordable,” ~~now~~ therefore be it and

Second: By adding four new Whereas clauses immediately preceding the first Resolve clause to read:

Whereas, in accordance with 42 U.S.C. § 5122, the President has declared several major Vermont natural disasters as sufficiently severe to qualify for federal financial support for recovery efforts, and

Whereas, many Vermonters have direct experience with the specific nature of flood damage caused by such natural disasters, in particular Tropical Storm Irene, and

Whereas, that experience underscores the inequity that would result if the same insurance rate were applied to improved properties in a floodplain if one had a finished basement below the base flood elevation level and another had an unfinished basement with all electrical components placed above the base flood elevation level, and

Whereas, many Vermonters have unfinished basements as described in the preceding clause and principles of fairness suggest that they should be offered a discounted flood insurance rate, ~~now~~ therefore be it

Third: By striking the first Resolve clause and inserting in lieu thereof the following:

That the General Assembly supports and urges the United States Congress to pass the Homeowners Flood Insurance Affordability Act of 2013 currently pending before Congress as H.R. 3370 and S. 1610, which will delay the implementation of the National Flood Insurance Program changes until two years after the Federal Emergency Management Agency completes the affordability study on the impact of the rate increases, and be it further

Resolved: That the affordability study should include an assessment of the specific disaster recovery issues which have occurred as a result of recent major floods in Vermont and reflect the inequity which would result if the same insurance rate were applied to what are in fact very dissimilar properties, and be it further

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

**(For Text of Resolution see House Journal 1/15/2014)**

### **Public Hearings**

**Monday, February 10, 2014, 4:00 - 6:30 p.m.** – The House and Senate Committees on Appropriations will hold a joint public hearing on Vermont Interactive Technologies (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the state budget for fiscal year 2015. All 13 V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, 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/>.

The budget hearing will be VIEWABLE via the Internet if your computer has Flash-based streaming capabilities. Some mobile devices may require additional software.

Go to [www.vitlink.org/streamingmedia/vtcvitopen.php](http://www.vitlink.org/streamingmedia/vtcvitopen.php).

The Governor's budget proposal can be viewed at the Department of Finance's website: [http://finance.vermont.gov/state\\_budget/rec](http://finance.vermont.gov/state_budget/rec). For information about the format of this event or to submit written testimony, call the House Appropriations Committee office at 802/828-5767 or email [tutton@leg.state.vt.us](mailto:tutton@leg.state.vt.us). Requests for interpreters should be made to the office by 3:00 p.m. on Monday, January 27, 2014.

February 6, 2014 - House Chamber – 6:00-8:00pm - H112 GMO Labeling – Senate Agriculture and Senate Judiciary

February 13, 2014 - House Chamber - 7:00-9:00 pm - H. 586 - Improving the Quality of State Waters - House Agriculture and Forest Products

February 19, 2014 - Room 11 - 7:00p,- 8:30pm - Judicial retention - Joint Committee on Judicial Retention

### **Public Hearing on the Governor's Proposed Fiscal Year 2015 State Budget For Advocates**



### **House Committee on Appropriations**

**Tuesday, February 18, 2014, 11:00 a.m. - 12:00 p.m. or Friday, February 21, 2014, 1:00 – 2:30 p.m.** – The House Committee on Appropriations will hold a public hearing for advocates in room 11 of the State House on the Governor’s proposed FY2015 state budget. Please sign up in advance, with Theresa Utton-Jerman at (802) 828-5767 or [tutton@leg.state.vt.us](mailto:tutton@leg.state.vt.us) or in room 40.

The Governor’s budget proposal can be viewed at the Department of Finance & Management’s website:

[http://finance.vermont.gov/state\\_budget/rec](http://finance.vermont.gov/state_budget/rec).

Individual department budgets that have been made available can be viewed at the Joint Fiscal Office’s website:

[http://www.leg.state.vt.us/jfo/dept\\_budgets\\_fy\\_2015.aspx](http://www.leg.state.vt.us/jfo/dept_budgets_fy_2015.aspx).

### **Information Notice**

#### Deadline for Introducing Bills

Pursuant to Rule 40(b) of the Rules and Orders of the Vermont House of Representatives, during the second year of the biennium, except with the prior consent of the Committee on Rules, no member may introduce a bill into the House drafted in standard form after the last day of January.

Pursuant to Rule 40(c) during the second year of the biennium, except with the prior consent of the Committee on Rules, no committee, except the Committees on Appropriations, Ways and Means or Government Operations, may introduce a bill drafted in standard form after the last day of March (March 31, 2014). The Committees on Appropriations and Ways and Means bill may be drafted in standard form at any time, and Government Operations bills pertaining to city or town charters, may be drafted in standard form at any time.

The Joint Fiscal Committee recently received the following items:

**JFO #2664** – \$7,521,488 grant from the U.S. Department of Labor to the Vermont Department of Labor. These funds will be used to develop a new unemployment insurance IT system and enhance efforts to prevent and detect improper unemployment insurance payments. This project is a collaboration with Maryland and West Virginia. The grant amount represents Vermont’s share of the total \$82.8 million grant for the project. Eight (8) limited service positions are associated with this request.

*[JFO received 01/27/14]*

**JFO #2665** – \$26,360 grant from the Vermont Community Foundation to the Vermont Agency of Agriculture, Food and Markets. These funds will support work on a five-year Farm-to-School strategic and action plan. Funds will also be used to conduct a survey intended to enhance the understanding of producer needs and capabilities related to participation in Farm-to-School and Farm-to Institution programs.

[JFO received 02/03/14]

**JFO #2666** – \$180,530 donation from the estate of George Cunavelis to the Vermont Veterans Memorial Cemetery. These funds will be used to support programs and infrastructure enhancements at the cemetery in Randolph, Vermont.

[JFO received 02/03/14]

**JFO #2667** – Acquire 36 acres from Dale Merrett in exchange for 28 acres owned by the Department of Fish & Wildlife (DFW). This item is a property exchange between the state and Mr. Merrett. It has been submitted for JFO approval under the assumption that receiving the 36 acres from Mr. Merrett constitutes acceptance of a “thing of value” under 32 V.S.A. § 5, despite the fact that the State’s net gain (excluding ecological value) from the exchange is expected to be minimal.

[JFO received 02/03/14]

### **Joint Assembly**

February 20, 2014 - 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 13, 2014 , by 4:30 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. Do not use pink mail to deliver notification to the Secretary of State. Hand delivery is the best method to insure notification has been received.

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.