

# House Calendar

Tuesday, April 16, 2013

98th DAY OF THE BIENNIAL SESSION

House Convenes at 10:00 A.M.

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Action Postponed Until April 16, 2013**

**Favorable with Amendment**

**H. 512**

An act relating to approval of amendments to the charter of the City of Barre

**Rep. Higley of Lowell**, for the Committee on **Government Operations**, recommends the bill be amended as follows:

amended in Sec. 2, in 24 App. V.S.A. chapter 1, section 407 (appointments), as follows:

First: After “~~and board of aldermen~~”, by striking out “Board of Councilors” and inserting in lieu thereof “City Council”

Second: After “~~the selectmen~~”, by striking out “selectboard” and inserting in lieu thereof “City Council”

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

**NEW BUSINESS**

**Third Reading**

**H. 200**

An act relating to civil penalties for possession of marijuana

**Amendment to be offered by Rep. Browning of Arlington to H. 200**

Sec. 1. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

(1)(A) A person knowingly and unlawfully possessing marijuana shall be imprisoned not more than six months or fined not more than \$500.00, or both. A person convicted of a second or subsequent offense under this subdivision shall be imprisoned not more than two years or fined not more than \$2,000.00, or both. Upon an adjudication of guilt for a first offense under this subdivision, the court may defer sentencing as provided in 13 V.S.A. § 7041 except that the court may in its discretion defer sentence without the filing of a presentence investigation report and except that sentence may be imposed at any time within two years from and after the date of entry of deferment. The

court may prior to sentencing, order that the defendant submit to a drug assessment screening which may be considered at sentencing in the same manner as a presentence report.

(B) For a first offense under subdivision (1)(A) of this subsection, a person under 21 years of age shall be afforded the opportunity to participate in court diversion unless the prosecutor states on the record why a referral to court diversion would not serve the ends of justice.

(2) A person knowingly and unlawfully possessing marijuana in an amount consisting of one or more preparations, compounds, mixtures, or substances of an aggregate weight of two ounces or more containing any marijuana or knowingly and unlawfully cultivating more than three plants of marijuana shall be imprisoned not more than three years or fined not more than \$10,000.00, or both.

#### Sec. 2. EFFECTIVE DATE

This act shall take effect July 1, 2013.

#### **Amendment to be offered by Rep. Browning of Arlington to H. 200**

In Sec. 1, 18 V.S.A. § 4230(a)(1)(A) and (B) by striking “one” and inserting in lieu thereof “one-quarter of an”

#### **Amendment to be offered by Rep. Browning of Arlington to H. 200**

First: In Sec. 7, by striking subsection (c) in its entirety and inserting in lieu thereof the following:

(c)(1) 2013 Report. By November 1, 2013, the Task Force shall report to the House and Senate Committees on Judiciary its findings and any recommendations for legislative action regarding the penalties for possession of alcohol by a person under 21 years of age.

(2) By September 1, 2014, the Task Force shall report to the House and Senate Committees on Judiciary its findings and any recommendations for legislative action regarding drugged driving. The report shall include recommendations for both a roadside test and a blood test for drugged driving.

Second: By striking Sec. 8 in its entirety and inserting in lieu thereof the following:

#### Sec. 8. EFFECTIVE DATES

(a) This section and Sec. 7 of this act shall take effect on passage.

(b) Sec. 4 of this act shall take effect on July 1, 2013.

(c) The remaining sections of this act shall take effect on July 1, 2015.

**Amendment to be offered by Rep. O'Sullivan of Burlington to H. 200**

In Sec. 1, 18 V.S.A. § 4230, in subdivision (a)(1)(A), by striking "or cultivate marijuana" and inserting in lieu thereof ", one mature marijuana plant, and two immature marijuana plants" and in subdivision (a)(1)(B) by striking "or cultivating marijuana" and inserting in lieu thereof ", one mature marijuana plant, and two immature marijuana plants"

**Amendment to be offered by Rep. Helm of Fair Haven to H. 200**

By adding Secs. 6a and 6b to read:

Sec. 6a. 7 V.S.A. § 2(26) is amended to read:

(26) "Minor": a person who has not attained the age of 21 or a veteran or current member of the U.S. Armed Forces or the National Guard who has not reached the age of 18.

Sec. 6b. 7 V.S.A. § 5 is added to read:

§ 5. DRINKING AGE; MEMBER OF U.S. ARMED FORCES

Notwithstanding any provision of law to the contrary, a veteran or current member of the U.S. Armed Forces or the National Guard who has reached the age of 18 shall be allowed to purchase and possess alcoholic beverages.

**Amendment to be offered by Rep. Donahue of Northfield to H. 200**

By striking Secs. 4 and 5 and inserting in lieu thereof the following:

Sec. 4. 23 V.S.A. § 1134 is amended to read:

§ 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR POSSESSION OF ALCOHOL

(a)(1) A person shall not consume alcoholic beverages while operating a motor vehicle on a public highway. As used in this section, "alcoholic beverages" shall have the same meaning as "intoxicating liquor" as defined in section 1200 of this title.

(2) A person shall not smoke marijuana while operating a motor vehicle on a public highway.

\* \* \*

(d) A person who violates ~~subsection (a)~~ subdivision (a)(1) of this section shall be fined not more than \$500.00. A person who violates subdivision (a)(2) of this section shall be fined not more than \$1,000.00. A person who violates subsection (b) of this section shall be fined not more than \$25.00. A person convicted and fined for an offense under subsection (a) of this section shall not

be subject to prosecution for the same actions under subsection (b) of this section.

Sec. 4. 23 V.S.A. § 1134 is amended to read:

§ 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR  
POSSESSION OF ALCOHOL

(a)(1) A person shall not consume alcoholic beverages while operating a motor vehicle on a public highway. As used in this section, “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as defined in section 1200 of this title.

~~(2) A person shall not smoke marijuana while operating a motor vehicle on a public highway.~~

\* \* \*

(d) A person who violates subsection (a) subdivision (a)(1) of this section shall be fined not more than \$500.00. ~~A person who violates subdivision (a)(2) of this section shall be fined not more than \$1,000.00.~~ A person who violates subsection (b) of this section shall be fined not more than \$25.00. A person convicted and fined for an offense under subsection (a) of this section shall not be subject to prosecution for the same actions under subsection (b) of this section.

**Amendment to be offered by Rep. Donahue of Northfield to H. 200**

In Sec. 2, 18 V.S.A. § 4230a, by striking subsection (a) in its entirety and inserting in lieu thereof the following:

(a)(1) No person shall knowingly and unlawfully possess marijuana. A person 21 years of age or older who violates this section shall be assessed a civil penalty of not more than \$300.00.

(2) No person shall smoke marijuana in a public place. For purposes of this subdivision, “public place” means any street, alley, park, sidewalk, public building other than an individual dwelling, or any place of public accommodation as defined in 9 V.S.A. § 4501. A person 21 years of age or older who violates this section shall be assessed a civil penalty of not more than \$500.00.

**Amendment to be offered by Rep. Donahue of Northfield to H. 200**

First: In Sec. 1, 18 V.S.A. § 4230(a)(1)(A), in the first sentence after “more than one ounce of marijuana” by adding “, smoke marijuana on a school bus or on real property owned by a public or independent elementary or secondary school or a career technical education center.”

Second: In Sec. 1, 18 V.S.A. § 4230(a)(1)(B), after “more than one ounce of marijuana” by adding “, smoking marijuana on a school bus or on real property owned by a public or independent elementary or secondary school or a career technical education center.”

#### **H. 525**

An act relating to approval of amendments to the charter of the Town of Stowe

#### **Senate Proposal of Amendment**

#### **H. 431**

An act relating to mediation in foreclosure actions

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 12 V.S.A. chapter 163, subchapter 9 is amended to read:

#### **Subchapter 9. Mediation in Foreclosure Actions**

#### **§ 4631. MEDIATION PROGRAM ESTABLISHED**

(a) This subchapter establishes a program to assure the availability of mediation and application of ~~the federal Home Affordable Modification Program (“HAMP”)~~ government loss mitigation program requirements in actions for foreclosure of a mortgage on any dwelling house of four units or less that is occupied by the owner as a principal residence.

(b) The requirements of this subchapter shall apply ~~only~~ to all foreclosure actions ~~involving loans that are subject to the federal HAMP guidelines on dwelling houses of four units or less that are occupied by the owner as a principal residence unless:~~

(1) the loan involved is not subject to any government loss mitigation program requirements;

(2) prior to commencing the foreclosure action, the mortgagee or a representative of the mortgagee met with or made reasonable efforts to meet with the mortgagor in person in Vermont to discuss any applicable loss mitigation options; and

(3) the plaintiff in the foreclosure action certifies in a separate document filed with its complaint that the requirements of subdivisions (1) and (2) of this subsection have been satisfied and describes its efforts to meet with the mortgagor in person to discuss applicable loss mitigation efforts.

(c) To be qualified to act as a mediator under this subchapter, an individual shall be licensed to practice law in the ~~state~~ State and shall be periodically

required to ~~have taken a~~ take specialized, continuing legal education training ~~course~~ courses on foreclosure prevention or loss mitigation approved by the Vermont Bar Association.

(d) This subchapter shall not apply to a commercial loan.

(e) As used in this subchapter:

(1) "Commercial loan" means any loan described in 9 V.S.A. § 46(1), (2), or (3).

(2) "Government loss mitigation program" means:

(A) the federal Home Affordable Modification Program ("HAMP");

(B) any loss mitigation program for loans owned or guaranteed by government-sponsored entities such as the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), the U.S. Federal Housing Administration, or the U.S. Department of Veterans Affairs;

(C) any loss mitigation program for loans guaranteed by the U.S. Department of Agriculture-Rural Development that are not owned by an instrumentality of the United States or the State of Vermont; or

(D) a settlement agreement with a government entity, or any state or federal law or regulation, regarding the notification, consideration, or offer of loss mitigation options.

#### § 4632. OPPORTUNITY TO MEDIATE

(a) In an action for foreclosure of a mortgage on any dwelling house of four units or less that is occupied by the owner as a principal residence subject to this subchapter, whenever the mortgagor enters an appearance in the case or requests mediation prior to four months after judgment is entered and before the end of the redemption period specified in the decree, the court shall refer the case to mediation pursuant to this subchapter, except that the court may:

(1) for good cause, shorten the four-month period or thereafter decline to order mediation; or

(2) decline to order mediation if the mortgagor requests mediation after judgment has been entered and the court determines that the mortgagor is attempting to delay the case, or the court may for good cause decline to order mediation if the mortgagor requests mediation after judgment has been entered.

(b) Unless the mortgagee agrees and mortgagor agree otherwise or the court so orders for good cause shown, all mediation shall be completed prior to the expiration of the redemption period specified in the decree and within 120

days of the mediator's appointment. The redemption period shall not be stayed on account of pending mediation.

(c) In an action for foreclosure of a mortgage ~~on any dwelling house of four units or less that is occupied by the owner as a principal residence~~ subject to this subchapter, the mortgagee shall serve upon the mortgagor two copies of the notice described in subsection (d) of this section with the summons and complaint. The ~~supreme court~~ Supreme Court may by rule consolidate this notice with other foreclosure-related notices as long as the consolidation is consistent with the content and format of the notice under this subsection.

(d) The notice required by subsection (c) of this section shall:

- (1) be on a form approved by the court administrator;
- (2) advise the homeowner of the homeowner's rights in foreclosure proceedings under this subchapter;
- (3) state the importance of participating in mediation even if the homeowner is currently communicating with the mortgagee or servicer;
- (4) provide contact information for legal services; and
- (5) incorporate a form that can be used by the homeowner to request mediation from the court.

~~(e) The court may, on motion of a party, find that the requirements of this subchapter have been met and that the parties are not required to participate in mediation under this subchapter if the mortgagee files a motion and establishes to the satisfaction of the court that it has complied with the applicable requirements of HAMP and supports its motion with sworn affidavits that:~~

- ~~(1) include the calculations and inputs required by HAMP and employed by the mortgagee; and~~
- ~~(2) demonstrate that the mortgagee or servicer met with the mortgagor in person or via videoconferencing or made reasonable efforts to meet with the mortgagor in person.~~

The Vermont Bar Association (VBA) shall have the authority to establish a fair and neutral mediator-selection process. If the mortgagee and mortgagor are unable to select a mediator through the selection process established by the VBA, the court shall appoint a qualified mediator for the case.

#### § 4633. MEDIATION

(a) During all mediations under this subchapter:

(1) The parties shall address the available foreclosure prevention tools and, if disputed, the amount due on the note for the principal, interest, and



costs or fees.

~~(1)(2) the~~ The mortgagee shall use and consider available foreclosure prevention tools, including reinstatement, loan modification, forbearance, and short sale, and the calculations, assumptions, and forms established by the HAMP guidelines, including all HAMP-related applicable government loss mitigation program requirements and any related “net present value” calculations used in considering a loan modification conducted under this subchapter;

~~(2)(3) the~~ The mortgagee shall produce for the mortgagor and mediator documentation of its consideration of the options available in this subdivision and subdivision (1) of this subsection, including the data used in and the outcome of any HAMP-related “net present value” calculation; and:

(A) if a modification or other agreement is not offered, an explanation why the mortgagor was not offered a modification or other agreement; and

(B) for any applicable government loss mitigation program, the criteria for the program and the inputs and calculations used in determining the homeowner’s eligibility for a modification or other program.

~~(3)(4) where~~ Where the mortgagee claims that a pooling and servicing or other similar agreement prohibits modification, the mortgagee shall produce a copy of the agreement. All agreement documents shall be confidential and shall not be included in the mediator’s report.

(b)(1) In all mediations under this subchapter, the mortgagor shall make a good faith effort to provide to the mediator 20 days prior to the first mediation, or within a time determined by the mediator to be appropriate in order to allow for verification of the information provided by the mortgagee court or mediator, information on his or her household income, and any other information required by HAMP unless already provided any applicable government loss mitigation program.

(2) Within 45 days of appointment, the mediator shall hold a premediation telephone conference to help the mortgagee and mortgagor complete any necessary document exchange and address other premediation issues. At the premediation telephone conference, the mediator shall at a minimum document and maintain records of the progress the mortgagee and mortgagor are making on financial document production, any review of information that occurs during the conference, any request for additional information, the anticipated time frame for submission of any additional information and the lender’s review of the information, the scheduling of the mediation session, and which of the persons identified in subdivision (d)(1) of

this section will be present in person at the mediation or that the parties and the mediator have agreed pursuant to subsection (e) of this section that personal presence at the mediation is not required.

(3) During the mediation, the mediator shall document and maintain records of:

(A) agreements about information submitted to the mediator;

(B) whether a modification or other foreclosure alternative is available and, if so, the terms of the modification;

(C) if a modification or other foreclosure alternative is not available, the reasons for the unavailability; and

(D) the steps necessary to finalize the mediation.

(c) The parties to a mediation under this subchapter shall cooperate in good faith under the direction of the mediator to produce the information required by subsections (a) and (b) of this section in a timely manner so as to permit the mediation process to function effectively.

(d)(1) The following persons shall participate in person or by telephone in any mediation under this subchapter:

(A) the mortgagee, or any other person, including the mortgagee's servicing agent, who meets the qualifications required by subdivision (2) of this subsection;

(B) counsel for the mortgagee; and

(C) the mortgagor, and counsel for the mortgagor, if represented.

(2) The mortgagee or mortgagee's servicing agent, if present, shall have:

(A) authority to agree to a proposed settlement, loan modification, or dismissal of the foreclosure action;

(B) real time access during the mediation to the mortgagor's account information and to the records relating to consideration of the options available in subdivisions ~~(a)(1) and (2)~~ (a)(2) and (a)(3) of this section, including the data and factors considered in evaluating each such foreclosure prevention tool; and

(C) the ability and authority to perform ~~necessary HAMP-related~~ government loss mitigation program-related "net present value" calculations and to consider other options available in subdivisions ~~(a)(1) and (2)~~ (a)(2) and (a)(3) of this section during the mediation.

(e) The mediator may permit a party identified in subdivision (d)(1) of this

section to participate in mediation by telephone or videoconferencing. The mortgagee and mortgagor shall each have at least one of the persons identified in subdivision (d)(1) of this section present in person at the mediation unless all parties and the mediator agree otherwise in writing.

(f) The mediator may include in the mediation process under this subchapter any other person the mediator determines would assist in the mediation.

(g) Unless the ~~parties~~ mortgagee and mortgagor agree otherwise, all mediations under this subchapter shall take place in the county in which the foreclosure action is brought pursuant to subsection ~~4523(a)~~ 4932(a) of this title.

#### § 4634. MEDIATION REPORT

(a) Within seven days of the conclusion of any mediation under this subchapter, the mediator shall report in writing the results of the process to the court and both parties, and shall provide a copy of the report to the Office of the Attorney General for data collection purposes. The report submitted to the Attorney General's office shall include, in addition to the information identified in subsection (b) of this section, all applicable government loss mitigation program criteria, inputs, and calculations performed prior to or during the mediation and all information related to the requirements in subsection 4633(a) of this title. The report submitted to the Attorney General's office shall be confidential, and shall be exempt from public copying and inspection under 1 V.S.A. § 317, provided that any public report by the Attorney General may include information in aggregate form.

(b) The report required by subsection (a) of this section shall not disclose the mediator's assessment of any aspect of the case or substantive matters discussed during the mediation, except as is required to report the information required by this section. The report shall contain all of the following items:

(1) The date on which the mediation was held, including the starting and finishing times.

(2) The names and addresses of all persons attending, showing their role in the mediation and specifically identifying the representative of each party who had decision-making authority.

(3) A summary of any substitute arrangement made regarding attendance at the mediation.

(4) ~~All HAMP-related "net present value" calculations and other foreclosure avoidance tool calculations performed prior to or during the mediation and all information related to the requirements in subsection 4633(a)~~

~~of this title. [Repealed.]~~

(5) The results of the mediation, stating whether full or partial settlement was reached and appending any agreement of the parties.

(6)(A) A statement as to whether any person required under subsection ~~(d) of section 4633(d)~~ of this title to participate in the mediation failed to:

(i) attend the mediation;

(ii) make a good faith effort to mediate; or

(iii) supply documentation, information, or data as required by subsections 4633(a)–(c) of this title.

(B) If a statement is made under subdivision (6)(A) of this subsection (b), it shall be accompanied by a brief description of the applicable reason for the statement.

#### § 4635. COMPLIANCE WITH OBLIGATIONS

(a) Upon receipt of a mediator's report required by subsection 4634(a) of this title, the court shall determine whether the mortgagee or servicer has complied with all of its obligations under subsection 4633(a) of this title, and, at a minimum, with any ~~modification obligations under HAMP~~ applicable government loss mitigation program requirements. The court may make such a determination without a hearing unless the court, in its discretion, determines that a hearing is necessary.

(b) If the mediator's report includes a statement under subdivision ~~4635(b)(6)~~ 4634(b)(6) of this title, or if the court makes a determination of noncompliance with the ~~obligations requirements~~ requirements under subsection 4635(a) of this title, the court may impose appropriate sanctions against the noncomplying party, including:

(1) tolling of interest, fees, and costs;

(2) reasonable attorney's fees;

(3) monetary sanctions;

(4) dismissal without prejudice; and

(5) prohibiting the mortgagee from selling or taking possession of the property that is the subject of the action with or without opportunity to cure as the court deems appropriate.

(c) No mediator shall be required to testify in an action subject to this subchapter.

§ 4636. ~~EFFECT OF MEDIATION PROGRAM ON FORECLOSURE ACTIONS FILED PRIOR TO EFFECTIVE DATE~~

~~The court shall, on request of a party prior to judgment or on request of a party and showing of good cause after judgment, require mediation in any foreclosure action on a mortgage on any dwelling house of four units or less that is occupied by the owner as a principal residence that was commenced prior to the effective date of this subchapter but only up to 30 days prior to the end of the redemption period. [Repealed.]~~

§ 4637. NO WAIVER OF RIGHTS; COSTS OF MEDIATION

(a) The parties' rights in a foreclosure action are not waived by their participation in mediation under this subchapter.

(b) The mortgagee shall pay the required costs for any mediation under this subchapter except that the mortgagor shall be responsible for mortgagor's own costs, including the cost of mortgagor's attorney, if any, and travel costs.

(c) If the foreclosure action results in a sale with a surplus, the mortgagee may recover the full cost of mediation to the extent of the surplus. Otherwise, the mortgagee may not shift to the mortgagor the costs of the mortgagee's or the servicing agent's attorney's fees or travel costs related to mediation but may shift up to one-half of the costs of the mediator.

Sec. 2. REPEAL

2010 Acts and Resolves No. 132, Sec. 13 (repeal of Vermont mortgage foreclosure mediation program on date federal HAMP program is repealed) is repealed.

Sec. 3. EFFECTIVE DATE

This act shall take effect on December 1, 2013 and shall apply to any mortgage foreclosure proceeding instituted after that date.

(For text see House Journal 3/19/2013 )

**NOTICE CALENDAR**  
**Favorable with Amendment**

**S. 73**

An act relating to the moratorium on home health agency certificates of need

**Rep. Dakin of Chester**, for the Committee on **Health Care**, recommends that the House propose to the Senate that the bill be amended as follows:

In Sec. 1, 2010 Acts and Resolves No. 83, Sec. 2, subsection (d), before the

period, by inserting the words: “or to a licensed home for the terminally ill as defined in 33 V.S.A. § 7102”

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

**(For text see Senate Journal 3/20/2013 )**

**Favorable**

**H. 536**

An act relating to the Adjutant and Inspector General and the Vermont National Guard.

**(Rep. Head of South Burlington** will speak for the Committee on **General, Housing and Military Affairs.**)

**Rep. Fagan of Rutland City**, for the Committee on **Appropriations**, recommends the bill ought to pass.

**(Committee Vote: 10-0-1)**

**Amendment to be offered by Reps. Cross of Winooski, Cole of Burlington, French of Randolph, Krowinski of Burlington and Townsend of South Burlington to H. 536**

By adding Secs. 7a and 7b to read:

Sec. 7a. FINDINGS

The General Assembly finds:

(1) Vermonters appreciate the dedication and sacrifice made by the many men and women who serve in or work for the Vermont Air National Guard (VTANG), both those who are full time and those who are part time.

(2) Although Vermonters greatly appreciate the many contributions the VTANG has made to Vermont, the proposed basing of the F-35A fighter jets at BTV as a replacement for the currently based F-16 fighter jets raises significant noise issues that warrant the completion of a comprehensive collaborative hearing process prior to a final decision on F-35A basing at BTV.

(3) In a statement released on December 11, 2012, 16 members of the Vermont clergy recommended that “Vermont be removed from the first round of basing decisions so that we Vermonters can reach a consensus, based on clearing up so many of the questions that remain unanswered in the minds of many residents.”

(4) In a letter to a constituent, Senator Patrick Leahy stated “I have heard from a number of Vermonters who have specifically questioned the value of the F-35. The F-35 program has been poorly managed and is a

textbook example of how not to buy military equipment. The causes of the F-35 program's present difficulties are too numerous to detail in my response to your letter; however, I believe the F-35 program is approaching a point where the military services and a majority of Congress will recognize that the jet is just too costly to proceed with purchases at today's planned levels. That recognition may lead to a decision to diversify our future fighter jet fleet, with the Air Force, Navy, and Marine Corps opting to modernize their current fleet of fighter jets and substantially reduce the total number of F-35s that they plan to buy."

Sec. 7b. F-35A BASING DECISION

The General Assembly agrees with the learned clergy's advice and the cautions stated by Senator Leahy and requests that Vermont be removed from consideration in this round of F-35A basing decisions.

**Amendment to be offered by Reps. Cross of Winooski, French of Randolph, Krowinski of Burlington, McCormack of Burlington and Townsend of South Burlington to H. 536**

By adding Sec. 7a to read:

Sec. 7a. F-35 ADVERSE IMPACTS STUDY

(a) The Joint Fiscal Office is directed to study the potential adverse impacts caused by the deployment of the F-35A at Burlington International Airport by the U.S. Air Force and the Vermont Air National Guard. The study shall consider at least the following impacts:

(1) property values within the 65 decibel day-night average level contour zone;

(2) health issues related to noise and other environmental conditions for those who live in the 65 decibel day-night average level contour zone; and

(3) other potential adverse impacts as deemed appropriate.

(b) The Joint Fiscal Office shall be assisted as needed and appropriate by the Agency of Education, the Department of Health, and the Department of Taxes. Any and all added costs associated with this study shall be borne by each of the state entities listed in this subsection within their respective 2014 budgets.

(c) The Joint Fiscal Office shall report its findings to the General Assembly on or before January 15, 2014.

**Amendment to be offered by Reps. Cross of Winooski, Cole of Burlington, French of Randolph, Krowinski of Burlington, McCormack of Burlington, Pearson of Burlington and Townsend of South Burlington to H. 536**

By adding Sec. 7a to read:

**Sec. 7a. COLLABORATIVE PROCESS CONCERNING ASSIGNMENT OF F-35 AIRCRAFT TO THE VERMONT NATIONAL GUARD**

(a) In 2010, the General Assembly adopted J.R.H.51, Joint resolution supporting the assignment of the F-35 aircraft to the Vermont Air National Guard, requesting that the U.S. Air Force, the Vermont Air National Guard, the City of South Burlington, the City of Winooski, the Town of Williston, and the City of Burlington conduct collaborative hearings with concerned citizens on environmental, health, housing, and workforce issues related to the F-35 prior to the issuing of a final decision on basing F-35 fighter jets at Burlington International Airport. More recently, J.R.H.4, Joint resolution related to the conduct of collaborative hearings and the basing of the F-35A in Vermont, was introduced, respectfully requesting that the collaborative hearing process begin in order to provide detailed responses concerning these issues.

(b) The Secretary of Administration shall work with the U.S. Air Force and the Vermont National Guard to complete the collaborative hearing process and any expenses shall be absorbed by the Secretary's budget.

**Public Hearings**

**April 18, 2013** - Room 11 - 6:00-8:00 PM - H. 208 Earned Sick Days - House General, Housing and Military Affairs

**April 17, 2013** - Room 11, 5:30-7:30 PM - H. 225, Statewide Policy on Training Requirements for Electronic Control Devices (Tasers) - House Government Operations

**April 16, 2013** - House Chamber, 5:30-7:30 PM - S. 77, Patient Choice and Control at End of Life - Human Services and Judiciary