

Journal of the House

Friday, February 9, 2018

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Colors Presented

Colors were presented by Eagle Scouts, Soren Kurth, Ryan Lathrop, Oliver Cole, and Hogan Beazley.

Devotional Exercises

Devotional exercises were conducted by Rep. Kevin Christie of Hartford.

Pledge of Allegiance

Eagle Scout Soren Kurth led the Pledge of Allegiance.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

Joshua Amones
Sabina Brochu
Linnea Colwell
Hazel Fay
Gabriel Groveman
Eloise Harris
Iris Hsiang
Alaena Hunt
Zee Totten
Andrew Trottier

Memorial Service

The Speaker placed before the House the following name of a member of past sessions of the Vermont General Assembly who had passed away recently:

Stephen J. Green of Berlin Member of the House,
Sessions 2005-2006

Thereupon, the members of the House rose for a moment of silence in memory of the deceased member. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved family.

Senate Bill Referred**S. 182**

Senate bill, entitled

An act relating to the investment authority of municipal trustees of public funds

Was read and referred to the committee on Government Operations.

Bill Referred to Committee on Ways and Means**H. 576**

House bill, entitled

An act relating to stormwater management

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Third Reading; Bill Passed**H. 663**

House bill, entitled

An act relating to municipal land use regulation of accessory on-farm businesses

Was taken up, read the third time and passed.

Bill Amended, Read Third Time; Bill Passed**H. 690**

House bill, entitled

An act relating to explanation of advance directives and treating clinicians who may sign a DNR/COLST

Was taken up and pending third reading of the bill, **Rep. Haas of Rochester** moved to amend the bill as follows:

First: By adding two new sections to be Secs. 2a and 2b to read as follows:

Sec. 2a. 18 V.S.A. § 9706(c) is amended to read:

(c) Upon a determination of need by the principal's clinician, or upon the request of the principal, agent, guardian, ombudsman, a mental health patient representative, health care provider, or any interested individual, the principal's clinician, another clinician, or a clinician's designee shall reexamine the principal to determine whether the principal has capacity. The clinician shall document the results of the reexamination in the principal's

medical record and shall make reasonable efforts to notify the principal and the agent or guardian, as well as the individual who initiated the new determination of capacity, of the results of the reexamination, if providing such notice is consistent with the requirements of HIPAA.

Sec. 2b. 18 V.S.A. § 9707(h) is amended to read:

(h)(1) An advance directive executed in accordance with section 9703 of this title may contain a provision permitting the agent, in the event that the principal lacks capacity, to authorize or withhold health care over the principal's objection. In order to be valid, the provision shall comply with the following requirements:

* * *

(D)(i) An ombudsman, a mental health patient representative, attorney licensed to practice law in this State, or the Probate Division of the Superior Court designee shall sign a statement affirming that he or she has explained the nature and effect of the provision to the principal, and that the principal appeared to understand the explanation and be free from duress or undue influence.

(ii) If the principal is a patient in a hospital when the provision is executed, the ombudsman, mental health patient representative, attorney, or Probate Division of the Superior Court designee shall be independent of the hospital and not an interested individual.

* * *

Second: By adding a new section to be Sec. 4a to read as follows:

Sec. 4a. 18 V.S.A. § 9718(a) is amended to read:

(a) A petition may be filed in the Probate Division of the Superior Court under this section by:

(1) a principal, guardian, agent, ombudsman, a mental health patient representative, or interested individual other than one identified in an advance directive, pursuant to subdivision 9702(a)(10) of this title, as not authorized to bring an action under this section;

* * *

Which was agreed to.

Thereupon, pending third reading of the bill, **Rep. Till of Jericho** moved to amend the bill as follows:

In Sec. 2, 18 V.S.A. § 9703, as follows:

First: In subdivision (d)(1), by striking out subdivision (H) in its entirety

and inserting in lieu thereof the following:

(H) a clinician, as long as the clinician is not employed by the nursing home or residential care facility at the time of the explanation.

Second: In subsection (e), by inserting a new subdivision to be subdivision (5) to read as follows:

(5) a clinician;

And by renumbering the existing subdivisions (e)(5) and (6) to be subdivisions (e)(6) and (7)

Thereupon, **Rep. Haas of Rochester** asked that the question be divided and that Section 1 be taken first and Section 2 be taken second.

Thereupon, the first instance of amendment was agreed to.

Thereupon, the second instance of amendment was disagreed to and the bill was read the third time and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 616

Rep. Yantachka of Charlotte, for the committee on Energy and Technology, to which had been referred House bill, entitled

An act relating to thermal efficiency monies and biomass-led district heat

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 30 V.S.A. § 209 is amended to read:

§ 209. JURISDICTION; GENERAL SCOPE

* * *

(e) Thermal energy and process fuel efficiency funding.

(1) Each of the following shall be used to deliver thermal energy and process fuel energy efficiency services in accordance with this section for unregulated fuels to Vermont consumers of such fuels. In addition, the Commission may authorize an entity appointed to deliver such services under subdivision (d)(2)(B) of this section to use monies subject to this subsection for the conversion of thermal energy customers using fossil fuels to district heat if the majority of the district's energy is from biomass sources, the district's distribution system is highly energy efficient, and such conversion is cost effective.

(A) Net revenues above costs associated with payments from the

New England Independent System Operator (ISO-NE) for capacity savings resulting from the activities of the energy efficiency utility designated under subdivision (2)(A) of this subsection (e) that are not transferred to the State PACE Reserve Fund under 24 V.S.A. § 3270(c). These revenues shall be deposited into the Electric Efficiency Fund established by this section. In delivering services with respect to heating systems using the revenues subject to this subdivision (A), the entity shall give priority to incentives for the installation of high efficiency biomass heating systems and shall have a goal of offering an incentive that is equal to 25 percent of the installed cost of such a system. ~~In this subdivision (A), “biomass” means organic nonfossil material constituting a source of renewable energy within the meaning of section 8002 of this title.~~ Provision of an incentive under this subdivision (A) for a biomass heating system shall not be contingent on the making of other energy efficiency improvements at the property on which the system will be installed.

(B) Net revenues above costs from the sale of carbon credits under the cap and trade program established under section 255 of this title, which shall be deposited into the Electric Efficiency Fund established by this section.

(C) Any other monies that are appropriated to or deposited in the Electric Efficiency Fund for the delivery of thermal energy and process fuel energy efficiency services.

(2) If a program combines regulated fuel efficiency services with unregulated fuel efficiency services supported by funds under this section, the Commission shall allocate the costs of the program among the funding sources for the regulated and unregulated fuel sectors in proportion to the benefits provided to each sector.

(3) In this subsection:

(A) “Biomass” means organic nonfossil material constituting a source of renewable energy within the meaning of section 8002 of this title.

(B) “District heat” means a system through which steam or hot water from a central plant is piped into buildings to be used as a source of thermal energy.

(C) “Efficiency services” includes the establishment of a statewide information clearinghouse under subsection (g) of this section.

(D) “Fossil fuel” means an energy source formed in the Earth’s crust from decayed organic material. The common fossil fuels are petroleum, coal, and natural gas. A fossil fuel may be a regulated or unregulated fuel.

~~(B)~~(E) “Regulated fuels” means electricity and natural gas delivered by a regulated utility.

~~(C)~~(F) “Unregulated fuels” means fuels used by thermal energy and process fuel customers other than electricity and natural gas delivered by a regulated utility.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

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

Bill Committed

H. 764

House bill, entitled

An act relating to data brokers and consumer protection

Appearing on the Calendar for action, was taken up and pending the reading of the report of the committee on Commerce and Economic Development, on motion of **Rep. Botzow of Pownal**, the bill was committed to the committee on Judiciary.

Adjournment

At ten o'clock and forty minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 13, 2018, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 46.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 235

House concurrent resolution honoring William Olney for his accomplishments as a softball player and coach;

H.C.R. 236

House concurrent resolution honoring Thomas W. Huebner for his administrative career at the Rutland Regional Medical Center;

H.C.R. 237

House concurrent resolution designating Wednesday, February 7, 2018 as

Farm to School Awareness Day at the State House;

H.C.R. 238

House concurrent resolution in memory of decorated U.S. Army combat veteran and distinguished Boy Scout leader Stanley Burnham;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2017, seventy-fourth Biennial session.]