

House Calendar

Tuesday, March 24, 2015

77th DAY OF THE BIENNIAL SESSION

House Convenes at 10:00 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 363

An act relating to the Petroleum Cleanup Fund

H. 480

An act relating to making miscellaneous technical and other amendments to education laws

Amendment to be offered by Rep. Sibilia of Dover to H. 480

First: After Sec. 6, 16 V.S.A. § 2902, before the next reader assistance heading, by inserting a new section to be Sec. 6a to read:

Sec. 6a. 16 V.S.A. § 2904 is amended to read:

§ 2904. REPORTS

(a) Annually, each superintendent shall report to the Secretary in a form prescribed by the Secretary, on the status of the educational support systems in each school in the supervisory union. The report shall describe the services and supports that are a part of the education support system, how they are funded, and how building the capacity of the educational support system has been addressed in the school action plans, and shall be in addition to the report required of the educational support team in subdivision 2902(c)(6) of this chapter. The superintendent's report shall include a description and justification of how funds received due to Medicaid reimbursement under section 2959a of this title were used.

(b) Based upon the information provided by superintendents pursuant to subsection (a) of this section, by educational support teams in subdivision 2902(c)(6) of this chapter, and by any other means as necessary, the Secretary of Education shall determine annually whether the students in each Vermont school are provided educational supports that are substantially equal to those provided in other Vermont public schools. Notwithstanding 2 V.S.A. § 20(d), the Secretary shall report the to the General Assembly annually in January regarding the analysis and conclusions required by this subsection.

Second: By striking out Sec. 9 ([Deleted.]) in its entirety and inserting in lieu thereof a reader assistance and Sec. 9 to read:

* * * Equal Educational Opportunity * * *

Sec. 9. 16 V.S.A. § 1 is amended to read:

§ 1. RIGHT TO EQUAL EDUCATIONAL OPPORTUNITY

The right to public education is integral to Vermont's constitutional form of government and its guarantees of political and civil rights. Further, the right to education is fundamental for the success of Vermont's children in a rapidly-changing society and global marketplace as well as for the State's own economic and social prosperity. To keep Vermont's democracy competitive and thriving, Vermont students must be afforded substantially equal access to a quality basic education. ~~However, one of the strengths of Vermont's education system lies in its rich diversity and the ability for each local school district to adapt its educational program to local needs and desires.~~ Therefore, it is the policy of the State that all Vermont children will be afforded educational opportunities that are substantially equal ~~although educational programs may vary~~ from district to district.

Favorable with Amendment

H. 282

An act relating to professions and occupations regulated by the Office of Professional Regulation

Rep. Evans of Essex, for the Committee on **Government Operations**, recommends the bill be amended as follows:

First: In Sec. 3, 3 V.S.A. § 129 (powers of boards; discipline process), in subdivision (f)(2), in the last sentence, following "of this title regarding", by striking out "proposal" and inserting in lieu thereof "proposals"

Second: In Sec. 7, 26 V.S.A. chapter 28, subchapter 1 (registered and licensed practical nursing), by striking out in its entirety 26 V.S.A. § 1575a (criminal background checks)

Third: In Sec. 28, in 26 V.S.A. § 2804 (competency requirements of certain licensed practitioners), by striking out in its entirety subsection (d) and inserting in lieu thereof the following:

(d) This section does not apply to radiologists who are certified or eligible for certification by the American Board of Radiology, nuclear cardiologists who are certified or eligible for certification by the Certification Board of Nuclear Cardiology, or interventional cardiologists and electrophysiologists who are certified or eligible for certification by the American Board of Internal Medicine.

Fourth: By adding a new section to be Sec. 32a to read:

Sec. 32a. OFFICE OF PROFESSIONAL REGULATION REPORT; USE OF

THE TERM "SOCIAL WORKER"

(a) Representatives of the Office of Professional Regulation, the Department for Children and Families, and other appropriate State agencies shall meet and consult with the Vermont chapter of the National Association of Social Workers to address the use of the term "social worker" within the Department for Children and Families and other State agencies.

(b) On or before December 1, 2015, the Director of the Office of Professional Regulation shall report to the House and Senate Committees on Government Operations regarding the outcome of the meeting or meetings and any recommendations for the permitted use of the term "social worker."

Fifth: By striking out in its entirety Sec. 39 (amending 26 V.S.A. chapter 87 (speech-language pathologists and audiologists)) and inserting in lieu thereof a new Sec. 39 to read:

Sec. 39. 26 V.S.A. chapter 87 is amended to read:

CHAPTER 87. SPEECH-LANGUAGE PATHOLOGISTS ~~AND~~ AUDIOLOGISTS

§ 4451. DEFINITIONS

As used in this chapter:

~~(1) "Audiologist" means a person licensed to practice audiology under this chapter.~~

~~(2) "Audiology" means the application of principles, methods, and procedures related to hearing and the disorders of hearing, and to related language and speech disorders, which includes all conditions that impede the normal process of human communication, including disorders of auditory sensitivity, acuity, function, or processing.~~

~~(3) "Board" means the Vermont Standards Board for Professional Educators unless the context clearly requires otherwise.~~

~~(4) "Agency" means the Agency of Education.~~

~~(5) "Director" means the Director of the Office of Professional Regulation.~~

~~(6)~~(2) "Disciplinary action" means any action taken by the administrative law officer appointed pursuant to 3 V.S.A. § 129(j) against a licensee or applicant for licensure under this chapter, premised on a finding that the person has engaged in unprofessional conduct. "Disciplinary action" includes all sanctions of any kind, including obtaining injunctions, refusal to give an examination, refusal to grant or renew a license, suspension or

revocation of a license, placement of limitations or restrictions upon a license, issuance of warnings, ordering restitution, and other similar sanctions.

~~(7) “Hearing aid” means an amplifying device to be worn by a person who is hard of hearing to improve hearing, including any accessories specifically used in connection with such a device, but excluding theater or auditorium wide-area listening devices, telephone amplifiers, or other devices designed to replace a hearing aid for restricted situations.~~

~~(8) “Practice of audiology” includes:~~

~~(A) facilitating the conservation of auditory system function, and developing and implementing environmental and occupational hearing conservation programs;~~

~~(B) screening, identifying, assessing and interpreting, diagnosing, preventing, and rehabilitating peripheral and central auditory system dysfunctions;~~

~~(C) providing and interpreting behavioral and electro-physiological measurements of auditory, vestibular, and facial nerve functions;~~

~~(D) selecting, fitting, and dispensing of hearing aids, amplification, assistive listening and alerting devices, implantable devices, and other systems, and providing training in their use;~~

~~(E) dispensing hearing aids, including conducting and interpreting hearing tests for the purpose of selecting suitable hearing aids;~~

~~(F) making ear molds or impressions;~~

~~(G) providing instruction to patients on the care and use of hearing aids, auditory system functions, and hearing conservation;~~

~~(H) all acts pertaining to selling, renting, leasing, pricing, delivering, and giving warranties for hearing aids;~~

~~(I) providing aural rehabilitation and related counseling services to individuals who are hard of hearing and their families;~~

~~(J) screening of speech language and other factors affecting communication function for the purposes of an audiologic evaluation, or initial identification of individuals with other communication disorders; and~~

~~(K) management of cerumen.~~

(3) “Office” means the Office of Professional Regulation.

~~(9)~~(4) “The practice “Practice of speech-language pathology” includes:

(A) screening, identifying, assessing and interpreting, diagnosing,

rehabilitating, treating, and preventing disorders of language and speech, including disorders involving articulation, fluency, and voice;

* * *

(E) providing aural rehabilitation, speech-language, and related counseling services to individuals who are hard of hearing or experiencing auditory processing problems and their families;

(F) enhancing speech-language proficiency and communication effectiveness, including accent ~~reduction~~ modification; and

* * *

~~(10) “Private practice” means any work performed by a licensed speech-language pathologist or audiologist that is not within the jurisdiction of the Board.~~

~~(11)~~(5) “Secretary” means the Secretary of State.

~~(12)~~(6) “Speech-language pathologist” means a person licensed to practice speech-language pathology under this chapter.

~~(13)~~(7) “Speech-language pathology” means the application of principles, methods, and procedures related to the development and disorders of human communication, which include any and all conditions that impede the normal process of human communication.

~~(14) “Within the jurisdiction of the Board” means conduct or work performed by a licensed speech-language pathologist or audiologist on behalf of a supervisory union or public school district in Vermont or an independent school approved for special education purposes, or conduct otherwise subject to discipline under the licensing rules of the Board.~~

§ 4452. PROHIBITIONS; PENALTIES

(a) ~~Not~~ A person shall not:

(1) practice or attempt to practice ~~audiology or~~ speech-language pathology or hold oneself out as being permitted to do so in this ~~state~~ State unless the person is licensed in accordance with this chapter;

(2) use in connection with the person’s name; an insignia or any letters or words ~~which~~ that indicate the person is ~~an audiologist or~~ a speech-language pathologist unless the person is licensed in accordance with this chapter; or

(3) practice ~~audiology or~~ speech-language pathology after the person’s license under this chapter has been suspended or revoked.

(b) A person who violates a provision of this section or who obtains a

license by fraud or misrepresentation shall be subject to the pertinent penalties provided in ~~3 V.S.A. § 127(e)~~ 3 V.S.A. § 127.

§ 4453. EXEMPTIONS

The provisions of section 4452 of this ~~title~~ chapter shall not apply to ~~the following persons:~~

~~(1) A~~ a person enrolled in a course of study leading to a degree or certificate in ~~audiology or~~ speech-language pathology at a school accredited by the American Speech-Language Hearing Association, provided:

~~(A)(1)~~ the activities and services performed constitute part of a supervised course of study;

~~(B)(2)~~ the person is designated by a title which clearly indicates the person's student or trainee status; and

~~(C)(3)~~ the person is under the direct supervision of ~~an audiologist or a~~ speech-language pathologist licensed in this ~~state~~ State.

~~(2) A hearing aid dispenser performing services within the scope of a license under chapter 67 of this title.~~

§ 4454. CONSTRUCTION

~~(a)~~ This chapter shall not be construed to limit or restrict in any way the right of a practitioner of another occupation ~~which~~ that is regulated by this ~~state~~ State from performing services within the scope of his or her professional practice.

~~(b) This chapter shall not be construed to limit the authority of the board to determine and evaluate the qualifications of, issue licenses to, or discipline licensees who are within the jurisdiction of the board.~~

§ 4455. ADVISOR APPOINTEES

(a) The Secretary, ~~in consultation with the Secretary of Education,~~ shall appoint two individuals to serve as advisors in matters related to ~~audiology and~~ speech-language pathology. ~~One advisor~~ Both advisors shall be a licensed speech-language pathologist, and ~~one advisor shall be an audiologist.~~ pathologists, shall have not less than three years' experience as ~~audiologists or~~ speech-language pathologists immediately preceding appointment, and shall be actively engaged in the practice of ~~audiology or~~ speech-language pathology in Vermont during incumbency. ~~The advisors shall be appointed for staggered terms of three years, and shall serve at the pleasure of the Secretary. One of the initial appointments may be for less than a three-year term.~~

(b) ~~The Secretary~~ Director shall seek the advice of the individuals appointed under this section in ~~matters related to qualifications or alleged misconduct not within the jurisdiction of the Board~~ carrying out the provisions of this chapter. The advisors shall be entitled to compensation and necessary expenses as provided in 32 V.S.A. § 1010 for meetings called by the Director.

~~(c) The Secretary may seek the advice of other audiologists and speech language pathologists licensed under this chapter.~~

§ 4456. ~~SECRETARY OF EDUCATION;~~ DIRECTOR DUTIES

(a) ~~The Secretary of Education~~ Director shall administer the application and renewal process for all licensees under this chapter, and shall:

* * *

(5) receive applications for licensure, grant licensure under this chapter, renew licenses, and deny, revoke, suspend, reinstate, or condition licenses as directed by ~~the~~ an administrative law officer;

~~(6) refer all complaints and disciplinary matters not within the jurisdiction of the Board to the Secretary of State;~~

~~(7)~~ with the advice of the advisor appointees, adopt rules necessary to implement the provisions of this chapter;

~~(8)~~(7) prepare and maintain a registry of licensed speech-language pathologists ~~and audiologists~~; and

~~(9)~~(8) issue to each person licensed a certificate of licensure ~~which that~~ shall be prima facie evidence of the right of the person to whom it is issued to practice as a licensed ~~audiologist or~~ speech-language pathologist, subject to the conditions and limitations of this chapter.

~~(b) The Agency may contract with the Secretary of State for provision of adjudicative services of one or more administrative law officers and other investigative, legal, and administrative services related to licensure and discipline of speech language pathologists and audiologists. [Repealed.]~~

§ 4457. LICENSURE; APPLICATIONS; ELIGIBILITY

~~Applicants~~ An applicant for ~~licenses~~ licensure under this chapter shall submit an application to the ~~department~~ Office on a form furnished by the ~~department~~ Office, along with payment of the specified fee and evidence of the eligibility qualifications established by the ~~board which~~ Director that shall include, at a minimum:

(1) ~~A~~ a master's degree or equivalent in ~~audiology or~~ speech-language pathology from an educational institution approved by the ~~department~~ Director

with course work completed in areas specified by rule;

(2) ~~Completion~~ completion of a supervised clinical practicum, the length and content of which shall be established by rule;

(3) ~~Completion~~ completion of a period, as determined by rule, of postgraduate professional training as approved by the ~~department~~ Director; and

(4) ~~Passing~~ passing an examination in audiology ~~or~~ speech-language pathology approved by the ~~department~~, which, in the case of the audiology examination, shall include a section which is equivalent to the hearing aid dispensers examination described in section 3295 of this title. Audiologists who have passed an examination chosen by the department are not required to take the hearing aid dispensers examination required by section 3295 Director.

§ 4458. RENEWALS; CONTINUING EDUCATION

(a) A license shall be renewed at an interval determined by the board which shall be no fewer than every two years and no more than every seven years on a schedule set by the Director upon payment of the renewal fee, provided the person applying for renewal completes professional development activities in accord with the processes approved by the ~~department or the board~~, during the interval Director. The ~~board~~ Director shall establish, by rule, guidelines and criteria for the renewal or reinstatement of licenses issued under this chapter.

(b) ~~At the time interval required for renewal, the department shall forward a renewal form to each licensee. Upon receipt of the completed application and the renewal fee, the department shall issue a new license.~~

§ 4459. FEES

(a) Each applicant and licensee shall be subject to pay the following fees:

- | | |
|--------------------------------------------------|-------------------------------------------------|
| (1) Initial processing of application | \$35.00 |
| (2) Issuance of initial license | \$35.00 per year for
the term of the license |
| (3) Renewal of license | \$35.00 per year for
the term of the renewal |
| (4) Replacement of license | \$10.00 |
| (5) Duplicate license | \$3.00 |

(b) ~~Fees collected under this section shall be credited to special funds established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the department to offset the costs of providing those~~

services set forth in 3 V.S.A. § 125.

* * *

§ 4464. UNPROFESSIONAL CONDUCT

(a) A licensee or applicant shall not engage in unprofessional conduct.

(b) Unprofessional conduct means the following conduct and the conduct set forth in 3 V.S.A. § 129a:

(1) Willfully making or filing false reports or records in the practice of ~~audiology, dispensing hearing aids~~ or speech-language pathology, willfully impeding or obstructing the proper making or filing of reports or records, or willfully failing to file the proper report or record;

* * *

(4) Advertising or making a representation ~~which~~ that is intended or has a tendency to deceive the public, including:

(A) advertising a particular type of service, or equipment, ~~or hearing aid~~ when the particular service, or equipment, ~~or hearing aid~~ is not available;

(B) ~~stating or implying that the use of a hearing aid will retard the progression of a hearing impairment;~~

~~(C)~~ advertising or making any statement related to the practice of speech-language pathology ~~or audiology~~ ~~which~~ that is intended to or tends to deceive or mislead the public;

~~(D)~~(C) using or promoting or causing the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial guarantee, ~~warranty, label, brand, insignia,~~ or any other representation;

* * *

(6) Willfully failing to honor any representation, promise, or agreement, ~~or warranty~~ to a client or consumer;

(7) Professional negligence or malpractice;

(8) Any of the following, except when reasonably undertaken in an emergency situation in order to protect life or health:

(A) practicing or offering to practice beyond the scope permitted by law;

(B) accepting and performing professional or occupational responsibilities ~~which~~ that the licensee knows or has reason to know the

licensee is not competent to perform; or

(C) performing professional or occupational services ~~which~~ that have not been authorized by the consumer or his or her legal representative;

* * *

(12) Conviction of a crime related to the practice of ~~audiology or~~ speech-language pathology or conviction of a felony, whether or not related to the practice of the profession;

(13) ~~Discouraging clients or consumers in any way from exercising their right to a refund within a 45 day trial period, unreasonably delaying payment of such refunds as may be due, or deducting amounts from refunds beyond those allowed by law; [Repealed.]~~

(14) ~~Failing to inform a consumer prior to sale of a hearing aid that a medical evaluation of hearing loss prior to purchasing a hearing aid is in the consumer's best health interest; [Repealed.]~~

(15) Engaging in fraud in connection with any ~~state~~ State or ~~federally-assisted~~ federally assisted medical assistance programs; or

(16) Violating any part of the Code of Ethics of the American Speech-Language-Hearing Association.

(Committee Vote: 10-0-1)

Rep. Branagan of Georgia, for the Committee on **Ways & Means**, recommends the bill ought to pass when amended as recommended by the Committee on **Government Operations**.

(Committee Vote: 11-0-0)

Favorable

H. 268

An act relating to approval of the adoption and the codification of the charter of the Town of Franklin and of the merger of Franklin Fire District No. 1 into the Town

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

(Committee Vote: 9-0-2)

NOTICE CALENDAR
Favorable with Amendment

H. 108

An act relating to electrical installations

Rep. Stevens of Waterbury, for the Committee on **General, Housing & Military Affairs**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 26 V.S.A. chapter 15 is amended to read:

CHAPTER 15. ELECTRICIANS AND ELECTRICAL INSTALLATIONS

Subchapter 1. General Provisions

§ 881. DEFINITIONS

As used in this chapter, unless the context clearly requires otherwise:

(1) “Board” means the ~~electricians’ licensing board~~ Electricians’ Licensing Board created under this chapter.

(2) “Commissioner” means the Commissioner of Public Safety.

(3) “Complex structure” shall have the same meaning as the term “public building” as defined in 20 V.S.A. § 2900(8).

(4) “Electrical inspector” means a ~~state~~ State electrical inspector employed pursuant to section 915 of this title.

(5) “Electrical installation” means wires, fixtures, or apparatus installed in a ~~complex~~ structure or at the construction site of ~~such a~~ structure for the transmission and use of commercially supplied or privately generated electrical energy.

(6) “Electrician’s helper” means a person assisting in the construction, installation, or repair of an electrical installation under the direct supervision of a master or journeyman electrician who is present at the work site.

(7) “Legislative body” means the board of selectmen of a town, the board of aldermen or city council of a city, or the board of trustees of an incorporated village.

(8) “Municipal inspector” means an electrical inspector authorized to conduct municipal inspections pursuant to section 898 of this title.

(9) “Registered apprentice” means an apprentice registered with the ~~apprenticeship division of the state department of labor~~ Apprenticeship Division for the State Department of Labor for electrical training.

(10) "Work notice" means the notice required to be filed under this chapter by an electrician prior to commencement of electrical work.

* * *

Subchapter 2. Regulation of Electrical Installations by Licensing Board

* * *

§ 893. COMMENCEMENT OF WORK; FEES; WORK NOTICE; INSPECTION OF WORK; CERTIFICATE OF COMPLETION

(a) ~~Electrical work in a complex structure~~ A person shall not commence work on an electrical installation in a complex structure until he or she submits a work notice accompanied by the required fee ~~is submitted to the department~~ Department and the work notice ~~is validated by the department~~ Department validates the work notice. There shall be a base fee of \$40.00 for each work notice, except for electrical work done on an electrical installation in one and two family two-family residential dwellings. In addition to the base fee, the Commissioner shall charge the following fees ~~shall be charged~~:

(1) Services

- (A) Temporary—\$30.00.
- (B) Permanent—1 phase and 3 phase through 400 amp—\$35.00.
- (C) Permanent—401 to 800 amp—\$50.00.
- (D) Permanent—801 amp and larger—\$100.00.

(2) Transformers

- (A) 1 to 25 KVA—\$10.00 each.
- (B) 26 to 75 KVA—\$15.00 each.
- (C) 76 to 200 KVA—\$25.00 each.
- (D) Over 200 KVA—\$35.00 each.

(3) Motors and Generators

- (A) Up to 5 hp, KW, KVA—\$10.00 each.
- (B) 5 to 25 hp, KW, KVA—\$10.00 each.
- (C) 25 to 100 hp, KW, KVA—\$15.00 each.
- (D) Over 100 hp, KW, KVA—\$25.00 each.

(4) Other electrical work

- (A) Each panel and feeder after the main disconnect—\$35.00.

(B) Outlets for receptacles, switches, fixtures, electric baseboard (per 50 units or portion thereof)—\$20.00.

(C) Yard lights, signs—\$5.00 each.

(D) Fuel oil, kerosene, LP, natural gas, and gasoline pumps—\$15.00 each.

(E) Boilers, furnaces, and other stationary appliances—\$10.00 each.

(F) Elevators—\$75.00 each.

(G) Platform lifts—\$40.00 each.

(H) Fire alarm initiating, signaling, and associated devices (per 50 units or portions thereof)—\$30.00.

(I) Fire alarm main panel and annunciator panels—\$50.00 each.

(J) Fire pumps—\$50.00.

(5) Reinspection fee. For each reinspection for code violations, there will be a fee of \$125.00.

(b) ~~The commissioner~~ Commissioner may establish inspection priorities for electrical inspections. ~~Priorities shall be~~ based on the relative risks to persons and property, the type and size of the complex structure, and the type and number of electrical installations to be installed. Electrical installations regulated by the ~~board~~ Board shall be inspected by the ~~commissioner~~ Commissioner or an electrical inspector in accordance with the procedures and priorities established by the ~~commissioner~~ Commissioner.

(c) ~~An~~ A person shall not cover an electrical installation in any part of a complex structure ~~shall not be covered~~ unless it is inspected by an electrical inspector. ~~The provisions of this subsection may be specifically waived by an electrical inspector or if an electrical inspector waives the inspection requirement~~ in writing. Upon completion of a new electrical installation, the applicant shall request a final inspection by an electrical inspector in writing. Within five working days of receipt of the application, the ~~commissioner~~ Commissioner, or inspector, shall conduct an inspection, establish a reasonable date for inspection, or issue a waiver of inspection.

(d) ~~A~~ The Commissioner shall issue a certificate of completion ~~shall be issued~~ if the ~~commissioner~~ Commissioner or electrical inspector determines after inspection that the electrical installation is in compliance with the standards and requirements adopted by the ~~board~~ Board.

(e) ~~No part of a complex structure, in which part a new electrical installation has been made, shall be sold or conveyed for use or occupancy~~ A

person shall not sell, convey, occupy, or use any part of a complex structure in which an electrical installation has been installed without first securing a certificate of completion for the new electrical installation.

(f) ~~The commissioner~~ Commissioner or an inspector designated by the ~~commissioner~~ Commissioner shall have authority to enter any premises in which an electrical installation subject to the rules of the ~~board~~ Board is being or has been installed, replaced, or repaired for the purpose of making ~~such an~~ an inspection as is necessary to carry out his or her responsibilities under this subchapter. If the owner or occupant of the premises refuses to permit entry by the ~~commissioner~~ Commissioner, or an electrical inspector, any ~~superior court~~ Superior Court, on application of the ~~commissioner~~ Commissioner, shall have jurisdiction to issue an order enforcing such right of entry.

(g) The Board may use its authority to adopt rules under section 891 of this title to apply the requirements of this section to electrical installations in one- and two-family residential dwellings.

§ 894. ENERGIZING INSTALLATIONS; REENERGIZING AFTER EMERGENCY DISCONNECTION

(a) A person shall not connect a new electrical installation in or on a complex structure or an electrical installation used for the testing or construction of a complex structure shall not be connected or caused to be connected, to a source of electrical energy unless the Commissioner or an electrical inspector issues a temporary or permanent energizing permit prior to such the connection, either a temporary or a permanent energizing permit is issued for that installation by the commissioner or an electrical inspector.

(b)(1) A person shall not connect an existing electrical installation that was disconnected as the result of an emergency to a source of electrical energy until a licensed journeyman electrician or licensed master electrician inspects the electrical installation and determines the installation to be safe.

(2) This subsection does not apply to the use of a generator due to an external loss of power.

(c) This section shall not be construed to limit or interfere with a contractor's right to receive payment for electrical work for which a certificate of completion has been granted.

* * *

§ 899. PRIVATE INSPECTIONS

(a) Upon a determination that the resources of the ~~state~~ State and the municipality are insufficient to provide the approval or inspection services required by this chapter, the ~~commissioner~~ Commissioner may assign

responsibility for inspecting electrical installations on its own premises to a ~~private corporation, partnership, or sole proprietorship~~ person that has an ongoing need for services. Applications to conduct private inspections under this section shall be in the manner prescribed by the ~~commissioner~~ Commissioner.

(b) The ~~commissioner~~ Commissioner may grant an application under this section if he or she determines that the applicant has the ability to carry out inspections. The ~~commissioner~~ Commissioner shall consider at least the following factors:

- (1) the size of the facility;
- (2) self-insurance or other indication of incentive and motivation for safety;
- (3) whether the applicant's training program for inspectors and inspection procedures are at least equivalent to the ~~state's~~ State's program and procedures.

(c) A person authorized to perform private inspections under this section shall:

- (1) participate in ~~state-sponsored~~ State-sponsored training programs;
- (2) file monthly reports with the ~~commissioner~~ Commissioner containing the number and type of inspections, electrical installations, violations for that month, and the license numbers of the electrical contractors performing work;
- (3) permit electrical inspectors to perform random inspections of the applicant's facility;
- (4) pay the ~~department~~ Department an annual flat fee. The amount of the fee shall be negotiated by the ~~department~~ Department and the applicant and shall take into consideration the cost to the applicant of conducting private inspections. The fee shall not exceed the fee established under section 893 of this title.

(d) The ~~commissioner~~ Commissioner may revoke an approval to conduct private inspections whenever the ~~commissioner~~ Commissioner determines that the training program is insufficient or that the business has failed to comply with the provisions of subdivisions (c)(1)–(3) of this section.

Subchapter 3. Licensing Electricians

* * *

§ 904. TYPE-S JOURNEYMAN ELECTRICIAN

(a) To be eligible for licensure as a type-S journeyman, an applicant shall:

(1) complete an accredited training and experience program recognized by the ~~board~~ Board; or

(2) have had training and experience, within or ~~without~~ outside this ~~state~~ State, acceptable to the ~~board~~ Board; and

(3) pass an examination to the satisfaction of the ~~board~~ Board in one or more of the following fields:

(A) ~~Automatic~~ automatic gas or oil heating;

(B) ~~Outdoor~~ outdoor advertising;

(C) ~~Refrigeration~~ refrigeration or air conditioning;

(D) ~~Appliance~~ appliance and motor repairs;

(E) ~~Well~~ well pumps;

(F) ~~Farm~~ farm equipment;

(G) solar installations;

(H) ~~Any miscellaneous specified~~ an area of specialized competence specified by the Commissioner.

(b) Upon successful completion of the examination and payment of the required fee for each field in which a license is to be issued, the applicant shall receive a license in the form of a wallet-size card which shall be carried at all times while performing his or her trade and shall be displayed upon request. Upon request of the licensee and upon payment of the required fee, the ~~board~~ Board shall issue a license certificate suitable for framing.

* * *

§ 906. QUALIFIED OUT-OF-STATE LICENSEES; EXAMINATIONS NOT REQUIRED

~~Licenses shall be issued without examination on payment of the required fee. A~~ The Commissioner shall issue a master's or, journeyman's, or type-S journeyman's license, as the case may be, shall be issued without examination on payment of the required fee to a person to whom a master electrician's license or a, journeyman electrician's, or substantially equivalent type-S journeyman's license has been previously issued by another state, whose provided that:

(1) the issuing State has adopted standards that are equivalent to those of this state, State; and

(2) ~~if~~ under the laws or regulations of the state issuing the license a similar privilege is granted to electricians licensed under the laws of this ~~state~~ State.

§ 907. RECOGNITION OF EXPERIENCE IN OR OUT OF STATE

The ~~board~~ Board, in determining the qualifications of an applicant for a license, may in its discretion give recognition;

(1) in the case of an application for a master's license, to the applicant's experience as a licensed journeyman in another state, ~~or~~;

(2) in the case of an application for a journeyman's license, to an apprenticeship served in another state, ~~or~~;

(3) in the case of an application for a type-S journeyman's license, to an apprenticeship or to work experience in the relevant field in this State or in another state; or

(4) ~~may otherwise give recognition~~ to experience or prior qualifications.

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§ 910. LICENSE NOT REQUIRED

A license shall not be required for the following types of work:

(1) Any electrical work, including construction, installation, operation, maintenance, and repair of electrical installations in, on or about equipment or premises, which are owned or leased by the operator of any industrial or manufacturing plant, if the work is done under the supervision of an electrical engineer or master electrician in the employ of the operator;

(2) Installation in laboratories of exposed electrical wiring for experimental purposes only;

(3) Any electrical work by an owner ~~or his or her regular employees~~ in the owner's freestanding ~~single-unit~~ single-unit or two-unit residence, in outbuildings accessory to ~~such freestanding single-unit~~ his or her residence, or any structure on an owner-occupied ~~farms;~~ farm.

(4) Electrical installations performed as a part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building in which the installation is made, is to be used as a ~~"complex structure";~~ or occupied following the training.

(5) Electrical work performed by an electrician's helper under the direct supervision of a person who holds an appropriate license issued under this chapter;

(6) ~~Any electrical work in a building used for dwelling or residential purposes which contains no more than two dwelling units; [Repealed.]~~

(7) Installation of solar electric modules and racking ~~on complex structures~~ to the point of connection to field-fabricated wiring and erection of net metered wind turbines.

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Sec. 2. TYPE-S JOURNEYMAN'S LICENSE; STAKEHOLDER ENGAGEMENT PROCESS

(a) The Department of Public Safety shall conduct a stakeholder engagement process to solicit feedback and participation by interested persons in developing the type-S journeyman's license for renewable energy installations pursuant to 26 V.S.A. § 904.

(b) The Department shall seek input from stakeholders on potential testing and certification standards, areas of specialization, credit for prior work experience within or outside Vermont, recognition of other states' or national accreditation or licensure standards, and other relevant issues.

(c) On or before January 15, 2016, the Department shall report on the results of the stakeholder engagement process to the House Committee on General, Housing and Military Affairs and to the Senate Committee on Economic Development, Housing and General Affairs.

Sec. 3. EFFECTIVE DATES

This act shall take effect on July 1, 2015, except that the amendments to 26 V.S.A. § 910 in Sec. 1 shall take effect on July 1, 2017.

(Committee Vote: 7-0-1)

Rep. Masland of Thetford, for the Committee on **Ways & Means**, recommends the bill ought to pass when amended as recommended by the Committee on **General, Housing & Military Affairs**.

(Committee Vote: 11-0-0)

H. 135

An act relating to authorizing the Vermont Department of Health to charge fees necessary to support Vermont's status as a Nuclear Regulatory Commission Agreement State

Rep. Deen of Westminster, 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. 18 V.S.A. § 1653 is amended to read:

§ 1653. FEDERAL-STATE AGREEMENTS

(a) The ~~governor~~ Governor, on behalf of the ~~state~~ State of Vermont, may enter into agreements with the federal government providing for discontinuance of certain of the federal government's responsibilities with respect to byproduct, source, and special nuclear materials and the assumption thereof by the ~~state~~ State of Vermont.

(b) In the event of such agreement:

(1) The ~~agency~~ Agency shall provide by rule for general or specific licensing of byproducts, source, special nuclear materials, or devices or equipment utilizing such materials. The rule shall provide for amendment, suspension, or revocation of licenses.

(2) The ~~agency~~ Agency shall be authorized to exempt certain byproduct, source, or special nuclear materials or kinds of uses or users from the licensing or registration requirements set forth in this section when the ~~agency~~ Agency makes a finding that the exemption of such materials or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

(3) The Agency may collect a fee for licenses issued under this section. The fee schedule for these licenses shall be the schedule adopted by the U.S. Nuclear Regulatory Commission and published in 10 C.F.R. § 170.31 that is in effect as of the effective date of this section. Fees collected under this section shall be credited to the Nuclear Regulatory Fund established and managed under subdivision (b)(4) of this section and shall be available to the Agency to offset the costs of providing services under this section.

(4) There is established the Nuclear Regulatory Fund to consist of the fees collected under subdivision (b)(3) of this section and any other monies that may be appropriated to or deposited into the Fund. Balances in the Nuclear Regulatory Fund shall be expended solely for the purposes set forth in this section and shall not be used for the general obligations of government. All balances in the Fund at the end of any fiscal year shall be carried forward and remain part of the Fund, and interest earned by the Fund shall be deposited in the Fund. The Nuclear Regulatory Fund is established in the State Treasury pursuant to 32 V.S.A. chapter 7, subchapter 5.

~~(3)~~(5) Any person having a license immediately before the effective date of an agreement under subsection (a) of this section from the federal government or agreement state relating to byproduct material, source material, or special nuclear material and which on the effective date of this agreement is subject to the control of this ~~state~~ State shall be considered to have a like

license with the ~~state~~ State of Vermont until the expiration date specified in the license from the federal government or agreement state or until the end of the ~~ninetieth~~ 90th day after the person receives notice from the ~~agency~~ Agency that the license will be considered expired.

~~(4)~~(6) The ~~agency~~ Agency shall require each person who possesses or uses byproduct, source, or special nuclear materials to maintain records relating to the receipt, storage, transfer, or disposal of such materials and such other records as the ~~agency~~ Agency may require subject to such exemptions as may be provided by rule.

~~(5)~~(7) Violations:

(A) It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own, or possess any byproduct, source, or special nuclear material unless licensed by or registered with the ~~agency~~ Agency in accordance with the provisions of this chapter.

(B) The ~~agency~~ Agency shall have the authority in the event of an emergency to impound or order the impounding of byproduct, source, and special nuclear materials in the possession of any person who is not equipped to observe or fails to observe the provisions of this chapter or any rules or regulations issued thereunder.

~~(6)~~(8) The provisions of this section relating to the control of byproduct, source, and special nuclear materials shall become effective on the effective date of an agreement between the federal government and this ~~state~~ State as provided in section 1656 of this title.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

(**Committee Vote: 7-2-0**)

Rep. Till of Jericho, for the Committee on **Ways & Means**, recommends the bill ought to pass when amended as recommended by the Committee on **Fish, Wildlife & Water Resources**.

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

H. 488

An act relating to the State's Transportation Program and miscellaneous changes to laws related to transportation.

(**Rep. Brennan of Colchester** will speak for the Committee on **Transportation**.)

Rep. Masland of Thetford, for the Committee on **Ways & Means**, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

Rep. Helm of Fair Haven, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as follows:

Sec. 10, in subsection (f), by inserting a new first sentence to read:

“The Committee shall meet no more than six times.”

(Committee Vote: 10-0-1)

Public Hearings

March 24, 2015 - Room 11 - 6:00-8:00 pm - Renewable Energy Siting - House and Senate Committees on Natural Resources and Energy