

House Calendar

Thursday, April 17, 2014

101st DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 586

An act relating to improving the quality of State waters

Favorable

H. 870

An act relating to the merger of the Town of Pittsford and the Pittsford Fire District No. 1

Rep. Lewis of Berlin, for the Committee on **Government Operations**, recommends the bill ought to pass.

(**Committee Vote: 8-0-3**)

Senate Proposal of Amendment

H. 123

An act relating to Lyme disease and other tick-borne illnesses

The Senate proposes to the House to amend the bill as follows:

First: By striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. PURPOSE

The purpose of this act is to ensure that patients have access to treatment for Lyme disease and other tick-borne illnesses in accordance with their needs, the clinical judgment of their physicians, and any of the guidelines referenced in Sec. 3(4) of this act.

Second: By striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. POLICY STATEMENT

A policy statement clearly communicating the following shall be issued by the Vermont State Board of Medical Practice to physicians licensed pursuant to 26 V.S.A. chapter 23 and to physician assistants licensed pursuant to 26 V.S.A. chapter 31; the Vermont Board of Osteopathic Physicians to physicians licensed pursuant to 26 V.S.A. chapter 33; the Office of Professional Regulation to naturopathic physicians licensed pursuant to 26 V.S.A. chapter 81; and the Vermont Board of Nursing to advanced practice

registered nurses licensed pursuant to 26 V.S.A. chapter 28:

(1) a physician, physician assistant, naturopathic physician, or nurse practitioner, as appropriate, shall document the basis for diagnosis of and treatment for Lyme disease, other tick-borne illness, or coinfection in a patient's medical record;

(2) a physician, physician assistant, naturopathic physician, or nurse practitioner, as appropriate, shall obtain a patient's informed consent regarding the potential inaccuracy of a diagnostic Lyme disease test prior to its administration;

(3) a physician, physician assistant, naturopathic physician, or nurse practitioner, as appropriate, shall obtain a patient's informed consent in writing prior to administering any proposed long-term treatment for Lyme disease, other tick-borne illness, or coinfection; and

(4) the Board or Office of Professional Regulation shall not pursue disciplinary action against a physician, physician assistant, naturopathic physician, or nurse practitioner, as appropriate, solely for the use of medical care recognized by the guidelines of the Centers for Disease Control and Prevention, Infectious Diseases Society of America, or International Lyme and Associated Diseases Society for the treatment of a patient's symptoms when the patient is clinically diagnosed with Lyme disease or other tick-borne illness; however, this does not preclude discipline for errors, omissions, or other unprofessional conduct when practicing within such guidelines.

Third: By adding a new section to be numbered Sec. 4 to read as follows:

Sec. 4. REPORT

On or before January 15, 2015 and 2016 the Commissioner of Health shall report to the House Committee on Health Care and to the Senate Committee on Health and Welfare on the following:

(1) the trends in the spread of Lyme disease and other tick-borne illnesses throughout Vermont, including a description of the surveillance criteria used in evaluating the spread of these diseases; and

(2) the Department of Health's public education initiatives to date regarding the prevention and treatment of Lyme disease and other tick-borne illnesses, including an assessment of each initiative's effectiveness.

And by renumbering the remaining section to be numerically correct.

(For text see House Journal March 11, 2014)

H. 356

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

The Senate proposes to the House to amend the bill 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 in or on lands or waters of the State outside a solid waste management facility certified by the Agency of Natural Resources.

~~(2) It shall be prima facie evidence~~ There shall be a rebuttable presumption 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, vessel, or motor vehicle, except a motor bus, ~~it shall be prima facie evidence~~ there shall be a rebuttable presumption that the throwing, placing, or depositing was done by the ~~driver~~ operator of such snowmobile, vessel, or motor vehicle. 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. 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.

~~(d) 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. 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. [Repealed.]~~

(e) Revocation of hunting, fishing, or trapping 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, or trapping 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. 1 V.S.A. § 377 is added to read:

§ 377. GREEN UP DAY; RIVER GREEN UP MONTH

(a) The first Saturday in the month of May is designated as Green Up Day.

(b) September of each year is designated as River Green Up Month.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(For text see House Journal January 28, 2014)

H. 373

An act relating to updating and reorganizing Title 33

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 112, 15 V.S.A. § 1140(b), in subdivisions (10) and (13), by striking out “Network Against Domestic Violence and Sexual Assault” and inserting in lieu thereof Network Against Domestic and Sexual Violence

Second: In Sec. 135, effective dates, after the following: “§ 4809” by inserting the word shall

(For text see House Journal January 30, 2014)

Action Under Rule 52

J.R.H. 20

Joint resolution authorizing Green Mountain Boys State educational program to use the State House

(For text see House Journal 4/15/2014)

NOTICE CALENDAR

Favorable with Amendment

S. 40

An act relating to establishing an interim committee that will develop policies to restore the 1980 ratio of state funding to student tuition at Vermont State Colleges and to make higher education more affordable

Rep. Buxton of Tunbridge, for the Committee on **Education**, recommends that the House propose to the Senate that the bill be amended by striking all

after the enacting clause and inserting in lieu thereof the following:

Sec. 1. INTERIM STUDY OF HIGHER EDUCATION FUNDING; REPORT

(a) The higher education subcommittee of the Prekindergarten-16 Council established in 16 V.S.A. § 2905 shall study and develop proposed policies to make the Vermont State Colleges (VSC) and the University of Vermont (UVM) more affordable for Vermont residents by lowering costs and restoring the 1980 ratio of State funding to tuition costs and by restoring funding to the Vermont Student Assistance Corporation (VSAC) incentive grant program to reduce the difference between the VSAC incentive grant and the VSC and UVM tuition rates to the amount of that difference in 1980.

(b) In addition to the members of the higher education subcommittee identified in 16 V.S.A. § 2905(d), the following individuals shall be members of the subcommittee solely for purposes of this interim study:

(1) one UVM faculty member to be appointed by United Professions American Federation of Teachers Vermont;

(2) one VSC faculty member to be appointed by United Professions American Federation of Teachers Vermont;

(3) two students, one from UVM and one from VSC, at least one of whom is a current or past recipient of a VSAC incentive grant, appointed by their respective student government associations; and

(4) one VSAC outreach program counselor to be appointed by the VSAC President.

(c) Powers and duties.

(1) The subcommittee shall develop proposed policies to:

(A) lower student and family costs and debt so that UVM and VSC are more affordable for Vermonters;

(B) return to the 1980 level of State funding for the student tuition support ratio for UVM and VSC; and

(C) restore funding to the VSAC incentive grant program to reduce the difference between the VSAC incentive grant and the VSC and UVM tuition rates to the amount of that difference in 1980.

(2) In developing the proposed policies, the subcommittee shall consider:

(A) higher education funding for state colleges and universities in other states, with a particular focus on tuition ratios and funding methods supporting students and public institutions;

(B) the best policies for increasing the enrollment of Vermont students and keeping students in Vermont after they graduate from college;

(C) total spending as compared to instructional spending, and how institutional spending affects student costs;

(D) the uses of VSAC incentive grant funds, including the portability of use for attendance at in-state and out-of-state institutions;

(E) how to minimize the financial impact of living expenses on student costs; and

(F) any information available regarding the impact of VSC and UVM graduates and VSAC incentive grant recipients on Vermont's economy and on job creation and retention.

(d) The chair of the Prekindergarten-16 Council shall convene the first meeting of the interim subcommittee to occur on or before July 1, 2014, at which meeting the members shall elect a chair or co-chairs. On or before January 15, 2015, the subcommittee shall report to the General Assembly on its findings and any recommendations for legislative action.

(e) The subcommittee may meet no more than six times between July 1, 2014 and January 15, 2015 for the purposes of this interim study. For attendance at meetings during adjournment of the General Assembly, legislative members of the subcommittee shall be entitled to compensation and reimbursement for expenses under 2 V.S.A. § 406, and other members of the subcommittee who are not employees of the State of Vermont may be reimbursed at the per diem rate under 32 V.S.A. § 1010 if not otherwise compensated or benefited.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to establishing an interim committee that will develop proposed policies to restore the 1980 ratio of State funding to student tuition at Vermont State Colleges and to make higher education more affordable".

(Committee vote: 10-0-1)

(For text see Senate Journal March 28, 29 2013)

S. 299

An act relating to sampler flights

Rep. Stevens of Waterbury, for the Committee on **General, Housing and Military Affairs**, recommends that the House propose to the Senate that the

bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

The purpose of this act is to allow wholesale dealers to offer tastings of malt or vinous beverages to the management and staff of businesses who have applied for first- or second-class licenses but have yet to receive the license from the Department of Liquor Control, provided that the local control commission has approved the liquor license. This will enable the management of new businesses to taste and choose malt or vinous beverages and to print their menus and otherwise make the start-up of their businesses easier.

Sec. 2. 7 V.S.A. § 67 is amended to read:

§ 67. ALCOHOLIC BEVERAGE TASTINGS; PERMIT; PENALTIES

* * *

(d) Promotional alcoholic beverage tasting:

* * *

(4) Upon receipt of a first- or second-class application by the Department, a holder of a wholesale dealer's license may dispense malt or vinous beverages for promotional purposes without charge to invited management and staff of a business that has applied for a first- or second-class license, provided they are of legal drinking age. The event shall be held on the premises of the first- or second-class applicant. The first- or second-class applicant shall be responsible for complying with all applicable laws under this title. No malt or vinous beverages shall be left behind. No permit is required under this subdivision, but the wholesale dealer shall provide written notice of the event to the Department at least five days prior to the date of the tasting. The Department shall post notice of the pending application on its website.

* * *

Sec. 3. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:

* * *

(37) "Sampler flight" means a flight, ski, paddle, or any similar device by design or name intended to hold alcoholic beverage samples for the purpose of comparison.

Sec. 4. 7 V.S.A. § 222 is amended to read:

§ 222. ~~FIRST AND SECOND CLASS~~ FIRST- AND SECOND-CLASS
LICENSES, GRANTING OF; SALE TO MINORS; CONTRACTING
FOR FOOD SERVICE

With the approval of the Liquor Control Board, the Control Commissioners may grant to a retail dealer for the premises where the dealer carries on business the following:

* * *

(5)(A) The holder of a first-class license may serve a sampler flight of up to 32 ounces in the aggregate of malt beverages to a single customer at one time;

(B) The holder of a first-class license may serve a sampler flight of up to 12 ounces in the aggregate of vinous beverages to a single customer at one time; and

(C) The holder of a third-class license may serve a sampler flight of up to four ounces in the aggregate of spirituous liquors to a single customer at one time.

Sec. 5. 7 V.S.A. § 66 is amended to read:

§ 66. MALT AND VINOUS BEVERAGE SHIPPING LICENSE; IN STATE;
OUT OF STATE; PROHIBITIONS; PENALTIES

* * *

(c) A manufacturer or rectifier of vinous beverages that is licensed in-state or out-of-state and holds valid ~~state~~ State and federal permits and operates a winery in the United States, may apply for a retail shipping license by filing with the Department of Liquor Control an application in a form required by the Department accompanied by a copy of its in-state or out-of-state license and the fee as required by subdivision 231(a)(7)(C) of this title. The retail shipping license may be renewed annually by filing the renewal fee as required by subdivision 231(a)(7)(C) of this title accompanied by the licensee's current in-state or out-of-state manufacturer's license. This license permits the holder, which includes the holder's affiliates, franchises, and subsidiaries, to sell up to 5,000 gallons of vinous beverages a year directly to ~~first first- or second-class~~ second-class licensees and deliver the beverages by common carrier ~~or~~, the manufacturer's or rectifier's own ~~vehicles~~ vehicle, or the vehicle of an employee of a manufacturer or rectifier, provided that the beverages are sold on invoice, and no more than 100 gallons per month are sold to any single ~~first first- or second-class~~ second-class licensee. The retail shipping license holder shall report to the Department documentation of the annual and monthly

number of gallons sold. Vinous beverages under this section may be delivered by the vehicle of a second-class license holder if the second-class licensee cannot obtain the vinous beverages from a wholesale dealer.

* * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 7-0-1)

(For text see Senate Journal February 11, 2014)

Ordered to Lie

S. 91

An act relating to privatization of public schools.

Pending Question: Shall the House propose to the Senate to amend the bill as offered by Rep. Turner of Milton?

Consent Calendar

Concurrent Resolutions

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 309

House concurrent resolution congratulating the *Reporter* newspaper on winning eight 2014 New England Newspaper and Press Association awards

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House concurrent resolution congratulating the Town of Weybridge on winning State and Addison County honors in the Vermont Home Energy Challenge

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House concurrent resolution designating April 30, 2014 as National Walk@Lunch Day in Vermont

S.C.R. 55

Senate concurrent resolution congratulating the NorthWoods Stewardship Center on its 25th anniversary

Information Notice

All requests for House Concurrent Resolutions must be in Michael Chernick's hands by the end of the day on April 22nd. Thank You.