

Journal of the Senate

WEDNESDAY, FEBRUARY 12, 2014

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Paul Habersang of Montpelier.

Message from the House No. 18

A message was received from the House of Representatives by Ms. Melissa Kucserik, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has adopted joint resolution of the following title:

J.R.H. 14. Joint resolution requesting the United States Congress to pass the Homeowners Flood Insurance Affordability Act.

In the adoption of which the concurrence of the Senate is requested.

Rules Suspended; Bill Committed

H. 112.

Appearing on the Calendar for notice, on motion of Senator Starr, the rules were suspended and House bill entitled:

An act relating to the labeling of food produced with genetic engineering.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Agriculture, Senator Starr moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Judiciary with the report of the Committee on Agriculture *intact*,

Which was agreed to.

Joint Resolution Referred

J.R.H. 14.

Joint resolution originating in the House of the following title was read the first time and is as follows:

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

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.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Finance.

Message from the House No. 19

A message was received from the House of Representatives by Ms. Melissa Kucserik, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 88. An act relating to parental rights and responsibilities involving a child conceived as a result of a sexual assault.

H. 347. An act relating to veterinary dentistry.

H. 576. An act relating to applications for the Lifeline program.

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

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 44. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, February 13, 2014.