

Journal of the House

Wednesday, January 15, 2014

At twelve o'clock noon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Pastor Rebecca Strader of the First Presbyterian Church, Graniteville, Vt.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 600

By Reps. Deen of Westminster, McCullough of Williston and Webb of Shelburne,

House bill, entitled

An act relating to water quality improvement;

To the committee on Fish, Wildlife and Water Resources.

H. 601

By Rep. Marcotte of Coventry,

House bill, entitled

An act relating to assistance from the petroleum cleanup fund for aboveground storage tanks;

To the committee on Fish, Wildlife & Water Resources.

H. 602

By Reps. Manwaring of Wilmington, Carr of Brandon, Christie of Hartford, Cole of Burlington, Conquest of Newbury, Ellis of Waterbury, Evans of Essex, French of Randolph, Johnson of South Hero, Macaig of Williston, Marek of Newfane, Martin of Wolcott, McCarthy of St. Albans City, Partridge of Windham, Sweaney of Windsor, Till of Jericho and Toll of Danville,

House bill, entitled

An act relating to municipal budget committees;

To the committee on Government Operations.

H. 603

By Rep. Zagar of Barnard,

House bill, entitled

An act relating to unidentified corridors;

To the committee on Transportation.

H. 604

By Reps. Dickinson of St. Albans Town, Canfield of Fair Haven, Feltus of Lyndon and Hebert of Vernon,

House bill, entitled

An act relating to the regulation of net metering;

To the committee on Natural Resources and Energy.

H. 605

By Reps. Frank of Underhill, Krowinski of Burlington, Cross of Winooski, French of Randolph, Koch of Barre Town, McFaun of Barre Town and Mrowicki of Putney,

House bill, entitled

An act relating to purchase, possession, and furnishing of tobacco to persons less than 21 years of age;

To the committee on Human Services.

H. 606

By Reps. Winters of Williamstown, Brennan of Colchester, Clarkson of Woodstock, Condon of Colchester and Sharpe of Bristol,

House bill, entitled

An act relating to the recreational use of land in the Use Value Appraisal Program;

To the committee on Natural Resources and Energy.

H. 607

By Reps. Botzow of Pownal and Miller of Shaftsbury,

House bill, entitled

An act relating to authorizing cash advances for members of boards and commissions when traveling as part of their official duties;

To the committee on Government Operations.

H. 608

By Reps. Bouchard of Colchester, Batchelor of Derby, Botzow of Pownal, Brennan of Colchester, Burditt of West Rutland, Champion of Bennington, Canfield of Fair Haven, Carr of Brandon, Cross of Winooski, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Gage of Rutland City, Hebert of Vernon, Helm of Fair Haven, Juskiewicz of Cambridge, Kitzmiller of Montpelier, Klein of East Montpelier, Komline of Dorset, Kupersmith of South Burlington, Larocque of Barnet, Lawrence of Lyndon, Marcotte of Coventry, McCormack of Burlington, Moran of Wardsboro, Myers of Essex, Potter of Clarendon, Quimby of Concord, Ralston of Middlebury, Savage of Swanton, Scheuermann of Stowe, Shaw of Pittsford, Shaw of Derby, Smith of New Haven, Toleno of Brattleboro, Van Wyck of Ferrisburgh, Wilson of Manchester, Winters of Williamstown, Yantachka of Charlotte and Young of Glover,

House bill, entitled

An act relating to long distance, intrastate telephone service;

To the committee on Commerce and Economic Development.

H. 609

By Reps. Kitzmiller of Montpelier, Dickinson of St. Albans Town, Botzow of Pownal, Bouchard of Colchester, Carr of Brandon, Kupersmith of South Burlington and Marcotte of Coventry,

House bill, entitled

An act relating to terminating propane service;

To the committee on Commerce and Economic Development.

Joint Resolution Placed on Calendar

J.R.H. 14

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

Offered by: Representatives Donahue of Northfield, Branagan of Georgia, Buxton of Tunbridge, Christie of Hartford, Cupoli of Rutland City, Deen of Westminster, Ellis of Waterbury, Grad of Moretown, Hoyt of Norwich, Krebs of South Hero, Lewis of Berlin, McFaun of Barre Town, O'Sullivan of

Burlington, Russell of Rutland City, Shaw of Pittsford, Spengler of Colchester, Stevens of Waterbury, Strong of Albany, and Van Wyck of Ferrisburgh

Whereas, the National Flood Insurance Act of 1968 was enacted to provide previously unavailable flood insurance protection to property owners, and

Whereas, the National Flood Insurance Program continues to provide important and necessary property coverage for home and business owners throughout parishes, counties, and communities nationwide, and

Whereas, the Biggert-Waters Flood Insurance Reform Act of 2012 was signed into law on July 6, 2012 and calls for a revision of the flood insurance rate maps, and

Whereas, such revised flood insurance rate maps do not include the discounts granted by the current rate maps to property owners who have taken action to mitigate property damage by installing and maintaining flood control features, in conformity with the most current federal law available to them, and in conformity with current flood insurance rate maps, and

Whereas, countless property owners have built and purchased homes and businesses in accordance with the current flood rate insurance maps that, under the provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, will soon enter obsolescence, and

Whereas, the act also includes provisions, located in Section 207 of such act, that eliminate the “grandfathering” of homes that were built after the existing flood insurance rate maps in accordance with then existing laws, and

Whereas, by purchasing homes and businesses in accordance with the provisions of the former flood rate insurance maps and by investing in previously owned property to install flood mitigation features, property owners relied on their strict compliance with federal and state law to protect their purchases and investments, and

Whereas, in light of the provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, the reliance on existing flood insurance rate maps that those property owners demonstrated is now to their personal and financial detriment, and

Whereas, the passage of the Biggert-Waters Flood Insurance Reform Act of 2012 substantially and immediately devalued the investments made in all properties endowed with flood damage mitigation measures and to properties receiving subsidized insurance premium rates, and

Whereas, the Biggert-Waters Flood Insurance Reform Act of 2012 also includes provisions that permit the National Flood Insurance Program to increase premium rates for many policyholders, and

Whereas, the elimination of these discounts combined with the certainty of general premium rate increases will result in a premium increase of up to 25 percent per year for certain property owners over the next four years, and

Whereas, under the changes to the National Flood Insurance Program caused by the Biggert-Waters Flood Insurance Reform Act of 2012, property owners will struggle to pay exorbitant amounts of money or will lose their flood insurance, and

Whereas, a change in the ability of property owners to insure their homes from flood damage without bearing the burden of such a violent rise in cost may lead to financial distress for residents and property owners around this State and the entire nation, and

Whereas, the premium increases to the National Flood Insurance Program, as mandated by the Biggert-Waters Flood Insurance Reform Act of 2012, will affect the entire nation's real estate market and the nation's banking and mortgage industry, and

Whereas, the premium increases to communities and property owners who made their best efforts to comply with federal law by building property in accordance with soon-to-be outdated flood insurance rate maps will affect consumer confidence and the entire nation's economy, and

Whereas, on October 29, 2013, H.R. 3370 and SB 1610, the Homeowner Flood Insurance Affordability Act of 2013, were introduced in the respective houses of Congress to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and

Whereas, the Biggert-Waters Flood Insurance Reform Act of 2012 provides that an affordability study be conducted by the Federal Emergency Management Agency on the impact of rate increases, and

Whereas, the Homeowner Flood Insurance Affordability Act of 2013 would delay the provisions of the Biggert-Waters Flood Insurance Reform Act of 2012 that provide for the increase of premium fees for policyholders of the National Flood Insurance Program, in order to prevent the unduly hazardous effects it will have on home and business owners who invested in property prior to the adoption of the new federal legislation and flood insurance rate maps, and

Whereas, Representative Maxine Waters (D. Calif), coauthor of the Biggert-Waters Flood Insurance Reform Act, released a statement saying she is "outraged by the increased costs of flood insurance premiums that have resulted from the Biggert-Waters Act. I certainly did not intend for these types of outrageous premiums to occur for any homeowner," and

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

Resolved by the Senate and House of Representatives:

That the General Assembly supports and urges the United States Congress to pass the Homeowners Flood Insurance Affordability Act currently pending before Congress as H.R. 3370 and SB 12610, 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 Secretary of State be directed to send a copy of this resolution to the Administrator of the Federal Emergency Management Agency and to the Vermont Congressional Delegation.

Which was read and, in the Speaker’s discretion, placed on the Calendar for action on the next legislative day under Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 38

By Senators Baruth and Benning,

J.R.S. 38. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 17, 2014, it be to meet again no later than Tuesday, January 21, 2014.

Was taken up read and adopted in concurrence.

Remarks Journalized

On motion of **Rep. Jewett of Ripton**, remarks by **Reps. Burke of Brattleboro, Heath of Westford, Kupersmith of South Burlington, Lippert of Hinesburg, Myers of Essex, Poirier of Barre City, Pugh of South Burlington and Webb of Shelburne** were ordered printed in the Journal:

Remarks by **Rep. Burke of Brattleboro:**

“Mr. Speaker:

I met Sally Fox most likely before anyone else in this chamber. She and my brother were law school classmates (and sweethearts) at the University of

Buffalo in the mid-1970s. Sally, with her warm and engaging personality, quickly became a much-loved part of my huge Buffalo family. Even after she and my brother parted ways, Sally and my mother kept in touch. My mother even attended her wedding to Michael.

When I was first sworn into the legislature in 2009 my mother was in attendance. At that time Sally was working here as an advocate, and they had an opportunity to see each other after many years, with a repeat meeting last February. They retained a strong affection for each other, a testament to each one's capacity for forging strong connections based on love and mutual respect."

Remarks by **Rep. Heath of Westford:**

"Sally was my good friend and esteemed colleague. I can see her walking across the back of this room, shaking her head because she was distressed at a decision that had been made, the way a colleague had been treated, or an argument that she disagreed with. She cared deeply about all that went on in this body. Sally was a consummate legislator. She served with dedication and with passion. Her brilliant mind was always an asset in any policy discussion. She was also a formidable force in the General Assembly in the best sense of those words. Her arguments were always sound and thoroughly thought through and her passion for issues affecting children, the elderly, those with mental illness and disabilities and justice issues in general was limitless. The hole she leaves is wide and deep. At the same time there are many, many Vermonters whose lives are better because she chose to serve. I feel so fortunate to have known Sally as a beloved colleague and a valued friend."

Remarks by **Rep. Myers of Essex:**

"Mr. Speaker:

Sally was my state representative for 12 years. I got to know her through her work for the people of her district. I also knew her through my work as managing editor of the local newspaper. Sometimes we agreed on issues, sometimes we clashed. But we were always cordial and often friendly.

Sally left her seat as the representative from Essex in 2000. My late husband, Marty, ran for and was elected to Sally's seat. When Marty died, I was appointed to that seat. I have now been in the House for 13 years, and while I may occupy Sally's seat in this room, I can never fill her shoes in this building."

Remarks by **Rep. Poirier of Barre City:**

"Mr. Speaker:

I rise today to pay tribute to my friend Senator Sally Fox. I first met Senator Fox in the mid-eighties when she was a lobbyist for Vermont Legal Aid for poverty issues. I was Majority Leader, she was extremely passionate about the lives she was attempting to improve both economically and socially. Senator Fox made the transition from lobbyist to lawmaker seem easy. She had a new venue to advance both the fight against poverty and children's issues. As a friend, Sally helped me understand social issues more clearly as we were seatmates at seats 139 and 140.

Sally has passed on, but she has left unfinished business, in the advocacy for the poor, the children and the disabled.

Rest in peace, Sally, for you have concluded a strong legacy for us, your friends, to follow."

Remarks by **Rep. Pugh of South Burlington:**

"Mr. Speaker:

I had the pleasure of knowing Sally for the past 20 years as a friend and colleague. Most of you knew she was a lawyer. I knew her as a social worker. Yes she had a law degree but she also had a social work degree and – (no criticism directed to the lawyers in our midst or at the podium) but it was her social work degree that framed her commitment to equity and social justice. She made sure that vulnerable Vermonters had a strong voice in this body. I remember how hard she fought to stay a little longer in this world. Please know that her life of service never truly ends. Michael, I am sorry for your loss, I am sorry for my loss and I am sorry for the loss we all feel. Thank you Michael for sharing her with us these last few years. We are all richer for knowing her."

Remarks by **Rep. Webb of Shelburne:**

"Mr. Speaker:

The challenge in solving complex problems has always existed. What changes, really, is the manner in which we work together to solve these problems. The Lutheran scholar, Marty Martin, once observed that one of the real problems in modern life is that people who are good at being civil often lack strong convictions, while people with strong convictions often lack civility. We need to find a way of combining this passionate intensity about our convictions with civil discourse - to keep a hard focus on the truth about a problem and steer away from personal attack and half-truths when we disagree. Sally Fox was an example for me of someone who could do this. She lives on as my model and my mentor in this area. Let this be our challenge as we move forward: to solve our complex problems with passion as well as civility."

(Remarks by Reps. Kupersmith of South Burlington and Lippert of Hinesburg will appear in the 2014 Permanent Journals)

Message from the Senate No. 5

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 on its part adopted Senate concurrent resolution of the following title:

S.C.R. 30. Senate concurrent resolution in memory of Senator and former Representative Sally Fox of South Burlington.

Adjournment

At twelve o'clock and thirty-five minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.