

# Journal of the House

---

Thursday, April 19, 2012

At one o'clock in the afternoon the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by Rev. Peter Plagge of the Waterbury Congregational Church, Waterbury, VT.

## Message from the Senate No. 45

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

**H. 768.** An act relating to ignition interlock restricted driver's licenses and civil suspensions.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

**H. 758.** An act relating to divorce and dissolution proceedings.

**H. 759.** An act relating to permitting the use of secure residential recovery facilities for continued involuntary treatment.

**H. 770.** An act relating to the state's transportation program.

**H. 785.** An act relating to capital construction and state bonding budget adjustment.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate bill of the following title:

**S. 238.** An act relating to a study on access to driving privileges in Vermont.

And has concurred therein.

---

**Message from the Senate No. 46**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

**S. 99.** An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing.

In the passage of which the concurrence of the House is requested.

The Senate has considered House proposal of amendment to Senate bill of the following title:

**S. 181.** An act relating to school resource officers.

And has concurred therein with an amendment in the passage of which the concurrence of the House is requested.

**Bill Referred to Committee on Appropriations****H. 776**

House bill, entitled

An act relating to encouraging flexible pathways leading to secondary school completion and career and college readiness

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

**Joint Resolution Referred to Committee****J.R.H. 36**

Joint resolution relating to the implementation of 30 V.S.A. § 20(b)(15)

Offered by: Representative Olsen of Jamaica

Whereas, in May 2011, the commissioner of public service requested that the general assembly enact legislation authorizing the state of Vermont to seek the recovery of costs incurred in any state or federal judicial proceeding involving any company or facility certified under Title 30, and

Whereas, at the time of its request, the department of public service stated that if legislation authorizing the state to recover these legal costs were to be enacted, it would be used in pending litigation, and

Whereas, in response to the request of the department, the general assembly included in Act 47 (the Vermont energy act of 2011) a new statutory subdivision codified as 30 V.S.A. § 20(b)(15) providing that in “proceedings before any state or federal court concerning a company holding or a facility subject to a certificate issued” by the public service board under Title 30, the costs under subdivision (15) “shall be charged to the involved company,” and

Whereas, regardless of the merits for the provision for future litigation, it is the historic policy of the general assembly not to interfere with active judicial proceedings, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests that the executive branch refrain from invoking 30 V.S.A. § 20(b)(15) in any judicial proceeding that was pending at the time of this statutory subdivision’s enactment, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Peter Shumlin, Attorney General William Sorrell, Public Service Board Chair James Volz, and Commissioner of Public Service Elizabeth Miller.

Which was read and, in the Speaker’s discretion, treated as a bill and referred to the committee on Government Operations.

**House Resolution Referred to Committee**

**H.R. 18**

House resolution, entitled

House resolution in support of the restoration of collective bargaining rights in Wisconsin

Offered by: Representatives Davis of Washington and Moran of Wardsboro

Whereas, in 1959, Wisconsin became the first state in the nation to establish collective bargaining for its public employees, and

Whereas, in 2011, this proud half-century-long tradition of collective bargaining rights was largely reversed when, after raucous legislative debates and citizen encampments in the Wisconsin state house, the Wisconsin legislature enacted Act 10 of 2011, severely curtailing the collective bargaining rights and union certification duration of public employees in the state, and

Whereas, Act 10 severely restricted the scope of compensation issues that may be the subject of collective bargaining, and

---

Whereas, until 2011, the certification of a collective bargaining unit had remained valid until such time as the employees affirmatively voted to withdraw the certification, and

Whereas, Act 10 ended this indefinite certification policy by requiring that the members of a collective bargaining unit annually vote to recertify the unit, and

Whereas, the state of Wisconsin is a democracy, and the restoration of full collective bargaining rights and the elimination of annual union recertification votes for its public employees' collective bargaining units should be the first order of business, and

Whereas, thousands of Wisconsinites, and believers in the collective bargaining system for public employees from other states, are working toward the restoration of a labor-management system that should never have been so seriously weakened, and

Whereas, a number of Wisconsin legislators have introduced Senate Bill 233 which would repeal the collective bargaining restrictions enacted in Act 10, as well as the requirement for annual recertification elections of designated collective bargaining units, and

Whereas, even if Senate Bill 233 were to pass the Wisconsin legislature, it is likely that Governor Scott Walker, who originally proposed the dilution of collective bargaining rights embodied in Act 10 and is a strong proponent of the act, would veto the bill, and

Whereas, in a gender context, employment rights have also been under fire in Wisconsin as Governor Scott Walker has signed legislation repealing the state's 2009 Equal Pay Enforcement Act which had provided for individuals who were denied equal pay due to their gender to seek redress in the Wisconsin court system, and

Whereas, thousands of Wisconsin voters have signed petitions calling for the recall of Governor Scott Walker as a protest against his opposition to collective bargaining and his leading the political drive to enact Act 10, and

Whereas, the recall election, which will take place on June 5, also includes the offices of Lt. Governor and four members of the Wisconsin Senate which is currently divided with a 16–16 Democratic-Republican partisan split, and

Whereas, depending on the outcome of these recall elections, the Wisconsin political climate may become more favorable for legislative consideration of Senate Bill 233, and

Whereas, the future of collective bargaining rights for public employees in Wisconsin has implications for public employees throughout the United States, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges the state of Wisconsin to enact Senate Bill 233, or similar legislation, restoring the full collective bargaining rights of Wisconsin public employees, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to Council 24 of the American Federation of State, County and Municipal Employees in Madison, Wisconsin, to Wisconsin Governor Scott Walker, and to the Vermont State Employees' Association.

Which was read and referred to the committee on General, Housing and Military Affairs.

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

**S. 180**

**Rep. Turner of Milton** moved that the committee on Rules be relieved of Senate bill, entitled

An act relating to the universal service fund and establishment of a high-cost program

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

**Committee of Conference Appointed**

**S. 116**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to probate proceedings

The Speaker appointed as members of the Committee of Conference on the part of the House:

**Rep. Lippert of Hinesburg  
Rep. Koch of Barre Town  
Rep. Marek of Newfane**

---

**Committee of Conference Appointed**

**S. 199**

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to immunization exemptions and the immunization pilot program

The Speaker appointed as members of the Committee of Conference on the part of the House:

**Rep. Fisher of Lincoln**  
**Rep. Spengler of Colchester**  
**Rep. Till of Jericho**

**Senate Proposal of Amendment Concurred in with  
A Further Proposal of Amendment Thereto**

**H. 761**

The Senate proposed to the House to amend House bill, entitled

An act relating to executive branch fees, including motor vehicle and fish and wildlife fees

First: By adding an internal caption and Sec. 2a to read:

\* \* \* Motor vehicle racing \* \* \*

Sec. 2a. 26 V.S.A. § 4806 is amended to read:

§ 4806. FEES; DISPOSITIONS

(a) Notwithstanding the fee provisions of 3 V.S.A. § 125, applicants and persons regulated under this chapter shall pay the following fees:

- |   |              |
|---|--------------|
| (1) Annual event permit applications:                                 |              |
| (A) Auto racing   | \$ 800.00;   |
| (B) Go-cart, snowmobile, or motorcycle racing                         | \$ 500.00;   |
| (2) Unlimited event permit applications:                              |              |
| (A) Auto racing   | \$ 1,250.00; |
| (B) Go-cart, snowmobile, or motorcycle racing                         | \$ 1,250.00; |
| (3) Single event permit applications:                                 |              |
| (A) Auto racing   | \$ 500.00;   |
| (B) Go-cart, snowmobile, or motorcycle racing                         | \$ 500.00;   |
| (4) Annual event permit biennial <del>renewal</del> <u>renewals</u> : |              |

- |   |            |
|---|------------|
| (A) Auto racing                               | \$ 500.00; |
| (B) Go-cart, snowmobile, or motorcycle racing | \$ 500.00; |

(5) Unlimited event permit biennial ~~renewal~~ renewals:

- |   |              |
|---|--------------|
| (A) Auto racing                               | \$ 2,500.00; |
| (B) Go-cart, snowmobile, or motorcycle racing | \$ 2,500.00. |

(b) A municipality where a race is to be held may charge an additional fee, not to exceed the municipality's costs associated with the race.

(c) A single event permit shall authorize any number of events within a 10-day period in the same location and on the same racing track. An annual-event permit shall authorize any number of events within two 10-day periods in consecutive years and may be renewed every two years.

(d) Notwithstanding the provisions of subsection (a) of this section, a person in good standing incorporated or authorized to transact business as a nonprofit corporation under Title 11B shall pay a fee of \$100.00 for an annual event permit application under subdivisions (a)(1)(A) and (B) of this section; an annual event permit biennial renewal under subdivisions (a)(4)(A) and (B); or for any five events within a one-year period.

Second: By striking out Sec. 7 in its entirety and inserting in lieu thereof a new Sec. 7 to read:

## Sec. 7. REPEAL

18 V.S.A. § 4463 (regarding salvage food facility license) is repealed.

Third: By adding a new Sec. 35a to read:

Sec. 35a. 10 V.S.A. § 4255 is amended to read:

## § 4255. LICENSE FEES

(a) Vermont residents may apply for licenses on forms provided by the commissioner. Fees for each license shall be:

\* \* \*

(4) Big game licenses (all require a hunting license)

\* \* \*

|  |        |
|--|--------|
| (G) <del>second</del> <u>additional</u> bear tag | \$5.00 |
|--|--------|

\* \* \*

(l) If the board determines that it is in the interest of bear management, it may authorize the department to issue ~~a second bear tag for the taking of bear~~

bear tags in addition to ~~that~~ those allowed by a hunting license issued under this chapter.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Branagan of Georgia** moved that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

In Sec. 2a, by striking out Sec. 2a and inserting in lieu thereof a new Sec. 2a to read:

Sec. 2a. 26 V.S.A. § 4806 is amended to read:

§ 4806. FEES; DISPOSITIONS

(a) Notwithstanding the fee provisions of 3 V.S.A. § 125, applicants and persons regulated under this chapter shall pay the following fees:

(1) Annual event permit applications:

- |   |            |
|---|------------|
| (A) Auto racing                               | \$ 800.00; |
| (B) Go-cart, snowmobile, or motorcycle racing | \$ 500.00; |

(2) Unlimited event permit applications:

- |   |              |
|---|--------------|
| (A) Auto racing                               | \$ 1,250.00; |
| (B) Go-cart, snowmobile, or motorcycle racing | \$ 1,250.00; |

(3) Single event permit applications:

- |   |            |
|---|------------|
| (A) Auto racing                               | \$ 500.00; |
| (B) Go-cart, snowmobile, or motorcycle racing | \$ 500.00; |

(4) Annual event permit biennial ~~renewal~~ renewals:

- |   |            |
|---|------------|
| (A) Auto racing                               | \$ 500.00; |
| (B) Go-cart, snowmobile, or motorcycle racing | \$ 500.00; |

(5) Unlimited event permit biennial ~~renewal~~ renewals:

- |   |              |
|---|--------------|
| (A) Auto racing                               | \$ 2,500.00; |
| (B) Go-cart, snowmobile, or motorcycle racing | \$ 2,500.00. |

(b) A municipality where a race is to be held may charge an additional fee, not to exceed the municipality's costs associated with the race.

(c) A single event permit shall authorize any number of events within a 10-day period in the same location and on the same racing track. An annual-event permit shall authorize any number of events within two 10-day periods in consecutive years and may be renewed every two years.



(d) Notwithstanding the provisions of subdivision (a)(3)(B) of this section, a person in good standing incorporated or authorized to transact business as a nonprofit corporation under Title 11B shall pay a fee of \$100.00 for a single-event snowmobile racing permit.

Which was agreed to.

### **Joint Resolution Adopted in Concurrence**

#### **J.R.S. 11**

Joint resolution, entitled

Joint resolution urging the United States Congress to propose amendments to the United States Constitution for the states' consideration relating to contributions and expenditures intended to affect elections and relating to the rights of corporations

Was taken up and pending the question, Shall the House adopt the Joint resolution in concurrence? **Rep. Olsen of Jamaica** moved to amend the resolution as follows:

First: By adding two new Whereas clauses immediately preceding the first Resolve clause to read:

Whereas, corporations that are not incorporated in the United States are prohibited from making donations to political campaigns for federal, state, or local public office, and

Whereas, Vermonters are concerned that corporations that are not incorporated in the United States are unduly influencing public policy in Vermont through their U.S. incorporated subsidiaries, and

Second: By adding a new third Resolve clause to read:

Resolved: That the U.S. Congress amend federal election law to prohibit U.S. incorporated subsidiaries of corporations that are not incorporated in the United States from contributing to any federal, state, or local political campaign for public office or to any fund established to finance an inaugural or similar post-election celebration of a candidate's victory, and be it further

Which was disagreed to on a Division vote. Yeas, 42. Nays, 67.

Pending the question, Shall the House adopt the Joint resolution in concurrence? **Rep. Degree of St. Albans City** moved to amend the resolution as follows:

By striking all after the title and inserting in lieu thereof the following:

---

*Whereas*, the U.S. Bill of Rights provides certain inalienable rights to natural persons, and

*Whereas*, corporations and unions are not mentioned in the U.S. Constitution, and

*Whereas*, corporations and unions are legal entities that governments create, and the rights they enjoy under the U.S. Constitution should be more narrowly defined than the rights that are afforded to natural persons, and

*Whereas*, the decision to regulate corporate and union financial campaign contributions is one that historically Congress and the states have been constitutionally allowed to address, and

*Whereas*, in 1907, Congress enacted the Tillman Act prohibiting corporate financial contributions to federal election campaigns for public office, and

*Whereas*, in 2010, the U.S. Supreme Court in *Citizens United v. Federal Election Commission*, 130 S.Ct. 876 (U.S. 2010), ruled that Congress and the states lacked the constitutional right to ban independent corporate expenditures to political campaigns for public office, and

*Whereas*, the U.S. Supreme Court in the *Citizens* decision relied on its previously issued opinion in the 1976 case *Buckley v. Valeo*, 424 U.S. 1 (U.S. 1976), in which it equated the spending of money for electing candidates to public office as speech, and

*Whereas*, the *Citizens* decision has allowed for the creation of super political action committees in election campaigns for public office that allow for unregulated campaign expenditures in unprecedented amounts, and

*Whereas*, as a result of the *Citizens* decision, Congress and the state legislatures were denied any legal authority to regulate independent corporate or union political expenditures, and

*Whereas*, a restoration of the guidelines established in the Bipartisan Campaign Reform Act of 2002 is imperative so that Congress and the state legislatures may exercise their historic authority to make their own decisions about whether to regulate corporate or union political expenditures, and

*Whereas*, this policy change will require that the U.S. Constitution be amended to authorize congressional or state regulation of individual, union, or corporate financial participation in political campaigns, and

*Whereas*, on Vermont town meeting day, March 6, 2012, 64 Vermont towns and cities passed resolutions urging the Vermont congressional delegation and the U.S. Congress to propose legislative or congressional action to address the

issues raised by *Citizens* including that money is not speech and corporations are not persons under the U.S. Constitution, and

*Whereas*, these resolutions, passed by towns on town meeting day, also urged the general assembly to pass a similar resolution directed at the Vermont congressional delegation, and

*Whereas*, U.S. Senator Tom Udall of New Mexico with 22 cosponsors has introduced Senate Joint Resolution 29, “proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections,” that would give the Congress and the states the authority to regulate the raising and spending of moneys with respect to elections, *now therefore be it*

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

That the General Assembly expresses its disagreement with the holdings of the U.S. Supreme Court in *Buckley* and in *Citizens* that money is speech and urges Congress to adopt Senate Joint Resolution 29, *and be it further*

***Resolved:*** That the General Assembly urges Congress to consider the request of many Vermont cities and towns to propose a U.S. constitutional amendment for the state’s consideration that provides that money is not speech and corporations and unions are not persons under the U.S. Constitution and that also affirms the constitutional rights of natural persons, *and be it further*

***Resolved:*** That the General Assembly does not support an amendment to the U.S. Constitution that would abridge the constitutional rights of any person or organization including freedom of religion or freedom of the press, *and be it further*

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

and that upon adoption, the title of this resolution be amended to read: “Joint resolution urging the United States Congress to propose amendments to the United States Constitution for the states’ consideration relating to contributions and expenditures intended to affect elections and relating to the rights of corporations and unions.”

Pending the question, Shall the House propose to the Senate to amend the resolution as recommended by Rep. Degree of St. Albans City? **Rep. Degree of St. Albans City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the resolution as

recommended by Rep. Degree of St. Albans City? was decided in the negative.  
Yeas, 1. Nays, 132.

Those who voted in the affirmative are:

Howard of Cambridge

Those who voted in the negative are:

|                                |                                   |                          |
|--------------------------------|-----------------------------------|--------------------------|
| Acinapura of Brandon           | Frank of Underhill                | McAllister of Highgate   |
| Ancel of Calais                | French of Shrewsbury              | McCullough of Williston  |
| Andrews of Rutland City        | French of Randolph                | McFaun of Barre Town     |
| Aswad of Burlington            | Grad of Moretown                  | Miller of Shaftsbury     |
| Atkins of Winooski             | Greshin of Warren                 | Mook of Bennington       |
| Bartholomew of Hartland        | Haas of Rochester                 | Moran of Wardsboro       |
| Batchelor of Derby             | Head of South Burlington          | Morrissey of Bennington  |
| Bissonnette of Winooski        | Heath of Westford                 | Mrowicki of Putney       |
| Bohi of Hartford               | Hebert of Vernon                  | Myers of Essex           |
| Botzow of Pownal               | Higley of Lowell                  | Nuovo of Middlebury      |
| Bouchard of Colchester         | Hooper of Montpelier              | Olsen of Jamaica         |
| Branagan of Georgia            | Jewett of Ripton                  | O'Sullivan of Burlington |
| Brennan of Colchester          | Johnson of South Hero             | Partridge of Windham     |
| Browning of Arlington          | Johnson of Canaan                 | Pearce of Richford       |
| Burditt of West Rutland        | Keenan of St. Albans City         | Pearson of Burlington    |
| Burke of Brattleboro           | Kilmartin of Newport City         | Peltz of Woodbury        |
| Buxton of Tunbridge            | Kitzmiller of Montpelier          | Perley of Enosburgh      |
| Campion of Bennington          | Klein of East Montpelier          | Poirier of Barre City    |
| Canfield of Fair Haven         | Koch of Barre Town                | Potter of Clarendon      |
| Cheney of Norwich              | Komline of Dorset                 | Pugh of South Burlington |
| Christie of Hartford           | Krebs of South Hero               | Ralston of Middlebury    |
| Clark of Vergennes             | Krowinski of Burlington           | Ram of Burlington        |
| Clarkson of Woodstock          | Kupersmith of South<br>Burlington | Reis of St. Johnsbury    |
| Conquest of Newbury            | Lanpher of Vergennes              | Russell of Rutland City  |
| Consejo of Sheldon             | Larocque of Barnet                | Savage of Swanton        |
| Copeland-Hanzas of<br>Bradford | Lawrence of Lyndon                | Scheuermann of Stowe     |
| Corcoran of Bennington         | Lenes of Shelburne                | Shand of Weathersfield   |
| Courcelle of Rutland City      | Leriche of Hardwick               | Sharpe of Bristol        |
| Crawford of Burke              | Lewis of Berlin                   | Shaw of Pittsford        |
| Dakin of Chester               | Lewis of Derby                    | Smith of New Haven       |
| Davis of Washington            | Lippert of Hinesburg              | South of St. Johnsbury   |
| Deen of Westminster            | Lorber of Burlington              | Spengler of Colchester   |
| Degree of St. Albans City      | Macaig of Williston               | Stevens of Waterbury     |
| Devereux of Mount Holly        | Malcolm of Pawlet                 | Stevens of Shoreham      |
| Donaghy of Poultney            | Manwaring of Wilmington           | Strong of Albany         |
| Donahue of Northfield          | Marcotte of Coventry              | Stuart of Brattleboro    |
| Edwards of Brattleboro         | Marek of Newfane                  | Sweaney of Windsor       |
| Ellis of Waterbury             | Martin of Springfield             | Taylor of Barre City     |
| Emmons of Springfield          | Martin of Wolcott                 | Till of Jericho          |
| Fisher of Lincoln              | Masland of Thetford               | Toll of Danville         |
|                                |                                   | Townsend of Randolph     |

---

|                        |                        |                        |
|------------------------|------------------------|------------------------|
| Trieber of Rockingham  | Wilson of Manchester   | Yantachka of Charlotte |
| Turner of Milton       | Wizowaty of Burlington | Young of Glover        |
| Waite-Simpson of Essex | Woodward of Johnson    | Zagar of Barnard       |
| Webb of Shelburne      | Wright of Burlington   |                        |

Those members absent with leave of the House and not voting are:

|                                 |                       |                            |
|---------------------------------|-----------------------|----------------------------|
| Condon of Colchester            | Fagan of Rutland City | McNeil of Rutland Town     |
| Dickinson of St. Albans<br>Town | Gilbert of Fairfax    | Munger of South Burlington |
| Donovan of Burlington           | Helm of Fair Haven    | O'Brien of Richmond        |
| Eckhardt of Chittenden          | Howrigan of Fairfield | Peaslee of Guildhall       |
| Evans of Essex                  | Hubert of Milton      | Winters of Williamstown    |
|                                 | Jerman of Essex       |                            |

Thereupon, **Rep. Olsen of Jamaica** moved to commit the resolution to the committee on General, Housing and Military Affairs, which was disagreed to.

Pending the question, Shall the House adopt the resolution? **Rep. Koch of Barre Town** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House adopt the resolution? was decided in the affirmative. Yeas, 92. Nays, 40.

Those who voted in the affirmative are:

|                                |                                   |                          |
|--------------------------------|-----------------------------------|--------------------------|
| Ancel of Calais                | Ellis of Waterbury                | Lippert of Hinesburg     |
| Andrews of Rutland City        | Emmons of Springfield             | Lorber of Burlington     |
| Bartholomew of Hartland        | Fisher of Lincoln                 | Macaig of Williston      |
| Bissonnette of Winooski        | Frank of Underhill                | Malcolm of Pawlet        |
| Bohi of Hartford               | French of Shrewsbury              | Manwaring of Wilmington  |
| Botzow of Pownal               | French of Randolph                | Marek of Newfane         |
| Burke of Brattleboro           | Grad of Moretown                  | Martin of Springfield    |
| Buxton of Tunbridge            | Greshin of Warren                 | Martin of Wolcott        |
| Campion of Bennington          | Haas of Rochester                 | Masland of Thetford      |
| Cheney of Norwich              | Head of South Burlington          | McCullough of Williston  |
| Christie of Hartford           | Heath of Westford                 | Miller of Shaftsbury     |
| Clarkson of Woodstock          | Hooper of Montpelier              | Mook of Bennington       |
| Conquest of Newbury            | Howard of Cambridge               | Moran of Wardsboro       |
| Consejo of Sheldon             | Jewett of Ripton                  | Mrowicki of Putney *     |
| Copeland-Hanzas of<br>Bradford | Johnson of South Hero             | Nuovo of Middlebury      |
| Corcoran of Bennington         | Keenan of St. Albans City         | Olsen of Jamaica         |
| Courcelle of Rutland City      | Kitzmiller of Montpelier          | O'Sullivan of Burlington |
| Dakin of Chester               | Komline of Dorset                 | Partridge of Windham     |
| Davis of Washington *          | Krowinski of Burlington           | Pearson of Burlington    |
| Deen of Westminster            | Kupersmith of South<br>Burlington | Peltz of Woodbury        |
| Devereux of Mount Holly        | Lanpher of Vergennes              | Poirier of Barre City    |
| Donovan of Burlington          | Lenes of Shelburne                | Potter of Clarendon      |
| Edwards of Brattleboro         | Lerliche of Hardwick              | Pugh of South Burlington |
|                                |                                   | Ralston of Middlebury    |

|                           |                        |                        |
|---------------------------|------------------------|------------------------|
| Ram of Burlington         | Sweaney of Windsor     | Wizowaty of Burlington |
| Russell of Rutland City * | Taylor of Barre City   | Woodward of Johnson    |
| Shand of Weathersfield    | Till of Jericho        | Wright of Burlington   |
| Sharpe of Bristol *       | Toll of Danville       | Yantachka of Charlotte |
| South of St. Johnsbury    | Trieber of Rockingham  | Young of Glover        |
| Spengler of Colchester    | Waite-Simpson of Essex | Zagar of Barnard       |
| Stevens of Waterbury      | Webb of Shelburne      |                        |
| Stuart of Brattleboro     | Wilson of Manchester   |                        |

Those who voted in the negative are:

|                           |                             |                         |
|---------------------------|-----------------------------|-------------------------|
| Acinapura of Brandon      | Hebert of Vernon            | Morrissey of Bennington |
| Atkins of Winooski        | Higley of Lowell            | Myers of Essex          |
| Batchelor of Derby        | Hubert of Milton            | Pearce of Richford      |
| Bouchard of Colchester    | Johnson of Canaan           | Perley of Enosburgh     |
| Branagan of Georgia       | Kilmartin of Newport City * | Savage of Swanton       |
| Brennan of Colchester     | Koch of Barre Town          | Scheuermann of Stowe    |
| Browning of Arlington     | Krebs of South Hero         | Shaw of Pittsford       |
| Burditt of West Rutland   | Larocque of Barnet          | Smith of New Haven      |
| Canfield of Fair Haven    | Lawrence of Lyndon          | Stevens of Shoreham     |
| Clark of Vergennes        | Lewis of Berlin             | Strong of Albany        |
| Crawford of Burke         | Lewis of Derby              | Townsend of Randolph    |
| Degree of St. Albans City | Marcotte of Coventry        | Turner of Milton        |
| Donaghy of Poultney       | McAllister of Highgate      |                         |
| Donahue of Northfield     | McFaun of Barre Town        |                         |

Those members absent with leave of the House and not voting are:

|                                 |                          |                            |
|---------------------------------|--------------------------|----------------------------|
| Aswad of Burlington             | Fagan of Rutland City    | McNeil of Rutland Town     |
| Condon of Colchester            | Gilbert of Fairfax       | Munger of South Burlington |
| Dickinson of St. Albans<br>Town | Helm of Fair Haven       | O'Brien of Richmond        |
| Eckhardt of Chittenden          | Howrigan of Fairfield    | Peaslee of Guildhall       |
| Evans of Essex                  | Jerman of Essex          | Reis of St. Johnsbury      |
|                                 | Klein of East Montpelier | Winters of Williamstown    |

**Rep. Davis of Washington** explained her vote as follows:

“Mr. Speaker:

I support this resolution. When we can put a corporation in prison for life, then maybe they will achieve personhood. Until then, real live human beings should govern. The playing field has always been slanted to favor those who can influence power. Treating a corporation as a person slants it in a very disturbing direction.”

**Rep. Kilmartin of Newport City** explained his vote as follows:

“Mr. Speaker:

I vote ‘no.’ This assault on our guaranteed freedoms of association and speech is not a new fight. It is another tyrannical attempt to isolate and strangle the individual citizen into a lonely corner where he is deprived of the resources to promote and disseminate his speech and build associations with his/her fellow citizens to take ‘collective’ action against government and its policies. It puts government, not the people, as the arbiter of when, where and how they can exercise their freedoms.

It claims to promote the individual when, in fact, it destroys the individual. Its very wording is facially contradictory.”

**Rep. Mrowicki of Putney** explained his vote as follows:

“Mr. Speaker:

Thank you, Mr. Speaker, for this healthy debate. I voted for my constituents who are asking for action in response to the floods of money polluting our political waters.”

**Rep. Russell of Rutland City** explained his vote as follows:

“Mr. Speaker:

As I proudly represent the voters of the City of Rutland, I vote ‘yes’ on this resolution, giving voice to the affirmative views of my citizens.”

**Rep. Sharpe of Bristol** explained his vote as follows:

“Mr. Speaker:

Today, Vermont joined the rising chorus of states and citizens objecting to the results of the Supreme Court decision to allow unlimited corporate money to influence our elections. Most Vermonters don’t believe that the founders of our constitution intended for business corporations, whose sole purpose is to raise money for their owners, to be able to participate, on behalf of those owners, in elections. This decision by the United States’ Supreme Court effectively gave the owners of those corporations two ways to influence policies in our state and our country. Voters in 64 towns all across the state of Vermont do not want their voice drowned out by the voice of corporate wealth and influence and we call upon the United States Congress to take steps to reverse the decision of the Supreme Court.”

### **Action on Bill Postponed**

#### **S. 115**

Senate bill, entitled

An act relating to ineffective assistance claims against assigned counsel

Was taken up and pending third reading of the bill, on motion of **Rep. Lippert of Hinesburg**, action on the bill was postponed until the next legislative day.

### **Report of Committee of Conference Adopted**

#### **S. 37**

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon Senate bill, entitled

An act relating to expungement of a nonviolent misdemeanor criminal history record

Respectfully reports that it has met and considered the same and recommended that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. chapter 230 is added to read:

#### CHAPTER 230. EXPUNGEMENT AND SEALING OF CRIMINAL HISTORY RECORDS

##### § 7601. DEFINITIONS

As used in this chapter:

(1) “Court” means the criminal division of the superior court.

(2) “Criminal history record” means all information documenting an individual’s contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(3) “Predicate offense” means a criminal offense that can be used to enhance a sentence levied for a later conviction, and includes operating a vehicle under the influence of intoxicating liquor or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title.

(4) “Qualifying crime” means:

(A) a misdemeanor offense which is not a listed crime as defined in subdivision 5301(7) of this title, an offense involving sexual exploitation of children in violation of chapter 64 of this title, an offense involving violation



of a protection order in violation of section 1030 of this title, a prohibited act as defined in section 2632 of this title, or a predicate offense;

(B) a violation of subsection 3701(a) of this title related to criminal mischief; or

(C) a violation of section 2501 of this title related to grand larceny.

§ 7602. EXPUNGEMENT AND SEALING OF RECORD,

POSTCONVICTION; PROCEDURE

(a)(1) A person who was convicted of a qualifying crime or qualifying crimes arising out of the same incident or occurrence may file a petition with the court requesting expungement or sealing of the criminal history record related to the conviction. The state's attorney or attorney general shall be the respondent in the matter.

(2) The court shall grant the petition without hearing if the petitioner and the respondent stipulate to the granting of the petition. The respondent shall file the stipulation with the court, and the court shall issue the petitioner a certificate and provide notice of the order in accordance with this section.

(b)(1) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least 10 years previously.

(B) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted for the qualifying crime.

(C) Any restitution ordered by the court has been paid in full.

(D) The court finds that expungement of the criminal history record serves the interest of justice.

(2) The court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), and (C) of this subsection are met and the court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

(c)(1) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least 20 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.

(B) The person has not been convicted of a felony arising out of a new incident or occurrence since the person was convicted of the qualifying crime.

(C) The person has not been convicted of a misdemeanor during the past 15 years.

(D) Any restitution ordered by the court for any crime of which the person has been convicted has been paid in full.

(E) After considering the particular nature of any subsequent offense, the court finds that expungement of the criminal history record for the qualifying crime serves the interest of justice.

(2) The court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), (C), and (D) of this subsection are met and the court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

§ 7603. EXPUNGEMENT AND SEALING OF RECORD, NO  
CONVICTION; PROCEDURE

(a) A person who was cited or arrested for a qualifying crime or qualifying crimes arising out of the same incident or occurrence may file a petition with the court requesting expungement or sealing of the criminal history record related to the citation or arrest if one of the following conditions is met:

(1) No criminal charge is filed by the state and the statute of limitations has expired.

(2) The court does not make a determination of probable cause at the

time of arraignment or dismisses the charge at the time of arraignment and the statute of limitations has expired.

(3) The charge is dismissed before trial:

(A) without prejudice and the statute of limitations has expired; or

(B) with prejudice.

(4) The defendant and the respondent stipulate that the court may grant the petition to expunge and seal the record.

(b) The state's attorney or attorney general shall be the respondent in the matter. The petitioner and the respondent shall be the only parties in the matter.

(c) The court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if it finds that expungement of the criminal history record serves the interest of justice.

(d) The court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if:

(1) The court finds that sealing the criminal history record better serves the interest of justice than expungement.

(2) The person committed the qualifying crime after reaching 19 years of age.

#### § 7604. NEW CHARGE

If a person is charged with a criminal offense after he or she has filed a petition for expungement pursuant to this chapter, the court shall not act on the petition until disposition of the new charge.

#### § 7605. DENIAL OF PETITION

If a petition for expungement is denied by the court pursuant to this chapter, no further petition shall be brought for at least five years.

#### § 7606. EFFECT OF EXPUNGEMENT

(a) Upon entry of an expungement order, the person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. The court shall issue the person a certificate stating that such person's behavior after the conviction has warranted the issuance of the order and that its effect is to annul the record of arrest, conviction, and sentence. The court shall provide notice of the expungement to the respondent, Vermont crime information center (VCIC), the arresting agency, and any other entity that may have a record related to the

---

order to expunge. The VCIC shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

(b) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been expunged.

(c) Nothing in this section shall affect any right of the person whose record has been expunged to rely on it as a bar to any subsequent proceedings for the same offense.

(d)(1) The court may keep a special index of cases that have been expunged together with the expungement order and the certificate issued pursuant to section 7602 or 7603 of this title. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement.

(2) The special index and related documents specified in subdivision (1) of this subsection shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons.

(3) Inspection of the expungement order and the certificate may be permitted only upon petition by the person who is the subject of the case or by the court if the court finds that inspection of the documents is necessary to serve the interest of justice. The administrative judge may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records.

(4) All other court documents in a case that are subject to an expungement order shall be destroyed.

(5) The court administrator shall establish policies for implementing this subsection.

(e) Upon receiving an inquiry from any person regarding an expunged record, an entity shall respond that "NO RECORD EXISTS."

#### § 7607. EFFECT OF SEALING

(a) Upon entry of an order to seal, the person whose record is sealed shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. The court shall issue the person a certificate stating that such person's behavior after the conviction has warranted the issuance of the order and that its effect is to annul the record of arrest, conviction, and sentence. The court shall provide notice of the sealing to the respondent.

Vermont crime information center (VCIC), the arresting agency, and any other entity that may have a record related to the order to seal. The VCIC shall provide notice of the sealing to the Federal Bureau of Investigation's National Crime Information Center.

(b) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been sealed.

(c) Notwithstanding a sealing order:

(1) An entity that possesses a sealed record may continue to use it for any litigation or claim arising out of the same incident or occurrence or involving the same defendant.

(2) An entity may use the criminal history record sealed in accordance with section 7603 of this title, regarding a person who was cited or arrested, for future criminal investigations or prosecutions without limitation.

(d) Upon receiving a sealing order, an entity shall:

(1) Seal the investigation or prosecution record;

(2) Enter a copy of the sealing order into the record;

(3) Flag the record as "SEALED" to prevent inadvertent disclosure of sealed information; and

(4) Upon receiving an inquiry from any person regarding a sealed record, respond that "NO RECORD EXISTS."

#### § 7608. VICTIMS

(a) At the time a petition is filed pursuant to this chapter, the respondent shall give notice of the petition to any victim of the offense who is known to the respondent. The victim shall have the right to offer the respondent a statement prior to any stipulation or to offer the court a statement. The disposition of the petition shall not be unnecessarily delayed pending receipt of a victim's statement. The respondent's inability to locate a victim after a reasonable effort has been made shall not be a bar to granting a petition.

(b) As used in this section, "reasonable effort" means attempting to contact the victim by first class mail at the victim's last known address and by telephone at the victim's last known phone number.

#### Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

and that after passage the title of the bill be amended to read: "An act relating to expungement and sealing of criminal history records"

COMMITTEE ON THE PART OF  
THE SENATE

COMMITTEE ON THE PART OF  
THE HOUSE

SEN. ALICE W. NITKA

REP. THOMAS F. KOCH

SEN. RICHARD W. SEARS

REP. SUSAN L. WIZOWATY

SEN. DIANE B. SNELLING

REP. ELDRED M. FRENCH

Which was considered and adopted on the part of the House.

**Bill Read Third Time and Passed**

**H. 777**

House bill, entitled

An act relating to licensed midwives and certified nurse midwives

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

In Sec. 1a, Insurance Coverage for Midwifery, in subsections (a) and (b), by striking out "2014" each time it appears and inserting in lieu thereof "2013"

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

**Third Reading; Bills Passed in Concurrence with Proposal of Amendment**

Senate bills of the following titles were severally taken up, read the third time and passed in concurrence with proposal of amendment:

**S. 136**

House bill, entitled

An act relating to vocational rehabilitation;

**S. 217**

House bill, entitled

An act relating to closely held benefit corporations;

**S. 237**

House bill, entitled

An act relating to the genuine progress indicator;

**Bill Read Second Time; Bill Amended and Third Reading Ordered****H. 794**

**Rep. Jewett of Ripton** spoke for the committee on Government Operations.

House bill entitled

An act relating to the management of search and rescue operations

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. Jewett of Ripton** moved to amend the bill as follows:

In Sec. 2 (search and rescue strategic plan development committee), in subsections (f) (report) and (g) (number of meetings; term of committee), by striking "September 1" and inserting in lieu thereof "December 15"

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

**Proposal of Amendment Agreed to; Third Reading Ordered****S. 223**

**Rep. Dakin of Chester**, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to health insurance coverage for early childhood development disorders, including autism spectrum disorders

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4088i is amended to read:

§ 4088i. COVERAGE FOR DIAGNOSIS AND TREATMENT OF ~~AUTISM SPECTRUM~~ EARLY CHILDHOOD DEVELOPMENTAL DISORDERS

(a)(1) A health insurance plan shall provide coverage for the evidence-based diagnosis and treatment of ~~autism spectrum disorders~~ early childhood developmental disorders, including applied behavior analysis supervised by a nationally board-certified behavior analyst, for children.

beginning at ~~18 months of age~~ birth and continuing until the child reaches age ~~six or enters the first grade, whichever occurs first~~ 21.

(2) Coverage provided pursuant to this section by Medicaid, the Vermont health access plan, or any other public health care assistance program shall comply with all federal requirements imposed by the Centers for Medicare and Medicaid Services.

(3) Any benefits required by this section that exceed the essential health benefits specified under Section 1302(b) of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended, shall not be required in a health insurance plan offered in the individual, small group, and large group markets on and after January 1, 2014.

(b) A health insurance plan shall not limit in any way the number of visits an individual eligible for coverage under subsection (a) of this section may have with an autism services provider. The amount, frequency, and duration of treatment described in this section shall be based on medical necessity and may be subject to a prior authorization requirement under the health insurance plan.

(c) A health insurance plan shall not impose greater coinsurance, co-payment, deductible, or other cost-sharing requirements for coverage of the diagnosis or treatment of ~~autism spectrum~~ early childhood developmental disorders than apply to the diagnosis and treatment of any other physical or mental health condition under the plan.

(d)(1) A health insurance plan shall provide coverage for applied behavior analysis when the services are provided or supervised by a licensed provider who is working within the scope of his or her license or who is a nationally board-certified behavior analyst.

(2) A health insurance plan shall provide coverage for services under this section delivered in the natural environment when the services are furnished by a provider working within the scope of his or her license or under the direct supervision of a licensed provider or, for applied behavior analysis, by or under the supervision of a nationally board-certified behavior analyst.

(e) Except for inpatient services, if an individual is receiving treatment for an early developmental delay, the health insurance plan may require treatment plan reviews based on the needs of the individual beneficiary, consistent with reviews for other diagnostic areas and with rules established by the department of financial regulation. A health insurance plan may review the treatment plan for children under the age of eight no more frequently than once every six months.

(f) As used in this section:



(1) “Applied behavior analysis” means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior. The term includes the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

~~(2) “Autism services provider” means any licensed or certified person providing treatment of autism spectrum disorders.~~

~~(3) “Autism spectrum disorders” means one or more pervasive developmental disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including autistic disorder, pervasive developmental disorder not otherwise specified, and Asperger’s disorder.~~

~~(3) “Behavioral health treatment” means evidence-based counseling and treatment programs, including applied behavior analysis, that are:~~

~~(A) necessary to develop skills and abilities for the maximum reduction of physical or mental disability and for restoration of an individual to his or her best functional level, or to ensure that an individual under the age of 21 achieves proper growth and development;~~

~~(B) provided or supervised by a nationally board-certified behavior analyst or by a licensed provider, so long as the services performed are within the provider’s scope of practice and certifications.~~

~~(4) “Diagnosis of autism spectrum disorder early childhood developmental disorders” means medically necessary assessments, evaluations, including neuropsychological evaluations; genetic testing; or other testing or tests to determine whether an individual has ~~one or more~~ an early childhood developmental delay, including an autism spectrum disorders disorder.~~

~~(5) “Habilitative care” or “rehabilitative care” means professional counseling, guidance, services, and treatment programs, including applied behavior analysis and other behavioral health treatments, in which the covered individual makes clear, measurable progress, as determined by an autism services provider, toward attaining goals the provider has identified. “Early childhood developmental disorder” means a childhood mental or physical impairment or combination of mental and physical impairments that results in functional limitations in major life activities, accompanied by a diagnosis defined by the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the International Classification of Disease (ICD). The term includes autism spectrum disorders, but does not include a learning disability.~~

(6) “Evidence-based” means the same as in 18 V.S.A. § 4621.

(7) “Health insurance plan” means Medicaid, the Vermont health access plan, and any other public health care assistance program, any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this state by a health insurer, as defined in 18 V.S.A. § 9402. The term does not include benefit plans providing coverage for specific diseases or other limited benefit coverage.

~~(7)~~(8) “Medically necessary” means any care, treatment, intervention, service, or item that is prescribed, provided, or ordered by a physician licensed pursuant to chapter 23 of Title 26 or by a psychologist licensed pursuant to chapter 55 of Title 26 if such treatment is consistent with the most recent relevant report or recommendations of the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, or another professional group of similar standing describes health care services that are appropriate in terms of type, amount, frequency, level, setting, and duration to the individual’s diagnosis or condition, are informed by generally accepted medical or scientific evidence, and are consistent with generally accepted practice parameters. Such services shall be informed by the unique needs of each individual and each presenting situation, and shall include a determination that a service is needed to achieve proper growth and development or to prevent the onset or worsening of a health condition.

(9) “Natural environment” means a home or child care setting.

(10) “Pharmacy care” means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need for or effectiveness of a medication.

(11) “Psychiatric care” means direct or consultative services provided by a licensed physician certified in psychiatry by the American Board of Medical Specialties.

(12) “Psychological care” means direct or consultative services provided by a psychologist licensed pursuant to 26 V.S.A. chapter 55.

~~(8)~~(13) “Therapeutic care” means services provided by licensed or certified speech language pathologists, occupational therapists, or physical therapists, or social workers.

~~(9)~~(14) “Treatment of disorders for early developmental disorders” means the following evidence-based care and related equipment prescribed, provided, or ordered for an individual diagnosed with one or more autism

~~spectrum disorders by a physician licensed pursuant to chapter 23 of Title 26 licensed health care provider or a licensed psychologist licensed pursuant to chapter 55 of Title 26 if such physician or psychologist who~~ determines the care to be medically necessary, including:

- (A) ~~habilitative or rehabilitative care~~ behavioral health treatment;
- (B) pharmacy care;
- (C) psychiatric care;
- (D) psychological care; and
- (E) therapeutic care.

~~(e)~~(g) Nothing in this section shall be construed to affect any obligation to provide services to an individual under an individualized family service plan, individualized education program, or individualized service plan. A health insurance plan shall not reimburse services provided under 16 V.S.A. § 2959a.

(h) It is the intent of the general assembly that the department of financial regulation facilitate and encourage health insurance plans to bundle co-payments accrued by beneficiaries receiving services under this section to the extent possible.

## Sec. 2. REPORT

The agency of human services shall submit a report, in consultation with Autism Speaks and health insurers, to the senate committee on health and welfare and the house committee on health care on or before January 15, 2014 regarding the implementation of this act, including an assessment of whether eligible individuals are receiving evidence-based services, how such services may be improved, and the fiscal impact of these services.

## Sec. 3. EFFECTIVE DATES

(a) This act shall take effect on July 1, 2012 and shall apply to Medicaid, the Vermont health access plan, and any other public health care assistance program on or after July 1, 2012.

(b) The provisions of this act shall apply to all other health insurance plans on or after October 1, 2012, on such date as a health insurer issues, offers, or renews the health insurance plan, but in no event later than October 1, 2013.

**Rep. Johnson of South Hero**, for the committee on Appropriations, recommended that the bill ought to pass in concurrence with proposal of amendment as recommended by the committee on Health Care.

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

#### **Adjournment**

At five o'clock and fifteen minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.