

Journal of the House

Thursday, April 28, 2016

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

Devotional Exercises

Devotional exercises were conducted by the Tunbridge Church Children's Choir, Tunbridge, Vt.

Bill Referred to Committee on Appropriations

S. 243

Senate bill, entitled

An act relating to combating opioid abuse in Vermont

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

House Resolution Placed on Calendar

H.R. 22

House resolution, entitled

House resolution requesting the governors of the 19 states that have suspended state implementation planning to continue the compliance process under the Environmental Protection Agency's Carbon Pollution Emission Guidelines

Offered by: Representatives McCormack of Burlington, Chesnut-Tangerman of Middletown Springs, Deen of Westminster, Klein of East Montpelier, Ram of Burlington, Sullivan of Burlington, and Yantachka of Charlotte

Whereas, on October 23, 2015, the U.S. Environmental Protection Agency (EPA) issued a final rule entitled *Carbon Pollution Emission Guidelines for Existing Utility Generating Units*, 80 FR 64662-01 (Clean Power Plan), and

Whereas, the Clean Power Plan is intended to reduce carbon emissions from the nation's power plants to 32 percent below 2005 levels no later than 2032, and

Whereas, 27 states, including West Virginia and Texas (the parties), along with a number of companies and business groups, are seeking to overturn the

final rule through a suit they filed in the U.S. Court of Appeals for the District of Columbia, and

Whereas, in a close 5–4 decision, issued on February 9, 2016, the U.S. Supreme Court, in *Chamber of Commerce v. EPA*, 2016 WL 502658, granted the parties’ requested stay of enforcement, and

Whereas, Environment & Energy Publishing’s recent analysis estimates that 19 states have suspended state implementation planning associated with the Clean Power Plan, and

Whereas, the Clean Power Plan is based on a strong legal and technical foundation since, in 2007, the U.S. Supreme Court ruled, in *Massachusetts v. Environmental Protection Agency*, 127 S.Ct. 1438, that the Environmental Protection Agency (EPA) is authorized to regulate greenhouse gas emissions if the agency believes they contribute to climate change, and

Whereas, according to 2014 NBC/Wall Street Journal and Bloomberg polls, a majority of Americans support efforts to reduce carbon pollution, and

Whereas, a 2014 Yale Climate Opinion Poll indicated that majorities in 17 of the 19 states that have suspended state implementation planning support setting strict carbon dioxide limits on coal-fired power plants, and

Whereas, according to a 2016 Utility Dive survey, 70 percent of utility executives thought the EPA should maintain the Clean Power Plan or make it more aggressive, and

Whereas, it is estimated that the Clean Power Plan will prevent up to 3,600 premature deaths and produce a maximum \$54 billion in annual health and climate benefits by 2030, and

Whereas, from an environmental perspective, it is preferable for state environmental administrators to comply with the Clean Power Plan, notwithstanding the U.S. Supreme Court’s enforcement stay, and

Whereas, there are no coal-fired plants located in Vermont, due in part to the choices our State has made to combat climate change through investing in energy efficiency and renewable energy and not developing coal- or oil-fired power plants, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges the governors of Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Michigan, Mississippi, Montana, Nebraska, New Jersey, North Carolina, North Dakota, Oklahoma, South Dakota, Texas, Utah, West Virginia, and Wisconsin to support the global fight

against climate change by continuing the Clean Power Plan compliance process in order to keep their states from falling behind the nation and obstructing the growth of a strong clean energy economy after the current legal challenges to the Clean Power Plan have ended, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the governor of each state mentioned in this resolution.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

**Committee Relieved of Consideration
and Bill Placed on Calendar for Notice**

H. 867

Rep. Botzow of Pownal moved that the committee on Commerce and Economic Development be relieved of House bill entitled

An act relating to classification of employees and independent contractors

Which was agreed to. Thereupon, under the rule, the bill was placed on the Calendar for notice tomorrow.

Committee of Conference Appointed

S. 174

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

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

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Hubert of Milton

Rep. Evans of Essex

Rep. Lewis of Berlin

Committee of Conference Appointed

S. 114

Pursuant to the request of the Senate for a Committee of Conference on the disagreeing votes of the two Houses on Senate bill, entitled

An act relating to the Open Meeting Law

The Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Martin of Wolcott
Rep. Townsend of South Burlington
Rep. LaClair of Barre Town

Third Reading; Bill Passed

H. 886

House bill, entitled

An act relating to approval of amendments to the charter of the Town of Brattleboro

Was taken up, read the third time and passed.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 10

Rep. Burditt of West Rutland, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to the State DNA database

Reported in favor of its passage in concurrence with proposal of amendment as follows:

In Sec. 1, 20 V.S.A. § 1932, in subdivision (12), by striking out subdivision (D) in its entirety and inserting in lieu thereof a new subdivision (D) to read as follows:

(D) a misdemeanor violation of 13 V.S.A. chapter 28 of this title, relating to abuse, neglect, and exploitation of vulnerable adults;

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment offered by the committee on Judiciary agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 91

Rep. Lalonde of South Burlington, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to procedures of the Judicial Nominating Board and qualifications of candidates for the positions of Justice, judge, magistrate, and Chair and member of the Public Service Board

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 1, 4 V.S.A. § 601(d), by striking out “ ~~shall~~ may” and inserting in lieu thereof “shall”

Second: In Sec. 2, 4 V.S.A. § 602, in subdivision (c)(1), by adding a second sentence to read as follows:

The Board may make exceptions to the five-year requirement for absences from practice for reasons including family, military, academic, or medical leave.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment offered by the committee on Judiciary agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 154

Rep. Rachelson of Burlington, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to enhanced penalties for assaulting an employee of the Family Services Division of the Department for Children and Families and to criminal threatening

Reported in favor of its passage in concurrence with proposal of amendment as follows:

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

Sec. 1. FINDINGS

The General Assembly finds the following:

- (1) Stalking is a serious problem in Vermont and nationwide.
- (2) Stalking involves severe intrusions on the victim’s personal privacy and autonomy.
- (3) Stalking causes a long-lasting impact on the victim’s quality of life and creates risks to the security and safety of the victim and others even in the absence of express threats of physical harm.
- (4) Stalking conduct often becomes increasingly violent over time.
- (5) There is a strong connection between stalking and domestic violence and sexual assault.

Sec. 2. 12 V.S.A. § 5131 is amended to read:

§ 5131. DEFINITIONS

As used in this chapter:

(1)(A) ~~“Course of conduct” means a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose~~ two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person’s property. This definition shall apply to acts conducted by the person directly or indirectly, and by any action, method, device, or means. Constitutionally protected activity is not included within the meaning of “course of conduct.”

(B) As used in subdivision (A) of this subdivision (1), threaten shall not be construed to require an express or overt threat.

(2) ~~“Following” means maintaining over a period of time a visual or physical proximity to another person in such manner as would cause a reasonable person to have fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death. [Repealed.]~~

(3) ~~“Lying in wait” means hiding or being concealed for the purpose of attacking or harming another person.~~

(4) ~~“Nonphysical contact” includes telephone calls, mail, e-mail, social media commentary or comment, or other electronic communication, fax, and written notes.~~

(4) “Reasonable person” means a reasonable person in the victim’s circumstances.

(5) ~~“Sexually assaulted the plaintiff” means that the defendant engaged in conduct that meets elements of lewd and lascivious conduct as defined in 13 V.S.A. § 2601, lewd and lascivious conduct with a child as defined in 13 V.S.A. § 2602, sexual assault as defined in 13 V.S.A. § 3252, aggravated sexual assault as defined in 13 V.S.A. § 3253, use of a child in a sexual performance as defined in 13 V.S.A. § 2822, or consenting to a sexual performance as defined in 13 V.S.A. § 2823 and that the plaintiff was the victim of the offense.~~

(6) ~~“Stalk” means to engage purposefully in a course of conduct which consists of following or lying in wait for a person, or threatening behavior directed at a specific person or a member of the person’s family, and:~~

~~(A) serves no legitimate purpose; and~~

~~(B)~~ that the person engaging in the conduct knows or should know would cause a reasonable person to:

(A) fear for his or her safety or the safety of a family member; or

~~(B) would cause a reasonable person suffer~~ substantial emotional distress as evidenced by:

(i) a fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death; or

(ii) significant modifications in the person's actions or routines, including moving from an established residence, changes to established daily routes to and from work that cause a serious disruption in the person's life, changes to the person's employment or work schedule, or the loss of a job or time from work.

(7) "Stay away" means to refrain from knowingly:

(A) initiating or maintaining a physical presence near the plaintiff;

(B) engaging in nonphysical contact with the plaintiff directly or indirectly; or

(C) engaging in nonphysical contact with the plaintiff through third parties who may or may not know of the order.

~~(8) "Threatening behavior" means acts which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent. [Repealed.]~~

Sec. 3. 12 V.S.A. § 5133 is amended to read:

§ 5133. REQUESTS FOR AN ORDER AGAINST STALKING OR SEXUAL ASSAULT

(a) A person, other than a family or household member as defined in 15 V.S.A. § 1101(2), may seek an order against stalking or sexual assault on behalf of ~~him~~ him- or herself or his or her children by filing a complaint under this chapter. A minor 16 years of age or older may file a complaint under this chapter seeking relief on his or her own behalf. The plaintiff shall submit an affidavit in support of the order.

(b) Except as provided in section 5134 of this title, the court shall grant the order only after notice to the defendant and a hearing. The plaintiff shall have the burden of proving by a preponderance of the evidence that the defendant stalked or sexually assaulted the plaintiff.

(c) In a hearing under this chapter, neither opinion evidence of nor evidence of the reputation of the plaintiff's sexual conduct shall be admitted. Evidence of prior sexual conduct of the plaintiff shall not be admitted; provided, however, where it bears on the credibility of the plaintiff or it is material to a fact at issue and its probative value outweighs its private character, the court may admit any of the following:

(1) ~~Evidence~~ evidence of the plaintiff's past sexual conduct with the defendant;

(2) ~~Evidence~~ evidence of specific instances of the plaintiff's sexual conduct showing the source of origin of semen, pregnancy, or disease; or

(3) ~~Evidence~~ evidence of specific instances of the plaintiff's past false allegations of violations of 13 V.S.A. chapter 59 or 72.

(d)(4) If the court finds by a preponderance of evidence that the defendant has stalked or sexually assaulted the plaintiff, or has been convicted of stalking or sexually assaulting the plaintiff, the court shall order the defendant to stay away from the plaintiff or the plaintiff's children, or both, and may make any other ~~such~~ order it deems necessary to protect the plaintiff or the plaintiff's children, or both.

~~(2) If the court finds by a preponderance of evidence that the defendant has sexually assaulted the plaintiff and there is a danger of the defendant further harming the plaintiff, the court shall order the defendant to stay away from the plaintiff or the plaintiff's children, or both, and may make any other such order it deems necessary to protect the plaintiff or the plaintiff's children, or both. The court may consider the defendant's past conduct as relevant evidence of future harm.~~

(e) Relief shall be granted for a fixed period, at the expiration of which time the court may extend any order, upon motion of the plaintiff, for such additional time as it deems necessary to protect the plaintiff or the plaintiff's children, or both. It is not necessary for the court to find that the defendant stalked or sexually assaulted the plaintiff during the pendency of the order to extend the terms of the order. The court may modify its order at any subsequent time upon motion by either party and a showing of a substantial change in circumstance.

* * *

Sec. 4. 13 V.S.A. § 1021 is amended to read:

§ 1021. DEFINITIONS

(a) ~~For the purpose of~~ As used in this chapter:

* * *

~~(4) “Course (b) As used in this subchapter, “course of conduct” means a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”~~

Sec. 5. 13 V.S.A. chapter 19, subchapter 7 is amended to read:

Subchapter 7. Stalking

§ 1061. DEFINITIONS

As used in this subchapter:

~~(1)(A) “Stalk” means to engage in a course of conduct which consists of following, lying in wait for, or harassing, and:~~

~~(A) serves no legitimate purpose; and~~

~~(B) would cause a reasonable person to fear for his or her physical safety or would cause a reasonable person substantial emotional distress.~~

~~(2) “Following” means maintaining over a period of time a visual or physical proximity to another person in such manner as would cause a reasonable person to have a fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death.~~

~~(3) “Harassing” means actions directed at a specific person, or a member of the person’s family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent “Course of conduct” means two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person’s property. This definition shall apply to acts conducted by the person directly or indirectly, and by any action, method, device, or means. Constitutionally protected activity is not included within the meaning of “course of conduct.”~~

~~(B) As used in subdivision (A) of this subdivision (1), threaten shall not be construed to require an express or overt threat.~~

~~(4) “Lying in wait” means hiding or being concealed for the purpose of attacking or harming another person.~~

~~(2) “Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.~~

(3) “Reasonable person” means a reasonable person in the victim’s circumstances.

(4) “Stalk” means to engage purposefully in a course of conduct directed at a specific person that the person engaging in the conduct knows or should know would cause a reasonable person to fear for his or her safety or the safety of another or would cause a reasonable person substantial emotional distress.

§ 1062. STALKING

Any person who intentionally stalks another person shall be imprisoned not more than two years or fined not more than \$5,000.00, or both.

§ 1063. AGGRAVATED STALKING

(a) A person commits the crime of aggravated stalking if the person intentionally stalks another person, and:

(1) such conduct violates a court order that prohibits stalking and is in effect at the time of the offense; ~~or~~

(2) has been previously convicted of stalking or aggravated stalking; ~~or~~

(3) has been previously convicted of an offense an element of which involves an act of violence against the same person; ~~or~~

(4) the person being stalked is under ~~the age of~~ 16 years of age; or

(5) had a deadly weapon, as defined in section 1021 of this title, in his or her possession while engaged in the act of stalking.

(b) A person who commits the crime of aggravated stalking shall be imprisoned not more than five years or be fined not more than \$25,000.00, or both.

(c) Conduct constituting the offense of aggravated stalking shall be considered a violent act for the purposes of determining bail.

§ 1064. DEFENSES

In a prosecution under this subchapter, it shall not be a defense that the defendant was not provided actual notice that the course of conduct was unwanted.

Sec. 6. 13 V.S.A. § 1028 is amended to read:

§ 1028. ASSAULT OF ~~LAW ENFORCEMENT OFFICER, FIREFIGHTER, EMERGENCY MEDICAL PERSONNEL MEMBER, OR HEALTH CARE WORKER~~ PROTECTED PROFESSIONAL; ASSAULT WITH BODILY FLUIDS

(a) A person convicted of a simple or aggravated assault against a ~~law enforcement officer, a firefighter, a health care worker, or a member of emergency medical personnel as defined in 24 V.S.A. § 2651(6)~~ protected professional as defined in subdivision (d)(1) of this section while the ~~officer, firefighter, health care worker, or emergency medical personnel member~~ protected professional is performing a lawful duty, or with the intent to prevent the protected professional from performing his or her lawful duty, in addition to any other penalties imposed under sections 1023 and 1024 of this title, shall:

(1) for the first offense, be imprisoned not more than one year;

(2) for the second offense and subsequent offenses, be imprisoned not more than 10 years.

(b)(1) No person shall intentionally cause blood, vomitus, excrement, mucus, saliva, semen, or urine to come in contact with a ~~person designated in subsection (a) of this section~~ protected professional while the person is performing a lawful duty.

(2) A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

* * *

(d) ~~For purposes of As used in~~ As used in this section:

(1) “Protected professional” shall mean a law enforcement officer, a firefighter, a health care worker, an employee of the Family Services Division of the Department for Children and Families, or any emergency medical personnel as defined in 24 V.S.A. § 2651(6).

(2) “Health care facility” shall have the same meaning as defined in 18 V.S.A. § 9432(8); and.

(3) “Health care worker” means an employee of a health care facility or a licensed physician who is on the medical staff of a health care facility who provides direct care to patients or who is part of a team-response to a patient or visitor incident involving real or potential violence.

(e) This section shall not apply to an individual under 18 years of age residing in a residential rehabilitation facility.

Sec. 7. 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 stalking and enhanced penalties for assault”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment offered by the committee on Judiciary agreed to and third reading ordered.

Action on Bill Postponed

S. 183

House bill, entitled

An act relating to permanency for children in the child welfare system

Was taken up and on motion of **Rep. Conquest of Newbury**, action on the bill was postponed until the next legislative day.

Favorable Report; Third Reading Ordered

H.R. 18

Rep. Donahue of Northfield, for the committee on Rules, to which had been referred House resolution, entitled

House resolution to amend the Rules and Orders of the House of Representatives related to individual members' paid and volunteer staff

Reported in favor of its passage. The resolution, having appeared on the Calendar one day for notice, was taken up and adopted.

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

H. 74

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

An act relating to safety protocols for social and mental health workers

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

Sec. 1. 33 V.S.A. chapter 82 is added to read:

CHAPTER 82. SAFETY PROVISIONS FOR WORKERS

§ 8201. SAFETY POLICIES FOR EMPLOYEES DELIVERING DIRECT
SOCIAL SERVICES

(a)(1) The Secretary of Human Services, in consultation with each department of the Agency, shall establish and maintain a written workplace violence prevention and crisis response policy that meets or exceeds the requirements of this chapter in place for the benefit of employees delivering direct social services.

(2) The Secretary shall ensure that its contracts with providers whose employees deliver direct social services and that are administered or designated but not otherwise licensed by a department of the Agency include the requirement that providers establish and maintain a written workplace violence prevention and crisis response policy that meets or exceeds the requirements of this chapter in place for the benefit of employees delivering direct social services.

(b) A written workplace violence prevention and crisis response policy prepared with input from employees delivering direct social services shall minimally include the following:

(1) measures the program intends to take to respond to an incident of or credible threat of workplace violence against employees delivering direct social services;

(2) a system for centrally recording all incidents of or credible threats of workplace violence against employees delivering direct social services;

(3) a training program to educate employees delivering direct social services about workplace violence and ways to reduce the risks; and

(4) the development and maintenance of a violence prevention and response committee that includes employees delivering direct social services to monitor ongoing compliance with the violence prevention and crisis response policy and to assist employees delivering direct social services.

(c) In preparing the written violence prevention and crisis response policy required by this section, the Secretary and providers identified in subdivision (a)(2) of this section shall consult the U.S. Occupational Safety and Health Administration's Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers as amended.

(d) A written workplace violence prevention and crisis response policy shall be evaluated annually and updated as necessary by the violence and prevention response committee and provided to employees delivering direct social services.

(e) The requirements of this section shall neither be construed as a waiver of sovereign immunity by the State, nor as creating any private right of action against the State for damages resulting from failure to comply with this section.

Sec. 2. 18 V.S.A. § 7114 is added to read:

§ 7114. SAFETY POLICIES FOR EMPLOYEES DELIVERING DIRECT SOCIAL SERVICES

(a) The Secretary of Human Services, in consultation with each department of the Agency, shall establish and maintain a workplace violence prevention and crisis response policy for the benefit of employees delivering direct social services pursuant to 33 V.S.A. § 8201.

(b) The Secretary shall ensure that its contracts with providers described in 33 V.S.A. § 8201(a)(2) require the providers to establish and maintain a written workplace violence prevention and crisis response policy for the benefit of employees delivering direct social services pursuant to 33 V.S.A. § 8201.

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2017.

And that after passage the title of the bill be amended to read: “An act relating to safety policies for employees delivering direct social services”

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

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

Sec. 1. 33 V.S.A. chapter 82 is added to read:

CHAPTER 82. SAFETY PROVISIONS FOR WORKERS

§ 8201. SAFETY POLICIES FOR EMPLOYEES DELIVERING DIRECT SOCIAL OR MENTAL HEALTH SERVICES

(a)(1) The Secretary of Human Services, in consultation with each department of the Agency, shall establish and maintain a written workplace violence prevention and crisis response policy that meets or exceeds the requirements of this chapter in place for the benefit of employees delivering direct social or mental health services.

(2) The Secretary shall ensure that the Agency’s contracts with providers whose employees deliver direct social or mental health services and that are administered or designated but not otherwise licensed by a department of the Agency include the requirement that providers establish and maintain a written workplace violence prevention and crisis response policy that meets or exceeds the requirements of this chapter in place for the benefit of employees delivering direct social or mental health services.

(b) A written workplace violence prevention and crisis response policy prepared with input from an employee delivering direct social or mental health services shall minimally include the following:

(1) measures the provider intends to take to respond to an incident of or credible threat of workplace violence against an employee delivering direct social or mental health services;

(2) a system for centrally recording all incidents of or credible threats of workplace violence against an employee delivering direct social or mental health services;

(3) a training program to educate employees delivering direct social or mental health services about workplace violence and ways to reduce the risks; and

(4) the development and maintenance of a violence prevention and crisis response committee that includes employees delivering direct social or mental health services to monitor ongoing compliance with the violence prevention and crisis response policy and to assist employees delivering direct social or mental health services.

(c) In preparing the written violence prevention and crisis response policy required by this section, the Secretary and providers identified in subdivision (a)(2) of this section shall consult the U.S. Occupational Safety and Health Administration's Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers as amended.

(d) A written workplace violence prevention and crisis response policy shall be evaluated annually and updated as necessary by the violence and prevention response committee and provided to employees delivering direct social or mental health services.

(e) The requirements of this section shall neither be construed as a waiver of sovereign immunity by the State nor as creating any private right of action against the State for damages resulting from failure to comply with this section. This section shall not be construed to limit or eliminate any legal remedy available to an employee prior to the enactment of this section.

Sec. 2. 18 V.S.A. § 7114 is added to read:

§ 7114. SAFETY POLICIES FOR EMPLOYEES DELIVERING DIRECT
SOCIAL OR MENTAL HEALTH SERVICES

(a) The Secretary of Human Services, in consultation with each department of the Agency, shall establish and maintain a workplace violence prevention

and crisis response policy for the benefit of employees delivering direct social or mental health services pursuant to 33 V.S.A. § 8201.

(b) The Secretary shall ensure that the Agency's contracts with providers described in 33 V.S.A. § 8201(a)(2) require the providers to establish and maintain a written workplace violence prevention and crisis response policy for the benefit of employees delivering direct social or mental health services pursuant to 33 V.S.A. § 8201.

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2017.

and that after passage the title of the bill be amended to read: "An act relating to safety policies for employees delivering direct social or mental health services"

Which was agreed to.

Senate Proposal of Amendment Concurred in

H. 183

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

An act relating to security in the Capitol Complex

In Sec. 1, 2 V.S.A. chapter 30, § 991, in subsection (b), subdivision (2), by striking out subsection (b), subdivision (2) in its entirety and inserting in lieu thereof the following:

(2) In the first year, the Chair of the House Committee on Corrections and Institutions shall serve as Chair of the Committee and the Chair of the Senate Committee on Institutions shall serve as Vice Chair. Annually thereafter, the offices of Chair and Vice Chair shall rotate between the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 367

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

An act relating to miscellaneous revisions to the municipal plan adoption, amendment, and update process

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

Sec. 1. 24 V.S.A. § 4350 is amended to read:

§ 4350. REVIEW AND CONSULTATION REGARDING MUNICIPAL PLANNING EFFORT

(a) A regional planning commission shall consult with its municipalities with respect to the municipalities' planning efforts, ascertaining the municipalities' needs as individual municipalities and as neighbors in a region, and identifying the assistance that ought to be provided by the regional planning commission. As a part of this consultation, the regional planning commission, after public notice, shall review the planning process of its member municipalities at least twice during an eight-year period, or more frequently on request of the municipality, and shall so confirm when a municipality:

(1) is engaged in a continuing planning process that, within a reasonable time, will result in a plan ~~which~~ that is consistent with the goals contained in section 4302 of this title; ~~and~~

(2) is engaged in a process to implement its municipal plan, consistent with the program for implementation required under section 4382 of this title; and

(3) is maintaining its efforts to provide local funds for municipal and regional planning purposes.

(b)(1) As part of the consultation process, the commission shall consider whether a municipality has adopted a plan. In order to obtain or retain confirmation of the planning process ~~after January 1, 1996~~, a municipality must have an approved plan. A regional planning commission shall review and approve plans of its member municipalities, when approval is requested and warranted. Each review shall include a public hearing which is noticed at least 15 days in advance by posting in the office of the municipal clerk and at least one public place within the municipality and by publication in a newspaper or newspapers of general publication in the region affected. The commission shall approve a plan if it finds that the plan:

(A) is consistent with the goals established in section 4302 of this title;

(B) is compatible with its regional plan;

(C) is compatible with approved plans of other municipalities in the region; and

(D) contains all the elements included in subdivisions 4382(a)(1)-(10)(12) of this title.

~~(2) Prior to January 1, 1996, if a plan contains all the elements required by subdivisions 4382(a)(1)-(10) and is submitted to the regional planning commission for approval but is not approved, it shall be conditionally approved.~~

~~(e)(2)~~ A commission shall give approval or disapproval to a municipal plan or amendment within two months of its receipt following a final hearing held pursuant to section 4385 of this title. The fact that the plan is approved after the deadline shall not invalidate the plan. If the commission disapproves the plan or amendment, it shall state its reasons in writing and, if appropriate, suggest acceptable modifications. Submissions for approval that follow a disapproval shall receive approval or disapproval within 45 days.

~~(d)(3)~~ The commission shall file any adopted plan or amendment with the Department of Housing and Community Development within two weeks of receipt from the municipality. Failure on the part of the commission to file the plan shall not invalidate the plan.

(c) In order to retain confirmation of the planning process, a municipality shall document that it has reviewed and is actively engaged in a process to implement its adopted plan.

(1) When assessing whether a municipality has been actively engaged in a process to implement its adopted plan, the regional planning commission shall consider the activities of local boards and commissions with regard to the preparation or adoption of bylaws and amendments; capital budgets and programs; supplemental plans; or other actions, programs, or measures undertaken or scheduled to implement the adopted plan. The regional planning commission shall also consider factors that may have hindered or delayed municipal implementation efforts.

(2) The consultation may include guidance by the regional planning commission with regard to resources and technical support available to the municipality to implement its adopted plan and recommendations by the regional planning commission for plan amendments and for updating the plan prior to readoption under section 4387 of this title.

~~(e)(d)~~ During the period of time when a municipal planning process is confirmed:

(1) The municipality's plan will not be subject to review by the Commissioner of Housing and Community Development under section 4351 of this title.

(2) State agency plans adopted under 3 V.S.A. chapter 67 shall be compatible with the municipality's approved plan. ~~This provision shall not apply to plans that are conditionally approved under this chapter.~~

(3) The municipality may levy impact fees on new development within its borders, according to the provisions of chapter 131 of this title.

(4) The municipality shall be eligible to receive additional funds from the municipal and regional planning fund.

~~(f)~~(e) Confirmation and approval decisions under this section shall be made by majority vote of the commissioners representing municipalities, in accordance with the bylaws of the regional planning commission.

Sec. 2. 24 V.S.A. § 4385 is amended to read:

§ 4385. ADOPTION AND AMENDMENT OF PLANS; HEARING BY
LEGISLATIVE BODY

* * *

(d) Plans may be reviewed from time to time and may be amended in the light of new developments and changed conditions affecting the municipality. An amendment to a plan does not affect or extend the plan's expiration date.

Sec. 3. 24 V.S.A. § 4387 is amended to read:

§ 4387. READOPTION OF PLANS

(a) All plans, including all prior amendments, shall expire every ~~five~~ eight years unless they are readopted according to the procedures in section 4385 of this title.

(b)(1) A municipality may readopt any plan that has expired or is about to expire. Prior to any readoption, the planning commission shall review and update the information on which the plan is based, and shall consider this information in evaluating the continuing applicability of the plan. In its review, the planning commission shall:

(A) consider the recommendations of the regional planning commission provided pursuant to subdivision 4350(c)(2) of this title;

(B) engage in community outreach and involvement in updating the plan;

(C) consider consistency with the goals established in section 4302 of this title;

(D) address the required plan elements under section 4382 of this title;

(E) evaluate the plan for internal consistency among plan elements, goals, objectives, and community standards;

(F) address compatibility with the regional plan and the approved plans of adjoining municipalities; and

(G) establish a program and schedule for implementing the plan.

(2) The readopted plan shall remain in effect for the ensuing five eight years unless earlier readopted.

(c) Upon the expiration of a plan, all bylaws and capital budgets and programs then in effect shall remain in effect, but shall not be amended until a plan is in effect.

(d) The fact that a plan has not been approved shall not make it inapplicable, except as specifically provided by this chapter. Bylaws, capital budgets, and programs shall remain in effect, even if the plan has not been approved.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2016. The eight-year expiration date for municipal plans applies to plans adopted or readopted on or after July 1, 2015. Plans adopted or readopted before July 1, 2015 shall expire in accordance with section 4387 of this title as it existed on the date of adoption or readoption.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 610

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

An act relating to clarifying the Clean Water State Revolving Fund and Water Pollution Control Grant Programs

In Sec. 38, Report on Loans to Private Entities for Water Pollution Abatement and Control Facilities and Public Water Supply Systems, in subsection (a), by striking out "Committee on Institutions" and inserting in lieu thereof Committees on Institutions and on Natural Resources and Energy.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in With a Further Amendment Thereto

H. 629

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

An act relating to a study committee to examine laws related to the administration and issuance of vital records

First: In Sec. 1, in subsection (a), by striking out subdivisions (1)–(5) in their entirety and inserting in lieu thereof the following:

(1) the Commissioner of Health or designee, who shall serve as Chair of the Committee;

(2) the State Archivist or designee;

(3) a Probate judge appointed by the Chief Justice of the Vermont Supreme Court;

(4) two town clerks appointed by the Vermont Municipal Clerks' and Treasurers' Association.

Second: In Sec. 1, in subsection (c), by striking out the second sentence in its entirety and inserting in lieu thereof the following: The Committee may consult with and shall have the assistance of the Office of Legislative Council.

Third: In Sec. 1, in subsection (e), by striking out subdivisions (1)–(3) in their entirety and inserting in lieu thereof the following:

(1) The Chair shall call the first meeting of the Committee to occur on or before June 15, 2016.

(2) A majority of the membership shall constitute a quorum.

Fourth: In Sec. 1, by striking out subsection (g) in its entirety

Pending the question, Shall the House concur in the Senate proposal of amendment? **Reps. Devereux of Mount Holly and Martin of Wolcott** moved to concur in the Senate proposal of amendment with a further amendment thereto, as follows:

First: In Sec. 1, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) Creation and membership. There is created a Vital Records Study Committee composed of the following members:

(1) the Commissioner of Health or designee;

(2) the State Archivist or designee;

(3) a Probate judge appointed by the Chief Justice of the Vermont Supreme Court;

(4) one municipal clerk designated by the Vermont Municipal Clerks' and Treasurers' Association; and

(5) one municipal clerk designated by the Vermont League of Cities and Towns, who is the clerk of a municipality that is not a member of the Vermont Municipal Clerks' and Treasurers' Association.

Second: In Sec. 1, by striking out subsection (e) in its entirety and inserting in lieu thereof the following:

(e) Meetings; selection of chair.

(1) The Probate judge appointed by the Chief Justice to serve on the Committee shall call the first meeting of the Committee to occur on or before June 15, 2016.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) A majority of the membership of the Committee shall constitute a quorum.

Which was agreed to.

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

H. 690

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

An act relating to the practice of acupuncture by physicians, osteopaths, and physician assistants

In Sec. 1, 26 V.S.A. § 3402, by striking out subsection (f) in its entirety and inserting in lieu thereof a new subsection (f) to read:

(f) This chapter shall not be construed to limit or restrict in any way the right of a licensed practitioner of a health care profession regulated under this title from performing services within the scope of his or her professional practice.

And that after passage the title of the bill be amended to read:

An act relating to the practice of acupuncture by health care professionals acting within their scope of practice.

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

By adding a new section to be Sec. 1a to read:

Sec. 1a. DIRECTOR OF PROFESSIONAL REGULATION; EVALUATING
NON-ACUPUNCTURISTS

The Director of Professional Regulation, with cooperation of the relevant professional regulatory boards, shall monitor and evaluate whether non-acupuncturists employing acupuncture as a therapeutic modality are doing so safely, within their scopes of practice, and in a manner consistent with the public health, safety, and welfare.

Which was agreed to.

Adjournment

At two o'clock and fifteen 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.