

House Calendar

Wednesday, February 08, 2012

37th DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Committee Bill for Second Reading

H. 752

An act relating to permitting stormwater discharges in impaired watersheds.

(Rep. Deen of Westminster will speak for the Committee on Fish, Wildlife & Water Resources.)

NOTICE CALENDAR

Committee Bill for Second Reading

H. 754

An act relating to the education property tax rate and base education amount for fiscal year 2013.

(Rep. Sharpe of Bristol will speak for the Committee on Ways and Means.)

Amendment to be offered by Reps. Sharpe of Bristol and Olsen of Jamaica to H. 754

Reps. Sharpe of Bristol and Olsen of Jamaica move that the bill be amended by adding a Sec. 3a to read as follows:

Sec. 3a. GENERAL FUND TRANSFER BASE CALCULATION

(a) At the end of fiscal year 2013 and at the end of any following fiscal year, notwithstanding 32 V.S.A. §§ 308c and 308d, after the general fund budget stabilization reserve attains its statutory maximum, one-half of any additional unreserved and undesignated general fund balance shall be added to the amount transferred to the education fund until the joint fiscal committee has determined that the goal in subsection (c) of this section has been met.

(b) Notwithstanding any other provision of law, an amount equal to the amount transferred to the education fund under subsection (a) of this section shall be added to the base amount used to calculate the general fund transfer under 16 V.S.A. § 4025(a)(2) for the following fiscal year.

(c) It is the intent of the general assembly to gradually return to the adjusted amount of the general fund transfer, as increased annually under the formula prescribed by 16 V.S.A. § 4025(a)(2), that would have been used but for the changes in Sec. E.513.1 of No. 63 of the Acts of 2011. The joint fiscal committee shall determine when the increases to the base amount in 16 V.S.A.

§ 4025(a)(2) made under subsection (b) of this section have attained the goal stated in this subsection.

(d) The joint fiscal office shall report to the joint fiscal committee at least annually on the progress made under this section in returning to the base amount of the general fund transfer to the education fund under 16 V.S.A. § 4025(a)(2) of \$280,200,000, as increased by the inflationary index in that section, starting in fiscal year 2008.

H. 755

An act relating to extending the deadline for adoption of certain health department rules.

(Rep. Frank of Underhill will speak for the Committee on **Human Services**.)

Favorable with Amendment

H. 512

An act relating to banking, insurance, securities, and health care administration

Rep. Kitzmiller of Montpelier, for the Committee on **Commerce and Economic Development**, recommends the bill be amended as follows:

First: In Sec. 9, 8 V.S.A. § 2405(f), in both subdivisions (1) and (2), by striking out the words “to the commissioner” and inserting in lieu thereof “to the department”

Second: By striking out Sec. 42 in its entirety and by inserting in lieu thereof a new Sec. 42 to read as follows:

Sec. 42. STUDY REGARDING THE CONVERSION OF NONPROFIT HOSPITALS

(a) The commissioner of banking, insurance, securities, and health care administration, in consultation with the attorney general or designee, a representative from the Vermont Association of Hospitals and Health Systems, and any other interested parties the commissioner deems appropriate, shall conduct a study of Vermont’s law pertaining to the conversion of nonprofit hospitals, 18 V.S.A. § 9420. The commissioner shall determine:

(1) whether the definition of “qualifying amount” should be clarified or amended in any manner. For example, the commissioner shall consider whether the “assets” reviewed in making threshold determinations should be further defined or qualified, not only in terms of the amount but also the type

of assets subject to jurisdiction under 18 V.S.A. § 9420; or, more broadly, whether a new standard, such as a materiality standard, should apply;

(2) whether the definition of “convert” should be clarified or amended in any manner. For example, the commissioner shall consider whether the sale of securities, bequests, buildings, and equipment, and contracts with physician and management groups should be specifically excluded from the term;

(3) whether the term “related conversions,” as it applies to conversions that must be aggregated for purposes of whether the threshold requirements have been met, should be further defined or clarified in any manner. For example, the commissioner shall consider whether a specific “look back” provision pertaining to prior conversions should be included in the statute and, if so, to what extent;

(4) whether nonprofit hospitals should provide prior written notice to the commissioner and the attorney general of conversions of less than the qualifying amount of assets. In making this determination, the commissioner shall consider the administrative burden and costs that a hospital would incur in complying with such a requirement;

(5) if the conversion also meets the threshold requirements of the certificate of need process, whether parallel investigations are necessary and, if so, whether the investigations can be conducted in a more coordinated manner to diminish the administrative burden on the applicable hospital, while not compromising the state’s existing regulatory objectives;

(6) whether existing or new exemptions are appropriate; and

(7) whether other amendments to the subject law would serve the general good of the state.

(b) The commissioner shall report his or her findings and recommendations to the house committee on commerce and economic development and the senate committee on finance not later than December 1, 2012. If the commissioner proposes any statutory amendments, he or she shall provide a detailed rationale for each such proposal.

(c) It is the intent of the general assembly that there be sufficient state supervision of and involvement in any work group established under this section, consistent with federal and state antitrust laws.

(Committee Vote: 10-0-1)

H. 565

An act relating to regulating licensed lenders and mortgage loan originators

Rep. Young of Glover, for the Committee on **Commerce and Economic Development**, recommends the bill be amended as follows:

First: In Sec. 2, 8 V.S.A. § 2201, in subdivision (d)(10), by striking “\$50,000.00” and inserting in lieu thereof “\$75,000.00”

Second: In Sec. 2, 8 V.S.A. § 2201, in subdivision (e)(1), by striking “2200(19)” and inserting in lieu thereof “2200(22)”

and that when so amended the bill ought to pass

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

Public Hearings

PUBLIC HEARING

Public Hearing on the Governor’s proposed Fiscal Year 2013 state budget

For Advocates

House Committee on Appropriations

Tuesday, February 14, 2012, 2:30 - 3:30 p.m. or Wednesday, February 15, 2012, 9:30 – 10:30 a.m. – The House Committee on Appropriations will hold a public hearing for advocates in room 10 of the State House on the Governor’s proposed FY2013 state budget. Please sign up in advance, if possible, with Theresa Utton-Jerman at (802) 828-5767 or tutton@leg.state.vt.us or room 40.

The Governor’s budget proposal can be viewed at the Department of Finance’s website: http://finance.vermont.gov/state_budget/rec.

Wednesday - February 8, 2012 - 4:30-6:30 PM - Senate Reapportionment - Comment on Proposal Map - Senate Committee on Reapportionment

Information Notice

Deadline for Introducing Bills

Pursuant to Rule 40(b) of the Rules and Orders of the Vermont House of Representatives, during the second year of the biennium, except with the prior consent of the Committee on Rules, no member may introduce a bill into the House drafted in standard form after the last day of January. Bills may be introduced in Short Form until the second Friday after Town Meeting Day.

In order to meet this deadline all sign out sheets must be submitted to the Legislative Council no later than the close of business on Friday, January 27, 2012. Requests for short form bills may be made until Wednesday, February 15, 2012.

Pursuant to Rule 40(c) during the second year of the biennium, except with the prior consent of the Committee on Rules, no committee, except the Committees on Appropriations, Ways and Means or Government Operations, may introduce a bill drafted in standard form after the last day of March. The Committees on Appropriations, Ways and Means bills may be drafted in standard form at any time, and Government Operations bills, pertaining to city or town charter changes, may be drafted in standard form at any time.

PUBLIC HEARING
Joint Public Hearing on Fiscal Year 2013 state budget
on Vermont Interactive Television
House and Senate Committees on Appropriations

Monday, February 13, 2012, 4:00 - 6:30 p.m. – The House and Senate Committees on Appropriations will hold a joint public hearing on Vermont Interactive Television (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the state budget for fiscal year 2013. All 14 V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Castleton, Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, White River Junction and Williston. V.I.T.'s web site has an up-to-date location listing, including driving directions, addresses and telephone numbers, <http://www.vitlink.org/>.

For the first time, the budget hearing will be VIEWABLE via the internet if your computer has flash-based streaming capabilities.

Go to www.vtlink.org/streamingmedia/vtcvitopen.php

Some mobile devices may require additional software.

The Governor's budget proposal can be viewed at the Department of Finance's website: http://finance.vermont.gov/state_budget/rec. For information about the format of this event or to submit written testimony, call the House Appropriations Committee office at 802/828-5767 or email tutton@leg.state.vt.us. Requests for interpreters should be made to the office by 12:00 noon on Monday, January 30, 2012.

Joint Assembly

NOTICE OF JOINT ASSEMBLY

Thursday, February 16, 2012 - 10:30 A.M. - Election of two (2) trustees for the Vermont State Colleges Corporation.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than Thursday, February 9, 2012, 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.