

Journal of the House

Wednesday, April 25, 2012

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

Devotional Exercises

Devotional exercises were conducted by Poet, Geof Hewitt, from Calais, VT.

Rules Suspended; Senate Proposal of Amendment Not Concurred in; Committee of Conference Requested and Appointed

H. 496

On motion of **Rep. Savage of Milton**, the rules were suspended and House bill, entitled

An act relating to preserving Vermont's working landscape

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. § 2966 (Vermont agricultural development board) is repealed in its entirety and new §§ 2966 is added to read:

§ 2966. ESTABLISHMENT OF THE VERMONT WORKING LANDS ENTERPRISE BOARD

(a) Board Established. The Vermont working lands enterprise board is hereby established as the successor in interest to the Vermont agricultural development board.

(b) Goals. The Vermont working lands enterprise board shall perform its duties pursuant to sections 2967 and 2968 of this title:

(1) to promote job creation and the economic viability, growth, and sustainability of the working landscape;

(2) to attract a new generation of entrepreneurs to agriculture and forestry, food and forest systems, and value-added production as a foundation for rural job creation and working lands conservation;

(3) to increase the value and sales of the products of the working landscape by means which reward sound farm and forest management, including appropriate increases in the proportion of value-added farm and forest products relative to raw material exports; and

(4) to build Vermont's reputation as the national leader in food systems development, environmental quality, land stewardship, access to outdoor recreation, and working lands entrepreneurship.

(c) Board Composition. The board shall be composed of the following 24 members:

(1) six members appointed by the governor:

(A) a person with expertise in rural economic development issues;

(B) an employee of a Vermont postsecondary institution experienced in researching issues related to agriculture or forestry;

(C) a person familiar with the agricultural or forest tourism industry;

(D) a member of the Northeast Organic Farming Association of Vermont;

(E) a member of the Vermont Forest Products Association; and

(F) a member of the Vermont Wood Manufacturers Association;

(2) six members appointed by the speaker of the house of representatives:

(A) a person who produces an agricultural commodity other than dairy products;

(B) a person who creates a value-added product using ingredients substantially produced on Vermont farms or from Vermont forests;

(C) a person with expertise in sales and marketing;

(D) a person representing the feed, seed, fertilizer, or equipment enterprises;

(E) a member of the Vermont Woodlands Association; and

(F) a member of the Vermont Forest Stewardship Committee;

(3) six members appointed by the committee on committees of the senate:

(A) a representative of Vermont's dairy industry who is also a dairy farmer;

(B) a person with expertise in land planning and conservation efforts that support Vermont's working landscape;

(C) a representative from a Vermont agricultural or forestry advocacy organization;

(D) a person with experience in providing youth with educational opportunities enhancing understanding of agriculture or forestry;

(E) a member of the Green Mountain Division, Society of American Foresters; and

(F) a member of the Forest Guild who is a resident of Vermont.

(4) the following three members from the executive branch:

(A) the secretary of agriculture, food and markets;

(B) the secretary of commerce and community development; and

(C) the commissioner of forest, parks and recreation; and

(5) the following three members who shall serve as ex officio, non-voting members:

(A) the manager of the Vermont economic development authority;

(B) the executive director of the Vermont sustainable jobs fund; and

(C) the executive director of the Vermont housing conservation board.

(d) Governance.

(1) Eleven voting members of the board shall constitute a quorum, and an action of the board shall be taken by a majority of those members present and voting at a meeting of the members at which a quorum is present.

(2)(A) The chair of the board shall be elected by the board from its membership at the first meeting. The chair shall serve for the duration of his or her member term, until his or her earlier resignation, or until his or her unanimous removal by the governor, the speaker of the house, and the president pro tempore of the senate. A chair may be reappointed, provided that no individual may serve more than two consecutive three-year terms as chair.

(3) Each member of the board shall serve a term of three years, or until his or her earlier resignation. A member shall not serve more than two consecutive three-year terms. Any vacancy occurring among the members shall be filled by the respective appointing authority, and shall be filled for the balance of the unexpired term.

(e) Compensation. Members who are not state employees or whose membership is not supported by their employer or association may receive reimbursement for actual and necessary expenses incurred in the performance of their duties pursuant to 32 V.S.A. § 1010.

Sec. 2. 6 V.S.A. § 2967 is added to read:

§ 2967. POWERS AND DUTIES OF THE VERMONT WORKING LANDS ENTERPRISE BOARD

(a) The Vermont working lands enterprise board shall have the authority to promote job creation and the economic viability, growth, and sustainability of the working landscape through three mechanisms:

(1) Direct grants and investments in agricultural and forestry enterprises;

(2) Services and assistance to agricultural and forestry enterprises, both through direct coordination with public and private partners, and through performance contracts with one or more persons, including:

(A) technical assistance and product research services;

(B) marketing assistance, market development, and business and financial planning;

(C) local, statewide, regional, national, or international marketing of the Vermont working landscape, its entrepreneurs and sectors, and the public and private programs and partners supporting the working landscape;

(D) organizational, regulatory, and development assistance; and

(E) feasibility studies of facilities or capital investments to optimize construction and other cost efficiencies.

(3) Direct grants and investments in food and forest systems infrastructure.

(b) The board shall have the additional authority:

(1) to pursue, receive, and accept any type of funding from public or private funding sources for the performance of its work;

(2) to use the services and staff of the agency of agriculture, food and markets to assist in the performance of the board's duties, with the concurrence of the secretary of agriculture, food and markets;

(3) to contract for support, technical, or other professional services necessary to complete its work; and

(4) to advise and make recommendations to the secretary of agriculture, food and markets and to the commissioner of forests, parks and recreation on the adoption and amendment of laws, regulations, and governmental policies that affect agriculture and forestry.

Sec. 3. 6 V.S.A. § 2968 is added to read:

§ 2968. VERMONT WORKING LANDS ENTERPRISE FUND

There is created a special fund in the state treasury to be known as the "Vermont working lands enterprise fund." Notwithstanding any contrary provisions of 32 V.S.A. Chapter 7, subchapter 5:

(1) the fund shall be administered, and the monies of the funds shall be expended, by the Vermont working lands enterprise board created in section 2966 of this title;

(2) the fund shall be composed of moneys from time to time appropriated to the fund by the general assembly or received from any other source, private or public, approved by the board, and unexpended balances and any earnings shall remain in the fund from year to year; and

(3) the board shall make expenditures from the fund consistent with the duties and authority of the board to promote job creation and the economic viability, growth, and sustainability of the working landscape consistent with section 2967 of this title.

Sec. 4. TRANSITION

Notwithstanding any provision of Sec. 1. of this act to the contrary, upon the effective date of this act, each member of the Vermont agricultural development board shall become a member of the Vermont working lands enterprise board and shall serve the remainder of his or her current term, upon the expiration of which a member may be reappointed or replaced as provided in 6 V.S.A. § 2966, as amended by this act.

Sec. 5. 10 V.S.A. chapter 15 is amended to read:

CHAPTER 15. VERMONT HOUSING AND CONSERVATION
TRUST FUND

* * *

§ 302. POLICY, FINDINGS, AND PURPOSE

(a) The dual goals of creating affordable housing for Vermonters, and conserving and protecting Vermont's agricultural ~~land~~ and forest land, historic properties, important natural areas, and recreational lands are of primary importance to the economic vitality and quality of life of the state.

(b) In the best interests of all of its citizens and in order to improve the quality of life for Vermonters and to maintain for the benefit of future generations the essential characteristics of the Vermont countryside, Vermont should encourage and assist in creating affordable housing and in preserving the state's agricultural ~~land~~ and forest land, historic properties, important natural areas, and recreational lands.

(c) It is the purpose of this chapter to create the Vermont housing and conservation trust fund to be administered by the Vermont housing and conservation board to further the policies established by subsections (a) and (b) of this section.

§ 303. DEFINITIONS

As used in this chapter:

(1) "Board" means the Vermont housing and conservation board established by this chapter.

(2) "Fund" means the Vermont housing and conservation trust fund established by this chapter.

(3) "Eligible activity" means any activity which will carry out either or both of the dual purposes of creating affordable housing and conserving and protecting important Vermont lands, including activities which will encourage or assist:

(A) the preservation, rehabilitation or development of residential dwelling units which are affordable to lower income Vermonters;

(B) the retention of agricultural land for agricultural use, and of forest land for forestry use;

(C) the protection of important wildlife habitat and important natural areas;

(D) the preservation of historic properties or resources;

(E) the protection of areas suited for outdoor public recreational activity;

(F) the development of capacity on the part of an eligible applicant to engage in an eligible activity.

* * *

§ 311. CREATION OF THE VERMONT HOUSING AND CONSERVATION BOARD

(a) There is created and established a body politic and corporate to be known as the “Vermont housing and conservation board” to carry out the provisions of this chapter. The board is constituted a public instrumentality exercising public and essential governmental functions, and the exercise by the board of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function of the state. The board is exempt from licensure under 8 V.S.A. chapter 73 ~~of Title 8~~.

(b) The board shall consist of the following 11 members:

(1) The secretary of agriculture, food and markets or his or her designee.

(2) The secretary of human services or his or her designee.

(3) The secretary of natural resources or his or her designee.

(4) The executive director of the Vermont housing finance agency or his or her designee.

(5) Three public members appointed by the governor with the advice and consent of the senate, who shall be residents of the state and who shall be experienced in creating affordable housing or conserving and protecting Vermont’s agricultural ~~land~~ and forest land, historic properties, important natural areas, or recreational lands, one of whom shall be a representative of lower income Vermonters and one of whom shall be a farmer as defined in 32 V.S.A. § 3752(7).

(6) One public member appointed by the speaker of the house, who shall not be a member of the general assembly at the time of appointment.

(7) One public member appointed by the senate committee on committees, who shall not be a member of the general assembly at the time of appointment.

(8) Two public members appointed jointly by the speaker of the house and the president pro tempore of the senate as follows:

(A) One member from the nonprofit affordable housing organizations that qualify as eligible applicants under subdivision 303(4) of this title who shall not be an employee or board member of any of those organizations at the time of appointment.

(B) One member from the nonprofit conservation organizations whose activities are eligible under subdivision 303(3) of this title who shall not be an employee or member of the board of any of those organizations at the time of appointment.

* * *

§ 321. GENERAL POWERS AND DUTIES

* * *

(d) On behalf of the state of Vermont, the board shall seek and administer federal farmland protection and forestland conservation funds to facilitate the acquisition of interests in land to protect and preserve in perpetuity important farmland for future agricultural use and forestland for future forestry use. Such funds shall be used to implement and effectuate the policies and purposes of this chapter. In seeking federal farmland protection and forestland conservation funds under this subsection, the board shall seek to maximize state participation in the federal wetlands reserve program ~~in order~~ and such other programs as is appropriate to allow for increased or additional implementation of conservation practices on farmland and forestland protected or preserved under this chapter.

* * *

§ 324. STEWARDSHIP

If an activity funded by the board involves acquisition by the state of an interest in real property for the purpose of conserving and protecting agricultural ~~land~~ and or forest land, important natural areas, or recreation lands, the board, in its discretion, may make a one-time grant to the appropriate state agency or municipality. The grant shall not exceed ten percent of the current appraised value of that property interest and shall be used to support its proper management or maintenance or both.

* * *

Sec. 6. PRIORITIES FOR WORKING LANDS INVESTMENTS

In the event that sources of funding for investments are available in the agency of agriculture, food and markets, the working lands enterprise board, and the working lands enterprise fund, it is the intent of the general assembly to invest in the following priorities:

(1) funding for direct grants and investments in food and forest systems infrastructure pursuant to 6 V.S.A. § 2966(a)(3).

(2) funding for direct grants and investments in agricultural or forestry enterprises pursuant to 6 V.S.A. § 2966(a)(1).

(3) funding to provide services and assistance to agricultural and forestry enterprises pursuant to 6 V.S.A. § 2966(a)(2).

(4) funding to the agency of agriculture, food and markets for one full-time position of “Vermont working landscape development director,” for support staff, and for fiscal management and operations costs.

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Partridge of Windham** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Partridge of Windham

Rep. Stevens of Shoreham

Rep. Lawrence of Lyndon

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 89

Senate bill, entitled

An act relating to Medicaid for Working Persons with Disabilities

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

**House Proposal of Amendment Amended; Bill Read Third Time
and Passed in Concurrence With Proposal of Amendment**

S. 200

Senate bill, entitled

An act relating to the reporting requirements of health insurers

Was taken up and pending third reading of the bill, **Rep. Copeland-Hanzas of Bradford** moved to amend the House proposal of amendment as follows:

In Sec. 5, 24 V.S.A. § 2689, in subsection (a), by inserting “health insurance” preceding “policy” each time it appears and by inserting “health” preceding “insurer”

Which was agreed to.

Pending third reading of the bill, **Reps. Wizowaty of Burlington, Burke of Brattleboro, Buxton of Tunbridge, Courcelle of Rutland City, Davis of Washington, Edwards of Brattleboro, Ellis of Waterbury, Evans of Essex,**

Hooper of Montpelier, Krowinski of Burlington, Lanpher of Vergennes, Manwaring of Wilmington, Martin of Wolcott, Miller of Shaftsbury, O’Sullivan of South Burlington, Pearson of Burlington, Ram of Burlington, Stuart of Brattleboro, Taylor of Barre City, Waite-Simpson of Essex and Webb of Shelburne moved to amend the House proposal of amendment as follows:

First: By inserting before Sec. 6, EFFECTIVE DATES, the following:

Sec. 6. 8 V.S.A. § 4099d is amended to read:

§ 4099d. MIDWIFERY COVERAGE; HOME BIRTHS

(a) A health insurance plan ~~or health benefit plan~~ providing maternity benefits shall also provide coverage for services rendered by ~~a midwife~~ midwives licensed pursuant to ~~26 V.S.A. chapter 85 of Title 26 or an~~ and by advanced practice registered ~~nurse~~ nurses licensed pursuant to ~~26 V.S.A. chapter 28 of Title 26~~ who ~~is~~ are certified as a nurse ~~midwife~~ midwives for covered services that are within the licensed midwife’s or certified nurse midwife’s scope of practice ~~and, whether~~ provided in a hospital or other health care facility or at home.

(b) Coverage for services provided by a licensed midwife or certified nurse midwife shall not be subject to any greater co-payment, deductible, or coinsurance than is applicable to any other similar benefits provided by the plan.

(c) A health insurance plan may require that the maternity services be provided by a licensed midwife or certified nurse midwife under contract with the plan.

(d) As used in this section, “health insurance plan” means any health insurance policy or health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, as well as Medicaid, the Vermont health access plan, and any other public health care assistance program offered or administered by the state or by any subdivision or instrumentality of the state. The term shall not include policies or plans providing coverage for specific disease or other limited benefit coverage.

Sec. 7. INSURANCE COVERAGE FOR MIDWIFERY

(a) Notwithstanding 8 V.S.A. § 4099d(c), until July 1, 2014, for home birth services to be provided by a licensed midwife or a certified nurse midwife, a health insurance plan shall not:

(1) require that the licensed midwife or certified nurse midwife be under contract with the plan or participate in the plan’s network; or

(2) offer a plan that only covers midwifery services provided by a licensed midwife or certified nurse midwife when a network provider is used.

(b) Notwithstanding 8 V.S.A. § 4099d(c), until July 1, 2014, a licensed midwife or certified nurse midwife who does not participate in a health insurance plan's network shall not be subject to or required to meet the plan's network requirements, including the requirement to maintain professional liability insurance, provided that a licensed midwife or certified nurse midwife who is not in the plan's network shall disclose in writing to each patient whether the midwife is covered by a professional liability policy and shall obtain a signed and dated acknowledgment from each such patient of such disclosure.

Sec. 8. 26 V.S.A. § 1614 is amended to read:

§ 1614. APRN RENEWAL

An APRN license renewal application shall include:

- (1) documentation of completion of the APRN practice requirement;
- (2) a current certification by a national APRN specialty certifying organization;
- (3) current practice guidelines; ~~and~~
- (4) a current collaborative provider agreement if required for transition to practice; ~~and~~
- (5) for a certified nurse midwife, verification that the midwife has submitted to the database maintained by the Division of Research of the Midwives Alliance of North America data for each home birth he or she attended.

Sec. 9. 26 V.S.A. § 4187 is amended to read:

§ 4187. RENEWALS

(a)(1) Biennially, the director shall forward a renewal form to each licensed midwife. The completed form shall include verification that during the preceding two years, the licensed midwife has:

- (A) completed 20 hours of continuing education approved by the director by rule;
- (B) participated in at least four peer reviews;
- (C) submitted individual practice data;

(D) maintained current cardiopulmonary resuscitation certification for adults and newborns and for neonatal resuscitation; and

(E) filed a timely certificate of birth for each birth at which he or she was the attending midwife, as required by law; and

(F) submitted to the database maintained by the Division of Research of the Midwives Alliance of North America data for each home birth he or she attended.

(2) Upon receipt of the completed form and of the renewal fee, the director shall issue a renewal license to applicants who qualify under this section.

* * *

Sec. 10. Sec. 8 of No. 35 of the Acts of 2011 is amended to read:

Sec. 8. DEPARTMENT OF HEALTH; REPORTING REQUIREMENT

(a) The ~~department of health~~ licensed midwives appointed as advisors to the office of professional regulation pursuant to 26 V.S.A. § 4186 shall access the database maintained by the Division of Research of the Midwives Alliance of North America to obtain information relating to care provided in Vermont by midwives licensed pursuant to 26 V.S.A. chapter 85 of Title 26 and by advanced practice registered nurses licensed pursuant to 26 V.S.A. chapter 28 of Title 26 who are certified as nurse midwives. The advisor appointees shall provide the full aggregate data available from the database to the commissioner of health by February 15 of each year from 2012 through 2016, inclusive, to enable the commissioner or designee to comply with subsection (b) of this section.

(b) No later than March 15 of each year from 2012 through 2016, inclusive, the commissioner of health or designee, in collaboration with the director of the office of professional regulation, shall provide testimony to the house committee on health care and the senate committee on health and welfare regarding the activities of licensed midwives and certified nurse midwives performing home births and providing prenatal and postnatal care in a nonmedical environment during the preceding year. The testimony shall include the number of home births in Vermont, the number of hospital transports associated with home births, the treatment of high-risk patients, and other relevant data, as well as the level of compliance of the licensed midwives and certified nurse midwives with the laws and rules governing their scope of practice.

and by renumbering the original Sec. 6 to be Sec. 11

Second: In Sec. 11, EFFECTIVE DATES, subsection (a), by striking the phrase “and this section”, and by inserting after subsection (c) the following:

(d) Sec. 6 of this act shall take effect on October 1, 2012, and shall apply to all health insurance plans and health benefit plans on and after October 1, 2012, on such date as a health insurer issues, offers, or renews the plan, but in no event later than October 1, 2013.

(e) This section and Secs. 7 through 10 of this act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to pharmacy audits, reimbursement for ambulance services, midwifery, and the reporting requirements of health insurers”

Thereupon, **Rep. Turner of Milton** raised a Point of Order that the amendment was not germane to the House proposal of amendment, which the Speaker ruled well taken in that the House proposal of amendment does not deal with health insurance and the amendment does.

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. 244

Senate bill, entitled

An act relating to referral to court diversion for driving with a suspended license

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

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 251

Senate bill, entitled

An act relating to miscellaneous amendments to laws pertaining to motor vehicles

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

Third Reading; Bill Passed in Concurrence**S. 115**

Senate bill, entitled

An act relating to ineffective assistance claims against assigned counsel

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

**Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto****H. 503**

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

An act relating to eliminating the ability of the sergeant at arms to employ a traffic control officer and requiring the certification of capitol police officers

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

Sec. 1. 2 V.S.A. § 64 is amended to read:

§ 64. EMPLOYMENT OF ASSISTANTS; ~~TRAFFIC CONTROL;~~ CAPITOL POLICE; TRAINING; UNIFORMS AND EQUIPMENT

* * *

~~(c) The sergeant at arms may employ a traffic control officer whose duties shall include, but not be limited to, overseeing necessary security measures and the control of traffic about the capitol building. The traffic control officer shall be an exempt state employee. The sergeant at arms with the approval of the joint rules committee shall fix the terms and compensation of the traffic control officer, who shall be entitled to receive the same annual salary adjustments available to classified employees in comparable salary ranges. At state expense and with the approval of the sergeant at arms, the traffic control officer and capitol police officers shall be provided with training, and furnished uniforms and equipment necessary in the performance of their duties, and such items shall remain the property of the state.~~

Sec. 2. 2 V.S.A. § 70 is amended to read:

§ 70. CAPITOL POLICE DEPARTMENT

(a) Creation. A capitol police department is created within the office of the sergeant at arms. The sergeant at arms shall appoint and may remove, at his or her pleasure, individuals as capitol police officers, one of whom shall be appointed to serve as chief. All such positions shall be exempt state

employees. ~~The traffic control officer and any other employee of the sergeant at arms may, in addition to other positions and duties, be appointed as a capitol police officer.~~ The chief shall supervise the officer force under the direction of the sergeant at arms. Such appointments and all oaths or affirmations shall be in writing and filed with the sergeant at arms. An officer shall also serve as a deputy sergeant at arms and as a notary public pursuant to 24 V.S.A. § 442.

(b) Powers; training.

(1) Capitol police officers shall have all the same powers and authority as sheriffs and other law enforcement officers anywhere in the state, which shall include the authority to arrest persons and enforce the civil and criminal laws, keep the peace, provide security, and to serve civil and criminal process. For this purpose, capitol police officers shall subscribe to the same oaths required for sheriffs.

~~(2) Capitol police officers who are not certified in either the full time or part time certification program of the Vermont criminal justice training council (VCJTC) shall meet qualification and certification standards prescribed by the sergeant at arms in consultation with the executive director of the VCJTC. In setting the standards, the sergeant at arms shall consider the part time certification program provided to other law enforcement officers by the VCJTC.~~

~~(3) As an alternative, in the sole discretion of the sergeant at arms, capitol police officers shall be certified pursuant to the part time certification program of the VCJTC.~~

~~(4) The VCJTC shall make training available to capitol police officers at no expense to the sergeant at arms, and the VCJTC shall certify those officers as capitol police officers if they meet the certification standards set by the sergeant at arms, or as a regular law enforcement officer if the requirements of the part time certification program are met, regardless of the number of hours or weeks worked by the capitol police officer.~~

~~(5) Notwithstanding any other provision of law to the contrary, a capitol police officer shall be a law enforcement officer as if certified by the Vermont criminal justice training council pursuant to the provisions of 20 V.S.A. chapter 151 of Title 20.~~

(c) Coordination of capitol complex security: The capitol police department shall coordinate security within the state house and assist the commissioner of buildings and general services in providing security and law enforcement services within the capitol complex, as delineated in a memorandum of understanding signed by the commissioner and the sergeant at

arms no later than June 30, 2000, and as subsequently amended. In all other areas of the capitol complex, except the space occupied by the supreme court, the security, control of traffic, and coordination of law enforcement activity shall be under the direction of the commissioner of buildings and general services, with which the capitol police department may assist.

Sec. 3. 20 V.S.A. § 2351 is amended to read:

§ 2351. PURPOSE; DEFINITION

In order to promote and protect the health, safety, and welfare of the public, it is in the public interest to provide for the creation of “the Vermont criminal justice training council.” The council is created to encourage and assist municipalities, counties, and governmental agencies of this state in their efforts to improve the quality of law enforcement and citizen protection by maintaining a uniform standard of recruit and in-service training for law enforcement officers, including members of the department of public safety, capitol police officers, municipal police officers, constables, ~~corrections~~ correctional officers, prosecuting personnel, motor vehicle inspectors, state investigators employed on a full-time basis by the attorney general, fish and game wardens, sheriffs and their deputies who exercise law enforcement powers pursuant to the provisions of ~~sections 311 and 307(a) of Title 24 V.S.A. §§ 307 and 311~~, and railroad police commissioned pursuant to ~~30 V.S.A. chapter 45, subchapter 8~~ 5 V.S.A. chapter 68, subchapter 8. The council shall offer continuing programs of instruction in up-to-date methods of law enforcement and the administration of criminal justice. It is the responsibility of the council to encourage the participation of local governmental units in the program and to aid in the establishment of adequate training facilities.

Sec. 4. 20 V.S.A. § 2358 is amended to read:

§ 2358. MINIMUM TRAINING STANDARDS

(a) Unless waived by the council under standards adopted by rule, and notwithstanding any statute or charter to the contrary, no person shall exercise law enforcement authority:

(1) as a part-time law enforcement officer without completing a basic training course within a time prescribed by rule of the council; or

(2) as a full-time law enforcement officer without either:

(A) completing a basic training course in the time and manner prescribed by the council; or

(B) having received, before July 1, 1968, permanent full-time appointment as a law enforcement officer, and completing a basic training course before July 1, 1982.

(3) as a full or part-time law enforcement officer without completing annual in-service training requirements as prescribed by the council.

(b) All programs required by this section shall be approved by the council. Completion of a program shall be established by a certificate to that effect signed by the executive director of the council.

(c) For the purposes of this section:

(1) "Law enforcement officer" means a member of the department of public safety who exercises law enforcement powers, a member of the state police, a capitol police officer, a municipal police officer, a constable who exercises law enforcement powers, a motor vehicle inspector, an employee of the department of liquor control who exercises law enforcement powers, an investigator employed by the secretary of state, board of medical practice investigators employed by the department of health, attorney general, or a state's attorney, a fish and game warden, a sheriff, or deputy sheriff who exercises law enforcement powers, or a railroad police officer commissioned pursuant to ~~30 V.S.A. chapter 45, subchapter 8~~ 5 V.S.A. chapter 68, subchapter 8.

(2) "Full-time law enforcement officer" means a law enforcement officer with duties of a predictable and continuing nature which require more than 32 hours per week and more than 25 weeks per year.

(3) "Part-time law enforcement officer" means a law enforcement officer who is not employed full time.

(d) The council may determine whether a particular position is full-time or part-time. Any requirements in this section shall be optional for any elected official.

Sec. 5. Sec. 13 of No. 195 of the 2007 Adj. Sess. (2008), as amended by Sec. 11 of No. 108 of the Acts of the 2009 Adj. Sess. (2010), is amended to read:

Sec. 13. EFFECTIVE DATE

Secs. 8 and 9 of this act shall take effect on ~~July 1, 2012~~ July 1, 2013.

Sec. 6. REPORT

On or before December 15, 2012, the law enforcement advisory board, in consultation with the criminal justice training council, shall report to the senate and house committees on judiciary and on government operations

recommendations for how constables may be certified as law enforcement officers as required by Sec. 5 of this act. The report shall include recommendations for how constables may complete the program's field training officer program.

Sec. 7. INTERIM STUDY OF LEGISLATIVE PARKING

(a) Creation of committee. There is created an interim study of legislative parking to study the issue of parking space availability as it affects members of the general assembly.

(b) Membership. The study shall be conducted by the sergeant at arms, the commissioner of buildings and general services, and the operations manager of the legislative council in consultation with members of senate and house leadership.

(c) Powers and duties. The study shall:

(1) evaluate the available parking spaces available within and around the capitol complex and, in particular, the parking spaces available for members of the general assembly;

(2) survey members of the 2011–2012 general assembly on whether there should be assigned parking spaces and, if so, the best manner in making those assignments;

(3) consider whether it is feasible to reserve 180 parking spaces for the exclusive use of members of the general assembly, taking into consideration:

(A) how those parking spaces would be allotted, such as by lottery or by seniority;

(B) the preservation of parking spaces for members who are reelected to the 2013–2014 general assembly and who currently have a parking space reserved due to having a special need, holding a leadership position, or for other circumstances; and

(C) the impact the reservations would have upon the remaining spaces currently available for capitol police, legislative staff, and others.

(d) Report. By January 15, 2013, the committee shall report to the general assembly its findings and any recommendations for change from current practice.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

Thereupon, **Rep. Lippert of Hinesburg** moved that the House concur in the Senate proposal of amendment with a further amendment thereto, as follows:

By striking Secs. 5 through 8 in their entirety and inserting in lieu thereof the following:

Sec. 5. CONSTABLES; LAW ENFORCEMENT AUTHORITY

Notwithstanding the effective date of the amendment to 20 V.S.A. § 2358(d) set forth in Sec. 8 of No. 195 of the Acts of the 2007 Adj. Sess. (2008), any constable who, as of May 1, 2012, has commenced a basic training course in order to obtain certification through the Vermont criminal justice training council pursuant to 20 V.S.A. § 2358 and who is not prohibited from exercising law enforcement authority pursuant to 24 V.S.A. § 1936a shall have until July 1, 2013 to complete that training and may exercise his or her law enforcement authority until July 1, 2013. Thereafter, such a constable shall comply with the provisions of 20 V.S.A. § 2358 in order to exercise law enforcement authority.

Sec. 6. VERMONT CRIMINAL JUSTICE TRAINING COUNCIL;

CONSTABLE FIELD TRAINING

By a date that will allow those constables meeting the criteria set forth in Sec. 5 of this act (constables; law enforcement authority) to obtain certification through the Vermont criminal justice training council pursuant to

20 V.S.A. § 2358 by July 1, 2013, the council shall provide the field training necessary in order for those constables to become certified or shall provide to those constables an alternative source that will provide that field training, which may include the provision of field training by a constable of a different municipality who is a qualified field training officer and who is indemnified by the municipality of the constable receiving the field training. By January 15, 2014, the council shall report to the house and senate committees on judiciary and on government operations the sources from which constables received field training pursuant to this section.

Sec. 7. INTERIM STUDY OF AND PROPOSED PLAN FOR

LEGISLATIVE PARKING

(a) Creation of committee. There is created an interim study of legislative parking to study the issue of parking space availability as it affects members of the general assembly.

(b) Membership. The study shall be conducted by the sergeant at arms, the commissioner of buildings and general services, and the operations manager of the legislative council in consultation with members of senate and house leadership.

(c) Powers and duties. The study shall:

(1) evaluate the available parking spaces available within and around the capitol complex and, in particular, the parking spaces available for members of the general assembly;

(2) survey members of the 2011–2012 general assembly on whether there should be assigned parking spaces and, if so, the best manner in making those assignments;

(3) consider whether it is feasible to reserve 180 parking spaces for the exclusive use of members of the general assembly, taking into consideration:

(A) how those parking spaces would be allotted, such as by lottery or by seniority;

(B) the preservation of parking spaces for members who are reelected to the 2013–2014 general assembly and who currently have a parking space reserved due to having a special need, holding a leadership position, or for other circumstances; and

(C) the impact the reservations would have upon the remaining spaces currently available for capitol police, legislative staff, and others.

(d) Report. By November 15, 2012, the committee shall report electronically to the speaker of the house; the president pro tempore of the senate; the chairs of the house committee on corrections and institutions and the senate committee on institutions; and to each member of the general assembly its findings and a proposed plan that may be implemented by January 9, 2013.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

and that after passage the title of the bill be amended to read: “An act relating to the certification of capitol police and constables and to legislative traffic control and parking”

Which was agreed to.

**Senate Proposal of Amendment Considered; House Requested Senate to
Recede From its Proposal of Amendment**

H. 759

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

An act relating to permitting the use of secure residential recovery facilities for continued involuntary treatment

First: By striking out Sec. 1 in its entirety and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 175 is amended to read:

CHAPTER 175. THE BOARD OF MENTAL HEALTH

* * *

§ 7304. PERSONS NOT HOSPITALIZED OR RESIDING IN A SECURE RESIDENTIAL RECOVERY FACILITY

The board shall have general jurisdiction of the mentally retarded and the mentally ill who have been discharged from a hospital, secure residential recovery facility, or training school by authority of the board. It shall also have jurisdiction of the mentally ill and mentally retarded of the state ~~not, who~~ are neither hospitalized nor residing in a secure residential recovery facility so far as concerns their physical and mental condition and their care, management, and medical treatment and shall make such orders therein as each case duly brought to its attention requires.

§ 7305. POWERS OF BOARD

The board may administer oaths, summon witnesses before it in a case under investigation, and discharge by its order, in writing, any person confined as a patient in a hospital or in a secure residential recovery facility whom it finds on investigation to be wrongfully hospitalized or residing in a secure residential recovery facility or in a condition to warrant discharge. The board shall discharge patients, not criminals, who have eloped from a hospital or secure residential recovery facility and have not been apprehended at the expiration of six months from the time of their elopement. The board shall not order the discharge of a patient without giving the superintendent of the hospital or secure residential recovery facility an opportunity to be heard.

§ 7309. REFERRALS FROM GOVERNOR

The governor may refer the case of a patient in a hospital or secure residential recovery facility to the board for its investigation. The board shall investigate the case and by its order grant such relief as each case requires. If

the board is without power to grant the necessary relief it shall cause proceedings to be commenced in a court of competent jurisdiction at the expense of the state, in order to obtain the necessary relief and promote the ends of justice and humanity.

§ 7310. PETITION FOR INQUIRY

The attorney or guardian of a patient or any other interested party may apply to the board to inquire into the treatment and hospitalization or placement at a secure residential recovery facility of a patient, and the board shall take appropriate action upon the application.

§ 7311. INVESTIGATION

If, in the judgment of the board, an investigation is necessary, it shall appoint a time and place for hearing and give the patient's attorney, guardian and spouse, parent or adult child or interested party, if any, in that order, and the head of the hospital or secure residential recovery facility reasonable notice thereof. At the time appointed it shall conduct a hearing and make any lawful order the case requires.

* * *

§ 7313. BOARD SHALL VISIT INSTITUTION

The board shall ascertain by examination and inquiry whether the laws relating to individuals in custody or control are properly observed and may use all necessary means to collect all desired information. It shall carefully inspect every part of the hospital, secure residential recovery facility, or training school visited with reference to its cleanliness and sanitary condition, determine the number of patients or students in seclusion or restraint, the diet of the patients or students and any other matters which it considers material. It shall offer to every patient or student an opportunity for an interview with its visiting members or agents, and shall investigate those cases which in its judgment require special investigation, and particularly shall ascertain whether any individuals are retained at any hospital, secure residential recovery facility, or training school who ought to be discharged.

* * *

§ 7315. DEFINITION

As used in this chapter, the term "secure residential recovery facility" shall be defined as in subsection 7620(e) of this title.

Second: In Sec. 3, 18 V.S.A. § 7620, subsection (e), by striking out "§ 7102(11)" and inserting in lieu thereof § 7102

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. French of Randolph** moved that the House request the Senate to recede from its proposal of amendment, which was agreed to.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 496

House bill, entitled

An act relating to preserving Vermont's working landscape

H. 503

House bill, entitled

An act relating to eliminating the ability of the sergeant at arms to employ a traffic control officer and requiring the certification of capitol police officers

H. 759

House bill, entitled

An act relating to permitting the use of secure residential recovery facilities for continued involuntary treatment

S. 89

House bill, entitled

An act relating to Medicaid for Working Persons with Disabilities

S. 200

House bill, entitled

An act relating to the reporting requirements of health insurers

S. 244

House bill, entitled

An act relating to referral to court diversion for driving with a suspended license

S. 251

House bill, entitled

An act relating to miscellaneous amendments to laws pertaining to motor vehicles

Recess

At ten o'clock and fifty-five minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

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

**Rules Suspended; Senate Proposal of Amendment Concurred in
H. 627**

On motion of **Rep. Savage of Milton**, the rules were suspended and House bill, entitled

An act relating to an opioid addiction treatment system

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Senate proposed to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 93 is added to read:

CHAPTER 93. TREATMENT OF OPIOID ADDICTION

§ 4751. PURPOSE

It is the purpose of this chapter to authorize the department of health to establish a regional system of opioid addiction treatment.

§ 4752. OPIOID ADDICTION TREATMENT SYSTEM

(a) The department of health shall establish by rule a regional system of opioid addiction treatment.

(b) The rules shall include the following requirements:

(1) Patients shall receive appropriate, comprehensive assessment and therapy from a physician or advanced practice registered nurse and from a licensed clinical professional with clinical experience in addiction treatment, including a psychiatrist, master's- or doctorate-level psychologist, mental health counselor, clinical social worker, or drug and alcohol abuse counselor.

(2) A medical assessment shall be conducted to determine whether pharmacological treatment, which may include methadone, buprenorphine, and other federally approved medications to treat opioid addiction, is medically appropriate.

(3) A routine medical assessment of the appropriateness for the patient of continued pharmacological treatment based on protocols designed to

encourage cessation of pharmacological treatment as medically appropriate for the individual treatment needs of the patient.

(4) Controlled substances for use in federally approved pharmacological treatments for opioid addiction shall be dispensed only by:

(A) a treatment program authorized by the department of health; or

(B) a physician or advanced practice registered nurse who is not affiliated with an authorized treatment program but who meets federal requirements for use of controlled substances in the pharmacological treatment of opioid addiction.

(5) Comprehensive education and training requirements shall apply for health care providers, pharmacists, and the licensed clinical professionals listed in subdivision (1) of this subsection, including relevant aspects of therapy and pharmacological treatment.

(6) Patients shall abide by rules of conduct, violation of which may result in discharge from the treatment program, including:

(A) provisions requiring urinalysis at such times as the program may direct;

(B) restrictions on medication dispensing designed to prevent diversion of medications and to diminish the potential for patient relapse; and

(C) such other rules of conduct as a provider authorized to provide treatment under subdivision (4) of this subsection may require.

(c) No later than January 15 of each year from 2013 through 2016, inclusive, the commissioner shall report to the house committees on human services and on health care and the senate committee on health and welfare regarding the regional system of opioid addiction treatment, including the system's effectiveness.

Sec. 2. REPEAL

Sec. 132 of No. 66 of the Acts of 2003 (Opiate addiction treatment) is repealed on passage of this act.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

Recess

At one o'clock and ten minutes in the afternoon, the Speaker declared a recess until five o'clock in the afternoon.

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

Message from the Senate No. 52

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 a bill originating in the House of the following title:

H. 559. An act relating to health care reform implementation.

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

House Resolution Referred to Committee**H.R. 19**

House resolution, entitled

House resolution relating to the Green Mountain Care board and the definition of family planning

Offered by: Representatives Batchelor of Derby, Strong of Albany, Acinapura of Brandon, Bouchard of Colchester, Brennan of Colchester, Burditt of West Rutland, Canfield of Fair Haven, Donaghy of Poultney, Donahue of Northfield, Fagan of Rutland City, Hebert of Vernon, Higley of Lowell, Hubert of Milton, Kilmartin of Newport City, Larocque of Barnet, Marcotte of Coventry, McNeil of Rutland Town, Morrissey of Bennington, Pearce of Richford, Perley of Enosburgh, Reis of St. Johnsbury, Savage of Swanton, Shaw of Pittsford and Winters of Williamstown

Whereas, Act 48 of 2011, which established Green Mountain Care, enacted 33 V.S.A. § 1825(a)(1), which provides that “Green Mountain Care shall include primary care,” and

Whereas, Act 48 defines “primary care” in 33 V.S.A. § 1823(10) as including family planning, and

Whereas, the World Health Organization defines family planning services as those that allow “individuals and couples to anticipate and attain their desired number of children and the spacing and timing of their births. It is achieved through use of contraceptive methods and the treatment of involuntary infertility,” and

Whereas, an overwhelming majority of both international and domestic governing bodies have affirmed that in no circumstances can abortion be regarded as a method of family planning, and

Whereas, it is the longstanding policy of the federal government that abortion is not a method of family planning. For example, section 1008 of the Public Health Service Act (42 U.S.C. § 300a-6) specifies that “none of the funds appropriated under [the family planning programs operated pursuant to Title X of the act] shall be used in programs where abortion is a method of family planning,” and

Whereas, when the federal or a state government appropriates public funds to establish a program, it is entitled to define the limits of that program, Rust v. Sullivan, 500 U.S. 173, 194 (1991), and

Whereas, the state of Vermont has given priority to the funding of prenatal care through the Dr. Dynasaur program to ensure that pregnancies have healthy outcomes for mothers and babies, and

Whereas, the taxpayers of the state of Vermont under the Medicaid program and other state-funded health programs already pay for “income-eligible” abortions at the cost of tens of thousands of dollars per year, and

Whereas, if the Green Mountain Care board were to interpret the definition of “family planning” to include abortions, it would expand taxpayer funding of abortions to all, including those with the ability to pay, and

Whereas, in states where abortions are provided at taxpayer expense, the number of abortions increases, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges the Green Mountain Care board to interpret its statutory mandate to cover family planning services as not including abortion, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Green Mountain Care board, Governor Peter Shumlin, the department of financial regulation, and the Vermont Congressional Delegation.

Which was read and referred to the committee on Health Care.

House Resolution Placed on Calendar**H.R. 20**

House resolution encouraging the Vermont fish and wildlife board to amend the state administrative rules pertaining to fishing in order to authorize additional year-round fishing opportunities and the transporting of baitfish under designated circumstances

Offered by: Committee on Fish, Wildlife and Water Resources

Whereas, it would be to the economic advantage of the state of Vermont to increase the percentage of Vermonters and out-of-state visitors participating in outdoor recreational activities, including fishing, and

Whereas, expanding the availability of year-round fishing in Vermont would enable the Vermont fish and wildlife board (the board) to better meet its management goals of providing regulated and sustained fishing opportunities, and

Whereas, increased year-round fishing in Vermont would result in more anglers fishing in the state; would enable the board to solicit information from a wider range of anglers regarding their fishing preferences and successes; and would enable the department of fish and wildlife (the department) to share this information with the board, and

Whereas, year-round fishing could improve the monitoring of the habitat of sportfishing species and the evaluation of the current and prospective fishing harvest administrative rules, and

Whereas, with these objectives in mind, the board should consider amending its administrative rules to authorize expanded year-round fishing opportunities, and

Whereas, such an administrative rules amendment would also encourage more people from out-of-state to visit Vermont as they would be able to ski in the morning, fish in the afternoon, and snowshoe in the evening, and

Whereas, wintertime fishing enthusiasts could fish from both open and frozen waters on the same day, and

Whereas, administrative rules already exist for certain streams and rivers that are open to fishing 12 months per year, and

Whereas, the department could seek assistance from state agencies and sporting groups to develop a promotional campaign to promote Vermont as a year-round fishing destination, and

Whereas, amending the board's administrative rules to authorize the transport by motor vehicle or other method of baitfish harvested from or used on a water of the state, from one water access point to another, provided that the baitfish are used on the same body of water, would be of great benefit to anglers, now therefore be it

Resolved by the House of Representatives:

That this legislative body encourages the Vermont fish and wildlife board to consider amending the administrative rules pertaining to fishing in order to authorize additional year-round fishing opportunities and the transport by motor vehicle or other method of baitfish harvested from or used on a water of the state, from one water access point to another, provided that the baitfish are used on the same body of water, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Vermont fish and wildlife board.

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

Joint Resolution Placed on Calendar

J.R.H. 37

Joint resolution expressing the General Assembly's expectation that the full range of concerns and issues raised by the general public regarding the merger of Central Vermont Public Service Corporation and Green Mountain Power Corporation will be given full consideration, and that the final agreement must be in the best interests of the ratepayers and people of the State of Vermont

Offered by: Representatives Cheney of Norwich, Botzow of Pownal, Canfield of Fair Haven, Klein of East Montpelier, Kupersmith of South Burlington, Leriche of Hardwick, Marcotte of Coventry, Ralston of Middlebury, Ancel of Calais, Andrews of Rutland City, Bartholomew of Hartland, Batchelor of Derby, Bissonnette of Winooski, Bohi of Hartford, Campion of Bennington, Christie of Hartford, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Copeland-Hanzas of Bradford, Courcelle of Rutland City, Dakin of Chester, Deen of Westminster, Devereux of Mount Holly, Donovan of Burlington, Edwards of Brattleboro, Ellis of Waterbury, Emmons of Springfield, Frank of Underhill, French of Shrewsbury, French of Randolph, Grad of Moretown, Head of South Burlington, Heath of Westford, Hebert of Vernon, Hooper of Montpelier, Jerman of Essex, Jewett of Ripton, Keenan of St. Albans City, Kitzmiller of Montpelier, Krowinski of Burlington, Larocque of Barnet, Lawrence of Lyndon, Lenes of Shelburne, Lewis of Derby, Lorber of Burlington, Malcolm of Pawlet, Manwaring of Wilmington,

Marek of Newfane, Martin of Wolcott, McAllister of Highgate, McCullough of Williston, McNeil of Rutland Town, Mook of Bennington, Mrowicki of Putney, Myers of Essex, Nuovo of Middlebury, Peltz of Woodbury, Potter of Clarendon, Pugh of South Burlington, Ram of Burlington, Russell of Rutland City, Shand of Weathersfield, Sharpe of Bristol, South of St. Johnsbury, Strong of Albany, Stuart of Brattleboro, Taylor of Barre City, Toll of Danville, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson, Yantachka of Charlotte and Zagar of Barnard

Whereas, currently before the public service board is a petition proposing to merge Vermont's two largest electric utilities, Central Vermont Public Service Corporation (CVPS) and Green Mountain Power Corporation (GMP), and

Whereas, a merger of this magnitude involves many complexities and considerations and, if approved by the public service board, will be significant for the State of Vermont, and

Whereas, in the merger proceeding, the public service board has received testimony from a number of parties setting forth different positions and the evidentiary record is now closed, and

Whereas, the public service board had previously approved windfall sharing mechanisms for both GMP and CVPS, arising out of a Hydro Quebec power purchase agreement, but left the specific procedure in each case as to how the windfall proceeds would be returned to customers for later resolution at the time of any subsequent acquisition or merger, and

Whereas, on March 26, 2012, the department of public service and GMP entered into a comprehensive memorandum of understanding (MOU) concerning the proposed merger between GMP and CVPS, and several other parties also entered into MOUs regarding issues of concern to those parties, and

Whereas, as part of the March 26th MOU, the department of public service achieved numerous beneficial concessions, in particular with regard to increased public governance of Vermont Electric Power Company (VELCO), so that eight of 13 board seats will represent the public interest compared to the three originally proposed by GMP, and

Whereas, as details about the proposed merger and MOU have become known by the general public, the people of our state have expressed a range of concerns about matters directly and indirectly affecting them, and

Whereas, there is disagreement among the general public as to the best mechanism for returning the \$21 million in windfall proceeds to CVPS

ratepayers and as to whether the efficiency investments proposed for these proceeds should be recovered in future rates, and

Whereas, there will be significant operational savings as a result of the merger, but there is a concern as to whether these operational savings should be shared between investors and the ratepayers, and if so, how, and

Whereas, the House of Representatives has taken testimony from the utilities, the department of public service, AARP, and other interested persons and has heard opinions regarding the potential value of the merger, as well as its risks and drawbacks, and on the windfall sharing mechanism in particular, and

Whereas, the public service board has now heard evidence and received briefs setting forth the positions of the parties, as well as public comments, and

Whereas, by law, the public service board exercises independent judgment and has not yet ruled on the proposed merger and acquisition, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expects that the full range of concerns and issues raised by the general public will be given full consideration, and that the proposed merger must be in the best interests of the ratepayers and people of the State of Vermont, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the department of public service, Green Mountain Power Corporation, and Central Vermont Public Service Corporation, and that the department of public service send a copy to all parties in the merger docket.

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

Recess

At five o'clock and ten minutes in the afternoon, the Speaker declared a recess until five o'clock and twenty-five minutes in the afternoon.

Rep. Leriche of Hardwick in Chair.

At at five o'clock and twenty-nine minutes in the afternoon, the Speaker called the House to order.

**Rules Suspended; Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto**

H. 37

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to telemedicine

Appearing on the Calendar for notice, was taken up for immediate consideration.

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

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

Sec. 1. 8 V.S.A. chapter 107, subchapter 14 is added to read:

Subchapter 14. Telemedicine

§ 4100k. COVERAGE FOR TELEMEDICINE SERVICES

(a) All health insurance plans in this state shall provide coverage for telemedicine services delivered to a patient in a health care facility to the same extent that the services would be covered if they were provided through in-person consultation.

(b) A health insurance plan may charge a deductible, co-payment, or coinsurance for a health care service provided through telemedicine so long as it does not exceed the deductible, co-payment, or coinsurance applicable to an in-person consultation.

(c) A health insurance plan may limit coverage to health care providers in the plan's network and may require originating site health care providers to document the reason the services are being provided by telemedicine rather than in person.

(d) Nothing in this section shall be construed to prohibit a health insurance plan from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the covered person's policy.

(e) A health insurance plan may reimburse for teleophthalmology or teledermatology provided by store and forward means and may require the distant site health care provider to document the reason the services are being provided by store and forward means.

(f) Nothing in this section shall be construed to require a health insurance plan to reimburse the distant site health care provider if the distant site health care provider has insufficient information to render an opinion.

(g) As used in this subchapter:

(1) "Health insurance plan" means any health insurance policy or health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, as well as Medicaid, the Vermont health access plan, and any other public health care assistance program offered or administered by the state or by any subdivision or instrumentality of the state. The term does not include policies or plans providing coverage for specified disease or other limited benefit coverage.

(2) "Health care facility" shall have the same meaning as in 18 V.S.A. § 9402.

(3) "Store and forward" means an asynchronous transmission of medical information to be reviewed at a later date by a health care provider at a distant site who is trained in the relevant specialty and by which the health care provider at the distant site reviews the medical information without the patient present in real time.

(4) "Telemedicine" means the delivery of health care services such as diagnosis, consultation, or treatment through the use of live interactive audio and video over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. Telemedicine does not include the use of audio-only telephone, e-mail, or facsimile.

Sec. 2. 18 V.S.A. chapter 219 is redesignated to read:

CHAPTER 219. HEALTH INFORMATION TECHNOLOGY
AND TELEMEDICINE

Sec. 3. STATUTORY REVISION

18 V.S.A. §§ 9351–9352 shall be recodified as subchapter 1 (Health Information Technology) of chapter 219.

Sec. 4. 18 V.S.A. chapter 219, subchapter 2 is added to read:

Subchapter 2. Telemedicine

§ 9361. HEALTH CARE PROVIDERS PROVIDING TELEMEDICINE OR STORE AND FORWARD SERVICES

(a) Subject to the limitations of the license under which the individual is practicing, a health care provider licensed in this state may prescribe, dispense, or administer drugs or medical supplies, or otherwise provide treatment

recommendations to a patient after having performed an appropriate examination of the patient either in person or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically. Treatment recommendations made via electronic means, including issuing a prescription via electronic means, shall be held to the same standards of appropriate practice as those in traditional provider-patient settings. For purposes of this subchapter, "telemedicine" shall have the same meaning as in 8 V.S.A. § 4100k.

(b) Receiving teledermatology or teleophthalmology by store and forward means shall not preclude a patient from receiving real time telemedicine or face-to-face services with the distant site health care provider at a future date. Originating site health care providers involved in the store and forward process shall ensure informed consent from the patient. For purposes of this subchapter, "store and forward" shall have the same meaning as in 8 V.S.A. § 4100k.

Sec. 5. RULEMAKING

(a) The commissioner of Vermont health access may adopt rules pursuant to 3 V.S.A. chapter 25 to carry out the purposes of this act.

(b) The commissioner of banking, insurance, securities, and health care administration may adopt rules pursuant to 3 V.S.A. chapter 25 to carry out the purposes of this act.

Sec. 6. HEALTH CARE FACILITY; STUDY

(a) The commissioner of financial regulation or designee shall convene a workgroup comprising health care providers, health insurers, and other interested stakeholders to consider whether and to what extent Vermont should require health insurance coverage of services delivered to a patient by telemedicine outside a health care facility.

(b) No later than January 15, 2013, the commissioner of financial regulation or designee shall report the workgroup's recommendations to the house committee on health care and the senate committees on health and welfare and on finance.

Sec. 7. EFFECTIVE DATE

(a) Sec. 1 of this act shall take effect on October 1, 2012 and shall apply to all health insurance plans on and after October 1, 2012 on such date as a health insurer offers, issues, or renews the health insurance plan, but in no event no later than October 1, 2013.

(b) The remaining sections of this act shall take effect on passage.

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

First: In Sec. 4, in 18 V.S.A. § 9361, in subsection (b), after the (b), by inserting two new sentences to read: “A patient receiving teleophthalmology or teledermatology by store and forward means shall be informed of the right to receive a consultation with the distant site health care provider and shall receive a consultation with the distant site health care provider upon request. If requested, the consultation with the distant site health care provider may occur either at the time of the initial consultation or within a reasonable time of the patient’s notification of the results of the initial consultation.”

Second: In Sec. 5, Rulemaking, in subsection (b), by striking “banking, insurance, securities, and health care administration” and inserting in lieu thereof “financial regulation”

Which was agreed to.

**Rules Suspended; Favorable Report; Third Reading Ordered;
Rules Suspended; Bill Read the Third Time and Passed**

H. 790

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to approval of amendments to the charter of the town of Hartford

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Hubert of Milton, for the committee on Government Operations, to which the bill had been referred reported in favor of its passage.

Thereupon, the bill was read the second time and third reading ordered.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed.

Rules Suspended; Favorable Report; Third Reading Ordered

S. 215

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to evaluating net costs of government purchasing

Appearing on the Calendar for notice, was taken up for immediate consideration.

Rep. Hubert of Milton, for the committee on Government Operations, to which had been referred reported in favor of its passage.

Thereupon, the bill was read the second time and third reading ordered.

On motion of **Rep. Turen of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence.

Thereupon, the bill was read the third time and passed in concurrence.

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 37

House bill, entitled

An act relating to telemedicine

H. 790

House bill, entitled

An act relating to approval of amendments to the charter of the town of Hartford

S. 215

Senate bill, entitled

An act relating to evaluating net costs of government purchasing

Adjournment

At five o'clock and forty minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock in the forenoon.