

House Calendar

Tuesday, February 06, 2018

35th DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 A.M.

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ACTION CALENDAR

Third Reading

H. 562

An act relating to parentage proceedings

Committee Bill for Second Reading

H. 799

An act relating to notice of sale of property subject to unpaid property taxes.

(Rep. Burditt of West Rutland will speak for the Committee on Judiciary.)

Favorable with Amendment

H. 585

An act relating to management of records

Rep. Devereux of Mount Holly, for the Committee on Government Operations, recommends the bill be amended as follows:

By striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 1 V.S.A. § 317a is amended to read:

§ 317a. DISPOSITION MANAGEMENT OF PUBLIC RECORDS

(a)(1) Public records in general and archival records in particular should be systematically managed to provide ready access to vital information, to promote the efficient and economical operation of government, and to preserve their legal, administrative, and informational value.

(2) Any public agency may seek services from the Statewide Records and Information Management Program, as defined in 3 V.S.A. § 117(b) and administered by the Vermont State Archives and Records Administration, to establish, maintain, and implement an active and continuing internal records and information management program for the agency.

(b) A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule, as defined in 3 V.S.A. § 117(a)(6), that has been approved by the State Archivist pursuant to 3 V.S.A. § 117(a)(5).

(Committee Vote: 9-0-2)

H. 589

An act relating to the reasonable and prudent parent standard

Rep. Troiano of Stannard, for the Committee on Human Services, recommends the bill ought to pass when amended as recommended by the Committee on Judiciary.

(Committee Vote: 11-0-0)

Rep. Willhoit of St. Johnsbury, for the Committee on Judiciary, recommends the bill be amended as follows:

In Sec. 1, subdivision (a)(2), by inserting the word “parent” after the word “prudent”

(Committee Vote: 11-0-0)

H. 686

An act relating to establishing the Child Fatality Review Team

Rep. Keefe of Manchester, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 30A is added to read:

CHAPTER 30A. CHILD FATALITY REVIEW TEAM

§ 1561. CHILD FATALITY REVIEW TEAM

(a) Creation. There is created the Child Fatality Review Team within the Department of Health for the following purposes:

(1) to examine cases of child fatality in Vermont in which the fatality is either unexpected, unexplained, or preventable;

(2) to identify system gaps and risk factors associated with child fatalities that are either unexpected, unexplained, or preventable;

(3) to educate the public, service providers, and policymakers about unexpected, unexplained, or preventable child fatalities and strategies for intervention;

(4) to recommend legislation, rules, policies, practices, training, and coordination of services that promote interagency collaboration and prevent future unexpected, unexplained, or preventable child fatalities.

(b) Membership.

(1) The Team shall comprise the following members:

(A) the Chief Medical Examiner or designee;

(B) the Commissioner of Health or designee;

(C) the Commissioner for Children and Families or designee;

(D) the Commissioner of Mental Health or designee;

(E) the Commissioner of Public Safety or designee;

(F) the Secretary of Education or designee;

(G) the Attorney General or designee;

(H) a physician licensed to practice pursuant to 26 V.S.A. chapter 23 or 33 who specializes in the practice of pediatrics, appointed by the Vermont chapter of the American Academy of Pediatrics;

(I) a physician licensed to practice pursuant to 26 V.S.A. chapter 23 or 33 who specializes in the practice of child psychiatry, appointed by the Vermont Psychiatric Association;

(J) a municipal law enforcement officer, appointed by the Vermont Association of Chiefs of Police; and

(K) any other professional specializing in child abuse or neglect, health, social work, child care, education, or law enforcement and who is appointed by the Secretary of Human Services.

(2)(A) The members of the Team specified in subdivision (1) of this subsection shall serve three-year terms, except that of the members first appointed pursuant to subdivisions (1)(H)–(K) of this subsection, two shall serve a term of one year and two shall serve a term of two years.

(B) Any vacancy on the Team shall be filled in the same manner as the original appointment. The replacement member shall serve for the remainder of the unexpired term.

(c) Meetings.

(1) The Team shall meet at such times as may reasonably be necessary to carry out its duties, but at least once in each calendar quarter.

(2) The Commissioner of Health or designee shall call the first meeting of the Team to occur on or before September 30, 2018.

(3) The Team shall select a chair and vice chair from among its members at the first meeting, and biannually thereafter.

(d) Assistance. The Team shall have the administrative, technical, and legal assistance of the Department of Health.

(e) Access to information and records.

(1) In any case under review by the Team, upon written request of the Chair, a person who possesses information or records that are necessary and relevant to the review of a child fatality that is either unexpected, unexplained, or preventable shall, as soon as practicable, provide the Team with the information and records. All requests for information or records by the Chair related to a case under review shall be provided by the person possessing the information or records to the Team at no cost.

(2) A person shall not be held criminally or civilly liable for disclosing or providing information or records to the Team pursuant to this subsection.

(3) The Team shall not have access to the proceedings, reports, and records of a peer review committee as defined in 26 V.S.A. § 1441.

(f) Limitations.

(1) The Team's review process shall not commence until:

(A) any criminal prosecution arising out of the child fatality is concluded or the Attorney General and State's Attorney provide written notice to the Team that no criminal charges shall be filed; and

(B) any investigation by the Department for Children and Families is concluded.

(2) The Team shall seek to obtain information or records generated in the course of an investigation from State agencies or law enforcement officials before making a request to health care providers and educators.

(g)(1) Confidentiality. The records produced or acquired by the Team are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. The records of the Team are not subject to subpoena, discovery, or introduction into evidence in a civil or criminal action. Nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceedings information or records that are available from another source and entirely outside the Team's review. The Team shall not use the information or records generated during the course of its review for purposes other than those described in this section.

(2) The Team's meetings are confidential and shall be exempt from 1 V.S.A. chapter 5, subchapter 2 (the Vermont Open Meeting Law).

(3) Members of the Team and persons invited to testify before the Team shall not disclose information, records, discussions, and opinions stated in connection to the Team's review. Members of the Team and persons invited to testify before the Team shall execute a sworn statement honoring the confidentiality of all information, records, discussions, and opinions related to the Team's review, which shall be maintained by the Chair.

(h) Report. Notwithstanding 2 V.S.A. § 20(d), the Team shall report its conclusions and recommendations to the Governor and General Assembly, as the Team deems necessary, but not less frequently than once per calendar year. The report shall disclose individually identifiable information only to the extent necessary to convey the Team’s conclusions and recommendations, and any such disclosures shall be limited to information already known to the public. The report shall be available to the public through the Department of Health.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

(Committee Vote: 11-0-0)

H. 719

An act relating to insurance companies and trust companies

Rep. Frenier of Chelsea, for the Committee on Commerce and Economic Development, recommends the bill be amended as follows:

In Sec. 8, 8 V.S.A. § 12602(q), by striking out “section 12201” and inserting in lieu thereof subsection 12201(a)

(Committee Vote: 10-0-1)

Favorable

H. 581

An act relating to Connectivity Initiative grant eligibility

Rep. Sibilila of Dover, for the Committee on Energy and Technology, recommends the bill ought to pass.

(Committee Vote: 8-0-0)

H. 603

An act relating to human trafficking

Rep. Morris of Bennington, for the Committee on Judiciary, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

NOTICE CALENDAR
Committee Bill for Second Reading

H. 846

An act relating to the application of general law to chartered municipalities.
(Rep. Townsend of South Burlington will speak for the Committee on Government Operations.)

Favorable

H. 748

An act relating to electronic filing of proposed plans, plan amendments, and bylaws under Title 24

Rep. Hill of Wolcott, for the Committee on Commerce and Economic Development, recommends the bill ought to pass.

(Committee Vote: 8-0-3)

Ordered to Lie

H. 167

An act relating to alternative approaches to addressing low-level illicit drug use.

Pending Question: Shall the House concur in the Senate Proposal of Amendment?

H. 219

An act relating to the Vermont spaying and neutering program.

Pending Question: Shall the House concur in the Senate Proposal of Amendment?

Public Hearings

Public Hearing on the Governor's Recommended FY2019 State Budget, Held by House Committee on Appropriations, Tuesday, February 13, 2018, 6:00pm-7:00pm in Room 11

Information Notice

CROSS OVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **House** bills must be reported out of the last committee of reference including the Committees on Appropriations and Ways and Means, except as provided below in (2) on or before **Friday, March 2, 2018**, and filed with the

Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **House** bills referred pursuant to House Rule 35(a) to the Committees on Appropriations and Ways and Means must be reported out by the last of those committees on or before **Friday, March 16, 2018**, and filed with the Clerk so they may be placed on the Calendar for Notice the next legislative day.

Election of two (2) trustees for the Vermont State Colleges Corporation. Thursday, February 15, 2018 - 10:30 A.M.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than Thursday, February 8, 2018, by 5:00 P.M. pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.