

# Journal of the House

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**Friday, February 26, 2010**

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

## **Devotional Exercises**

Devotional exercises were conducted by Rep. William Aswad of Burlington, Vt.

## **Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

### **S. 150**

Senate bill, entitled

An act relating to increasing the fine for illegally using parking reserved for disabled persons;

To the committee on Transportation.

### **S. 255**

Senate bill, entitled

An act relating to an amendment to the charter of the Chittenden County Transportation Authority;

To the committee on Transportation.

### **S. 268**

Senate bill, entitled

An act relating to the building bright futures council;

To the committee on Human Services.

## **Joint Resolution Referred to Committee**

### **J.R.S. 50**

By Senator Illuzzi,

**J.R.S. 50.** Joint resolution urging expedited federal initiation of the National Environmental Policy process relating to the proposed federal acquisition of Eagle Point Farm in Derby, Vermont.

*Whereas*, the late Michael Dunn, the owner of the 800-acre Eagle Point Farm (approximately one-half of which is located in Derby, Vermont, and the balance in Quebec), conditionally donated through his trust the Vermont portion of this exceptional parcel as a gift to the United States of America for purposes of permanent preservation and public enjoyment, and

*Whereas*, Eagle Point Farm's Vermont acreage includes diverse freshwater wetland, woodland, riparian habitats, rich agricultural land, and more than a mile of frontage on 27-mile-long Lake Memphremagog, and

*Whereas*, this impressive acreage provides land for high quality breeding, migratory, and wintering habitats for priority waterfowl and grassland bird species, and

*Whereas*, many rare plants and unique natural communities are also located at Eagle Point Farm, and

*Whereas*, for many decades, through the generosity of the Dunn family, many Vermonters have enjoyed Eagle Point Farm for walking, fishing, hunting, wildlife observation and access to Lake Memphremagog, and

*Whereas*, because Eagle Point Farm is waterfront land, it is valuable monetarily and is at a high risk of being developed should the United States not ultimately accept Michael Dunn's generous gift, and

*Whereas*, not only is this land attractive to developers, but also, in accordance with the terms of Michael Dunn's conditional donation, should the federal government not acquire the Vermont portion of Eagle Point Farm by September 1, 2010, then the trustee must dispose of the property in a manner that would maximize its cash value for the benefit of a secondary institutional beneficiary, and

*Whereas*, the northeastern office of the United States Fish and Wildlife Service (USFWS), in close collaboration with the state of Vermont, has assessed the conservation value of the Vermont portion of Eagle Point Farm, and

*Whereas*, there is mutual agreement among federal and state authorities that the optimal disposition of the Vermont portion of Eagle Point Farm is to proceed with a proposal that the Vermont Land Trust has put forward – to wit: that the USFWS should acquire title to the land and that the Vermont Agency of Natural Resources should then administer Eagle Point Farm in Derby as a coordination area for passive recreational use in accordance with National Wildlife Refuge guidelines and a jointly entered memorandum of understanding, and

*Whereas*, the Province of Quebec is simultaneously working toward accepting a gift of that portion of Michael Dunn's property located in the province, and such an acquisition would provide opportunities for cross-border collaboration, and

*Whereas*, the Vermont Fish and Wildlife Conservation Group, located in nearby East Charleston, has written to the Vermont congressional delegation offering its full support for both the federal acquisition and subsequent state management of Eagle Point Farm, and

*Whereas*, the Memphremagog Watershed Association (MWA) in Derby, whose mission is "the preservation of the environment and natural beauty of the Memphremagog watershed," has written to public officials that it "cannot overstate the importance of and their support for keeping Michael Dunn's property in the public trust and for public use," and

*Whereas*, the MWA has worked collaboratively with Memphremagog Conservation, Inc. for the preservation of Eagle Point Farm on both sides of the border, and it has reminded public officials that preservation of the property is "consistent with the efforts and goals of the Quebec/Vermont Steering Committee which is charged with the restoration and protection of the international waters of Lake Memphremagog," and

*Whereas*, the northeastern office of the USFWS has submitted a proposal to its national office in Washington, D.C., to move forward immediately with the scientific assessment and public comment requirements of the National Environmental Policy Act (NEPA) in order that the acquisition process can occur prior to the September 1, 2010, deadline, and

*Whereas*, the NEPA process will provide the opportunity for the general public to offer its comments on the proposed federal acquisition and state management of Eagle Point Farm in Derby to help determine the best long-term outcome for this special piece of Vermont, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the General Assembly urges the United States Fish and Wildlife Service to expedite the National Environmental Policy Act process relating to the proposed federal acquisition of Eagle Point Farm in Derby, Vermont, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to United States Secretary of the Interior Ken Salazar, United States Fish and Wildlife Service Commissioner Sam Hamilton, the Vermont congressional delegation, and Vermont Secretary of Natural Resources Jonathan Wood.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the Committee on Fish, Wildlife & Water Resources.

**Remarks Journalized**

On motion of **Rep. Mook of Bennington**, the following remarks by **Rep. Aswad of Burlington** were ordered printed in the Journal:

"Mr. Speaker:

I don't know about you, but one of my favorite television characters is Andy Rooney of the 60 minutes program. He is a man who has the gift of saying so much in few words. Here are some of the gems that he has written:

I have learned that the best classroom in the world is at the feet of an elderly person.

I have learned that when you're in love, it shows.

I have learned that just one person saying to me: you made my day, makes my day.

I have learned that having a child fall asleep in your arms is one of the most peaceful feelings in the world.

I have learned that being kind is more important than being right.

I have learned that you should never say no to a gift from a child.

I have learned that I can always pray for someone when I don't have the strength to help him in some other way.

I have learned that no matter how serious your life requires you to be, everyone needs a friend to act goofy with.

I have learned that sometimes all a person needs is a hand to hold and a heart to understand.

I have learned that simple walks with my father around the block on a summer night when I was a child did wonders for me as an adult.

I have learned that life is like a roll of toilet paper, the closer you get to the end, the faster it goes.

I have learned that we should be glad that God does not give us everything we ask for.

I have learned that money doesn't buy class.

I have learned that it's those small daily happenings that make life so spectacular.

I have learned that under everyone's hard shell is someone who want to be appreciated and loved.

I have learned that to ignore the facts doesn't change the facts.

I have learned that when you plan to get even with someone, you are only letting that person continue to hurt you.

I have learned that love, not time, heals all wounds.

I have learned that the easy way to grow myself as a person is to surround myself with people smarter than I am.

I have learned that everyone you meet deserves to be greeted with a smile.

I have learned that no one is perfect until you fall in love with them.

I have learned that life is tough, but I am tougher.

I have learned that opportunities are not lost, someone will take the ones you missed.

I have learned that when you harbor bitterness, happiness will dock elsewhere.

I have learned that I wish I could have told my mom that I loved her one more time before she passed away.

I have learned that one should keep his words soft and tender, because tomorrow he may have to eat them.

I have learned that a smile is an inexpensive way to improve your looks.

I have learned that when your newly born grandchild holds your little finger with his little fist, that you are hooked for life.

So be it, and thank you.

**Third Reading; Bill Passed**

**H. 539**

House bill, entitled

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

Was taken up, read the third time and passed.

**Third Reading; Joint Resolution Adopted**

**J.R.H. 35**

Joint resolution, entitled

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

Was taken up, read the third time and adopted on the part of the House.

**Third Reading; Joint Resolution Adopted**

**J.R.H. 39**

Joint resolution, entitled

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

Was taken up, read the third time and adopted on the part of the House.

**Bill Amended; Third Reading Ordered**

**H. 237**

**Rep. Donahue of Northfield**, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to governance of the Vermont state hospital

Reported in favor of its passage when 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)~~ (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)~~ (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.

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

**Action on Bill Postponed**

**H. 498**

House bill, entitled

An act relating to maintenance of private roads

Was taken up and pending the reading of the report of the committee on Commerce and Economic Development, on motion of **Rep. Turner of Milton**, action on the bill was postponed until the next legislative day.

**Bill Amended, Read Third Time and Passed**

**H. 488**

House bill, entitled

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

Was taken up and pending third reading of the bill, **Rep. Atkins of Winooski** moved to amend the bill as follows:

First: By adding Sec. 2a as follows:

Sec. 2a. ANR REPORT ON PUBLIC OUTREACH REGARDING FELT-SOLED PROHIBITION

On or before January 15, 2011, the agency of natural resources shall report to the house fish and wildlife and water resources committee and the senate natural resources and energy committee with a proposed program for education and outreach to the public regarding the prohibition on the use of external felt-soled boots and waders under 10 V.S.A. § 4616. The report shall:

(1) address whether signage regarding the prohibition on the use of external felt-soled boots and waders should be posted at access points to state surface waters;

(2) address whether a notification regarding the prohibition on the use of external felt-soled boots and waders should be included on hunting and fishing license applications or in department of fish and wildlife printed materials.

Second: By striking out Sec. 3 in its entirety and inserting in lieu thereof the following:

Sec. 3. EFFECTIVE DATES

(a) Sec. 1 and 2 (prohibition on external felt-soled boots and waders) shall take effect on January 1, 2012.

(b) This Sec. and Sec. 2a (education and outreach report) shall take effect upon passage.

Which was agreed to. Thereupon, the bill was read the third time and passed.

**Bill Read Second Time; Bill Amended and Third Reading Ordered;  
Rules Suspended; Bill Read Third Time and Passed;  
Rules Suspended and Bill Ordered Messaged to the Senate Forthwith**

**H. 767**

**Rep. Conquest of Newbury** spoke for the committee on Agriculture.

House bill entitled

An act relating to the livestock care standards advisory council

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be read the third time? **Rep. Conquest of Newbury** moved to amend the bill 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.”

Which was agreed to and third reading of the bill was ordered.

On motion of **Rep. Komline of Dorset**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed and, on motion of **Rep. Komline of Dorset** the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Adjournment**

At ten o'clock and thirty-five minutes in the forenoon, on motion of **Rep. Komline of Dorset**, the House adjourned until Tuesday, March 9, 2010, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 37.