

House Calendar

Thursday, January 21, 2016

17th DAY OF THE ADJOURNED SESSION

House Convenes at 3:30 pm

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

Favorable with Amendment

H. 399 The Department for Children and Families' Registry Review Unit ... Rep. Dame for Human Services	20
H. 524 Seeking a waiver to permit businesses to continue to purchase Exchange plans directly from insurers Rep. Pearson for Health Care	22
H. 538 Captive insurance companies Rep. Baser for Commerce and Economic Development	22

Consent Calendar

H.C.R. 206 Congratulating the 2015 Rutland High School Raiders Division I championship football team	23
H.C.R. 207 Honoring Tracy Penfield and her pioneering therapeutic work at SafeArt	23
H.C.R. 208 Congratulating Sophie Caldwell of Peru on her first World Cup skiing victory	23
H.C.R. 209 Congratulating the Champlain Cable Corporation of Colchester on winning the 2014 Deane C. Davis Outstanding Business Award and on the corporation's 60th anniversary	23
H.C.R. 210 Commemorating the 50th anniversary of the historic 1965 reapportionment of the Vermont General Assembly.....	23
H.C.R. 211 Commemorating the 125th anniversary of the Bennington Battle Monument.....	23

ORDERS OF THE DAY

ACTION 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**)

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. 206

House concurrent resolution congratulating the 2015 Rutland High School Raiders Division I championship football team

H.C.R. 207

House concurrent resolution honoring Tracy Penfield and her pioneering therapeutic work at SafeArt

H.C.R. 208

House concurrent resolution congratulating Sophie Caldwell of Peru on her first World Cup skiing victory

H.C.R. 209

House concurrent resolution congratulating the Champlain Cable Corporation of Colchester on winning the 2014 Deane C. Davis Outstanding Business Award and on the corporation's 60th anniversary

H.C.R. 210

House concurrent resolution commemorating the 50th anniversary of the historic 1965 reapportionment of the Vermont General Assembly

H.C.R. 211

House concurrent resolution commemorating the 125th anniversary of the Bennington Battle Monument