

# Journal of the House

---

Thursday, January 21, 2016

At three o'clock and thirty minutes in the afternoon the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by the Speaker.

## House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

### H. 594

By Reps. Bartholomew of Hartland, Beck of St. Johnsbury, Christie of Hartford, Huntley of Cavendish, Sweaney of Windsor and Toll of Danville,

House bill, entitled

An act relating to side-by-side RED qualification;

To the committee on Education.

### H. 595

By Rep. Krebs of South Hero,

House bill, entitled

An act relating to potable water supplies from surface waters;

To the committee on Fish, Wildlife & Water Resources.

### H. 596

By Reps. Gamache of Swanton, Savage of Swanton, Bancroft of Westford, Batchelor of Derby, Branagan of Georgia, Browning of Arlington, Burditt of West Rutland, Canfield of Fair Haven, Christie of Hartford, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Eastman of Orwell, Fagan of Rutland City, Gage of Rutland City, Graham of Williamstown, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, LaClair of Barre Town, Lefebvre of Newark, Lucke of Hartford, Martel of Waterford, McFaun of Barre Town, Morrissey of Bennington, Myers of Essex, Parent of St. Albans Town, Quimby of Concord, Shaw of Derby, Strong of Albany, Tate of Mendon, Terenzini of Rutland

---

Town, Van Wyck of Ferrisburgh, Viens of Newport City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to local land use regulation of electric generation facilities;

To the committee on Natural Resources & Energy.

**H. 597**

By Reps. Gamache of Swanton, Savage of Swanton, Bancroft of Westford, Batchelor of Derby, Branagan of Georgia, Browning of Arlington, Burditt of West Rutland, Christie of Hartford, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Eastman of Orwell, Fiske of Enosburgh, Forguites of Springfield, Gage of Rutland City, Graham of Williamstown, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Keenan of St. Albans City, LaClair of Barre Town, Lefebvre of Newark, Lucke of Hartford, Martel of Waterford, McFaun of Barre Town, Myers of Essex, Parent of St. Albans Town, Partridge of Windham, Quimby of Concord, Shaw of Pittsford, Shaw of Derby, Strong of Albany, Tate of Mendon, Terenzini of Rutland Town, Trieber of Rockingham, Van Wyck of Ferrisburgh, Viens of Newport City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to Public Service Board consideration of municipal land use plans and bylaws;

To the committee on Natural Resources & Energy.

**H. 598**

By Reps. Gamache of Swanton, Savage of Swanton, Batchelor of Derby, Branagan of Georgia, Browning of Arlington, Burditt of West Rutland, Christie of Hartford, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Eastman of Orwell, Fiske of Enosburgh, Forguites of Springfield, Gage of Rutland City, Graham of Williamstown, Hebert of Vernon, Helm of Fair Haven, Hubert of Milton, Keenan of St. Albans City, LaClair of Barre Town, Lefebvre of Newark, Martel of Waterford, Myers of Essex, Parent of St. Albans Town, Partridge of Windham, Quimby of Concord, Shaw of Pittsford, Shaw of Derby, Strong of Albany, Tate of Mendon, Terenzini of Rutland Town, Trieber of Rockingham, Van Wyck of Ferrisburgh, Viens of Newport City, Willhoit of St. Johnsbury and Yantachka of Charlotte,

House bill, entitled

An act relating to the right to participate in Public Service Board siting proceedings;

To the committee on Natural Resources & Energy.

**H. 599**

By Reps. Gamache of Swanton, Branagan of Georgia, Browning of Arlington, Burditt of West Rutland, Christie of Hartford, Dickinson of St. Albans Town, Eastman of Orwell, Forguites of Springfield, Gage of Rutland City, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Keenan of St. Albans City, LaClair of Barre Town, Lefebvre of Newark, Lucke of Hartford, Martel of Waterford, McFaun of Barre Town, Parent of St. Albans Town, Partridge of Windham, Savage of Swanton, Shaw of Pittsford, Tate of Mendon, Trieber of Rockingham, Willhoit of St. Johnsbury and Yantachka of Charlotte,

House bill, entitled

An act relating to increasing public notice and information on proposed energy facilities before applications are filed;

To the committee on Natural Resources & Energy.

**H. 600**

By Rep. Jewett of Ripton,

House bill, entitled

An act relating to cemetery fencing;

To the committee on General, Housing & Military Affairs.

**H. 601**

By Rep. Jewett of Ripton,

House bill, entitled

An act relating to allowing municipalities to retain certain types of education funding when the school district in that town merges;

To the committee on Education.

**H. 602**

By Reps. Botzow of Pownal and Hebert of Vernon,

House bill, entitled

---

An act relating to application of the solid waste franchise tax;  
To the committee on Natural Resources & Energy.

**H. 603**

By Rep. Turner of Milton,  
House bill, entitled  
An act relating to mortgage lending;  
To the committee on Commerce & Economic Development.

**H. 604**

By Rep. Turner of Milton,  
House bill, entitled  
An act relating to requirements for older drivers to obtain or renew  
operator's licenses;  
To the committee on Transportation.

**H. 605**

By Reps. Botzow of Pownal and Marcotte of Coventry,  
House bill, entitled  
An act relating to the municipal role in Public Service Board  
telecommunications siting;  
To the committee on Commerce & Economic Development.

**H. 606**

By Rep. Krebs of South Hero,  
House bill, entitled  
An act relating to relief from the settlement patterns criterion due to  
physical site constraints;  
To the committee on Natural Resources & Energy.

**H. 607**

By Rep. McCormack of Burlington,  
House bill, entitled  
An act relating to increasing the cumulative net metering system cap;  
To the committee on Natural Resources & Energy.

**H. 608**

By Reps. Klein of East Montpelier, Ancel of Calais and Ram of Burlington,  
House bill, entitled  
An act relating to solid waste management;  
To the committee on Natural Resources & Energy.

**H. 609**

By Reps. Dickinson of St. Albans Town, Gamache of Swanton, Hebert of  
Vernon, Lewis of Berlin, McFaun of Barre Town and Savage of Swanton,  
House bill, entitled  
An act relating to water supply rates;  
To the committee on Fish, Wildlife & Water Resources.

**H. 610**

By Reps. Emmons of Springfield and Deen of Westminster,  
House bill, entitled  
An act relating to clarifying the Clean Water State Revolving Fund and  
Water Pollution Control Grant Programs;  
To the committee on Corrections and Institutions.

**H. 611**

By the committee on Appropriations,  
An act relating to fiscal year 2016 budget adjustments;  
Under the rule, placed on the Calendar for notice.

**Message from the Senate No. 7**

A message was received from the Senate by Mr. Marshall, its Assistant  
Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following  
title:

**H. 363.** An act relating to the Petroleum Cleanup Fund.  
And has passed the same in concurrence.

---

**Bill Amended; Third Reading Ordered****H. 399**

**Rep. Dame of Essex**, for the committee on Human Services, to which had been referred House bill, entitled

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

Reported in favor of its passage when 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.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Human Services agreed to and third reading ordered.

**Bill Amended; Third Reading Ordered**

**H. 524**

**Rep. Pearson of Burlington**, for the committee on Health Care, to which had been referred House bill, entitled

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

Reported in favor of its passage when 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.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Health Care agreed to and third reading ordered.

**Bill Amended; Third Reading Ordered**

**H. 538**

**Rep. Baser of Bristol**, for the committee on Commerce and Economic Development to which had been referred House bill, entitled



An act relating to captive insurance companies

Reported in favor of its passage when 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;

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Commerce and Economic Development agreed to and third reading ordered.

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**H. 609**

**Rep. Deen of Westminster** moved that the committee on Fish, Wildlife & Water Resources be relieved of House bill, entitled

An act relating to water supply rates

And that the bill be committed to the committee on Government Operations, which was agreed to.

**Adjournment**

At three o'clock and fifty-nine minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.