

Journal of the House

Friday, April 10, 2009

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Woodstock Treble Choir, Lisa Robar, Director.

House Bill Introduced

H. 449

By Reps. Bohi of Hartford, Aswad of Burlington, Clerkin of Hartford, Conquest of Newbury, Deen of Westminster, French of Randolph, Gilbert of Fairfax, Krawczyk of Bennington, Lanpher of Vergennes, Lewis of Derby, McCullough of Williston, Miller of Shaftsbury, Mook of Bennington, Potter of Clarendon, Savage of Swanton, Spengler of Colchester, Townsend of Randolph and Turner of Milton,

An act relating to expanding the issuance of special registration plates to members of gold star families;

To the committee on Transportation.

Bill Referred to Committee on Appropriations

H. 444

House bill, entitled

An act relating to health care reform

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

Bill Referred to Committee on Ways and Means

H. 446

House bill, entitled

An act relating to renewable energy and energy efficiency

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

Joint Resolution Adopted

J.R.H. 20

Joint resolution relating to weekend adjournment.

Offered by: Representatives Komline of Dorset and Leriche of Hardwick

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 10, 2009, it be to meet again no later than Tuesday, April 14, 2009.

Was taken up and adopted on the part of the House.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 375

Rep. Pugh of South Burlington moved that the committee on Human Services be relieved of House bill, entitled

An act relating to the prohibition of prescription drug advertising on broadcast media

And that the bill be committed to the committee on Health Care, which was agreed to.

**Committee Relieved of Consideration
and Resolution Committed to Other Committee**

J.R.S. 18

Rep. Pugh of South Burlington moved that the committee on Human Services be relieved of Joint resolution, entitled

Joint resolution relating to prescription drug pricing

And that the resolution be committed to the committee on Health Care, which was agreed to.

Bill Amended, Read Third Time and Passed

H. 445

House bill, entitled

An act relating to capital construction and state bonding

Was taken up and pending third reading of the bill, **Reps. Fisher of Lincoln, Pugh of South Burlington, Andrews of Rutland City, Frank of Underhill, French of Randolph, Haas of Rochester, McFaun of Barre Town, Mrowicki of Putney and O'Donnell of Vernon**, moved to amend the bill as follows:

First: In Sec. 3, subdivision (3), by striking the words “regional hospitals, including the Rutland Regional Medical Center, the Windham Center, the Northeast Vermont Regional Hospital, and the Fletcher Allen Health Care” and inserting in lieu thereof “general or appropriate specialty hospitals”

Second: In Sec. 29, by striking subsection (a) in its entirety and inserting a new subsection (a) to read:

(a) It is the intent of the general assembly that the commissioner of mental health shall provide a secure residential recovery program for individuals with a mental health disability for whom inpatient hospital treatment would be inappropriate, including those who may be in secure custody of the commissioner of mental health as a result of district court orders and those in secure custody of the commissioner of mental health with dementia, traumatic brain injuries, or other treatment-resistant mental illnesses or disabilities whose symptoms require secure care. It is further the intent of the general assembly that the facility housing the program shall be designed to afford the greatest future flexibility for any potential residential health care program and shall be consistent with the goal of creating a facility with a residential character. In addition, both the site and design shall foster the ability to provide outdoor recreation, safety of residents and program participants, and appropriate programming to meet the needs of each of the several diagnostic groups to be served.

Third: In Sec. 29, by striking subsection (c) in its entirety and inserting a new subsection (c) to read:

(c)(1) It is the intention of the general assembly that the secure residential recovery program shall be governed by a governing body which is separate from the governing body of the Vermont state hospital and shall be operated under a license to be issued by the department of disabilities, aging, and independent living (DAIL).

(2) DAIL shall amend by rule pursuant to chapter 25 of Title 3 the licensing requirements for therapeutic community residences to provide for the operation of secure residential recovery programs.

Fourth: By striking Sec. 31 in its entirety and inserting in lieu thereof a new Sec. 31 to read:

Sec. 31. VERMONT STATE HOSPITAL; REPLACEMENT OF ACUTE CARE FUNCTIONS

(a) It is the intent of the general assembly that expenditures for planning for replacement of the functions of the Vermont state hospital shall be directed toward meeting the conditions and requirements of the conceptual certificate of need issued by the department of banking, insurance, securities, and health care administration on April 12, 2007, and extended for 12 months, to expire on April 12, 2010.

(b) Prior to the submission of an application for a phase II certificate of need for construction of a facility to house a secure residential recovery program, the department of mental health shall develop a master plan to replace the acute care functions now provided in the Vermont state hospital and to close the Vermont state hospital. The master plan shall include an adequate long-range perspective of the funding needs and sources such that the phase II review process for a secure residential recovery program will be able to:

(1) consider whether there will be an appropriate balance between the fiscal and other needs of current and future inpatient facilities and the fiscal and other needs of the community mental health system; and

(2) consider the state's financial ability to complete the master plan.

(c) It is the intent of the general assembly that the plan shall provide geographic access such that patients requiring acute mental health care can be appropriately treated as near to their respective homes as possible through providing replacement specialized and intensive inpatient levels of care in more than one hospital staffed with appropriately trained and experienced staff. Acute care facilities may be operated under one or more licenses issued to the department or to the hospitals, as appropriate.

(d)(1) The department of mental health, in collaboration with the joint fiscal office, the treasurer's office, and the Vermont educational and health buildings finance agency, shall obtain an accounting and financial analysis of any proposed bonding structure, including costs of capitalization, to determine whether a financing arrangement that places no debt capacity burden on either the state or Rutland Regional Medical Center (RRMC) is reasonably feasible for a new psychiatric wing at RRMC to replace and expand the existing psychiatric unit.

(2) No later than September 1, 2009, the department shall provide a report describing the financing arrangement for a new psychiatric wing at RRMC and the results of the accounting and financial analysis to the mental health oversight committee and the joint fiscal committee.

(3)(A) The joint fiscal office shall analyze and evaluate the financing arrangement and results of the accounting and financial analysis conducted under subdivision (1) of this subsection to determine if the financing is reasonable. The department of mental health shall provide the joint fiscal office with ongoing access to the analysis in order to ensure that the joint fiscal office has sufficient information to evaluate the results as required in this subdivision.

(B) The joint fiscal office may contract with an independent consultant to provide additional analysis, if needed, for its analysis required under subdivision (A) of this subdivision. Upon request of the joint fiscal office, the commissioner of the department of buildings and general services shall transfer up to \$25,000 of unexpended funds appropriated to the department of buildings and general services in prior capital construction acts for Vermont state hospital planning to the joint fiscal office for this purpose.

(C) The joint fiscal office shall provide the mental health oversight committee and the joint fiscal committee with its evaluation as soon as possible after receiving the report of the results required by subdivision (2) of this subsection in order for the committees to make a determination by October 1, 2009.

(4) After receipt of the report and no later than October 1, 2009, the mental health oversight committee or the joint fiscal committee may object to the financing arrangement proposed by the department for a new psychiatric wing at RRMC. If either committee objects, the department shall discontinue planning for a new psychiatric wing at RRMC.

(e) Simultaneously with any planning for expansion of psychiatric services at RRMC, including conducting the financial analysis under subdivision (d)(1) of this section, and whether or not planning for the RRMC option is discontinued as provided for in subsection (d)(4) of this section, the department shall continue to assess the feasibility, including the cost, of providing acute care services at general or appropriate specialized hospitals in other locations. As part of the planning process described in this subsection, the department shall obtain an independent labor analysis of the impact of providing services at RRMC, if planning has not been discontinued pursuant to subdivision (d)(4) of this section, and at general or appropriate specialized hospitals in other locations being considered for provision of acute care functions with respect to recruiting and maintaining staffing for any staff-intensive, specialized psychiatric services required. The department of labor may provide the labor analysis provided for in this subsection. The commissioner of the department of buildings and general services shall transfer

funds necessary for this study from unexpended funds appropriated to the department of buildings and general services in prior capital construction acts for Vermont state hospital planning to the department of mental health for this purpose.

(f) By January 15, 2010, the department shall propose any statutory changes it believes may be necessary for implementation of its master plan.

Thereupon, **Rep. Koch of Barre Town** asked that the question be divided and that the second, third and fourth instances be taken up first.

Thereupon, the second, third and fourth instances were agreed to.

Thereupon, **Rep. Koch of Barre Town** moved to substitute an amendment for that offered by Reps. Fisher of Lincoln, et al, in the first instance, as follows:

First: In Sec. 3, subdivision (3), by striking the words “regional hospitals, including the Rutland Regional Medical Center, the Windham Center, the Northeast Vermont Regional Hospital, and the Fletcher Allen Health Care” and inserting in lieu thereof “the Rutland Regional Medical Center. However, the funds allocated under this subdivision shall not be used for the financial analysis obtained pursuant to Sec. 31(d)(1) of this act and shall not be encumbered until completion of the analysis and provided that planning is not discontinued pursuant to Sec. 31(d)(4) of this act. Following encumbrance of the funds, the department may use matching funds of up to \$250,000 voluntarily provided by the Rutland Regional Medical Center to continue planning for providing acute intensive psychiatric inpatient services at the RRMCM”

Which was agreed to.

Thereupon, the recommendation of amendment offered by **Rep. Koch of Barre Town** was agreed to and the bill was read the third time and passed.

Joint Resolution Adopted

J.R.H. 16

Joint resolution, entitled

Joint resolution designating April as Fair Housing Month in Vermont ;

Was taken up and adopted on the part of the House.

Third Reading; Bill Passed

H. 152

House bill, entitled

An act relating to encouraging biomass energy production

Was taken up, read the third time and passed.

Action on Bill Postponed

H. 147

House bill, entitled

An act relating to the operation of a motor vehicle by junior operators and primary safety belt enforcement

Was taken up and pending third reading of the bill, on motion of **Rep. Grad of Moretown**, action on the bill was postponed until Wednesday, April 15, 2009.

Bill Amended; Third Reading Ordered

H. 93

Rep. Taylor of Barre City, for the committee on Agriculture, to which had been referred House bill, entitled

An act relating to leasing state forestland for maple sugar production

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 2606b is added to read:

§ 2606b. LICENSE OF FORESTLANDS FOR MAPLE SUGAR PRODUCTION

(a) The general assembly finds and declares that:

(1) maple sugaring is an important cultural tradition of Vermont life that should be maintained and encouraged;

(2) maple sugaring is an important component of the agricultural and forest products economy in Vermont and is increasingly necessary for farmers that must diversify in order to continue to farm in Vermont;

(3) maple sugaring is a sustainable use of forestland;

(4) state forestland should be managed and used for multiple uses including maple sugar production;

(5) it is hereby adopted as state policy to permit limited use of designated state-owned land under the jurisdiction of the department for maple sugar production.

(b) Beginning on July 1, 2009, pursuant to guidelines developed jointly by the department of forests, parks and recreation and the Vermont maple sugar makers' association, the department shall issue licenses for the use of state forestland for the tapping of maple trees, the collection of maple sap, and the right to transport such sap to a processing site located off state forest land or to sites located on state forest land if approved by the commissioner. All tapping of maple trees authorized under a license shall be conducted according to the guidelines for tapping maple trees agreed to by the department and the Vermont maple sugar makers' association. Each person awarded a license under this section shall maintain and repair any road, water crossing, or work area according to requirements set by the department in the license. Each license shall include such additional terms and conditions set by the department as may be necessary to preserve forest health and to assure compliance with the requirements of this chapter and applicable rules. A license shall be issued for a fixed term not to exceed five years and shall be renewable for two five-year terms subsequent to the initial license. Subsequent renewals shall be allowed where agreed upon by the department and the licensee. The department shall have power to terminate or modify a license for cause, including damage to forest health.

(c) The commissioner may adopt rules to implement the requirements of this section.

(d) There is hereby established a maple advisory board to provide the commissioner of forests, parks and recreation with guidance on licensing of state forest land for maple sugar production, including identification of potential sites on state lands for licensure . The board shall be composed of:

(1) three employees of the department of forests, parks and recreation, appointed by the commissioner.

(2) three members of the maple sugar makers association designated by the association.

(3) one member of either the University of Vermont Proctor maple research center or the University of Vermont agricultural extension service, appointed by the commissioner.

(e) The fee for a license issued under this section shall be one-quarter of the average of the per pound price of Vermont fancy grade syrup and the per pound price of Vermont commercial grade syrup as those prices are set on May 1 of each year. The fee set each May 1 shall apply to licenses issued by the department for the succeeding period beginning June 1 and ending May 31. Fees collected under this section shall be deposited in the forest parks

revolving fund established under 10 V.S.A. § 2609 and shall be used by the department to implement the license program established by this section.

Rep. Zuckerman of Burlington, for the committee on Ways and Means, recommended the bill ought to pass when amended as recommended by the committee on Agriculture and when further amended as follows:

In Sec. 1, 10 V.S.A. § 2606b(e), by inserting at the beginning of that subsection the following to be the first sentence:

“There shall be an annual license fee imposed based on the number of taps installed in the license area.”

and by inserting the words “per-tap” after the first “the” in the new second sentence.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Agriculture and Ways and Means agreed to and third reading ordered.

Joint Resolution Amended; Third Reading Ordered

J.R.H. 11

Rep. Geier of South Burlington, for the committee on Education, to which had been referred Joint resolution, entitled

Joint resolution urging Vermonters and public and private organizations in the state to institute a voluntary 20 percent reduction in energy use

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Joint resolution challenging all Vermonters to institute a 20-percent reduction in energy use

Offered by: Representatives Geier of South Burlington, Clark of Vergennes, Donovan of Burlington, Mook of Bennington, O’Brien of Richmond, Partridge of Windham, Pearce of Richford, Peltz of Woodbury, Perley of Enosburg, Waite-Simpson of Essex, Webb of Shelburne, Zenie of Colchester and Zuckerman of Burlington

Whereas, energy costs in Vermont are continuing to rise dramatically, and

Whereas, not only are energy costs rising, but the burning of fossil fuels increases the emission of greenhouse gases that contribute to increasing global warming, and

Whereas, Vermont will continue to use fossil fuels as an energy source, although switching to renewable energy sources will reduce the problems that fossil fuels cause, and

Whereas, a concerted voluntary effort on the part of all individuals and institutions in this state to reduce energy use would serve as a major step forward to achieving a 20-percent electric power reduction in Vermont, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly challenges all individual Vermonters, schools, colleges, nonprofit organizations, for-profit businesses, hospitals, farms, and all levels of government to work to institute a voluntary 20-percent reduction in energy use by initiating a concerted effort to turn off lights whenever walking out of a room that will be empty, to reduce use of heating and cooling systems, and to promote the use of Energy Star products and other energy efficiency measures, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Efficiency Vermont.

Was taken up, read the second time, report of the committee on Education agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 331

Rep. Devereux of Mount Holly, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to technical changes to the records management authority of the Vermont State Archives and Records Administration

Reported in favor of its passage when amended as follows:

First: By striking Sec. 9 in its entirety and by renumbering the remaining sections to be numerically correct

Second: In Sec. 14, 27 V.S.A. § 1403(b), by renumbering the subdivisions to be numerically correct

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Government Operations agreed to and third reading ordered.

Favorable Report; Third Reading Ordered

H. 430

Rep. Hubert of Milton, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of an amendment to the charter of the town of St. Johnsbury

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Favorable Report; Third Reading Ordered

H. 433

Rep. McDonald of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the town of Berlin

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

House Resolution Adopted

H.R. 12

House resolution, entitled

House resolution relating to the treatment of individuals at the U.S. and Canadian ports of entry along the Vermont-Quebec international border

Was taken up and adopted.

Adjournment

At eleven o'clock and five minutes in the forenoon, on motion of **Rep. Komline of Dorset**, the House adjourned until Monday, April 13, 2009, at one o'clock in the afternoon.