

Journal of the House

Friday, February 28, 2014

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 from the Old Meeting House, East Montpelier, Vt.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 867

By Reps. French of Randolph and Frank of Underhill,

House bill, entitled

An act relating to safety belts on school buses;

To the committee on Transportation.

H. 868

By Reps. Dakin of Chester, Gallivan of Chittenden, Huntley of Cavendish and Zagar of Barnard,

House bill, entitled

An act relating to statewide education property taxes;

To the committee on Ways and Means.

H. 869

By the committee on Agriculture and Forest Products,

An act relating to miscellaneous agricultural subjects;

Under the rule, placed on the Calendar for notice.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 275

Senate bill, entitled

An act relating to the Court's jurisdiction over youthful offenders;

To the committee on Judiciary.

S. 304

Senate bill, entitled

An act relating to public school principals and nonrenewal of contracts;

To the committee on Education.

Joint Resolution Referred to Committee**J.R.H. 17**

Joint resolution requesting the Department of Corrections and the Department of Public Safety to conduct a collaborative study of post-release confinement and supervision for certain high-risk sex offenders

Offered by: Representatives Wright of Burlington, Batchelor of Derby, Bouchard of Colchester, Canfield of Fair Haven, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Fagan of Rutland City, Hebert of Vernon, Higley of Lowell, Hubert of Milton, Johnson of Canaan, Juskiewicz of Cambridge, Koch of Barre Town, Komline of Dorset, Lawrence of Lyndon, Martin of Wolcott, McFaun of Barre Town, Morrissey of Bennington, Myers of Essex, Savage of Swanton, Shaw of Pittsford, Shaw of Derby, Strong of Albany, Terenzini of Rutland Town, and Winters of Williamstown

Whereas, Act 192 of 2006 enacted 13 V.S.A. § 3271, establishing indeterminate life sentences for a sex offender convicted of a designated crime, and for a high-risk sex offender not complying with sex offender registry requirements, and

Whereas, Act 192 also required that a sex offender convicted of a designated crime must, in most instances, complete treatment and program requirements before becoming eligible for release, and

Whereas, Act 1 of 2009 enacted 28 V.S.A. § 204b, requiring that a high-risk sex offender must serve 70 percent of his or her maximum sentence before being eligible for parole or release, and enacted 13 V.S.A. § 3253a, establishing the crime of aggravated sexual assault of a child, with a mandatory prison term of 25 years to life, and

Whereas, both the Act 192 and Act 1 provisions are only applicable prospectively from their respective effective dates, and

Whereas, a group of high-risk sex offenders, convicted prior to 2009, remains free from the stricter sentence and treatment requirements, and poses a potential threat to the public as they are released into Vermont communities, and

Whereas, in 2013, a convicted high-risk sex offender, whose victim was a juvenile, moved into the town of Hyde Park 1.5 miles from a public school, and

Whereas, on February 4, 2014, another high-risk sex offender was released from prison into Burlington without Department of Corrections supervision, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests the Department of Corrections and the Department of Public Safety to conduct a joint study of possible options for ensuring public safety, including the use of civil confinement, 24-hour GPS electronic monitoring, and any other legislation, administrative rule, program, or policy that will provide stronger release and supervision enforcement, and be it further

Resolved: That the two departments are requested to submit their collaborative findings, including proposed recommendations for actions to be taken, to the General Assembly on or before March 25, 2014, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Commissioners of Corrections and of Public Safety.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Corrections and Institutions.

Joint Resolution Adopted in Concurrence

J.R.S. 46

By Senator Nitka,

J.R.S. 46. Joint resolution providing for a Joint Assembly to vote on the retention of six Superior Judges.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 20, 2014, at ten o'clock and thirty minutes in the forenoon to vote on the retention of six Superior Judges. In case the vote to retain said Judges shall not be made on

that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

Was taken up read and adopted in concurrence.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 217

House bill, entitled

An act relating to smoking in partially enclosed structures, lodging establishments, and state lands;

H. 497

House bill, entitled

An act relating to the open meeting law;

H. 602

House bill, entitled

An act relating to municipal budget committees;

H. 718

House bill, entitled

An act relating to approval of amendments to the charter of the Village of Derby Line;

H. 864

House bill, entitled

An act relating to capital construction and State bonding budget adjustment;

Bill Amended; Third Reading Ordered

H. 227

Rep. Higley of Lowell, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to licensing and regulating property inspectors

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

Sec. 1. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

An Office of Professional Regulation is created within the Office of the Secretary of State. The Office shall have a director who shall be appointed by the Secretary of State and shall be an exempt employee. The following boards or professions are attached to the Office of Professional Regulation:

* * *

(42) Landscape Architects

(43) Property Inspectors.

Sec. 2. 26 V.S.A. chapter 19 is added to read:

CHAPTER 19. PROPERTY INSPECTORS

Subchapter 1. General Provisions

§ 1051. PURPOSE AND EFFECT

In order to safeguard the life and health of the people of this State, no person shall practice, or offer to practice, property inspecting unless currently licensed under this chapter.

§ 1052. DEFINITIONS

As used in this chapter:

(1) “Director” means the Director of the Office of Professional Regulation.

(2) “License” means a current authorization granted by the Director permitting the practice of property inspecting.

(3) “Practice of property inspecting” means performing or offering to perform services involving the physical inspection of real property structures and other improvements for a fee or other compensation in order to evaluate the condition of the property, including any safety issues or material defects.

(4) “Property inspector” means a person who is licensed under this chapter to engage in the practice of property inspecting.

§ 1053. PROHIBITIONS; OFFENSES

(a) It shall be a violation of this chapter for any person to:

(1) sell or fraudulently obtain or furnish any property inspector degree, diploma, certificate of registration, license, or any other related document or record or to aid or abet in so doing;

(2) practice property inspecting under cover of any degree, diploma, registration, license, or related document or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) practice property inspecting unless currently licensed to do so under the provisions of this chapter;

(4) represent himself or herself as being licensed by this State to practice property inspecting or use in connection with a name any words, letters, signs, or figures that imply that a person is a property inspector when not licensed or otherwise authorized under this chapter; or

(5) practice property inspecting during the time a license or authorization issued under this chapter is suspended or revoked.

(b) Any person violating this section shall be subject to the penalties provided in 3 V.S.A. § 127.

§ 1054. EXCEPTIONS

This chapter does not prohibit:

(1) the practice of property inspection that is incidental to his or her program of study by a person enrolled in a property inspection training program approved by the Director; or

(2) the practice of any other occupation or profession by a person duly licensed or otherwise authorized under the laws of this State.

Subchapter 2. Administration

§ 1071. DUTIES OF THE DIRECTOR

(a) The Director shall:

(1) provide general information to applicants for licensure as property inspectors;

(2) receive applications for licensure and issue licenses to applicants qualified under this chapter;

(3) administer fees as established by law;

(4) refer all disciplinary matters to an administrative law officer;

(5) renew, revoke, and reinstate licenses as ordered by an administrative law officer; and

(6) explain appeal procedures to licensed property inspectors and to applicants, and complaint procedures to the public.

(b) The Director may adopt rules necessary to perform his or her duties under this section.

§ 1072. ADVISOR APPOINTEES

(a) The Secretary of State shall appoint two property inspectors for five-year staggered terms to serve at the Secretary's pleasure as advisors in matters relating to property inspection. One of the initial appointments may be for less than a five-year term.

(b) An appointee shall have not less than five years' experience as a property inspector immediately preceding appointment; shall be licensed as a property inspector in Vermont; and shall be actively engaged in the practice of property inspecting in this State during incumbency.

(c) The Director shall seek the advice of the property inspector advisors in carrying out the provisions of this chapter.

Subchapter 3. Licenses

§ 1091. ELIGIBILITY FOR LICENSURE

Each applicant for licensure as a property inspector shall meet the following minimum requirements:

(1) Be at least 18 years of age and have successfully completed high school or its equivalent.

(2) Complete no less than 80 hours of education approved by the Director covering all of the following real property core components:

(A) heating systems;

(B) cooling systems;

(C) plumbing systems;

(D) electrical systems;

(E) structural components;

(F) foundations;

(G) roof coverings;

(H) exterior and interior components; and

(I) site aspects as they affect the building.

(3) Pass an examination required for licensure. The Director shall identify by rule an eligibility examination required for licensure that is an independent, nationally recognized proctored examination.

(4) Complete a minimum number of property inspections incidental to a program of study in a property inspection training program administered by an independent, nationally recognized organization. The Director shall identify by rule the minimum number of inspections and acceptable organizations required by this subdivision (4).

(5) Provide proof of certification issued by an independent, nationally recognized organization that provides certification for property inspectors. The Director shall identify by rule acceptable organizations for certification.

§ 1092. LICENSE RENEWAL

(a) A license shall be renewed every two years on a schedule determined by the Director upon application and payment of the required fee. Failure to comply with the provisions of this section shall result in suspension of all privileges granted to the licensee, beginning on the expiration date of the license.

(b) A license that has lapsed may be renewed upon payment of the biennial renewal fee and the late renewal penalty.

(c) The Director may adopt rules necessary for the protection of the public to assure the Director that an applicant whose license has lapsed or who has not worked for more than five years as a property inspector is professionally qualified for license renewal. Conditions imposed under this subsection shall be in addition to the requirements of subsection (a) of this section.

§ 1093. APPLICATIONS

Applications for licensure and license renewal shall be on forms provided by the Director. Each application shall contain a statement under oath showing the applicant's education, experience, and other pertinent information and shall be accompanied by the required fee.

§ 1094. LICENSURE GENERALLY

The Director shall issue a license or renew a license, upon payment of the fees required under this chapter, to an applicant or licensee who has satisfactorily met all the requirements of this chapter.

§ 1095. FEES

Applicants and persons regulated under this chapter shall pay those fees set forth in 3 V.S.A. § 125.

Sec. 3. TRANSITIONAL PROVISIONS

(a) Notwithstanding the provision of Sec. 2 of this act, 26 V.S.A. § 1072(b) (advisor appointees; qualifications), that requires an

advisor appointee to be licensed as a property inspector in Vermont, an initial advisor appointee may be in the process of applying for licensure if he or she otherwise meets the requirements for licensure as a property inspector and the other requirements of Sec. 2 of this act, 26 V.S.A. chapter 19.

(b) A person who has been actively engaged in the business of property inspection in this State as the primary means of his or her livelihood for at least five years preceding the effective date of this subsection shall be eligible for licensure without completion of the licensure eligibility requirements of Sec. 2 of this act, 26 V.S.A. § 1091(2)–(5) (eligibility for licensure). Such an applicant shall be issued a license by providing evidence satisfactory to the Director of the knowledge and experience equivalent to the licensure eligibility requirements of Sec. 2 of this act, 26 V.S.A. chapter 19. All applicants shall pay an initial fee and fulfill all other license application requirements.

(c) Effective on July 1, 2016, all applicants for initial licensure or renewal shall meet the licensure eligibility requirements of Sec. 2 of this act, 26 V.S.A. § 1091.

(d) The Director of the Office of Professional Regulation may adopt rules necessary to perform his or her duties under Sec. 2 of this act, 26 V.S.A. chapter 19, prior to the effective date of that section.

Sec. 4. EFFECTIVE DATES

This act shall take effect on July 1, 2014 except this section and Sec. 3 (transitional provisions), which shall take effect on passage.

Rep. Branagan of Georgia, for the committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the committee on Government Operations.

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

Bill Amended; Third Reading Ordered

H. 631

Rep. Van Wyck of Ferrisburgh, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to lottery commissions

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

Sec. 1. 31 V.S.A. § 658 is amended to read:

§ 658. STATE LOTTERY FUND

* * *

(b) Expenditures for administrative and overhead expenses of the operation of the lottery, except agent and bank commissions, shall be paid from lottery receipts from an appropriation authorized for that purpose. Agent commissions shall be set by the ~~lottery commission~~ Lottery Commission and may not exceed 6.25 percent of gross receipts and bank commissions may not exceed ~~±~~ one percent of gross receipts. Any store that sells a winning draw ticket shall receive its commission in a manner consistent with the rules adopted by the Lottery Commission.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on General, Housing and Military Affairs agreed to and third reading ordered.

Favorable Report; Third Reading Ordered

H. 683

Rep. Clarkson of Woodstock, for the committee on Ways and Means, to which had been referred House bill, entitled

An act relating to the income tax checkoff for Vermont Green Up

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.

House Resolutions Adopted

The Speaker placed before the House the following House resolutions which were read and adopted on the part of the House.

H.R. 14

House resolution, entitled

House resolution relating to federal regulation of the propane market;

H.R. 15

House resolution, entitled

House resolution commemorating the Battle of the Wilderness.

Rules Suspended; Bill Read Third Time and Passed**H. 683**

House bill, entitled

An act relating to the income tax checkoff for Vermont Green Up;

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed.

Message from the Senate No. 26

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 passed Senate bills of the following titles:

S. 177. An act relating to nonjudicial discipline.

S. 263. An act relating to the authority of assistant judges in child support contempt proceedings.

S. 287. An act relating to involuntary treatment and medication.

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

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

S.C.R. 43. Senate concurrent resolution congratulating Mad River Glen ski area on its 65th anniversary.

S.C.R. 44. Senate concurrent resolution honoring Gary W. Moore for his accomplishments as an educator, environmentalist, and civic leader.

S.C.R. 45. Senate concurrent resolution in memory of former Waitsfield Fire Chief Delbert W. Palmer.

S.C.R. 46. Senate concurrent resolution congratulating the People's Health and Wellness Clinic on its 20th anniversary.

S.C.R. 47. Senate concurrent resolution in memory of Sister Miriam Ward.

S.C.R. 48. Senate concurrent resolution congratulating Marilyn Fuller on her selection as the 2013 Cohase Chamber of Commerce Citizen of the Year.

S.C.R. 49. Senate concurrent resolution in memory of former Legislative

Council Operations Director Claudette Marinelli.

S.C.R. 50. Senate concurrent resolution honoring S. John Osha.

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

H.C.R. 235. House concurrent resolution congratulating Alexina Federhen on winning U.S. Senator Bernie Sanders's 2014 State of the Union Essay Contest.

H.C.R. 236. House concurrent resolution honoring employees of municipal public works departments and designating May 18–24, 2014 as Public Works Week in Vermont.

H.C.R. 237. House concurrent resolution congratulating Stephen A. Sampson on his selection as the 2013 Vermont Assistant Principal of the Year.

H.C.R. 238. House concurrent resolution honoring Diane Marcoux-LaClair on her career accomplishments as an elementary school teacher.

H.C.R. 239. House concurrent resolution congratulating the Town of Londonderry on its revitalization of Pingree Park.

H.C.R. 240. House concurrent resolution honoring Lexa Clark for her leadership as captain of the Jamaica Rescue Squad.

H.C.R. 241. House concurrent resolution congratulates CVS Caremark for the decision to terminate the sale of all tobacco products, including cigarettes.

H.C.R. 242. House concurrent resolution honoring the federal TRIO programs in Vermont.

H.C.R. 243. House concurrent resolution designating March 2014 as Myeloma Awareness Month in Vermont.

H.C.R. 244. House concurrent resolution honoring the New Haven Town moderators.

H.C.R. 245. House concurrent resolution congratulating Elaine Pinckney on her being named the 2013 Frederick H. Tuttle Superintendent of the Year.

H.C.R. 246. House concurrent resolution designating April 2014 as Month of the Military Child in Vermont.

H.C.R. 247. House concurrent resolution honoring the retiring Weybridge Selectboard members Gale Hurd, Steven Smith, and Peter James.

H.C.R. 248. House concurrent resolution honoring Bridport's Collector of Delinquent Taxes Harry "Boo" Duffany.

H.C.R. 249. House concurrent resolution recognizing the significant health care role of the Rutland Area Visiting Nurse Association and Hospice.

H.C.R. 250. House concurrent resolution congratulating U.S. Navy Ensign Matthew McVay on his graduation from the U.S. Naval Academy with a 4.0 GPA.

H.C.R. 251. House concurrent resolution in memory of former Representative and Senator Merritt S. Hewitt.

H.C.R. 252. House concurrent resolution commemorating the 250th anniversary of the Town of Corinth.

H.C.R. 253. House concurrent resolution congratulating Edward Koren of Brookfield on his being named Vermont's newest Cartoonist Laureate.

H.C.R. 254. House concurrent resolution honoring Laura Soares of Randolph for her contributions to public education policy and governance.

Adjournment

At ten o'clock and twenty-two minutes in the forenoon, on motion of **Rep. Savage of Swanton**, the House adjourned until Tuesday, March 11, 2014, at ten o'clock in the forenoon, pursuant to the provisions of JRS 35.

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. 235

House concurrent resolution congratulating Alexina Federhen on winning U.S. Senator Bernie Sanders's 2014 State of the Union Essay Contest;

H.C.R. 236

House concurrent resolution honoring employees of municipal public works departments and designating May 18–24, 2014 as Public Works Week in Vermont;

H.C.R. 237

House concurrent resolution congratulating Stephen A. Sampson on his selection as the 2013 Vermont Assistant Principal of the Year;

H.C.R. 238

House concurrent resolution honoring Diane Marcoux-LaClair on her career accomplishments as an elementary school teacher;

H.C.R. 239

House concurrent resolution congratulating the Town of Londonderry on its revitalization of Pingree Park;

H.C.R. 240

House concurrent resolution honoring Lexa Clark for her leadership as captain of the Jamaica Rescue Squad;

H.C.R. 241

House concurrent resolution congratulates CVS Caremark for the decision to terminate the sale of all tobacco products, including cigarettes;

H.C.R. 242

House concurrent resolution honoring the federal TRIO programs in Vermont;

H.C.R. 243

House concurrent resolution designating March 2014 as Myeloma Awareness Month in Vermont;

H.C.R. 244

House concurrent resolution honoring the New Haven Town moderators;

H.C.R. 245

House concurrent resolution congratulating Elaine Pinckney on her being named the 2013 Frederick H. Tuttle Superintendent of the Year;

H.C.R. 246

House concurrent resolution designating April 2014 as Month of the Military Child in Vermont;

H.C.R. 247

House concurrent resolution honoring the retiring Weybridge Selectboard members Gale Hurd, Steven Smith, and Peter James;

H.C.R. 248

House concurrent resolution honoring Bridport's Collector of Delinquent Taxes Harry "Boo" Duffany;

H.C.R. 249

House concurrent resolution recognizing the significant health care role of the Rutland Area Visiting Nurse Association and Hospice;

H.C.R. 250

House concurrent resolution congratulating U.S. Navy Ensign Matthew McVay on his graduation from the U.S. Naval Academy with a 4.0 GPA;

H.C.R. 251

House concurrent resolution in memory of former Representative and Senator Merritt S. Hewitt;

H.C.R. 252

House concurrent resolution commemorating the 250th anniversary of the Town of Corinth;

H.C.R. 253

House concurrent resolution congratulating Edward Koren of Brookfield on his being named Vermont's newest Cartoonist Laureate;

H.C.R. 254

House concurrent resolution honoring Laura Soares of Randolph for her contributions to public education policy and governance;

S.C.R. 43

Senate concurrent resolution congratulating Mad River Glen ski area on its 65th anniversary;

S.C.R. 44

Senate concurrent resolution honoring Gary W. Moore for his accomplishments as an educator, environmentalist, and civic leader;

S.C.R. 45

Senate concurrent resolution in memory of former Waitsfield Fire Chief Delbert W. Palmer;

S.C.R. 46

Senate concurrent resolution congratulating the People's Health and Wellness Clinic on its 20th anniversary;

S.C.R. 47

Senate concurrent resolution in memory of Sister Miriam Ward;

S.C.R. 48

Senate concurrent resolution congratulating Marilyn Fuller on her selection as the 2013 Cohase Chamber of Commerce Citizen of the Year;

S.C.R. 49

Senate concurrent resolution in memory of former Legislative Council Operations Director Claudette Marinelli;

S.C.R. 50

Senate concurrent resolution honoring S. John Osha;

[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 2014, seventy-second Adjourned session.]