

Journal of the House

Friday, April 5, 2013

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Elissa Johnk, Old Meeting House, East Montpelier, Vt.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

Kyndal Ashworth of Randolph
Samuel Carpenter of Cabot
Emma Cosgrove of Waterbury
Ellis Landry of Calais
Celia Lawton of Waitsfield
Keegan McKenna of Warren
Abigail Mihaly of Montpelier
Madison Mooney of Milton
Kyle Rasmussen of Killington
Chyeyenne Steventon of Barre City

Committee Relieved of Consideration and Bill Committed to Other Committee

S. 128

Rep. Fisher of Lincoln moved that the committee on Health Care be relieved of Senate bill, entitled

An act relating to updating mental health judicial proceedings

And that the bill be committed to the committee on Human Services, which was agreed to.

Remarks Journalized

On motion of **Rep. Connor of Fairfield**, the following remarks by **Rev. Elissa Johnk** of the Old Meeting House in East Montpelier were ordered printed in the Journal:

“Mr. Speaker:

I love coming here. You may disagree, but I feel as if you are the other large group of people whose options are limited in terms of topics to talk about in polite conversation. (And yet everyone has an opinion on what you do.) The last time I was here was Martin Luther King, Jr. day. And, as you know, yesterday marked the 45th anniversary of his assassination.

I had thought, therefore, that I might speak about him again – as he was a man who so eloquently lived out our two vocations. I feared, however, that yesterday’s speaker may have done the same thing. So I decided that I would speak to you about another great public figure who managed to bring together the great traditions of politics and religion: Roger Ebert.

Now, in my Christian tradition, we believe that “God is still speaking” – meaning that scripture is not contained only in the Bible, but in our lives, in the world around us – often seen in literature and art.

And so, I bring you today, ten pieces of “scripture” that were spoken about literature and film, but I believe speak directly to our professions, and have not only relevance – but spiritual relevance – for your work, and mine.

Here they are – a top ten list of things that the recently late Roger Ebert said, that I hope will guide you in your work this day:

10. “We are put on this planet only once, and to limit ourselves to the familiar is a crime against our minds.” (Chicago Sun-Times)
9. “If you have to ask what it symbolizes, it didn't.” (*Your Movie Sucks*, p.232)
8. Class is often invisible in America in the movies, and usually not the subject of the film. (Progressive)
7. “An honest bookstore would post the following sign above its 'self-help' section: 'For true self-help, please visit our philosophy, literature, history and science sections, find yourself a good book, read it, and think about it.’” (*I Hated, Hated, Hated this Movie*, p.207)
6. “It's not what a movie is about, it's how it is about it.” (Reviewing *Freeway*, RogerEbert.com)
5. “What I believe is that all clear-minded people should remain two things throughout their lifetimes: Curious and teachable.”
4. “The Muse visits during the process of creation, not before.” ... “There is no such thing as waiting for inspiration.” (Chicago Sun-Times)
3. “Your intellect may be confused, but your emotions will never lie to you.” (Philly.com)

2. "In thinking about 'depressing movies,' many people don't realize that all bad movies are depressing, and no good movies are." (His motto, Reviewing *In Darkness*, RogerEbert.com)

And the final one, that is also my prayer for you this day:

1. "I believe that if, at the end, according to our abilities, we have done something to make others a little happier, and something to make ourselves a little happier, that is about the best we can do. To make others less happy is a crime. To make ourselves unhappy is where all crime starts. We must try to contribute joy to the world. That is true no matter what our problems, our health, our circumstances. We must try. I didn't always know this and am happy I lived long enough to find it out." (Salon)

So:

Pay attention not simply to what you are doing, but how you are doing it.

Do not limit yourselves to the familiar, but remain curious and teachable.

Do something to make others happier.

And:

Contribute joy.

Not simply this day, but always.

Amen."

Favorable Report; Third Reading Ordered

H. 514

Rep. Stevens of Shoreham, spoke for the committee on Agriculture and Forest Products;

House bill, entitled

An act relating to the tax liability of certain agricultural workers and employers

Rep. Johnson of Canaan, for the committee on Ways and Means, to which the bill had been referred reported in favor of its passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Third Reading; Bill Passed

H. 50

House bill, entitled

An act relating to the sale, transfer, or importation of pets

Was taken up, read the third time and passed.

Bill Amended, Read Third Time and Passed

H. 101

House bill, entitled

An act relating to the clarification of provisions regarding the posting of land and access to land and water for hunting, fishing, and trapping

Was taken up and pending third reading of the bill, **Rep. Johnson of Canaan** moved to amend the bill as follows:

By striking Sec. 19 in its entirety

Which was agreed to.

Pending third reading of the bill, **Rep. McCullough of Williston** moved to amend the bill as follows:

First: By adding Sec. 12a to read:

Sec. 12a. 10 V.S.A. § 4705 is amended to read:

§ 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;

SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

* * *

(c) A person while on or within ~~ten~~ 25 feet of the traveled portion of a public highway shall not take or attempt to take any wild animal by shooting ~~with a firearm or, a bow and arrow, or a crossbow.~~ A person shall not shoot a firearm, a bow and arrow, or a crossbow over or across the traveled portion of a public highway.

* * *

Second: In Sec. 17, 10 V.S.A. § 4827a, in subsection (b), after “to lure wildlife” and before “onto the property” by inserting “, as that term is defined to include birds and other animals under subdivision 4001(15) of this title.”

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 297

House bill, entitled

An act relating to duties and functions of the Department of Public Service
Was taken up, read the third time and passed.

Bill Amended; Third Reading Ordered

H. 395

Rep. Carr of Brandon, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to the establishment of the Vermont Clean Energy Loan Fund

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. chapter 12, subchapter 13 is added to read:

Subchapter 13. Vermont Sustainable Energy Loan Fund

§ 280cc. CREATION; PURPOSE; DEFINITIONS

(a) There is established within the Authority the Vermont Sustainable Energy Loan Fund, referred to in this subchapter as “the Fund,” the purpose of which shall be to enable the Authority to make loans and provide other forms of financing for projects that stimulate and encourage development and deployment of sustainable energy projects in the State of Vermont.

(b) In this subchapter:

(1) “Renewable energy” shall have the same meaning as in 30 V.S.A. § 8002(17).

(2) “Sustainable energy” means energy efficiency, renewable energy, and technologies that enhance or support the development and implementation of renewable energy or energy efficiency, or both.

§ 280dd. LOAN PROGRAMS ADMINISTERED WITHIN THE FUND

(a) The Fund shall consist of:

(1) Existing sustainable energy loans made by the Authority, the Vermont Small Business Development Corporation, and the Vermont Agricultural Credit Corporation

(2) Sustainable energy loans originated under the following programs:

(A) The Small Business Energy Efficiency Loan Program, under which the Authority provides loans for qualifying commercial energy efficiency improvements.

(B) The Renewable Energy Loan Program, which the Authority may create to provide loans for qualifying renewable energy projects.

(C) The Agricultural Energy Loan Program, which the Authority may create to provide loans for qualifying agriculture- and forest product-based sustainable energy projects.

(D) The Energy Efficiency Loan Guarantee Program, which the Authority may create to provide loan guarantees to participating lending institutions that enroll loans for sustainable energy projects in the Program.

(3) Programs created by the Authority pursuant to subsection (c) of this section.

(b) The Fund shall be administered by the Authority and shall not be subject to 32 V.S.A. chapter 7, subchapter 5.

(c) The Authority may establish:

(1) New financing programs that the Authority determines are necessary to encourage and promote sustainable energy projects and reduce reliance upon traditional fossil fuel sources.

(2) Policies and procedures for programs within the Fund that the Authority determines are necessary to carry out the purposes of this subchapter.

Sec. 2. INITIAL CAPITALIZATION OF THE ENERGY EFFICIENCY

LOAN GUARANTEE PROGRAM

The Vermont Economic Development Authority shall provide loan guarantees under the Energy Efficiency Loan Guarantee Program for loans enrolled in the Program by participating banks through an initial capital contribution of \$500,000.00 from the Authority and from additional sources as they become available, which may include capital investments from the Vermont Clean Energy Development Fund, State Energy Program grants through the Department of Public Service, and available federal funding.

Sec. 3. 10 V.S.A. § 216 is amended to read:

§ 216. AUTHORITY; GENERAL POWERS

The ~~authority~~ Authority is hereby authorized:

* * *

(13) To cause to be incorporated in Vermont a nonprofit corporation which will qualify as a state development company under Title 15 of the United States Code and rules and regulations adopted pursuant thereto. The

voting members of the ~~authority~~ Authority shall be members of the company and shall constitute the board of directors of the company. The company shall have at least 14 other members selected by the members of the ~~authority~~ Authority. The company shall be organized and operate under the nonprofit corporation laws of the ~~state~~ State of Vermont to the extent not inconsistent herewith. The ~~authority~~ Authority shall have the power to contract with the company to provide staff and management needs of the company. The ~~authority~~ Authority is authorized to contribute ~~up to \$25,000.00~~ to the capital of the company in an amount the Authority determines is necessary and appropriate;

(14) To incorporate one or more nonprofit corporations in Vermont to fulfill the goals of this chapter. Such corporation shall be empowered to borrow money and to receive and accept gifts, grants, or contributions from any source, provided that such gifts, grants, or contributions are not less than \$5,000.00 from any one source for the period of one year and provided that such nonprofit corporation provides business loans of not less than \$2,500.00 to any particular entity or individual. The voting members of the ~~authority~~ Authority shall be directors of the corporation. The corporation shall be organized and operate under the nonprofit corporation laws of the ~~state~~ State of Vermont. The ~~authority~~ Authority may contract with the corporation to provide staff and management needs of the company. The ~~authority~~ Authority may contribute ~~no more than \$1,050,000.00~~ to the capital of the corporation in an amount the Authority determines is necessary and appropriate;

* * *

(17) To contribute to the capital of the Vermont Agricultural Credit Corporation established pursuant to chapter 16A of this title in an amount the Authority determines is necessary and appropriate;

(18) To contribute to the capital of the Vermont Sustainable Energy Loan Fund established under subchapter 13 of this chapter in an amount the Authority determines is necessary and appropriate.

Sec. 4. 10 V.S.A. § 234 is amended to read:

§ 234. THE VERMONT JOBS FUND

* * *

(b) In order to provide monies in the ~~industrial development fund~~ Fund for loans under this chapter, the ~~authority~~ Authority may issue notes for purchase by the ~~state treasurer~~ State Treasurer as provided in section 235 of this chapter.

* * *

(f) The Authority may loan money from the Fund to the Vermont Sustainable Energy Loan Fund established under subchapter 13 of this chapter at interest rates and on terms and conditions set by the Authority.

Sec. 5. 10 V.S.A. § 280a is amended to read:

§ 280a. ELIGIBLE PROJECTS; AUTHORIZED FINANCING PROGRAMS

(a) The ~~authority~~ Authority may develop, modify, and implement any existing or new financing program, provided that any specific project that benefits from such program shall meet the criteria contained in the Vermont sustainable jobs strategy adopted under section 280b of this title, and provided further that the program shall meet the criteria contained in the Vermont sustainable jobs strategy adopted under section 280b of this title. ~~Such~~ These programs may include:

(1) the ~~mortgage insurance program~~ Mortgage Insurance Program, administered under subchapter 2 of chapter 12 of this title;

(2) the ~~loans to local development corporations program~~ Loans to Local Development Corporations Program, administered under subchapter 3 of chapter 12 of this title;

(3) the ~~industrial revenue bond program~~ Industrial Revenue Bond Program, administered under subchapter 4 of chapter 12 of this title;

(4) the ~~direct loan program~~ Direct Loan Program, administered under subchapter 5 of chapter 12 of this title;

(5) the ~~Vermont financial access program, administered under subchapter 8 of chapter 12 of this title;~~

(~~6~~) the SBA 504 Certified Development Company and ~~Rural Economic Activity Loan programs~~ Small Business Loan Programs of the authority's Vermont ~~503~~ 504 Corporation, administered by the ~~authority~~ Authority under subdivision 216(13) of this title;

(~~7~~)(6) the Small Business Development Corporation ~~program~~ Program, administered by the ~~authority~~ Authority under subdivision 216(14) of this title;

(~~8~~)(7) one or more programs targeting economically distressed regions of the ~~state~~ State, and specifically including the ~~authority~~ Authority to develop a program to finance or refinance up to 100 percent of the existing assets or debts of a health, recreation, and fitness organization which is exempt under Section 501(c)(3) of the Internal Revenue Code, the income of which is entirely used for its exempt purpose, that owns and operates a recreation facility located in a distressed region of the ~~state~~ State;

Authority for deposit in each such fund, such sum as shall be certified by the chair of the ~~authority~~ Authority, to the ~~governor~~ Governor, the ~~president of the senate~~ President of the Senate, and the ~~speaker of the house~~ Speaker of the House, as is necessary to restore each such debt service reserve fund to an amount equal to the debt service reserve requirement for such fund. The chair shall annually, on or about February 1, make, execute, and deliver to the ~~governor~~ Governor, the ~~president of the senate~~ President of the Senate, and the ~~speaker of the house~~ Speaker of the House, a certificate stating the sum required to restore each such debt service reserve fund to the amount aforesaid, and the sum so certified may be appropriated, and if appropriated, shall be paid to the ~~authority~~ Authority during the then current state fiscal year. The principal amount of bonds or notes outstanding at any one time and secured in whole or in part by a debt service reserve fund to which state funds may be appropriated pursuant to this subsection shall not exceed \$115,000,000.00 \$130,000,000.00, provided that the foregoing shall not impair the obligation of any contract or contracts entered into by the authority in contravention of the Constitution of the United States.

Sec. 8. INVESTMENT OF STATE MONIES

The Treasurer is hereby authorized to establish a short-term credit facility for the benefit of the Vermont Economic Development Authority in an amount of up to \$10,000,000.00.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

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

Rep. Keenan of St. Albans City, for the committee on Appropriations, recommended that the bill ought to pass 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, report of the committees on Commerce and Economic Development, Ways and Means and Appropriations agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 144

Rep. Shaw of Pittsford, for the committee on Corrections and Institutions, to which had been referred Senate bill, entitled

An act relating to the St. Albans state office building

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

Sec. 1. SALE OF ST. ALBANS STATE OFFICE BUILDING

(a) Notwithstanding 29 V.S.A. § 166(b), the Commissioner of Buildings and General Services is authorized to sell the state office building at 20 Houghton Street in St. Albans. The Commissioner is authorized to convey 20 Houghton Street by warranty deed.

(b) The Commissioner of Buildings and General Services is authorized to negotiate and enter into a lease or lease-purchase agreement to replace the state office building at 20 Houghton Street in St. Albans. It is the intent of the General Assembly that the replacement state office building remain in downtown St. Albans.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Adjournment

At ten o'clock and forty minutes in the forenoon, on motion of **Rep. Savage of Swanton**, the House adjourned until Tuesday, April 9, 2013, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 23.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 84

House concurrent resolution honoring Darby Bradley for his many exemplary contributions to land conservation in Vermont;

H.C.R. 85

House concurrent resolution congratulating the 2013 Winooski High School Spartans Division III championship girls' basketball team;

H.C.R. 86

House concurrent resolution in memory of Enosburgh Town, Village, and School Moderator and Selectboard member Lloyd Touchette;

H.C.R. 87

House concurrent resolution congratulating the 2012 Hartford High School Hurricanes Division I championship football team;

H.C.R. 88

House concurrent resolution congratulating the Hartford High School Hurricanes on winning the first Vermont interscholastic team and individual state bowling championships;

H.C.R. 89

House concurrent resolution honoring the memory of 1st Lieutenant Irwin Zaetz and Captain William Swanson of the World War II U.S. Army Air Corps Hot as Hell aircraft crew and the work of Clayton Kuhles in locating missing in action World War II American military aircraft;

H.C.R. 90

House concurrent resolution congratulating the 2013 Middlebury College Panthers NCAA men's slalom champions;

H.C.R. 91

House concurrent resolution congratulating the 2013 Williamstown High School Blue Devils Division III championship boys' basketball team;

H.C.R. 92

House concurrent resolution in memory of Daniello G. Balón;

H.C.R. 93

House concurrent resolution congratulating the 2013 U-32 Lake Division championship boys' ice hockey team;

H.C.R. 94

House concurrent resolution congratulating Elizabeth Haggerty on her designation as the 2013 Vermont Mother of the Year;

H.C.R. 95

House concurrent resolution commemorating the 50th anniversary of the Rutland Loyalty Day Parade;

H.C.R. 96

House concurrent resolution congratulating the 2013 BFA-St. Albans High School Comets Metro Division championship girls' ice hockey team;

S.C.R. 20

Senate concurrent resolution honoring University of Vermont Professor Frank Bryan for his extraordinary contributions to Vermont as a scholar and citizen proponent of Vermont democracy;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2013, seventy-second Adjourned session.]