Journal of the House

Wednesday, April 20, 2016

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Sabrina Chiang, violinist from South Burlington, Vt.

Joint Resolution Referred to Committee

J.R.H. 27

Joint resolution requesting federal action to alleviate the national student loan debt crisis


Whereas, a Wall Street Journal article, updated on August 21, 2015, reported that as of July 2015 nearly seven million Americans were in default
on their federal student loans, meaning they had not made a payment in at least 360 days, and

*Whereas,* this number equals approximately 17 percent of all federal student loan borrowers, and the number rose six percent, or 400,000 more borrowers, than the year previously, and

*Whereas,* the Federal Reserve Bank of New York’s Consumer Credit Panel has reported that in the decade from 2005 to 2015 total student loan debt tripled and rose to $1.19 trillion, and

*Whereas,* those in default are often individuals who attended for-profit colleges, are members of a minority group, and never graduated, and

*Whereas,* overall, one informed estimate is that 27 million borrowers are either in default or some other form of loan repayment delinquency, and

*Whereas,* Congress enacted the Bipartisan Student Loan Certainty Act of 2013 (Pub.L 113-28), establishing a fixed interest rate for federal student loan programs with caps ranging from 8.25–10.5 percent depending on the specific program, but the rates are challenging for the student borrowers, and

*Whereas,* although the rates for 2015–2016 are slightly lower than for the prior academic year, they still remain high at 4.29 percent for direct subsidized and unsubsidized undergraduate student loans, and the graduate and professional federal student loan interest rates in the Direct PLUS Loans program are nearly seven percent, and

*Whereas,* although experts differ on the extent, there is a general consensus that in some years the federal government has made a profit on federal student loans even as numerous borrowers have struggled to make repayments, and

*Whereas,* while the Obama administration has established popular plans that cap repayments at 10–15 percent of discretionary income, these programs tend to attract graduates of professional or graduate schools and not those who earned only a bachelor’s degree or never finished college, and

*Whereas,* unlike many other forms of consumer debt, 11 USC § 523(a)(8) of the federal bankruptcy code, with limited exceptions, prohibits using bankruptcy as a method for student loan debt relief, and

*Whereas,* proposals for free or reduced tuition at public colleges and restructuring the system of higher education financing may be useful for future students, but they do not solve the problems of those millions of Americans struggling to repay their existing student loans, especially those for whom a college education did not secure a sound economic future, now therefore be it
Resolved by the Senate and House of Representatives:

That the General Assembly requests Congress to amend the federal bankruptcy code to eliminate the prohibition on relief from federal or private student loan debt through the federal bankruptcy system, and be it further

Resolved: That the U.S. Department of Education is requested to devise new debt relief programs that effectively address the problems that individuals with low income are encountering in repaying their student loans, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to U.S. Secretary of Education John King and to the Vermont Congressional Delegation.

Which was read and, in the Speaker’s discretion, treated as a bill and referred to the committee on Education.

Joint Resolution Adopted in Concurrence

J.R.S. 52

By Senators Baruth and Benning,

J.R.S. 52. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 22, 2016, it be to meet again no later than Tuesday, April 26, 2016.

Was taken up read and adopted in concurrence.

Remarks Journalized

On motion of Rep. Russell of Rutland City, the following remarks by Rep. Strong of Albany were ordered printed in the Journal:

“Mr. Speaker:

On behalf of the member from Georgia and my seat mate from Bennington, I would like to introduce to you Capt. Zachary Fike, who is the founder of Purple Hearts Reunited and has served in the Vermont Army National Guard for 18 years.

The Purple Heart medal is the oldest service medal that we have in the United States, dating back to the Revolutionary War when George Washington created the medal. The medal is awarded to soldiers who were wounded in action or to families of those who died in combat.

Capt. Fike served in Afghanistan and Iraq, and received a Purple Heart himself when he was wounded in action. He has also participated in multi-
national operations in Macedonia, counter drug operations on the Mexican border, and taken part in countless emergency response efforts in the United States. Some of his awards and decorations consist of two Bronze Stars, a Purple Heart, the Meritorious Service Medal, nine Army Accommodation Medals, and six Army Achievement Medals.

Since starting Purple Hearts Reunited in 2012, the organization has returned over 200 medals, visited 42 states, traveled over 100,000 miles, and affected over 120,000 people. They currently receive 3-5 lost medals of Valor each week and are currently researching over 500 medals that need a home.

Purple Hearts Reunited just launched a 100th Anniversary World War One project in which they will return 100 lost WWI Purple Hearts between April 6, 2016 and April 6, 2017 which commemorates the 100th year since the United States entered WWI. These medals are currently being framed and will be on display to the public in St. Albans, VT in May before beginning their journey back home to their families.

We thank Zach for his service to our country and for his work with Purple Hearts Reunited, and we appreciate those who are here with him today; General Michael Heston, Major Christopher Gookin, Zach’s mother, Joyce Fike, his wife Jessica, son Zach Jr. daughter Emily, and other military friends and supporters.

Thank you all for coming today and let's welcome them.”

Remarks Journalized

On motion of Rep. Myers of Essex, the following remarks by Rep. Stevens of Waterbury were ordered printed in the Journal:

“Thank you, Mr. Speaker.

On behalf of the other member from Waterbury, I’d like to take this opportunity to reintroduce a constituent.

As we all know, good journalists call them as they see them and they get the job done right. Great journalists, or the best ones, get it so right because they did their homework so that even if you got upset by what they wrote, you couldn’t be mad or angry at them because, in this case, Nancy was always right.

As a consumer of Nancy’s work over the years, I can certainly say that her writing has been fair, it’s been well done, and she has represented the meetings I have been in, or the issues I’ve been involved with, in a way that I could never complain about the work that she did and the way that she did it. She did it quietly. Like a good referee, she never called attention to herself, she just called it as she saw it.
It was a shock to me to hear that she was retiring, but we all get to retire at some point. So this resolution is to honor probably one of the best writers this building has ever seen.

Please join me in reintroducing her, and welcoming her as one of our constituents to the building.”

Proposal of Amendment Agreed to; Bill Read Third Time and Passed in Concurrence with Proposal of Amendment

S. 114

Senate bill, entitled
An act relating to the Open Meeting Law

Was taken up and pending third reading of the bill, Reps. McCullough of Williston, Lippert of Hinesburg and Macaig of Williston moved the House propose to the Senate to amend the bill as follows:

In Sec. 1, in 1 V.S.A. § 312(b)(2), in the second sentence (related to the posting of minutes), by striking out “five calendar days” and inserting in lieu thereof the following: “five seven calendar days”

Which was agreed to. Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Third Reading; Bill Passed in Concurrence With Proposal of Amendment

S. 116

Senate bill, entitled
An act relating to rights of offenders in the custody of the Department of Corrections

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Third Reading; Bill Passed in Concurrence

S. 214

Senate bill, entitled
An act relating to large group insurance;

Was taken up, read the third time and passed in concurrence.

Proposal of Amendment Agreed to;
Consideration Interrupted by Recess

S. 225
Senate bill, entitled
An act relating to miscellaneous changes to laws related to motor vehicles

Was taken up and pending third reading of the bill, Rep. Till of Jericho
moved to amend the House proposal of amendment as follows:

First: In Sec. 31, 23 V.S.A. § 1201, in subdivision (a)(1)(D), by striking out
the words “any detectable amount” and inserting in lieu thereof “1.5
nanograms per milliliter”

Second: In Sec. 35, 23 V.S.A. § 1204, in subdivision (a)(3), by striking out
the words “any detectable amount” and inserting in lieu thereof “1.5
nanograms per milliliter”

Pending the question, Shall the recommendation of proposal of amendment
moved to substitute a recommendation of proposal of amendment for that
offered by Rep. Till of Jericho as follows:

First: In Sec. 31, 23 V.S.A. § 1201, in subdivision (a)(1)(D), by striking out
“delta-9 tetrahydrocannabinol” and inserting in lieu thereof “the psychoactive
metabolite of a drug”

Second: In Sec. 35, 23 V.S.A. § 1204, in subsection (a), by striking out
“delta-9 tetrahydrocannabinol” and inserting in lieu thereof “the psychoactive
metabolite of a drug”

Third: In Sec. 35, 23 V.S.A. § 1204, in subdivision (a)(3), by striking out
“delta-9 tetrahydrocannabinol” and inserting in lieu thereof “the psychoactive
metabolite of a drug”

Pending the question, Shall the recommendation of proposal of amendment
offered by Rep. Poirier of Barre City be substituted for the recommendation of
Burlington moved to postpone action on the bill one legislative day, which
was disagreed to.

Pending the question, Shall the proposal of amendment recommended by
Rep. Poirier of Barre City be substituted for the amendment recommended by
Rep. Till of Jericho? Rep. Poirier of Barre City demanded the Yeas and
Nays, which demand was sustained by the Constitutional number. The Clerk
proceeded to call the roll and the question, Shall the proposal of amendment
amendment recommended by Rep. Poirier of Barre City be substituted for the
amendment recommended by Rep. Till of Jericho? was decided in the
Those who voted in the affirmative are:

Lippert of Hinesburg  O'Sullivan of Burlington  Woodward of Johnson
Martin of Wolcott  Pearson of Burlington  Yantachka of Charlotte
McCormack of Burlington  Poirier of Barre City *  Zagar of Barnard
McCullough of Williston  Ryerson of Randolph
McFaun of Barre Town  Walz of Barre City

Those who voted in the negative are:

Ancel of Calais  Felus of Lyndon  Miller of Shaftsbury
Bancroft of Westford  Fields of Bennington  Morris of Bennington
Bartholomew of Hartland  Fiske of Enosburgh  Morrissey of Bennington
Baser of Bristol  Forguites of Springfield  Mrowicki of Putney
Batchelor of Derby  Frank of Underhill  Murphy of Fairfax
Beck of St. Johnsbury  French of Randolph  Myers of Essex
Berry of Manchester  Gage of Rutland City  Nuovo of Middlebury
Beyor of Highgate  Gamache of Swanton  O'Brien of Richmond
Bissonnette of Winooski  Gonzalez of Winooski  Parent of St. Albans Town
Botzow of Pownal  Graham of Williamstown  Partridge of Windham
Branagan of Georgia  Greshin of Warren  Patt of Worcester
Brennan of Colchester  Haas of Rochester  Pearce of Richford
Briglin of Thetford  Head of South Burlington  Potter of Clarendon
Browning of Arlington  Hebert of Vernon  Pugh of South Burlington
Burke of Brattleboro  Helm of Fair Haven  Purvis of Colchester
Buxton of Tunbridge  Higley of Lowell  Quimby of Concord
Canfield of Fair Haven  Hooper of Montpelier  Rachelson of Burlington
Carr of Brandon  Hubert of Milton  Ram of Burlington
Clarkson of Woodstock  Huntley of Cavendish  Russell of Rutland City
Cole of Burlington  Jerman of Essex  Savage of Swanton
Condon of Colchester  Jewett of Ripton  Scheuermann of Stowe
Connor of Fairfield  Johnson of South Hero  Sharpe of Bristol
Conquest of Newbury  Juskiewicz of Cambridge  Shaw of Pittsford
Copeland-Hanzas of Bradford  Keenan of St. Albans City  Sheldon of Middlebury
Corcoran of Bennington  Kitzmiller of Montpelier  Sibilia of Dover
Cupoli of Rutland City  Komline of Dorset  Smith of New Haven
Dakin of Chester  Krebs of South Hero  Stevens of Waterbury
Dakin of Colchester  Krowinski of Burlington  Strong of Albany
Dame of Essex  Lalonde of South Burlington  Stuart of Brattleboro
Davis of Washington  Lanpher of Vergennes  Sullivan of Burlington
Deen of Westminster  Lawrence of Lyndon  Sweaney of Windsor
Devereux of Mount Holly  Lenes of Shelburne  Tate of Mendon
Dickinson of St. Albans Town  Lewis of Berlin  Terenzini of Rutland Town
Donahue of Northfield *  Long of Newfane  Till of Jericho
Donovan of Burlington  Lucke of Hartford  Toleo of Brattleboro
Eastman of Orwell  Macaig of Williston  Toll of Danville
Emmons of Springfield  Manwaring of Wilmington  Townsend of South
Evans of Essex  Marcotte of Coventry  Burlington
Fagan of Rutland City  Martel of Waterford  Trier of Rockingham
                             Masland of Thetford  Troiano of Stannard
                             McCoy of Poultney  Turner of Milton
Van Wyck of Ferrisburgh  Willhoit of St. Johnsbury  Young of Glover
Viens of Newport City  Wood of Waterbury
Webb of Shelburne  Wright of Burlington

Those members absent with leave of the House and not voting are:
Burditt of West Rutland  Grad of Moretown  Olsen of Londonderry
Chesnut-Tangerman of Middletown Springs  Klein of East Montpelier  Shaw of Derby
Christie of Hartford  LaClair of Barre Town  Lefebvre of Newark

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

As best as I can tell from the debate, we should be lowering the BAC limit to 0.05 for all drivers. However, lowering it only for those with detectable traces of psychoactive drugs is not justified by the evidence. Only lowering it for delta-9 makes even less sense – but that is no the amendment before us.”

Rep Poirier of Barre City explained his vote as follows:

“Mr. Speaker:

I voted yes because we had a chance to send a message to the public that we are serious about drug driving. Instead we chose to give lip service to the drug driving problem in Vermont.”

Thereupon, the recommendation of proposal of amendment offered by Rep. Till of Jericho was agreed to.

Pending third reading of the bill, Rep. Rachelson of Burlington, moved to amend the House recommendation of proposal of amendment as follows:

First: By striking out Sec. 30 in its entirety and inserting in lieu thereof “Sec. 30. [Deleted.]”

Second: In Sec. 32, 23 V.S.A. § 1202, in subsection (a), by striking out subdivision (3) in its entirety and renumbering the remaining subdivisions to be numerically correct

Third: In Sec. 33, 23 V.S.A. § 1203, in subsection (d), in the fourth sentence, by striking out the following: “, saliva,”

Fourth: In Sec. 33, 23 V.S.A. § 1203, in subsection (d), in the final sentence, by striking out the words “or saliva”

Which was disagreed to.

Pending third reading of the bill, Rep. Donahue of Northfield moved to amendment the House recommendation of proposal of amendment as follows:
First: In Sec. 31, 23 VSA §1201(a)(1), by striking subdivision(D) in its entirety,

Second: In Sec. 35, after “the person’s alcohol concentration” and before “shall give rise”, by striking “or alcohol concentration and evidence of delta–9 tetrahydrocannabinol”,

Third: In Sec. 35, 23 VSA §1204(a) by striking subdivision(3) in its entirety.

Recess

At three o'clock and forty-eight minutes in the afternoon, the Speaker declared a recess until four o'clock and fifteen minutes in the afternoon.

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

Consideration Resumed; Bill Read Third Time and Passed in Concurrence With Proposal of Amendment

S. 225

Consideration resumed on Senate bill, entitled

An act relating to miscellaneous changes to laws related to motor vehicles

Thereupon, the recommendation of proposal of amendment offered by Rep. Donahue of Northfield was disagreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Third Reading; Bill Passed in Concurrence

S. 256

Senate bill, entitled

An act relating to extending the moratorium on home health agency certificates of need

Was taken up, read the third time and passed in concurrence.

Favorable Report; Third Reading Ordered

H. 885

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the Town of Shelburne
Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Favorable Report; Third Reading Ordered

S. 157

Rep. Fiske of Enosburgh, for the committee on Human Services, to which had been referred Senate bill, entitled

An act relating to breast density notification and education

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Favorable Report; Third Reading Ordered

S. 174

Rep. Hubert of Milton, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to a model State policy for use of body cameras by law enforcement officers

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be read a third time? Rep. Branagan of Georgia demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 113. Nays, 17.

Those who voted in the affirmative are:

Ancel of Calais  Canfield of Fair Haven  Emmons of Springfield
Bancroft of Westford  Clarkson of Woodstock  Evans of Essex
Bartholomew of Hartland  Cole of Burlington  Fagan of Rutland City
Baser of Bristol  Condon of Colchester  Fields of Bennington
Batchelor of Derby  Connor of Fairfield  Fiske of Enosburgh
Beck of St. Johnsbury  Corcoran of Bennington  Fougites of Springfield
Beyor of Highgate  Cupoli of Rutland City  French of Randolph
Bissonnette of Winooski  Dakin of Chester  Gage of Rutland City
Botzow of Pownal  Dakin of Colchester  Gamache of Swanton
Brennan of Colchester  Deen of Westminster  Gonzalez of Winooski
Briglin of Thetford  Devereux of Mount Holly  Graham of Williamstown
Browning of Arlington  Dickinson of St. Albans  Greshin of Warren
Burke of Brattleboro  Town  Head of South Burlington
Buxton of Tunbridge  Eastman of Orwell  Hebert of Vernon
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<th>Helm of Fair Haven</th>
<th>Martin of Wolcott</th>
<th>Scheuermann of Stowe</th>
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<td>Higley of Lowell</td>
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<td>Russell of Rutland City</td>
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<td>Martcotte of Coventry</td>
<td>Savage of Swanton</td>
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Those who voted in the negative are:

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<th>Berry of Manchester</th>
<th>Frank of Underhill</th>
<th>Sheldon of Middlebury</th>
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<td>Branagan of Georgia *</td>
<td>Haas of Rochester</td>
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<td>Terenzini of Rutland Town</td>
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<td>Davis of Washington</td>
<td>McCullough of Williston *</td>
<td>Troiano of Stannard</td>
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<td>Nuovo of Middlebury</td>
<td>Willhoit of St. Johnsbur</td>
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Those members absent with leave of the House and not voting are:

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<td>Lefebvre of Newark</td>
<td>Strong of Albany</td>
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<td>Middletown Springs</td>
<td>Martel of Waterford</td>
<td>Trieb of Rockingham</td>
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<td>Olsen of Londonderry</td>
<td>Van Wyck of Ferrisburgh</td>
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<td>Poirier of Barre City</td>
<td>Woodward of Johnson</td>
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<td>Donovan of Burlington</td>
<td>Ryerson of Randolph</td>
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**Rep Branagan of Georgia** explained her vote as follows:

“Mr. Speaker:
This bill is an unneeded overreach of state power. Not only are we spending more taxpayer money without need, we are preparing to establish a police policy without cause.”

**Rep. Lippert of Hinesburg** explained his vote as follows:

“Mr. Speaker:

A model policy for law enforcement use of body cameras must reflect the appropriate balance between protecting the needs of law enforcement and protecting the privacy needs of Vermont citizens. Such a balance can be achieved. Achieving this balance requires not only review by the appropriate legislative committees, but also requires review and final approval of the full legislature.”

**Rep. McCullough of Williston** explained his vote as follows:

“Mr. Speaker:

I vote no. I see a significant opportunity for losses of civil liberties without guarantee of legislative oversight of the proposed recommendations. I hope to support an amended version for 3rd reading speaking to this serious flaw.”

**Favorable Report; Third Reading Ordered**

**J.R.S. 35**

**Rep. Shaw of Pittsford**, for the committee on Corrections & Institutions, to which had been referred Joint resolution, entitled

Joint resolution urging Vermont’s participation in the Stepping Up initiative to reduce the number of incarcerated Vermonters with a mental illness

Reported in favor of its passage. The resolution, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Message from the Senate No. 46**

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 bills originating in the House of the following titles:

**H. 559.** An act relating to an exemption from licensure for visiting team physicians.
H. 845. An act relating to legislative review of certain report requirements.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

**Action on Bill Postponed**

H. 84

House bill, entitled

An act relating to Internet dating services

Was taken up and on motion of Rep. Dakin of Colchester, action on the bill was postponed until April 26, 2016.

**Senate Proposal of Amendment Concurred in**

H. 135

The Senate proposed to the House to amend House bill, entitled

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

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 32 is amended to read:

**CHAPTER 32. IONIZING AND NONIONIZING RADIATION CONTROL**

§ 1651. DEFINITIONS

In this chapter:

(1) Ionizing radiation means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles.

(2) Nonionizing radiation means radiations of any wavelength in the entire electromagnetic spectrum except those radiations defined above as ionizing. Nonionizing radiations include, but are not limited to: Ultraviolet, visible, infrared, microwave, radiowave, low frequency electromagnetic radiation; infrasonic, sonic and ultrasonic waves; electrostatic and magnetic fields.

(3) Radioactive material means any radioactive material, be it solid, liquid, or gas, which emits ionizing radiation spontaneously.

(4) Byproduct material “Byproduct material” means each of the following:
(A) Any radioactive material, except other than special nuclear material, that is yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(B) The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. However, “byproduct material” does not include underground ore bodies depleted by these solution extraction operations.

(C) Any discrete source of radium–226 that is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity.

(D) Any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity.

(E) Any discrete source of naturally occurring radioactive material, other than source material, that is extracted or converted after extraction for use in a commercial, medical, or research activity, if the Governor, after determination by the NRC, declares by order that the source would pose a threat similar to the threat posed by a discrete source of radium–226 to the public health and safety.

(2) “Commissioner” means the Commissioner of Health.

(3) “Department” means the Department of Health.

(4) “General license” means a license effective under regulations promulgated by the state radiation control agency without the filing of an application to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing byproduct, source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.

(5) “Ionizing radiation” means gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles.

(6) “Nonionizing radiation” means radiations of any wavelength in the entire electromagnetic spectrum except those radiations defined in this section as ionizing. Nonionizing radiations include ultraviolet, visible, infrared, microwave, radiowave, low frequency electromagnetic radiation; infrasonic, sonic, and ultrasonic waves; electrostatic and magnetic fields.

(7) “NRC” means the U.S. Nuclear Regulatory Commission or any successor agency of the United States to the Commission.
(8) “Radioactive material” means any material, whether solid, liquid, or gas, that emits ionizing radiation spontaneously. The term includes material made radioactive by a particle accelerator, byproduct material, naturally occurring radioactive material, source material, and special nuclear material.

(6) Specific license (9) “Specific license” means a license, issued to a named person after application to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing byproduct, source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.

(7) The department of health is the state radiation control agency, called the agency herein.

(8) Source material (10) “Source material” means each of the following:

(A) uranium, thorium, or any combination of those elements, in any physical or chemical form;

(B) any other material which the governor declares by order to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, NRC has determined the material to be such source material; or

(B)(C) ores containing one or more of the foregoing materials, that contain uranium, thorium, or any combination of those elements in a concentration by weight of 0.05 percent or more or in such lower concentration as the governor declares by order to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, NRC has determined the material in such concentration to be source material.

(9) Special nuclear material (11) “Special nuclear material” means:

(A) plutonium, uranium 233 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the governor declares by order to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, NRC has determined the material to be such special nuclear material, but does not include source material; or

(B) any material artificially enriched by any of the foregoing elements, isotopes, or materials listed in subdivision (A) of this subdivision (11), but does not include source material.

§ 1652. STATE RADIATION CONTROL
(a) The Department is the radiation control agency for the State of Vermont. The Commissioner of Health may designate the Radiation Control Director of Occupational Health within the Department as the individual who shall perform the functions vested in the Department by this chapter.

(b) The Agency Department shall, for the protection of the occupational and public health and safety, develop programs for the control of ionizing and non-ionizing radiation compatible with federal programs for regulation of byproduct, source, and special nuclear materials.

(c) The Agency Department may adopt, amend, and repeal rules under 3 V.S.A. chapter 25:

(1) which may provide for licensing and registration for the control of sources of ionizing radiation;

(2) and that may provide for the control and regulation of sources of non-ionizing radiation.

(d) The Agency Department shall advise, consult, and cooperate with other agencies of the State, the federal government, other states and interstate agencies, political subdivisions, industries, and with groups concerned with control of sources of ionizing and non-ionizing radiation.

(e) Applicants for registration of X-ray equipment shall pay an annual registration fee of $85.00 per piece of equipment.

(f) Fees collected under this section shall be credited to a special fund 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 services relating to licensing and registration and controlling sources of ionizing radiation.

§ 1653. FEDERAL–STATE AGREEMENTS

(a) The governor, on behalf of the 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 of these responsibilities by the State of Vermont.

(b) In the event of such agreement:

(1) The Agency Department 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. A rule adopted under this subsection
shall be consistent with regulations duly adopted by the NRC except as the Commissioner determines is necessary to protect public health.

(2) The Department shall be authorized to:

(A) impose conditions that are individual to a license when necessary to protect public health and safety;

(B) reciprocate in the recognition of specific licenses issued by the NRC or another state that has reached agreement with the NRC pursuant to 42 U.S.C. § 2021(b) (agreement state);

(C) require that licensees and unlicensed individuals comply with the federal statutes and regulations relating to the authority assumed by the Department under this section and with the rules adopted by the Department under this section; and

(D) 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 Department 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 Department 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 (4) of this subsection and shall be available to the Department 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 (3) of this subsection 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.

(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 shall be considered to have a like license with the 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 Department that the license will be considered expired.

(4)(6) The agency Department 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 Department may require subject to such exemptions as may be provided by rule.

(5)(7) Violations:

(A) It shall be unlawful for any person to A person shall not 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 Department in accordance with the provisions of this chapter or rules adopted under this chapter.

(B) The agency Department 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 adopted under this chapter.

(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 as provided in section 1656 of this title subsection (a) of this section.

(c) This section does not confer authority to regulate materials or activities reserved to the NRC under 42 U.S.C. § 2021(c) and 10 C.F.R. Part 150.

§ 1654. INSPECTION

The agency Department or its duly authorized representatives may enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of this chapter and rules and regulations issued thereunder, except that entry into areas under the jurisdiction of the federal government shall be made only with the concurrence of the federal government or its duly designated representative.

§ 1655. HEARINGS AND JUDICIAL REVIEW

(a) In any proceeding under this chapter for the issuance or modification of rules relating to control of byproducts, source, and special nuclear materials; or for granting, suspending, revoking, or amending any license; or for determining compliance with or granting exemptions from rules and regulations of the agency Department, the agency Department shall hold a
public hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to the proceeding, subject to the emergency provisions in subsection (b) of this section.

(b) Whenever the agency Department finds that an emergency exists requiring immediate action to protect the public health and safety, the agency Department may, without notice or hearing, issue a regulation or an order reciting the existence of the emergency and requiring that such action be taken as is necessary to meet it. Notwithstanding any provisions contrary provision of this chapter, the regulation or order shall be effective immediately. Any person to whom the regulation or order is directed shall comply therewith immediately, but on application to the agency Department shall be afforded a hearing within ten days. On the basis of the hearing, the emergency regulation or order shall be continued, modified, or revoked within ten days after the hearing.

(c) Any final order entered in any proceeding under subsections (a) and (b) above of this section shall be subject to judicial review in the superior court Civil Division of the Superior Court.

§ 1656. INJUNCTION PROCEEDINGS

Whenever, in the judgment of the agency Department, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this chapter, or any rule issued thereunder, the attorney general Attorney General shall make application to the appropriate court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the agency Department that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

And that after passage the title of the bill be amended to read: “An act relating to enabling the Vermont Department of Health to reach an agreement with the Nuclear Regulatory Commission regarding authority over regulation and licensing of radioactive materials”

Which proposal of amendment was considered and concurred in.
Senate Proposal of Amendment Concurred in
H. 539

The Senate proposed to the House to amend House bill, entitled
An act relating to establishment of a Pollinator Protection Committee
In Sec. 1 (Pollinator Protection Committee; report), in subsection (f), after “On or before” and before “, the Pollinator Protection Committee shall submit” by striking out “January 15, 2017” and inserting in lieu thereof December 15, 2016

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in
H. 674

The Senate proposed to the House to amend House bill, entitled
An act relating to public notice of wastewater discharges
First: In Sec. 1, in 10 V.S.A. § 1295, by striking out subsection (b) in its entirety and inserting in lieu thereof the following:

(b) Public alert. An operator of a wastewater treatment facility or the operator’s delegate shall as soon as possible, but no longer than one hour from discovery of an untreated discharge from the wastewater treatment facility, post on a publicly accessible electronic network, mobile application, or other electronic media designated by the Secretary an alert informing the public of the untreated discharge and its location, except that if the operator or his or her delegate does not have telephone or Internet service at the location where he or she is working to control or stop the untreated discharge, the operator or his or her delegate may delay posting the alert until the time that the untreated discharge is controlled or stopped, provided that the alert shall be posted no later than four hours from discovery of the untreated discharge.

Second: In Sec. 3, 18 V.S.A. § 1222, in subdivision (a)(1), by striking out “microcystin, anatoxin, and cylindrospermopsis” and inserting in lieu thereof microcystis, anabaena, and aphanizomenon

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in
H. 765

The Senate proposed to the House to amend House bill, entitled
An act relating to technical corrections
First: After Sec. 46, 17 V.S.A. § 2680, by inserting a new section to be numbered Sec. 46a to read as follows:

Sec. 46a. 18 V.S.A. § 906 is amended to read:

§ 906. EMERGENCY MEDICAL SERVICES DIVISION; RESPONSIBILITIES

To implement the policy of section 901 of this title, the department of health shall be responsible for:

* * *

(3) Developing a statewide system of emergency medical services, including but not limited to planning, organizing, coordinating, improving, expanding, monitoring, and evaluating emergency medical services.

* * *

Second: After Sec. 50, 18 V.S.A. § 4243, by inserting a new section to be numbered Sec. 50a to read as follows:

Sec. 50a. 18 V.S.A. § 4631a is amended to read:

§ 4631a. EXPENDITURES BY MANUFACTURERS OF PRESCRIBED PRODUCTS

(a) As used in this section:

* * *

(5) “Gift” means:

(A) anything of value provided for free to a health care provider or to a member of the Green Mountain Care Board established in chapter 220 of this title; or

(B) except as otherwise provided in subdivision (a)(1)(A)(ii) and (a)(1)(H)(ii) of this section, any payment, food, entertainment, travel, subscription, advance, service, or anything else of value provided to a health care provider or to a member of the Green Mountain Care Board established in chapter 220 of this title, unless:

* * *

Third: After Sec. 51, 18 V.S.A. § 8839(2), by inserting a new section to be numbered Sec. 51a to read as follows:

Sec. 51a. 18 V.S.A. § 9454 is amended to read:

§ 9454. HOSPITALS; DUTIES
(a) Hospitals shall file the following information at the time and place and in the manner established by the board:

(1) a budget for the forthcoming fiscal year;

(2) financial information, including but not limited to costs of operation, revenues, assets, liabilities, fund balances, other income, rates, charges, units of services, and wage and salary data;

(3) scope-of-service and volume-of-service information, including but not limited to inpatient services, outpatient services, and ancillary services by type of service provided;

* * *

Fourth: After Sec. 61, 26 V.S.A. § 3001(1), by inserting a new section to be numbered Sec. 61a to read as follows:

Sec. 61a. 26 V.S.A. § 3178a is amended to read:

§ 3178a. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for agency license:
   (A) Investigative agency $340.00
   (B) Security agency $340.00
   (C) Investigative/security agency $400.00
   (D) Sole proprietor $250.00

(2) Application for individual license:
   (A) Unarmed licensee $150.00
   (B) Armed licensee $200.00

(3) Application for employee registration:
   (A) Unarmed registrants $60.00
   (B) Armed registrants $120.00
   (C) Transitory permits $60.00

(4) Biennial renewal:
   (A) Investigative agency $300.00
   (B) Security agency $300.00
   (C) Investigative/security agency $300.00
(D) Unarmed licensee $120.00
(E) Armed licensee $180.00
(F) Unarmed registrants (agency employees) $80.00
(G) Armed registrants (agency employees) $130.00
(H) Sole proprietor $250.00

(5) Instructor licensure:
(A) Application for licensure $120.00
(B) Biennial renewal $180.00

(6)(b) A sole proprietor of an investigative agency or security agency shall only pay the sole proprietor fees pursuant to this section, provided the agency has no other registered investigative or security employees.

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment Concurred in**
**With a Further Amendment Thereto**

**H. 778**

The Senate proposed to the House to amend House bill, entitled

An act relating to State enforcement of the federal Food Safety Modernization Act

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. chapter 66 is added to read:

**CHAPTER 66. PRODUCE INSPECTION**

§ 851. DEFINITIONS

As used in this chapter:

(1) “Agency” means the Agency of Agriculture, Food and Markets.

(2) “Farm” means lands that are owned or leased by a person engaged in any of the activities stated in 10 V.S.A. § 6001(22).

(3) “Produce” shall have the same meaning as used in 21 C.F.R. § 112.3.

(4) “Produce farm” means any farm engaged in the growing, harvesting, packing, or holding of produce.

(5) “Secretary” means the Secretary of Agriculture, Food and Markets.
§ 852. AUTHORITY; ENFORCEMENT

(a) The Secretary may enforce in the State the requirements of the rules adopted under the federal Food Safety Modernization Act, Public Law No. 111-353, for standards for growing, harvesting, packing, and holding of produce for human consumption, 21 C.F.R. part 112.

(b) The Agency may collaborate with the Vermont Department of Health regarding application of the federal Food Safety Modernization Act and the rules adopted thereunder.

(c) The Secretary shall carry out the provisions of this chapter using:

(1) monies appropriated to the Agency by the federal government for the purpose of administering the federal Food Safety Modernization Act and the rules adopted thereunder;

(2) monies appropriated to the Agency by the State for the purpose of administering this chapter; and

(3) other gifts, bequests, and donations by private entities for the purposes of administering this chapter.

§ 853. FARM INSPECTIONS

(a)(1) The Secretary may inspect a produce farm during reasonable hours for the purposes of ensuring compliance with:

(A) the federal standards for growing, harvesting, packing, and holding of produce for human consumption, as adopted under 21 C.F.R. part 112; or

(B) the rules adopted under this chapter.

(2) Unless the circumstances warrant otherwise, the Secretary shall provide reasonable notice prior to inspection.

(3) This section shall not limit the Secretary’s authority to respond to an emergency in order to prevent a public health hazard under section 21 of this title.

(b) After inspection, the Secretary may issue an inspection certificate that shall include the date and place of inspection along with any other pertinent facts that the Secretary may require.

(c) The Secretary may coordinate with other State agencies and organizations to carry out inspections at or near the same time on a given produce farm.
§ 854. RECORDS

The owner or operator of a produce farm shall maintain records required by the federal Food Safety Modernization Act, rules adopted thereunder, and rules adopted under this chapter and shall make those records available to the Agency upon request.

§ 855. RULES

The Secretary may adopt rules pursuant to 3 V.S.A. chapter 25 as may be necessary to implement this chapter.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the House concur in the Senate proposal of amendment? Rep. Purvis of Colchester moved to concur in the Senate proposal of amendment with a further amendment thereto as follows:

In Sec. 1, 6 V.S.A. § 853, by striking out subdivision (a)(2) in its entirety and renumbering the subsequent subdivision to be numerically correct

Which was agreed to.

Senate Proposal of Amendment Concurred in

H. 824

The Senate proposed to the House to amend House bill, entitled

An act relating to the adoption of occupational safety and health rules and standards

By striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. [Deleted.]

Which proposal of amendment was considered and concurred in.

Adjournment

At five o’clock and fifty-seven minutes in the afternoon, on motion of Rep. Turner of Milton, the House adjourned until tomorrow at one o’clock in the afternoon.