

House Calendar

WEDNESDAY, FEBRUARY 11, 2009

36th DAY OF BIENNIAL SESSION

House Convenes at 1:00 P. M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 166

An act relating to the Vermont Student Assistance Corporation.

Favorable with Amendment

H. 58

An act relating to standards for goat's milk production.

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

Sec. 1. 6 V.S.A. § 2728 is added to read:

§ 2728. MANUFACTURING GRADE GOAT MILK

(a) “Manufacturing grade goat milk” is goat milk other than Grade A goat milk produced and distributed according to the Grade A Pasteurized Milk Ordinance.

(b) The maximum somatic cell count for manufacturing grade goat milk shall not exceed 1,500,000 per milliliter.

Sec. 2. SUNSET

6 V.S.A. § 2728 (manufacturing grade goat milk) shall be repealed when the National Conference on Interstate Milk Shipments amends the Grade A Pasteurized Milk Ordinance limit on somatic cell counts for goat milk to be equal to or higher than 1,500,000 per milliliter.

(Committee vote: 11-0-0)

Action Postponed Until Thursday, February 12, 2009

Favorable with Amendment

H. 24

An act relating to insurance coverage for colorectal cancer screening.

Rep. Till of Jericho, for the Committee on **Health Care**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

(a) Colorectal cancer is the third most common cancer affecting Vermonters. Approximately 130 Vermonters die each year from colorectal cancer and around 330 new cases are diagnosed in Vermont each year. All Americans have a five percent risk of developing colorectal cancer during their lifetime.

(b) Ninety percent of colorectal cancers are diagnosed in patients over the age of 50.

(c) If caught early, patients suffering from colorectal cancer have a 70 to 90 percent survival rate.

(d) Colorectal cancer screening prevents and diagnoses colorectal cancer.

(e) Raising the numbers of colorectal cancer screenings in Vermont is likely to produce minor increases in health care costs in early years, but is expected to save money over time as the need for expensive cancer treatments is reduced.

8 V.S.A. § 4100g is added to read:

§ 4100g. COLORECTAL CANCER SCREENING; COVERAGE REQUIRED

(a) For purposes of this section:

(1) “Colonoscopy” means a procedure that enables a physician to examine visually the inside of a patient’s entire colon and includes the removal of polyps, biopsy, or both.

(2) “Insurer” means insurance companies that provide health insurance as defined in subdivision 3301(a)(2) of this title, nonprofit hospital and medical services corporations, and health maintenance organizations. The term does not apply to coverage for specified disease or other limited benefit coverage.

(b) Insurers shall provide coverage for colorectal cancer screening, including:

(1) Providing an insured 50 years of age or older with the option of:

(A) Annual fecal occult blood testing plus one flexible sigmoidoscopy every five years; or

(B) One colonoscopy every 10 years.

(2) For an insured who is at high risk for colorectal cancer, colorectal cancer screening examinations and laboratory tests as recommended by the

treating physician.

(c) For the purposes of subdivision (b)(2) of this section, an individual is at high risk for colorectal cancer if the individual has:

(1) A family medical history of colorectal cancer or a genetic syndrome predisposing the individual to colorectal cancer;

(2) A prior occurrence of colorectal cancer or precursor polyps;

(3) A prior occurrence of a chronic digestive disease condition such as inflammatory bowel disease, Crohn's disease, or ulcerative colitis; or

(4) Other predisposing factors as determined by the individual's treating physician.

(d) Benefits provided shall cover the colorectal cancer screening subject to a co-payment no greater than the co-payment applicable to care or services provided by a primary care physician under the insured's policy, provided that no co-payment shall exceed \$25.00 for services performed under contract with the insurer. Colorectal cancer screening services performed under contract with the insurer also shall not be subject to deductible or coinsurance requirements.

Sec. 3. 18 V.S.A. § 9410(i) is amended to read:

(i)(1) On or before January 15, 2008 and every three years thereafter, the commissioner shall submit a recommendation to the general assembly for conducting a survey of the health insurance status of Vermont residents.

(2) No later than November 15, 2009, the commissioner shall make available on the department's website the prices charged by each Vermont hospital for the 10 most commonly performed preventive services in this state.

Sec. 4. PREVENTIVE SERVICES COST REVIEW

The department of banking, insurance, securities, and health care administration shall analyze the costs of the 10 preventive services most commonly performed in Vermont hospitals and recommend approaches for aligning the prices charged for such services with their actual costs. No later than November 15, 2009, the department shall report its findings and recommendations to the house committee on health care, the senate committee on health and welfare, and the commission on health care reform.

Sec. 5. 8 V.S.A. chapter 107, subchapter 10 is amended to read:

Subchapter 10. Prostate and Colorectal Cancer Screening; Coverage Required

Sec. 6. APPLICABILITY AND EFFECTIVE DATE

(a) Section 2 of this act shall take effect on October 1, 2009 and shall apply to all health benefit plans on and after October 1, 2009 on such date as a health insurer offers, issues, or renews the health benefit plan, but in no event later than October 1, 2010.

(b) The remaining sections of this act shall take effect upon passage.

(Committee vote: 10-0-1)

NOTICE CALENDAR

Favorable with Amendment

H. 28

An act relating to temporary wastewater systems permits.

Rep. Spengler of Colchester, for the Committee on **Fish, Wildlife and Water Resources**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 1979 is amended to read:

§ 1979. HOLDING TANKS

(a) The secretary shall approve the use of sewage holding and pumpout tanks when he or she determines that:

(1) the existing or proposed buildings or structures to be served by the holding tank are publicly owned;

(2) the plan for construction and operation of the holding tank will not result in a public health hazard or environmental damage;

(3) a designer demonstrates that an economically feasible means of meeting current standards is significantly more costly than sewage holding and pumpout tanks, based on a projected 20-year life of the project; and

(4) the design flows do not exceed 600 gallons per day.

(b) A holding tank may also be used for a project that is eligible for a variance under section 1973 of this title, whether or not the project is publicly owned, if the existing wastewater system has failed, or is expected to fail, and in either instance, if there is no other cost-feasible alternative.

(c) A holding tank may also be used when an emergency holding tank permit is issued.

(1) For the purposes of this subsection, “emergency” means unanticipated damage to or destruction of a dwelling unit, which makes the dwelling unit temporarily uninhabitable.

(2) The secretary may permit a temporary emergency holding tank for a temporary dwelling unit located on the same property as a building or structure that is under construction if:

(A) A professional engineer or a designer licensed pursuant to department rules determines that there is no feasible means of connecting the temporary dwelling unit to an existing wastewater system permitted under section 1937 of this title;

(B) The secretary determines that a temporary holding tank will not result in a public health hazard or environmental damage; and

(C) The building or structure that is under construction was made uninhabitable by an emergency.

(3) Unless extended by the secretary, an emergency holding tank permit issued under subsection (c) of this section shall be issued for no more than 180 days. The secretary may extend an emergency holding tank permit by 30-day intervals if the secretary determines that the building or structure which is under construction will not be completed within the time frame of the initial temporary permit.

(4) At the expiration of an emergency holding tank permit issued under this subsection or at the end of a permit extension pursuant to subsection (d) of this section, the temporary holding tank shall be removed or fully permitted pursuant to section 1937 of this title.

~~(e)~~(d) When a holding tank is proposed for use, a designer shall submit all information necessary to demonstrate that the holding tank will comply with the following requirements:

(1) the holding tank shall be capable of holding at least 14 days of the expected flow from the building or structure to which it is attached, whether permanent or temporary;

(2) the tank shall be constructed of durable materials that are appropriate for the site conditions and the nature of the sewage to be stored;

(3) the tank shall be watertight, including any piping connected to the tank and all access structures connected to the tank. The tank shall be leakage tested prior to being placed in service;

(4) the tank shall be designed to protect against floatation when the tank is empty, such as when it is pumped;

(5) the tank shall be equipped with audio and visual alarms that are triggered when the tank is filled to 75 percent of its design capacity;

(6) the tank shall be located so that it can be reached by tank pumping vehicles at all times when the building or structure to which it is attached is occupied; and

(7) with respect to tanks permitted under only subsections (a) and (b) of this section, the analysis supports a claim under subdivision (a)(3) of this section.

~~(d)~~(e) The permit application shall specify the method and expected frequency of pumping.

~~(e)~~(f) Any building or structure served by a holding tank shall have a water meter, or meters, installed that measures all water that will be discharged as wastewater from the building or structure.

~~(f)~~(g) Any permit issued for the use of a holding tank will require a designer to periodically inspect the tank, visible piping, and alarms. The designer shall submit a written report to the secretary detailing the results of the inspection and any repairs or changes in operation that are required. The report also shall detail the pumping history since the previous report, giving the dates of pumping and the volume of wastewater removed. The frequency of inspections and reports shall be stated in the permit issued for the use of the tank, but shall be no less frequent than once per year for permits issued under subsections (a) and (b) of this section and once every 180 days for permits issued under subsection (c) of this section. The designer also shall inspect the water meter or meters and verify that they are installed, calibrated, and measuring all water that is discharged as wastewater. The designer shall read the meters and compare the metered flow to the pumping records. Any significant deviation shall be noted in the report and explained to the extent possible.

~~(g)~~(h) The owner of a holding tank shall maintain a valid contract with a licensed wastewater hauler at all times. The contract shall require the licensed wastewater hauler to provide written notice of dates of pumping and volume of wastewater pumped. Copies of all such notices shall be submitted with the written inspection reports.

(Committee vote: 9-0-0)

H. 64

An act relating to eligibility for the state youth hunting programs.

Rep. Bohi of Hartford, for the Committee on **Fish, Wildlife and Water Resources**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 4742 is amended to read:

~~§ 4742. YOUTH HUNTING DAY~~

~~(a) The Sunday prior to opening day of regular deer season shall be youth hunting day.~~

~~(b) A person who is under 16 years of age, who has at least one parent or a guardian who is a legal resident of Vermont, and who has successfully completed a hunter safety course, may take one wild deer on youth hunting day in accordance with the rules of the board. In order to hunt under this section, a young person shall also hold a valid hunting license under section 4255 of this title and be accompanied by an unarmed adult who holds a valid hunting license and who is over 18 years of age. An adult accompanying a youth under this section shall accompany no more than two young people at one time.~~

~~(c) Each year the board shall determine whether antlerless deer may be taken under this section in any deer management unit or units. A determination under this subsection shall be made by rule, shall be based on the game management study conducted pursuant to section 4081 of this title and, notwithstanding subsection (g) of that section, may allow taking of antlerless deer.~~

~~(d) No person shall hunt under this section on privately owned land without first obtaining the permission of the owner or occupant.~~

~~(e) Before the first youth hunting day and after each fall hunting season, the department shall collect information on youth hunting day during the regional public hearings held pursuant to subsection 4081(f) of this title. Information relative to the public's knowledge and concerns about the deer herd shall be gathered. The board shall administer youth hunting day, by deer management unit, based on public input and scientific information.~~

Sec. 2. 10 V.S.A. § 4742a is amended to read:

§ 4742a. YOUTH DEER HUNTING WEEKEND

(a) The Saturday and Sunday prior to opening day of regular deer season shall be youth deer hunting weekend.

(b) A person who is age 15 and under, ~~who has at least one parent or a guardian who is a legal resident of Vermont, and~~ who has successfully completed a hunter safety course, may take one wild deer during youth deer hunting weekend in accordance with the rules of the board. In order to hunt under this section, a young person shall also hold a valid hunting license under section 4255 of this title and be accompanied by an unarmed adult who holds a valid Vermont hunting license and who is over 18 years of age. An adult accompanying a youth under this section shall accompany no more than two young people at one time.

(c) Each year the board shall determine whether antlerless deer may be taken under this section in any deer management unit or units. A determination under this subsection shall be made by rule, shall be based on the game management study conducted pursuant to section 4081 of this title and, notwithstanding subsection (g) of that section, may allow taking of antlerless deer.

(d) No person shall hunt under this section on ~~privately owned~~ privately owned land without first obtaining the permission of the owner or occupant.

(e) Before the first youth deer hunting weekend and after each fall hunting season, the department shall collect information on youth deer hunting weekend during the regional public hearings held pursuant to subsection 4081(f) of this title. Information relative to the public's knowledge and concerns about the deer herd shall be gathered. The board shall administer youth deer hunting weekend, by deer management unit, based on public input and scientific information.

Sec. 3. 10 V.S.A. § 4908 is amended to read:

§ 4908. YOUTH TURKEY HUNTING WEEKEND

(a) The Saturday and Sunday prior to opening day of spring turkey season shall be youth turkey hunting weekend.

(b) A person who is age 15 and under, ~~who has at least one parent or a guardian who is a legal resident of Vermont, and~~ who has successfully completed a hunter safety course, may take one wild turkey during youth turkey hunting weekend in accordance with the rules of the board. In order to hunt under this section, a young person shall also hold valid hunting and turkey licenses under section 4255 of this title and be accompanied by an unarmed adult who holds a valid Vermont hunting license and is over 18 years of age. An adult accompanying a youth under this section shall accompany no more than two young people at one time.

(c) No person shall hunt under this section on ~~on privately owned~~ privately owned without first obtaining the permission of the owner or occupant.

(Committee vote: 9-0-0)

Favorable

H. 31

An act relating to approval of amendments to the charter of the town of Williston.

Rep. Hubert of Milton, for the Committee on **Government Operations**, recommends the bill ought to pass.

(Committee Vote: 9-0-2)

J. R. S. 14

Joint resolution relating to concerning the protection of The Wilderness Civil War battlefield, an historic site important to the State of Vermont, the Commonwealth of Virginia, and all of the United States of America.

Rep. Moran of Wardsboro, for the Committee on **General, Housing and Military Affairs**, recommends the resolution ought to be adopted in concurrence.

(Committee vote: 5-3-0)

PUBLIC HEARINGS

Tuesday, February 17, 2009 – Well of the House – 7:00 – 9:00 P. M. – House and Senate Committees on Agriculture – The Future of Vermont Food and Farming

Tuesday, February 24, 2009 – Room 11 – 9:00 A.M. – 12 Noon – House Committee on Appropriations – FY 2010 State Budget

Wednesday, February 25, 2009 - Room 11 – 2:30 P.M. – 4:30 P.M. – House Committee on Appropriations – FY 2010 State Budget

JOINT ASSEMBLY

Thursday, February 19, 2009 – 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 12, 2009, by 5:00 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.

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.