

House Calendar

Friday, February 26, 2010

53rd DAY OF ADJOURNED SESSION

House Convenes at 9:30 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 488

An act relating to prohibiting the manufacture and sale of felt-soled boots and waders

H. 539

An act relating to amending the charter of the town of Hartford

J.R.H. 35

Joint resolution urging Congress not to diminish any aspect of the existing state regulatory authority over the insurance industry or consumer protection policy with respect to national banks

J.R.H. 39

Joint resolution urging Congress not to pursue legislation authorizing individuals to purchase health insurance across state lines

Favorable with amendment

H. 237

An act relating to governance of the Vermont state hospital

Rep. Donahue of Northfield, for the Committee on **Human Services**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 174 is added to read:

CHAPTER 174. VERMONT STATE HOSPITAL GOVERNANCE

§ 7251. VERMONT STATE HOSPITAL GOVERNING BOARD

(a) The Vermont state hospital shall be governed by a board comprising no more than nine voting members appointed by the secretary of human services. A majority of the board shall be members of the public and shall include at least one individual who has received services from the Vermont state hospital or from a designated hospital, to be selected in consultation with groups representing mental health consumers, and at least one family member of an individual who has received services from the Vermont state hospital or from a designated hospital, to be selected in consultation with groups representing families of mental health consumers. The remainder of the board shall be

ex officio, voting members of the executive branch, except that the executive director and medical director of the Vermont state hospital; the commissioner and deputy commissioner of disabilities, aging, and independent living; and any individual employed by the division of licensing and protection in the department of disabilities, aging, and independent living shall be nonvoting members if serving on the board and shall be in addition to the voting members of the board.

(b) Members of the governing board who are not state employees are entitled to compensation pursuant to 32 V.S.A. § 1010.

(c) The governing board shall be considered a public agency for purposes of subchapters 1 and 2 of chapter 5 of Title 1, and shall meet a minimum of six times each year.

(d) As used in this section, “family member” shall have the same meaning as in 33 V.S.A. § 6302(2).

§ 7252. GOVERNING BOARD DUTIES

Notwithstanding the provisions of 3 V.S.A. § 3089 or 3303:

(1)(A) The governing board established pursuant to this chapter shall have legal authority and responsibility for the operations of the Vermont state hospital as an institution, except that it shall delegate its authority to the commissioner of mental health for the following duties:

(i) hiring and firing the executive director of the Vermont state hospital;

(ii) establishing the budget for the Vermont state hospital; and

(iii) signing contracts on behalf of the Vermont state hospital.

(B) The governing board shall be entitled to review relevant information and make recommendations to the commissioner regarding the duties specified in subdivisions (A)(i), (ii), and (iii) of this subdivision (1).

(2) The board shall enact bylaws to govern its execution of the following duties:

(A) reviewing the quality and effectiveness of care and of management operations at the Vermont state hospital;

(B) ensuring an effective grievance process;

(C) approving all Vermont state hospital policies;

(D) developing and adopting a conflict-of-interest policy;

(E) evaluating its own performance annually; and

(F) ensuring compliance with the provisions of 42 C.F.R. 482.12.

Sec. 2. 18 V.S.A. § 7401 is amended to read:

§ 7401. POWERS AND DUTIES

Except insofar as this part of this title specifically confers certain powers, duties, and functions upon others, the commissioner shall be charged with its administration. The commissioner may:

* * *

~~(5) supervise the care and treatment of patients at the Retreat in the same manner and with the same authority that he supervises patients at the Vermont State Hospital;~~

~~(6)~~ provide for the hospitalization of mentally ill patients in designated hospitals or institutions of Vermont or negotiate and enter into contracts which shall incorporate safeguards consistent with this part of this title, with any hospital or institution for the care and treatment of patients in any other state;

~~(7)~~(6) prescribe the form of applications, records, reports, and medical certificates required by the statutes, and the information to be contained therein and to supply them to physicians and probate courts;

~~(8)~~(7) require reports from the head of a hospital or other institution concerning the care of patients;

~~(9)~~(8) visit each hospital or institution and review methods of care for all patients;

~~(10)~~(9) investigate complaints made by a patient, his or her attorney, or an interested party on his or her behalf;

~~(11)~~(10) establish rates, charges, and fees for the care of patients in hospitals and determine ability to pay, liability for payments, and amounts to be paid and bill for and collect those amounts with the aid of the attorney general;

~~(12)~~(11) receive gifts and bequests of real and personal estate made for the use and benefit of any state hospital, and invest any moneys so received in safe interest-bearing securities in the corporate name of the hospital;

~~(13)~~(12) delegate to any officer or agency of Vermont any of the duties and powers imposed upon him or her by this part of this title. The delegation of authority and responsibility shall not relieve the commissioner of accountability for the proper administration of this part of this title;

~~(14)~~(13) plan and coordinate the development of community services which are needed to assist mentally ill persons and children and adolescents with a severe emotional disturbance to become as financially and socially

independent as possible. These services shall consist of residential, vocational, rehabilitative, day treatment, inpatient, outpatient, and emergency services, as well as client assessment, prevention, family, and individual support services and such other services as may be required by federal law or regulations;

~~(15)~~(14) contract with community mental health centers to assure that individuals who are mentally ill or children and adolescents with a severe emotional disturbance can receive information, referral, and assistance in obtaining those community services which they need and to which they are lawfully entitled;

~~(16)~~(15) contract with accredited educational or health care institutions for psychiatric services at the Vermont ~~State Hospital~~ state hospital;

~~(17)~~(16) ensure the provision of services to children and adolescents with a severe emotional disturbance in coordination with the commissioner of education and the commissioner for children and families in accordance with the provisions of chapter 43 of Title 33;

~~(18)~~(17) ensure the development of community-based prevention and early intervention services for children and adults and ensure the coordination of these services throughout all parts of the public and private health care delivery systems;

~~(19)~~(18) ensure the development of chronic care services, addressing mental health and substance abuse, for children and adults and ensure the coordination of these services with other chronic care initiatives, including the Blueprint for Health, and the care coordination and case management programs of the office of Vermont health access;

~~(20)~~(19) ensure the coordination of mental health, physical health, and substance abuse services provided by the public and private health care delivery systems;

~~(21)~~(20) ensure the coordination of public mental health and substance abuse services with mental health and substance abuse services offered through the private health care delivery system, including services offered by primary care physicians.

Sec. 3. GOVERNING BODIES FOR RESIDENTIAL PSYCHIATRIC FACILITIES

It is the intent of the general assembly that a governing board separate from the governing board of the Vermont state hospital shall be established for any residential psychiatric facility owned and operated by the state that is a facility separate and independent from the Vermont state hospital.

(Committee Vote: 9-0-2)

H. 498

An act relating to maintenance of private roads

Rep. Turner of Milton, for the Committee on **Commerce and Economic Development**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

First: In Sec. 1, 19 V.S.A. § 2701, by striking out the phrase “located adjacent to” and inserting in lieu thereof the word “abutting”

Second: In Sec. 1, 19 V.S.A. § 2702, after the catchline, by striking out all of the section and inserting in lieu thereof new language to read as follows: “In the absence of any other agreement for the maintenance of a private road, including covenants, requirements contained in deeds, and state or local permits, the owners of the property abutting a private road and the holders of recorded easements with a right to use a private road shall divide the cost of maintaining the road commensurate with their use of the private road.”

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

Committee Relieved

H. 767

An act relating to the livestock care standards advisory council

Amendment to be offered by Rep. Conquest of Newbury to H. 767

Rep. Conquest of Newbury moves that the bill be amended as follows:

First: In Sec. 1, 6 V.S.A. § 792(b), by adding the following sentence at the end of the subsection:

“Seven members of the council shall constitute a quorum.”

Second: In Sec. 1, 6 V.S.A. § 793(a), by adding subdivision (a)(4) to read as follows:

“(4) Submit minutes of the council annually, on or before January 15, to the house and senate committees on agriculture.”

Action Postponed Until May 28, 2010

Governors Veto

H. 436

An act relating to decommissioning funds of nuclear energy generation plants.

Pending Question: Shall the House sustain the Governor's veto?

NOTICE CALENDAR

H. 578

An act relating to requiring all state law enforcement officers to serve under the direction and control of the commissioner of public safety

Rep. McDonald of Berlin, for the Committee on **Government Operations**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

This act shall:

(1) increase communication, provide for coordinated and strategic planning, encourage resource sharing, and identify cost savings among and within the departments of public safety, of fish and wildlife, of motor vehicles, and of liquor control;

(2) maintain the core missions of the individual state agencies;

(3) ensure a unified approach to law enforcement in Vermont;

(4) provide efficient and effective service delivery to those who live, work, and travel in Vermont.

Sec. 2. 20 V.S.A. § 1883 is added to read:

§ 1883. STATE LAW ENFORCEMENT; MEMORANDUM OF

UNDERSTANDING

(a) The commissioner of public safety shall develop and execute a memorandum of understanding with the commissioners of fish and wildlife, of motor vehicles, and of liquor control and their respective directors of law enforcement. The memorandum of understanding shall be reviewed at least every two years and shall at a minimum address:

(1) Maximizing collective resources by reducing or eliminating redundancies and implementing a methodology that will enhance overall coordination and communication while supporting the mission of individual enforcement agencies.

(2) Providing for an overall statewide law enforcement strategic plan supported by quarterly planning and implementation strategy sessions to improve efficiencies and coordination on an operational level and ensure interagency cooperation and collaboration of programs funded through grants. The strategic plan should identify clear goals and measurable performance

outcomes as well as specific strategic plans for individual enforcement agencies.

(3) Creating a task force concept that will provide for the sharing and disseminating of information and recommendations involving various levels of statewide law enforcement throughout Vermont that will benefit all law enforcement agencies as well as citizens.

(4) Developing an integrated and coordinated approach to multi-agency special teams with the goal of creating a force multiplier, where feasible. These teams will be coordinated by the Vermont state police during training and deployments.

(5) Providing for the commissioner of public safety, with the approval of the governor and in consultation with the commissioners of motor vehicles, of fish and wildlife, and of liquor control, to assume the role of lead coordinator of statewide law enforcement units in the event of elevated alerts, critical incidents and all hazard events. The lead coordinator shall maintain control until in his or her judgment the event no longer requires coordinated action to ensure the public safety.

(b) A copy of the overall strategic plan shall be provided to the house and senate committees on government operations by January 15 of each year and shall include performance outcomes.

Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage.

(Committee Vote: 10-0-1)

Ordered to Lie

H.R. 19

House resolution urging the agency of natural resources to retain delegated authority to administer the federal Clean Water Act in Vermont.

Pending Question: Shall the House adopt the resolution?

Consent Calendar

Concurrent Resolutions

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office,

respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 256

House concurrent resolution honoring family caregivers of persons with Alzheimer's and related diseases on the 2010 Alzheimer's Awareness Day at the state house

H.C.R. 257

House concurrent resolution honoring Jim Matteau on his retirement from the Windham Regional Commission

H.C.R. 258

House concurrent resolution in memory of Peter S. Clark of Londonderry

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House concurrent resolution congratulating the 2010 Vermont Prudential Spirit of Community Award winners

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House concurrent resolution congratulating Hannah Kearney on winning the 2010 women's skiing moguls Olympic gold medal

H.C.R. 270

House concurrent resolution congratulating Representative Martha P. Heath as a recipient of the New England Board of Higher Education's 2010 David C. Knapp Award for Trusteeship

Public Hearings

Wednesday, March 10, 2010 - Room 11 - 5:00 PM - 8:00 PM - House and Senate Education Committees - S. 252 Consolidation - School districts

Information Notice

CROSS OVER GUIDELINES

The following are the guidelines concerning cross over :

1. All bills should be reported out of committee and brought into the Clerk's office by Friday March 12, 2010. This does not apply to the Appropriations bill, the Capital Construction bill or the Transportation Construction bill.
2. The Appropriations and Ways & Means committees need to have their bills reported out and brought into the Clerk's office by Friday, March 19, 2010.