

House Calendar

Thursday, February 03, 2011

30th DAY OF BIENNIAL SESSION

House Convenes at 1:00 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 6

An act relating to powers and immunities of the liquor control investigators

Committee Bill for Second Reading

H. 138

An act relating to executive branch fees.

(Rep. Branagan of Georgia will speak for the Committee on Ways and Means.)

Favorable with amendment

H. 46

An act relating to youth athletes with concussions participating in athletic activities

Rep. Gilbert of Fairfax, for the Committee on **Education**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The general assembly finds:

(1) A concussion is a disturbance to brain function that can range from mild to severe and can disrupt the way the brain normally works.

(2) A concussion is caused by a blow to or motion of the head or body that causes the brain to move rapidly inside the skull.

(3) A concussion can occur with or without loss of consciousness, but most concussions occur without loss of consciousness.

(4) The risks of catastrophic injuries or death are significant when a concussion or other head injury is not properly evaluated and managed.

(5) Concussions can occur during any organized or unorganized sport or recreational activity and can result from a fall or from a person colliding with one or more other people, with the ground, or with other obstacles.

(6) The Centers for Disease Control and Prevention estimates that as many as 3,900,000 sports-related and recreation-related concussions occur in the United States each year.

(7) Concussions are one of the most commonly reported injuries in children and adolescents who participate in athletic and recreational activities.

(8) Continuing to participate in athletic and recreational activities with a concussion or symptoms of a head injury causes children and adolescents to be vulnerable to greater injury or even death.

(9) Despite the existence of recognized return-to-play standards for concussions and other head injuries, some children and adolescents in Vermont with a concussion or symptoms of a head injury are prematurely permitted to participate in athletic and recreational activities, resulting in actual or potential physical injury or death.

Sec. 2. 16 V.S.A. chapter 31, subchapter 3 is added to read:

Subchapter 3. Health and Safety Generally

§ 1431. CONCUSSIONS AND OTHER HEAD INJURIES

(a) Definitions. For purposes of this subchapter:

(1) “School athletic team” means an interscholastic athletic team or club sponsored by a public or approved independent school for elementary or secondary students.

(2) “Coach” means a person who instructs or trains students on a school athletic team.

(3) “Youth athlete” means an elementary or secondary student who is a member of a school athletic team.

(4)(A) “Licensed health care provider” means:

(i) a physician licensed pursuant to chapter 23 or 33 of Title 26;

(ii) an advanced practice registered nurse licensed pursuant to chapter 28 of Title 26;

(iii) a physician’s assistant licensed pursuant to chapter 31 of Title 26;

(iv) an athletic trainer licensed pursuant to chapter 83 of Title 26;
or

(v) a physical therapist licensed pursuant to chapter 38 of Title 26.

(B) “Licensed health care provider” includes a person identified in subdivision (A) of this subdivision (2) who is acting as a volunteer.

(b) Guidelines and other information. The commissioner of education or designee, assisted by members of the Vermont Principals’ Association and the Vermont School Boards Association selected by those associations, shall develop statewide guidelines, forms, and other materials, and update them when necessary, that are designed to educate coaches, youth athletes, and the parents and guardians of youth athletes regarding:

(1) the nature and risks of concussions and other head injuries;

(2) the risks of premature participation in athletic activities after receiving a concussion or other head injury; and

(3) the importance of obtaining a medical evaluation of a suspected concussion or other head injury and receiving treatment when necessary.

(c) Notice and training. The principal or headmaster of each public and approved independent school in the state, or a designee, shall ensure that:

(1) the information developed pursuant to subsection (b) of this section is provided annually to each youth athlete and the athlete’s parents or guardians;

(2) each youth athlete and a parent or guardian of the athlete annually sign a form acknowledging receipt of the information provided pursuant to subdivision (1) of this subsection and return it to the school prior to the athlete’s participation in training or competition associated with a school athletic team;

(3)(A) each coach of a school athletic team receive training no less frequently than every two years on how to recognize the symptoms of a concussion or other head injury; and

(B) each coach who is new to coaching at the school receive training prior to beginning his or her first coaching assignment for the school.

(d) Participation in athletic activity.

(1) A coach shall not permit a youth athlete to continue to participate in any training session or competition associated with a school athletic team if the coach has reason to believe that the athlete has sustained a concussion or other head injury during the training session or competition.

(2) A coach shall not permit a youth athlete who has been prohibited from training or competing pursuant to subdivision (1) of this subsection to train or compete with a school athletic team until the athlete has been examined by and received written permission to participate in athletic activities

from a licensed health care provider trained in the evaluation and management of concussions and other head injuries.

(e) Civil liability. Neither a coach nor a volunteer, including a licensed health care provider, who does not remove a youth athlete from training or competition pursuant to subdivision (d)(1) of this section or who authorizes a youth athlete to resume participation pursuant to subdivision (d)(2) of this section shall be liable in civil damages unless:

(1) the individual's acts constitute either gross negligence or wanton or willful misconduct; or

(2) the individual will receive or expects to receive remuneration for any action connected to the removal or authorization.

Sec. 3. EFFECTIVE DATE; IMPLEMENTATION

This act shall take effect on passage; provided that:

(1) the guidelines, forms, and other materials required by Sec. 2 of this act, 16 V.S.A. § 1431(b), shall be developed and published on the websites of the Vermont Principals' Association and the department of education no later than July 1, 2011;

(2) the requirements of Sec. 2 of this act, 16 V.S.A. § 1431(c) (notice and training) and (d) (participation), shall be in effect beginning in the autumn 2011 sports season.

(Committee Vote: 11-0-0)

Amendment to be offered by Rep. Grad of Moretown to H.46

Rep. Grad of Moretown moves that the report of the committee on Education be amended as follows:

First: In Sec. 2, 16 V.S.A. § 1431, subsection (a), subdivision (4), by striking out the designation "(A)" and by striking out subdivision (B) in its entirety

Second: In Sec. 2, 16 V.S.A. § 1431, by striking out subsection (e) in its entirety

Special Committee Report

Representative Sweaney of Windsor, for the Committee on Government Operations, to which has been referred the request of David Ainsworth for the House to judge the election and qualifications of its member in House District Windsor-Orange-1 submits the following report:

The Committee on Government Operations considered the request of David Ainsworth for the House to judge the election and qualifications of its member in House District Windsor-Orange-1 and finds that Representative Sarah E. Buxton was duly elected and is qualified to represent House District Windsor-Orange-1 as a member of the House of Representatives.

(Committee vote: 8-3-0)

For Informational Purposes

Resolution to be Introduced

H.R. 6

House resolution urging action on climate change-related policies

Offered by: Representatives Edwards of Brattleboro, Ancel of Calais, Bartholomew of Hartland, Bohi of Hartford, Burke of Brattleboro, Cheney of Norwich, Christie of Hartford, Clarkson of Woodstock, Conquest of Newbury, Copeland-Hanzas of Bradford, Courcelle of Rutland City, Dakin of Chester, Davis of Washington, Deen of Westminster, Donovan of Burlington, Ellis of Waterbury, Emmons of Springfield, Evans of Essex, French of Shrewsbury, French of Randolph, Gilbert of Fairfax, Grad of Moretown, Haas of Rochester, Head of South Burlington, Heath of Westford, Hooper of Montpelier, Jerman of Essex, Jewett of Ripton, Klein of East Montpelier, Kupersmith of South Burlington, Larson of Burlington, Lenes of Shelburne, Leriche of Hardwick, Macaig of Williston, Marek of Newfane, Martin of Springfield, Martin of Wolcott, Masland of Thetford, McFaun of Barre Town, Mitchell of Barnard, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Munger of South Burlington, Nuovo of Middlebury, O'Brien of Richmond, Partridge of Windham, Pearson of Burlington, Peltz of Woodbury, Ralston of Middlebury, Ram of Burlington, Spengler of Colchester, Stevens of Waterbury, Stuart of Brattleboro, Sweaney of Windsor, Till of Jericho, Toll of Danville, Trieber of Rockingham, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson, Yantachka of Charlotte and Young of Albany

Whereas, there is consensus among the world's leading scientists that global climate change is occurring and is caused in large measure by the anthropogenic (human-caused) emission of carbon dioxide and other greenhouse gases, and

Whereas, leading climate scientists have set 350 parts per million of carbon in the atmosphere as the imperative goal the world must meet if humanity wishes to preserve a planet similar to that on which civilization has developed, and

Whereas, the projected impact from climate change on Vermont's citizens, infrastructure, mountains, lakes, streams, forests, and communities in the forms of severe weather, rising temperatures, and shifting ecosystems poses a serious risk to our state's economic viability and health, and

Whereas, the state of Vermont has set forth several important goals for avoiding the worst consequences of climate change and transitioning to a clean-energy economy, and

Whereas, these goals include: reducing the state's greenhouse gas emissions 25 percent by 2012, 50 percent by 2028, and 75 percent by 2050; substantially improving the thermal efficiency in 25 percent of the state's older housing stock by 2020; and meeting an increasingly larger portion of our state's electricity needs from in-state renewable supplies, and

Whereas, there is a growing grassroots movement across Vermont calling for deep and aggressive climate and energy action, including more than 100 community energy committees, an active constituency of local groups known as Transition Towns, and a burgeoning 350 Vermont network, and

Whereas, in a 2007 state-sanctioned poll sampling a random selection of Vermonters, there was overwhelming support for developing in-state renewable energy supplies, and broad agreement that while clean energy investments might cost more in the short term, they will cost less in the long term, and

Whereas, a significant amount of work has already been done to identify strategies aimed at reducing Vermont's contribution to climate change, including an exhaustive review and set of 38 policy recommendations from 2007 from a nonpartisan Vermont Commission on Climate Change, and

Whereas, by focusing on energy efficiency, renewable energy development, transportation, land use, forest management, agriculture, waste management, education, and accountability, the recommendations of the Vermont Commission on Climate Change offer the kind of broad-based framework the state must employ to reduce our greenhouse gas emissions, transition away from dwindling and increasingly expensive fossil fuels, and create a clean energy economy, and

Whereas, the threat of climate change requires a renewed effort throughout state government, including in the policy-making legislative branch, to consider the greenhouse gas implications of each administrative or policy decision, now therefore be it

Resolved by the House of Representatives:

That this legislative body finds there is tremendous need and opportunity for a state-coordinated, comprehensive plan that integrates all aspects of climate and energy solutions into a smart, forward-looking, and thoughtful implementation strategy that sets bold targets and outlines specific steps for accomplishing these objectives.

Information Notice

HOUSE BILL INTRODUCTION DEADLINES

To All House Members:

Request Deadline - All requests for introduction of bills drafted in *standard* form must be submitted to the Legislative Council by Monday, January 31, 2011.

During the first year of the biennium, a member may request introduction of a bill drafted in *short* form and submitted to the Legislative Council anytime during the session.

Introduction Deadline - Except with prior consent of the Committee on Rules, all bills drafted in standard form, shall be introduced by February 28, 2011.

During the first year of the biennium Committee bills may be introduced at anytime.

JOINT ASSEMBLY

Thursday, February 17, 2011 – 10:30 A.M. – House Chamber –Election of a Sergeant at Arms, of an Adjutant and Inspector General, and of three (3) trustees for the University of Vermont, and Vermont and State Agricultural College.

Candidates for the positions of Sergeant at Arms and of Adjutant and Inspector General, and legislative candidates for UVM trustees must notify the Secretary of State **in writing** of their candidacies not later than Thursday, February 10, 2011, by 4:30 P.M., pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

Do not use pink mail for the delivery of notifications to the Secretary of State. Hand delivery is the best method to insure receipt of the notification.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

PUBLIC HEARING

Joint Public Hearing on Fiscal Year 2012 state budget

on Vermont Interactive Television

House and Senate Committees on Appropriations

Monday, February 14, 2011, 4:00 - 6:00 p.m. – The House and Senate Committees on Appropriations will hold a joint public hearing on Vermont Interactive Television (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the state budget for fiscal year 2012. All 15 V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Castleton, Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, Waterbury, White River Junction and Williston. V.I.T.'s web site has an up-to-date location listing, including driving directions, addresses and telephone numbers, <http://www.vitlink.org/>.

The Governor's budget proposal can be viewed at the Department of Finance's website: http://finance.vermont.gov/state_budget/rec. For information about the format of this event or to submit written testimony, call the House Appropriations Committee office at 802/828-5767 or email tutton@leg.state.vt.us. Requests for interpreters should be made to the office by 12:00 noon on Monday, January 31, 2011.