

# House Calendar

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Friday, March 12, 2010

67th DAY OF ADJOURNED SESSION

House Convenes at 9:30 A.M.

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Third Reading**

**H. 614**

An act relating to the regulation of composting

**Favorable**

**H. 555**

An act relating to youth hunting

**Rep. Lewis of Derby**, for the Committee on **Fish, Wildlife & Water Resources**, recommends the bill ought to pass.

( **Committee Vote: 9-0-0** )

**H. 600**

An act relating to permitted investments by the state treasurer

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

( **Committee Vote: 7-3-1** )

**Action Postponed Until March 16, 2010**

**Favorable with Amendment**

**S. 280**

An act relating to prohibiting texting while operating on a highway.

Pending Action: Second reading of the bill?

**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**  
**Favorable with Amendment**  
**H. 132**

An act relating to residential electrical installations

**Rep. Stevens of Waterbury**, for the Committee on **General, Housing and Military Affairs**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 26 V.S.A. § 894 is amended to read:

§ 894. ENERGIZING INSTALLATIONS; REENERGIZING AFTER EMERGENCY DISCONNECTION

(a) A new electrical installation in or on a complex structure; or an electrical installation used for the testing or construction of a complex structure shall not be connected or caused to be connected, to a source of electrical energy unless prior to ~~such~~ connection, either a temporary or a permanent energizing permit is issued for that installation by the commissioner or an electrical inspector.

(b) An existing electrical installation in any structure, including a single-family owner-occupied freestanding residence, that was disconnected as the result of an emergency that affects the internal electrical circuits, shall not be reconnected to a source of electrical energy until the electrical installation has been inspected and determined to be safe by a licensed journeyman or licensed master electrician.

(c) This section shall not be construed to limit or interfere with a contractor's right to receive payment for electrical work for which a certificate of completion has been granted.

Sec. 2. 26 V.S.A. § 904(a) is amended to read:

(a) To be eligible for licensure as a type-S journeyman an applicant shall:

(1) complete an accredited training and experience program recognized by the board; or

(2) have had training and experience, within or without this state, acceptable to the board; and

(3) pass an examination to the satisfaction of the board in one or more of the following fields:

(A) Automatic gas or oil heating;

- (B) Outdoor advertising;
- (C) Refrigeration or air conditioning;
- (D) Appliance and motor repairs;
- (E) Well pumps;
- (F) Farm equipment;
- (G) Renewable energy systems for one- and two-family dwellings;
- (H) Any miscellaneous specified area of specialized competence.

Sec. 3. 26 V.S.A. § 910 is amended to read:

§ 910. LICENSE NOT REQUIRED

A license shall not be required for the following types of work:

(1) Any electrical work, including construction, installation, operation, maintenance, and repair of electrical installations in, on or about equipment or premises, which are owned or leased by the operator of any industrial or manufacturing plant, if the work is done under the supervision of an electrical engineer or master electrician in the employ of the operator;

(2) Installation in laboratories of exposed electrical wiring for experimental purposes only;

(3) Any electrical work by ~~an~~ the owner ~~or his or her regular employees~~ in the ~~owner's~~ owner-occupied freestanding single unit residence, ~~in~~ and outbuildings accessory to ~~such~~ the freestanding single unit residence or any structure on owner-occupied farms;

(4) Electrical installations performed as a part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building in which the installation is made, is to be used as a “complex structure”;

(5) Electrical work performed by an electrician’s helper under the direct supervision of a person who holds an appropriate license issued under this chapter;

(6) ~~Any electrical work in a building used for dwelling or residential purposes which contains no more than two dwelling units~~ Installation of solar electric modules and racking and erection of residential wind turbines and towers to the point of connection to field-fabricated wiring.

Sec. 4. EFFECTIVE DATE; TRANSITIONAL PROVISIONS

(a) This act shall take effect on passage.

(b) In order to provide time for the electrical licensing board to develop and conduct a test for a type-S journeyman's license for renewable energy installation and for renewable energy installers to complete the licensing requirements, a license shall not be required for renewable energy installations until 12 months after the electrical licensing board adopts this test and licensing procedure.

( Committee Vote: 8-0-0)

#### H. 408

An act relating to improving nutrition programs

**Rep. Mrowicki of Putney**, for the Committee on **Human Services**, recommends the bill be amended as follows:

#### Sec. 1. FEDERAL OPTIONS IN THE SUPPLEMENTAL NUTRITION PROGRAM

(a)(1) It is the intent of the general assembly that the department for children and families will implement the federal options described in this subsection by July 1, 2012.

(2) The department for children and families may implement federal options in 3SquaresVT or seek federal waivers in the supplemental nutrition program to:

(A) expand participation in 3SquaresVT by individuals applying for and receiving Supplemental Security Income (SSI), such as through the combined application project (CAP), through direct communication with potentially eligible individuals known to the department, or through other methods designed to simplify the application process or facilitate access to the program; and

(B) increase participation in 3SquaresVT by individuals age 60 or older through a simplified application process.

(b) Annually, by March 1, the department for children and families shall provide a progress report through testimony to the house committee on human services and the senate committee on health and welfare on implementation of any federal options or waivers that would simplify the administration of 3SquaresVT, simplify the application or recertification process, or increase enrollment in the program. The department's progress report shall include an explanation of any legislative, administrative, or technical challenges encountered that may affect timely implementation.

#### Sec. 2. AFTER-SCHOOL SNACK PROGRAM

(a) By October 1, 2010, the department of education shall require that every after-school program funded in whole or in part by a grant under the 21st Century Community Learning Center program create an after-school snack program using federal funds from the national school lunch after-school snack program or the child and adult care food program.

(b) By October 1, 2010, the department of education shall require that one or more schools in districts with organizations receiving a grant under the 21st Century Community Learning Center program for an after-school snack program provide fiscal sponsorship of the national school lunch after-school snack program for these organizations. The department shall only require the school to provide fiscal sponsorship if requested by the organization in the district providing an after-school snack program.

(c) The school board or the after-school program may apply to the department of education for a waiver of the requirements in this section. The commissioner shall grant the requested waiver if he or she finds that it is unduly difficult for the school district or after-school program to provide a snack, and if he or she finds that the school district or after-school program has exercised due diligence in its efforts to avoid the situation that gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed a school year.

### Sec. 3. AFTER-SCHOOL SNACK PROGRAM; WORKGROUP

(a) By July 1, 2010, the interagency council on hunger established by Executive Order No. 11-09 shall convene a meeting including interested parties in order to maximize the availability of after-school snack programs using federal funds from the national school lunch after-school snack program or the child and adult care food program. The council shall focus its efforts to expand after-school snack programs on areas where at least 50 percent of the students in a school were eligible for free or reduced-price meals under 16 V.S.A. § 1264 for at least one month in the preceding academic year.

(b) A representative of the council shall report to the house committee on human services and the senate committee on health and welfare on January 15, 2011, on its progress in expanding availability of after-school snack programs.

Sec. 4. 16 V.S.A. § 1264 is amended to read:

### § 1264. FOOD PROGRAM

(a)(1) Each school board ~~actually~~ operating a public school shall cause to operate within the school district a food program ~~which that~~ makes available a school lunch, as provided in the National School Lunch Act as amended, and a

school breakfast, as provided in the National Child Nutrition Act as amended, to each attending pupil every school day.

(2) Each school board operating a public school shall offer a summer snack or meals program funded by the Summer Food Service program or the National School Lunch Program for participants in a summer educational or recreational program or camp if:

(A) At least 50 percent of the students in a school were eligible for free or reduced-price meals under subdivision (1) of this subsection for at least one month in the preceding academic year;

(B) The district operates or funds the summer educational or recreational program or camp; and

(C) The summer educational or recreational program or camp is offered 15 or more hours per week or offered for at least two consecutive weeks.

(b) In the event of an emergency, the school board may apply to the department for a temporary waiver of ~~this daily operating requirement~~ the requirements in subsection (a) of this section. The commissioner shall grant the requested waiver if he or she finds that it is unduly difficult for the school district to ~~serve~~ provide a school lunch or, breakfast, or ~~both~~ summer meals program, or any combination of the three, and if he or she finds that the school district has exercised due diligence in its efforts to avoid the emergency situation ~~which~~ that gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed 20 school days or, in the case of a summer meals program, the remainder of the summer vacation.

~~(b)~~(c) The state shall be responsible for the student share of the cost of breakfasts provided to all students eligible for a reduced price breakfast under the federal school breakfast program.

#### Sec. 5. DIRECT CERTIFICATION FOR SCHOOL MEALS PROGRAMS

The department for children and families and the department of education shall continue to improve the monthly direct certification process through the use of automated data matches in order to certify children receiving 3SquaresVT as eligible for school breakfast, lunch, and summer meals programs.

#### Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

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

**Rep. Zenie of Colchester**, for the Committee on **Education**, recommends the bill ought to pass when amended as recommended by the Committee on **Human Services**.

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

#### **H. 648**

An act relating to harassment and hazing policies at independent colleges

**Rep. Kilmartin of Newport City**, 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. 16 V.S.A. § 178 is added to read:

§ 178. HARASSMENT AND HAZING PREVENTION POLICIES;  
POSTSECONDARY SCHOOLS

(a) The board of trustees or other governing body of each postsecondary school, as defined in subdivision 140a(1) of this title, operating in Vermont shall adopt and ensure enforcement of a policy establishing that harassment as defined in subdivision 11(a)(26) of this title is a form of unlawful discrimination and therefore prohibited. The board shall also require the establishment of procedures to address complaints of discriminatory harassment and to initiate educational programs designed to prevent such conduct.

(b) The board of trustees or other governing body of each postsecondary school, as defined in subdivision 140a(1) of this title, operating in Vermont shall adopt and ensure enforcement of a policy prohibiting hazing, which shall define hazing in a manner that is at least as stringent as the definition contained in subdivision 11(a)(30) of this title. The policy shall include penalties or sanctions or both for organizations that or individuals who engage in hazing; revocation or suspension of an organization's permission to operate or exist within the institution's purview if that organization knowingly permits, authorizes, or condones hazing; and clear delineation of circumstances under which hazing will be reported to a law enforcement agency. A summary of the policy shall be distributed to all students at least annually.

Sec. 2. 16 V.S.A. § 178a is added to read:

§ 178a. POSTSECONDARY SCHOOLS; HARASSMENT, HAZING, AND  
BULLYING; STATE POLICY

It is the policy of the state of Vermont that all Vermont postsecondary schools provide safe, orderly, civil, and positive learning environments. Harassment, hazing, and bullying have no place and will not be tolerated in

Vermont schools. No Vermont postsecondary student should feel threatened or be discriminated against while enrolled in a Vermont postsecondary school.

Sec. 3. 16 V.S.A. § 565(b) is amended to read:

(b) Each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title harassment and hazing prevention policies which shall be at least as stringent as model policies developed by the commissioner. In this section, the definitions of ~~educational institution~~, organization, pledging, and student shall be the same as those in ~~section 140a~~ subdivisions 140a(2), (3), and (4) of this title. In this section, educational institution means public schools and independent schools as defined in section 11 of this title.

\* \* \*

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage. Independent postsecondary schools shall develop and adopt the policies and procedures required by this act no later than July 1, 2010.

( 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. 271**

House concurrent resolution commemorating the Green Mountain Club on its centennial anniversary

#### **H.C.R. 272**

House concurrent resolution honoring the South Burlington Community Library children's librarian Marje Von Ohlsen

**S.C.R. 41**

Senate concurrent resolution in memory of former Representative and Senator Nancy Chard

**S.C.R. 42**

Senate concurrent resolution congratulating Ruth (Riddick) McLaine of St. Johnsbury on her 100th birthday

**S.C.R. 43**

Senate concurrent resolution congratulating Julie Brill on her confirmation as a member of the Federal Trade Commission

**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.

**INFORMATION NOTICE**

The following items were recently received by the Joint Fiscal Committee:

**JFO #2433** — \$3,999,923 grant from the U.S. Department of Labor to the Vermont Department of Labor. These funds will be used to study the demand for Green Jobs in Vermont and the northeast. Vermont will act as the lead administrative state for this collaboration with Massachusetts, Connecticut, Maine, New York, New Hampshire, and the District of Columbia. Vermont's share of this award is approximately \$530,000. The establishment of two (2) limited service positions are associated with this request, as is the retention of two existing positions. This grant is awarded under the American Recovery and Reinvestment Act.

*[JFO received 3/4/10]*

**JFO #2434** — \$10,466 grant from the University of Vermont to Agriculture, Food & Markets. These funds will be used to provide oversight of the voluntary Johne's disease program, review risk assessment and management plans, and process invoices for participating veterinarians.

*[JFO received 3/4/10]*

**JFO #2435** — \$40,000 donation from the Watershed Center (Bristol, Vermont) to the Department of Fish & Wildlife. This funding represents 25% of the of the purchase price for a conservation easement in the Town of Bristol.  
[JFO received 3/09/10]

**JFO #2436** — \$951,000 grant from the U.S. Department of Labor to the Department of Disabilities, Aging and Independent Living. This grant will be used to further develop a statewide employment-focused Neuro-Resource Facilitation (NRF) System for disabled veterans with Traumatic Brain Injury in Vermont. This grant includes a request for two limited service positions.  
[JFO received 3/09/10]

**JFO #2437** — \$293,998 grant from the U.S. Department of Health & Human Services to the Office of Vermont Health Access. This grant will be used to support the development of a State Medicaid Health Information Technology Plan (SMHP). The establishment of two (2) limited service positions are associated with this request. This grant is awarded under the American Recovery and Reinvestment Act.  
[JFO received 3/09/10]