

House Calendar

Wednesday, January 20, 2016

16th DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 pm

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ACTION CALENDAR

Third Reading

H. 65

An act relating to designating the Gilfeather turnip as the State Vegetable

NOTICE CALENDAR

Favorable with Amendment

H. 399

An act relating to the Department for Children and Families' Registry Review Unit

Rep. Dame of Essex, for the Committee on **Human Services**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 4916a is amended to read:

§ 4916a. CHALLENGING PLACEMENT ON THE REGISTRY

* * *

(c)(1) A person alleged to have abused or neglected a child may seek an administrative review of the Department's intention to place the person's name on the Registry by notifying the Department within 14 days of the date the Department mailed notice of the right to review in accordance with subsections (a) and (b) of this section. The Commissioner may grant an extension past the 14-day period for good cause, not to exceed 28 days after the Department has mailed notice of the right to review.

(2) The administrative review may be stayed upon request of the person alleged to have committed abuse or neglect if there is a related case pending in the Criminal or Family Division of the Superior Court which arose out of the same incident of abuse or neglect for which the person was substantiated. During the period the review is stayed, the person's name shall be placed on the Registry. Upon resolution of the Superior Court criminal or family case, the person may exercise his or her right to review under this section by notifying the Department within 30 days of the resolution of the court case. If the person fails to notify the Department within 30 days, the Department's decision shall become final and no further review under this subsection is required.

(d) The Department shall hold an administrative review conference within 35 days of receipt of the request for review. At least 10 days prior to the administrative review conference, the Department shall provide to the person requesting review a copy of the redacted investigation file, notice of time and place of the conference, and conference procedures, including information that may be submitted and mechanisms for providing ~~testimony~~ information. There shall be no subpoena power to compel witnesses to attend a Registry review conference. The Department shall also provide to the person those redacted investigation files that relate to prior investigations that the Department has relied upon to make its substantiation determination in the case in which a review has been requested.

* * *

Sec. 2. 33 V.S.A. § 4916c is amended to read:

§ 4916c. PETITION FOR EXPUNGEMENT FROM THE REGISTRY

(a)(1) ~~A~~ Except as provided in this subdivision, a person whose name has been placed on the Registry prior to July 1, 2009 and has been listed on the Registry for at least three years may file a written request with the Commissioner, seeking a review for the purpose of expunging an individual Registry record. A person whose name has been placed on the Registry on or after July 1, 2009 and has been listed on the Registry for at least seven years may file a written request with the Commissioner seeking a review for the purpose of expunging an individual Registry record. The Commissioner shall grant a review upon request.

(2) A person who is required to register as a sex offender on the State's Sex Offender Registry shall not be eligible to petition for expungement of his or her Registry record until the person is no longer subject to Sex Offender Registry requirements.

(b)(1) The person shall have the burden of proving that a reasonable person would believe that he or she no longer presents a risk to the safety or well-being of children. ~~Factors to be considered by the Commissioner shall include:~~

(2) The Commissioner shall consider the following factors in making his or her determination:

~~(1)(A)~~ the nature of the substantiation that resulted in the person's name being placed on the Registry;

~~(2)(B)~~ the number of substantiations, ~~if more than one;~~

~~(3)(C)~~ the amount of time that has elapsed since the substantiation;

~~(4)~~(D) the circumstances of the substantiation that would indicate whether a similar incident would be likely to occur;

~~(5)~~(E) any activities that would reflect upon the person's changed behavior or circumstances, such as therapy, employment, or education; ~~and~~

~~(6)~~(F) references that attest to the person's good moral character; and

(G) any other information that the Commissioner deems relevant.

(3) The Commissioner may deny a petition for expungement based solely on subdivision (2)(A) or (2)(B) of this subsection.

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 11-0-0)

H. 524

An act relating to seeking a waiver to permit businesses to continue to purchase Exchange plans directly from insurers

Rep. Pearson of Burlington, for the Committee on **Health Care**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. SHOP WAIVER

The Commissioner of Vermont Health Access, with assistance from the Director of Health Care Reform, shall seek a waiver under Section 1332 of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, for the purpose of waiving the federal requirement to establish an Internet-based Small Business Health Options Program (SHOP) and permitting qualified employers to purchase qualified health benefit plans offered by the Vermont Health Benefit Exchange directly from a registered carrier.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 8-0-3)

H. 538

An act relating to captive insurance companies

Rep. Baser of Bristol, for the Committee on **Commerce & Economic Development**, recommends the bill be amended as follows:

First: In Sec. 3, 8 V.S.A. § 6052(g), subdivision (6), by striking out subdivision (B) in its entirety and inserting in lieu thereof a new subdivision (B) to read as follows:

(B) reviewing quarterly financial statements and annual ~~and quarterly~~ audited financial statements with management;

Second: In Sec. 3, 8 V.S.A. § 6052(g), subdivision (6), by striking out subdivision (C) in its entirety and inserting in lieu thereof a new subdivision (C) to read as follows:

(C) reviewing annual audited financial statements with its independent auditor and, if it deems advisable, the risk retention group's quarterly financial statements as well;

(Committee Vote: 10-0-1)