

House Calendar

Wednesday, March 22, 2017

78th DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 PM

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ACTION CALENDAR

Third Reading

H. 22

An act relating to the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council

H. 29

An act relating to permitting Medicare supplemental plans to offer expense discounts

H. 136

An act relating to accommodations for pregnant employees

H. 145

An act relating to establishing the Mental Health Crisis Response Commission

H. 152

An act relating to the Vermont Revised Uniform Fiduciary Access to Digital Assets Act

H. 167

An act relating to establishing drug possession thresholds to distinguish misdemeanor and felony crimes

H. 347

An act relating to the State Telecommunications Plan

H. 422

An act relating to confiscation of dangerous or deadly weapons from a person arrested or cited for domestic assault

Committee Bill for Second Reading

H. 502

An act relating to modernizing Vermont's parentage laws.

(Rep. Colburn of Burlington will speak for the Committee on Judiciary.)

H. 503

An act relating to bail.

(Rep. LaLonde of South Burlington will speak for the Committee on Judiciary.)

Favorable with Amendment

H. 230

An act relating to consent by minors for mental health treatment related to sexual orientation and gender identity

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

Sec. 1. 18 V.S.A. chapter 196 is amended to read:

CHAPTER 196. CONVERSION THERAPY OUTPATIENT MENTAL HEALTH TREATMENT FOR MINORS

Subchapter 1. Consent by Minors for Mental Health Care

§ 8350. CONSENT BY MINORS FOR MENTAL HEALTH TREATMENT RELATED TO SEXUAL ORIENTATION OR GENDER IDENTITY

A minor may give consent to receive outpatient treatment from a mental health professional, as defined in section 7101 of this title, for any underlying condition related to the minor's sexual orientation or gender identity. Consent under this section shall not be subject to disaffirmance due to minority of the person consenting. The consent of a parent or legal guardian shall not be necessary to authorize outpatient treatment related to a consenting minor's sexual orientation or gender identity. As used in this section, "outpatient treatment," means psychotherapy and supportive counseling, but not prescription drugs.

Subchapter 2. Prohibition of Conversion Therapy

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

(Committee Vote: 9-2-0)

H. 312

An act relating to retirement and pensions

Rep. Devereux of Mount Holly, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. VERMONT MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM RATES FOR FISCAL YEAR 2018

Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period July 1, 2017 through June 30, 2018, contributions shall be made by:

(1) Group A members at the rate of 2.5 percent of earnable compensation;

(2) Group B members at the rate of 4.875 percent of earnable compensation;

(3) Group C members at the rate of 10 percent of earnable compensation; and

(4) Group D members at the rate of 11.350 percent of earnable compensation.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

(Committee Vote: 10-0-1)

Rep. Browning of Arlington, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Government Operations.

(Committee Vote: 8-0-3)

H. 411

An act relating to Vermont's energy efficiency standards for appliances and equipment

Rep. McCormack of Burlington, for the Committee on Energy and Technology, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

The purpose of this act is to adopt federal appliance and lighting efficiency standards in effect on January 19, 2017 so that the same standards will be in place in Vermont should the federal standards be repealed or voided. The act also adopts federal standards for general service lighting that have been adopted by the U.S. Department of Energy and are scheduled to come into

effect on January 20, 2020, again so that the same standards will be in place in Vermont. The act does not adopt standards for other products or standards for a product that are different from the federal standards.

Sec. 2. 9 V.S.A. § 2793 is amended to read:

§ 2793. DEFINITIONS

As used in this chapter:

* * *

(15) “General service lamp” has the same meaning as set forth in the action published at 82 Fed. Reg. 7276, 7321-22 (January 19, 2017) and modified by the action published at 82 Fed. Reg. 7322, 7333 (January 19, 2017).

Sec. 3. 9 V.S.A. § 2794 is amended to read:

§ 2794. SCOPE

(a) The provisions of this chapter apply to the following types of new products sold, offered for sale, or installed in the State:

- (1) Medium voltage dry-type distribution transformers.
- (2) Metal halide lamp fixtures.
- (3) Residential furnaces and residential boilers.
- (4) Single-voltage external AC to DC power supplies.
- (5) State-regulated incandescent reflector lamps.
- (6) General service lamps.

(7) Each other product for which the Commissioner is required to adopt an efficiency or water conservation standard by rule pursuant to section 2795 of this title.

(8) Any other product that may be designated by the Commissioner in accordance with section 2797 of this title.

(b) The provisions of this chapter do not apply to:

- (1) New products manufactured in the State and sold outside the State and the equipment used in manufacturing those products.
- (2) New products manufactured outside the State and sold at wholesale inside the State for final retail sale and installation outside the State.
- (3) Products installed in mobile manufactured homes at the time of construction.

(4) Products designed expressly for installation and use in recreational vehicles.

Sec. 4. 9 V.S.A. § 2795 is amended to read:

§ 2795. EFFICIENCY AND WATER CONSERVATION STANDARDS

~~Not later than June 1, 2007, the~~ The Commissioner shall adopt rules in accordance with the provisions of 3 V.S.A. chapter 25 establishing minimum efficiency standards for the types of new products set forth in section 2794 of this title. The rules shall provide for the following minimum efficiency standards for products sold or installed in this State:

* * *

(6) In the rules, the Commissioner shall adopt minimum efficiency and water conservation standards for each product that is subject to a standard under 10 C.F.R. §§ 430 and 431 as those provisions existed on January 19, 2017. The minimum standard and the testing protocol for each product shall be the same as adopted in those sections of the Code of Federal Regulations.

(7) In the rules, the Commissioner shall adopt a minimum efficacy standard for general service lamps of 45 lumens per watt, when tested in accordance with 10 C.F.R. § 430.23(gg) as that provision existed on January 19, 2017.

Sec. 5. 9 V.S.A. § 2796 is amended to read:

§ 2796. IMPLEMENTATION

* * *

(f)(1) When federal preemption under 42 U.S.C. § 6297 applies to a standard adopted pursuant to this chapter for a product, the standard shall become enforceable on the occurrence of the earliest of the following:

(A) The federal energy or water conservation standard for the product under 42 U.S.C. chapter 77 is withdrawn, repealed, or otherwise voided. However, this subdivision (A) shall not apply to any federal energy or water conservation standard set aside by a court of competent jurisdiction upon the petition of a person who will be adversely affected, as provided in 42 U.S.C. § 6306(b).

(B) A waiver is issued pursuant to 42 U.S.C. § 6297.

(2) The federal standard for general service lamps shall be considered to be withdrawn, repealed, or otherwise voided within the meaning of this subsection if it does not come into effect on January 20, 2020 pursuant to the actions published at 82 Fed. Reg. 7276 and 7333 (January 19, 2017).

(3) When a standard adopted pursuant to this chapter becomes enforceable under this subsection, a person shall not sell or offer for sale in the State a new product subject to the standard unless the efficiency or water conservation of the new product meets or exceeds the requirements set forth in the standard.

Sec. 6. RULE ADOPTION; SCHEDULE; REPORT

(a) Rule adoption; schedule.

(1) On or before August 1, 2017, the Commissioner of Public Service shall file with the Secretary of State proposed rules to effect Sec. 2 of this act.

(2) On or before April 1, 2018, the Commissioner shall finally adopt these rules, unless the Legislative Committee on Administrative Rules extends this date pursuant to 3 V.S.A. § 843(c).

(b) Reports.

(1) On or before December 15, 2017, the Commissioner of Public Service shall file a progress report on the rulemaking required by this act. The report shall attach the proposed rules as filed with the Secretary of State.

(2) On or before December 15, 2018, the Commissioner of Public Service shall file a further progress report on the rulemaking required by this act. The report shall attach the rules as finally adopted by the Commissioner.

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 7-1-0)

Amendment to be offered by Rep. McCormack of Burlington to the recommendation of amendment of the Committee on Energy and Technology to H. 411

In Sec. 6 (rule adoption; schedule; report), in subdivision (a)(1), after “effect”, by striking out “Sec. 2” and inserting in lieu thereof Sec. 4

H. 462

An act relating to social media privacy for employees

Rep. Hill of Wolcott, for the Committee on Commerce and Economic Development, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 495k is added to read:

§ 495k. SOCIAL MEDIA ACCOUNT PRIVACY; PROHIBITIONS

(a) As used in this section:

(1) “Social media account” means an account with an electronic medium or service through which users create, share, and interact with content, including videos, still photographs, blogs, video blogs, podcasts, instant or text messages, e-mail, online services or accounts, or Internet website profiles or locations. “Social media account” does not include an account provided by an employer or intended to be used primarily on behalf of an employer.

(2) “Specifically identified content” means data, information, or other content stored in a social media account that is identified with sufficient particularity to distinguish the individual piece of content being sought from any other data, information, or content stored in the account. “Specifically identified content” shall not include a username, password, or other means of authentication for the purpose of accessing an employee’s or applicant’s social media account.

(b) An employer shall not require, request, or coerce an employee or applicant to do any of the following:

(1) disclose a username, password, or other means of authentication, or turn over an unlocked personal electronic device for the purpose of accessing the employee’s or applicant’s social media account;

(2) access a social media account in the presence of the employer;

(3) divulge or present any content from the employee’s or applicant’s social media account; or

(4) change the account or privacy settings of the employee’s or applicant’s social media account to increase third-party access to its contents.

(c) An employer shall not require or coerce an employee or applicant to add anyone, including the employer, to their list of contacts associated with a social media account.

(d) No agreement by an employee to waive his or her rights under this section shall be valid.

(e)(1) Nothing in this section shall preclude an employer from requesting an employee to share specifically identified content for the purpose of:

(A) complying with the employer’s legal and regulatory obligations;

(B) investigating an allegation of the unauthorized transfer or disclosure of an employer’s proprietary or confidential information or financial data through an employee’s or an applicant’s social media account; or

(C) investigating an allegation of unlawful harassment, threats of violence in the workplace, or discriminatory or disparaging content concerning

another employee.

(2) Nothing in this section shall prohibit or restrict a law enforcement agency, as defined in 15 V.S.A. § 1151(5), from requesting or requiring:

(A) an applicant to provide access to the applicant's social media account as part of a screening or fitness determination during the hiring process; or

(B) an employee to provide access to the employee's social media account in relation to a continued fitness determination or an allegation or investigation of employee misconduct, a violation of policy, or a violation of law.

(3) Nothing in this section shall restrict or otherwise prohibit a law enforcement agency, as defined in 15 V.S.A. § 1151(5), from retaining any social media account information acquired pursuant to this subsection, provided that the information shall be protected in accordance with law and the law enforcement agency's policy.

(f) Nothing in this section shall preclude an employer from requesting a username or password that is necessary to access an employer-issued electronic device.

(g) An employer shall not discharge or in any other manner retaliate against an employee who exercises or attempts to exercise his or her rights under this section. The provisions against retaliation in subdivision 495(a)(8) of this title and the penalty and enforcement provisions of section 495b of this title shall apply to this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2018.

(Committee Vote: 10-0-1)

Favorable

H. 290

An act relating to clarifying ambiguities relating to real estate titles and conveyances

Rep. Dickinson of St. Albans Town, for the Committee on Judiciary, recommends the bill ought to pass.

(Committee Vote: 7-0-4)

Amendment to be offered by Rep. Dickinson of St. Albans Town to H. 290

First: In Sec. 5, 14 V.S.A. § 3184, in subsection (b), by striking out the

words “the failure to register the foreign order” and inserting in lieu thereof either the failure to register the foreign order or the registration of the foreign order.

Second: In Sec. 7, by striking out all after the catchline and inserting in lieu thereof the following:

This act shall take effect on passage.

NOTICE CALENDAR

Committee Bill for Second Reading

H. 506

An act relating to professions and occupations regulated by the Office of Professional Regulation.

(Rep. LaClair of Barre Town will speak for the Committee on Government Operations.)

H. 507

An act relating to Next Generation Medicaid ACO pilot project reporting requirements.

(Rep. Houghton of Essex will speak for the Committee on Health Care.)

H. 508

An act relating to building resilience for individuals experiencing adverse childhood experiences.

(Rep. Mrowicki of Putney will speak for the Committee on Human Services.)

H. 509

An act relating to calculating statewide education tax rates.

(Rep. Sharpe of Bristol will speak for the Committee on Education.)

H. 510

An act relating to the cost share for State agricultural water quality financial assistance grants.

(Rep. Ainsworth of Royalton will speak for the Committee on Natural Resources; Fish & Wildlife.)

H. 511

An act relating to highway safety.

(Rep. Brennan of Colchester will speak for the Committee on Transportation.)

H. 512

An act relating to the procedure for conducting recounts.

(Rep. Hubert of Milton will speak for the Committee on Government Operations.)

H. 513

An act relating to making miscellaneous changes to education law.

(Rep. Conlon of Cornwall will speak for the Committee on Education.)

For Informational Purposes

CROSS OVER DATES

All **House** bills referred pursuant to House Rule 35(a) to the Committees on Appropriations and Ways and Means should be reported out by the last of those committees on or before **Friday, March 24, 2017**, and filed with the Clerk so they may be placed on the Calendar for Notice the next legislative day.