

House Calendar

Friday, January 24, 2014

18th DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 a.m.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 350

An act relating to the posting of medical unprofessional conduct decisions and to investigators of alleged unprofessional conduct

H. 596

An act relating to the conversion of assets of a nonprofit hospital

H. 655

An act relating to fiscal year 2014 budget adjustments

Amendment to be offered by Rep. Heath of Westford to H. 655

In Sec. 71, by striking out the figure “\$3,400,000” and inserting in lieu thereof the figure “\$2,400,000”

Amendment to be offered by Rep. Ellis of Waterbury to H. 655

By adding a new section to be numbered 82a to read as follows

Sec. 82a. 30 V.S.A. § 8015 is amended to read:

§ 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

* * *

(c) Purposes of Fund. The purposes of the Fund shall be to promote the development and deployment of cost-effective and environmentally sustainable electric power and thermal energy or geothermal resources for the long-term benefit of Vermont consumers, primarily with respect to renewable energy resources, and the use of combined heat and power technologies. The Fund also may be used to support natural gas and electric vehicles in accordance with subdivision (d)(1)(K) of this section. The General Assembly expects and intends that the Public Service Board, Public Service Department, and the State’s power and efficiency utilities will actively implement the authority granted in this title to acquire all reasonably available cost-effective energy efficiency resources for the benefit of Vermont ratepayers and the power system.

(d) Expenditures authorized.

* * *

(J) effective projects that are not likely to be established in the absence of funding under the program; ~~and~~

(K) natural gas vehicles and associated fueling infrastructure if each such vehicle is dedicated only to natural gas fuel and, on a life cycle basis, the vehicle's emissions will be lower than commercially available vehicles using other fossil fuel, and any such infrastructure will deliver gas without interruption of flow;

(L) electric vehicles and associated charging stations.

* * *

Favorable with Amendment

H. 577

An act relating to ski tramways

Rep. Kitzmiller of Montpelier, for the Committee on **Commerce and Economic Development**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 31 V.S.A. § 707 is amended to read:

§ 707. REGISTRATION AND FEES

(a) A passenger tramway shall not be operated in this ~~state~~ State unless the operator thereof has been registered by the ~~department~~ Department. On or before the ~~1st~~ first day of November in each year, every operator of a passenger tramway shall apply to the ~~department~~ Department on forms prepared by it for registration hereunder. The application shall contain such information as the ~~department~~ Department may require and shall be accompanied by a registration fee, according to the formula stated in this section, unless an alternate payment plan is approved by the Commissioner pursuant to subsection (f) of this section. The ~~department~~ Department shall assess total registration fees in the sum of the amount approved in the appropriations process for the program for that fiscal year, adjusted by any balance in the ~~passenger tramway special fund~~ Passenger Tramway Special Fund from the prior fiscal year.

* * *

(f) Fee-due-state payment plans. The Commissioner has discretion to authorize a tramway operator to enter a payment plan to pay some or all of the fee-due-state after November 1 upon a showing of financial need. The authorization and terms of any payment plan shall be in writing and set a date or dates for payment, provided that the total amount of the fee-due-state shall be paid no later than January 15. Failure to pay on November 1 or pursuant to

an authorized plan may subject the operator to the penalties established in section 712 of this title.

Sec. 2. 31 V.S.A. § 712 is amended to read:

§ 712. PENALTIES

(a) Operating without ~~registration~~ passing inspection. Any operator who operates a passenger tramway without ~~being registered~~ first passing the annual inspection by the ~~department~~ Department shall be fined not more than ~~\$50.00~~ \$1,000.00 for each day of operation.

(b) Operating without paying fee-due-state. Any operator who operates a passenger tramway without paying the fee-due-state as provided in section 707 of this title shall be fined not more than \$50.00 for each day of operation.

(c) After suspension. Any person who operates a passenger tramway after being ordered to cease operations shall be fined not more than ~~\$100.00~~ \$5,000.00 for each day of illegal operation.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(**Committee Vote: 11-0-0**)

Favorable

H. 583

An act relating to the charge of the Vermont Child Poverty Council

Rep. Krowinski of Burlington, for the Committee on **Human Services**, recommends the bill ought to pass.

(**Committee Vote: 9-0-2**)

NOTICE CALENDAR

Favorable with Amendment

H. 356

An act relating to prohibiting littering in or on the waters of the State

Rep. Terenzini of Rutland Town, for the Committee on **Fish, Wildlife & Water Resources**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 2201 is amended to read:

§ 2201. THROWING, DEPOSITING, BURNING, AND DUMPING

REFUSE; PENALTY; SUMMONS AND COMPLAINT

(a)(1) Prohibition. Every person shall be responsible for proper disposal of his or her own solid waste. A person shall not throw, dump, deposit, cause, or permit to be thrown, dumped, or deposited any solid waste as defined in 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing:

(A) in or on the waters of the State, including frozen waters, or on the shores or banks of waters of the State in a manner as to be subject to being washed in the main stream or body of water under normal high water conditions, unless the person has a permit under 10 V.S.A. chapter 47 to discharge waste; or

(B) outside a solid waste management facility certified by the Agency of Natural Resources.

(2) It shall be prima facie evidence that a person who is identifiable from an examination of illegally disposed solid waste is the person who violated a provision of this section.

~~(2)~~(3) No person shall burn or cause to be burned in the open or incinerate in any container, furnace, or other device any solid waste without:

(A) first having obtained all necessary permits from the Agency of Natural Resources, the district environmental commission, and the municipality where the burning is to take place; and

(B) complying with all relevant State and local regulations and ordinances.

(b) Prosecution of violations. A person who violates a provision of this section commits a civil violation and shall be subject to a civil penalty of not more than \$500.00. This violation shall be enforceable in the Judicial Bureau pursuant to the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a municipal attorney, solid waste management district attorney, environmental enforcement officer employed by the Agency of Natural Resources, grand juror, or designee of the legislative body of the municipality, or by any duly authorized law enforcement officer. If the throwing, placing, or depositing was done from a snowmobile or a motor vehicle, except a motor bus, it shall be prima facie evidence that the throwing, placing, or depositing was done by the driver of ~~such~~ the snowmobile or motor vehicle. If the throwing, placing, or depositing was done from a vessel, it shall be prima facie evidence that the throwing, placing, or depositing was done by the operator of the vessel. Nothing in this section shall be construed as affecting the operation of an automobile graveyard or salvage yard as defined in section 2241 of this title, nor shall anything in this section be construed as prohibiting the installation and use of appropriate receptacles for solid waste provided by the State or towns.

(c) Roadside cleanup; shoreland or river cleanup. A person found in violation of this section may be assigned to spend up to 80 hours collecting trash or litter from a specified segment of roadside or from a specified area of public property or from shorelands or river corridors, as those terms are defined in 10 V.S.A. § 1422.

(d) Revocation of motor vehicle operator's license. The Commissioner of Motor Vehicles shall suspend the motor vehicle operator's license or operating privilege of a person found in violation of this section for a period of ten days if the person fails to pay the penalty set forth in subsection (b) of this section. If the person that fails to pay the penalty set forth in subsection (b) violated this section while operating a vessel, the Commissioner of Motor Vehicles shall suspend that person's certificate of boating education that is required by 23 V.S.A. § 3305b for a period of ten days. This provision shall not apply if the only evidence of violation is the presumption set forth in subsection (b) of this section. The Bureau shall immediately notify the Commissioner of Motor Vehicles of the entry of judgment.

(e) Revocation of hunting or fishing license. The Commissioner of Fish and Wildlife shall revoke the privilege of a person found in violation of this section from holding a hunting or fishing license, or both, for a period of one year from the date of the conviction, if the person fails to pay the penalty set forth in subsection (b) of this section. The Bureau shall immediately notify the Commissioner of Fish and Wildlife of the entry of judgment.

(f) ~~{Deleted.}~~ [Repealed.]

(g) Amendment of complaint. A person authorized to enforce this section may amend or dismiss a complaint issued by that person by marking the complaint and returning it to the Judicial Bureau. At the hearing, a person authorized to enforce this section may amend or dismiss a complaint issued by that person, subject to the approval of the hearing judge.

(h) ~~{Deleted.}~~ [Repealed.]

(i) Applicability. Enforcement actions taken under this section shall in no way preclude the Agency of Natural Resources, the Attorney General, or an appropriate State prosecutor from initiating other or further enforcement actions under the civil, administrative, or criminal enforcement provisions of 10 V.S.A. chapter 23, 47, 159, 201, or 211. To the extent that enforcement under this section is by an environmental enforcement officer employed by the Agency of Natural Resources, enforcement under this section shall preclude other enforcement by the ~~agency~~ Agency for the same offence.

(j) Definitions. As used in this section:

(1) “Motor vehicle” shall have the same meaning as in 23 V.S.A. § 4(21).

(2) “Snowmobile” shall have the same meaning as in 23 V.S.A. § 3801.

(3) “Vessel” means motor boats, boats, kayaks, canoes, sailboats, and all other types of watercraft.

(4) “Waters” shall have the same meaning as in 10 V.S.A. § 1251(13).

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee Vote: 9-0-0)

Favorable

H. 601

An act relating to assistance from the petroleum cleanup fund for aboveground storage tanks

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

(Committee Vote: 8-0-1)

Public Hearings

January 28, 2014 - Room 11 - 6:00-8:00 PM - Current Use - Senate Special Committee on Current Use

January 30, 2014 - Room 11 – 5:00-7:00 PM - S. 287 Involuntary Treatment and Medication - Senate Judiciary and Health and Welfare

Monday, February 10, 2014, 4:00 - 6:30 p.m. – The House and Senate Committees on Appropriations will hold a joint public hearing on Vermont Interactive Technologies (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the state budget for fiscal year 2015. All 13 V.I.T. sites will be available for the hearing: Bennington, Brattleboro, 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/>.

The budget hearing will be VIEWABLE via the Internet if your computer has Flash-based streaming capabilities. Some mobile devices may require additional software.

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

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 3:00 p.m. on Monday, January 27, 2014.

February 6, 2014 - House Chamber – 6:00-8:00pm - H112 GMO Labeling – Senate Agriculture and Senate Judiciary

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.

In order to meet this deadline all sign out sheets must be returned to Legislative Council by the close of business, Tuesday, January 28, 2014.

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 (March 31, 2014). The Committees on Appropriations and Ways and Means bill may be drafted in standard form at any time, and Government Operations bills pertaining to city or town charters, may be drafted in standard form at any time.