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Subject: Conf. Exec Priv: Daily Legislative Report for Tuesday: March 15, 2016

House will reconvene tomorrow at 1:00pm

Senate will reconvene tomorrow at 1:00pm

HOUSE:

House Committee Bills Introduced:

H. 863 An act relating to making miscellaneous amendments to Vermont's retirement laws;
Introduced by the committee on Government Operations.

H. 864 An act relating to agricultural exemption from Vermont's sales and use tax;
Introduced by the committee on Agriculture & Forest Products.

H. 865 An act relating to promoting workforce housing;
Introduced by the committee on General, Housing & Military Affairs.

H. 866 An act relating to prescription drug manufacturer cost transparency;
Introduced by committee on Health Care.

H. 867 An act relating to classification of employees and independent contractors;
Introduced by the committee on Commerce & Economic Development.

H. 868 An act relating to miscellaneous economic development provisions;
Introduced by the committee on Commerce & Economic Development.

H. 869 An act relating to judicial organization and operations.
Introduced by the committee on Judiciary.

Senate Bills Referred:

S. 214 An act relating to large group insurance;
Referred to the committee on Health Care.

S. 123 An act relating to standardized procedures for permits and approvals issued by the Department of Environmental Conservation;
Referred to the committee on Natural Resources & Energy.

Bills Referred to Committee on Ways and Means:

- H. 206 An act relating to regulating notaries public;
- H. 552 An act relating to threatened and endangered species;
- H. 864 An act relating to agricultural exemption from Vermont's sales and use tax;
- H. 868 An act relating to miscellaneous economic development provisions.

Bills Referred to Committee on Appropriations:

- H. 183 An act relating to security in the Capitol Complex;
- H. 522 An act relating to establishing an Office of the Child Protection Advocate;
- H. 562 An act relating to professions and occupations regulated by the Office of Professional Regulation and to the review of professional regulation;
- H. 610 An act relating to clarifying the Clean Water State Revolving Fund and Water Pollution Control Grant Programs;
- H. 620 An act relating to health insurance and Medicaid coverage for contraceptives;
- H. 730 An act relating to Medicaid rates for home- and community-based services and home-delivered meals as a reimbursable covered service;
- H. 789 An act relating to forest integrity and municipal and regional planning;
- H. 853 An act relating to setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes.

Rules Suspended; Bill Committed to Committee:

- H. 865 An act relating to promoting workforce housing
Committed to the committee on Corrections & Institutions.

Action on Bill Postponed:

- H. 851 An act relating to the conduct of forestry operations

Bill Amended, Third Reading Ordered:

- H. 854 An act relating to timber trespass.
- H. 171 An act relating to restrictions on the use of electronic cigarettes.

H. 559 An act relating to an exemption from licensure for visiting team physicians.

H. 571 An act relating to driver's license suspensions, driving with a suspended license, and DUI penalties.

Third Reading, Bills Passed:

H. 308 An act relating to limiting the liability of VAST arising from snowmobile operation outside the Statewide Snowmobile Trail System;

H. 529 An act relating to State aid for school construction repayment obligations;

H. 570 An act relating to hunting, fishing, and trapping;

H. 852 An act relating to State lands.

SENATE:

Bills Referred to Committee on Appropriations:

S. 52 An act relating to the Uniform Interstate Family Support Act.

S. 153 An act relating to jurors' fees.

Bills Referred to Committee on Finance:

S. 230. An act relating to improving the siting of energy projects.

S. 242. An act relating to the service of civil process by a constable.

S. 243. An act relating to combating opioid abuse in Vermont.

Bills Referred:

H. 112 An act relating to access to financial records in adult protective services investigations.
Referred to the Committee on Judiciary.

H. 517 An act relating to the classification of State waters.
Referred to the Committee on Natural Resources & Energy.

H. 526 An act relating to the Commissioner of Liquor Control and the Liquor Control Board.
Referred to the Committee on Economic Development, Housing & General Affairs.

H. 674 An act relating to public notice of wastewater discharges.
Referred to the Committee on Natural Resources & Energy.

H. 747 An act relating to the State Treasurer's authority to intercept State funding to a municipality or school district in default from a Municipal Bond Bank borrowing.
Referred to the Committee on Finance.

H. 778 An act relating to State enforcement of the federal Food Safety Modernization Act.
Referred to the Committee on Agriculture.

Bill Amended; Third Reading Ordered:

S. 245 An act relating to disclosure of health care provider affiliations.

S. 196 An act relating to the Agency of Human Services' contracts with providers.

Bill Passed:

S. 157 An act relating to breast density notification and education.
On to the House.

S. 255 An act relating to regulation of hospitals, health insurers, and managed care organizations.
Bill amended, Bill Passed. On to House.

Consideration Postponed:

S. 183 An act relating to permanency for children in the child welfare system.

Bill Recommitted to another committee:

H. 112 An act relating to access to financial records in adult protective services investigations.
Relieved from Judiciary and committed to Health & Welfare.

COMMITTEE INTEL/TESTIMONY:

House Appropriations: *Designated Agencies:* Community need great for these services, high staff turnover rate due to low salaries, can't keep operating on level funding over multiple years. DAs would like 3% increase this year. Medicaid rates only raised 3% once in the past 5 years. If no increase in funding this year services and specific programs at risk of being shut down.

Senate Appropriations: Cost drivers - caseload and utilization. Kitchel wanted to hear DVHA rational for these proposals: ABA, LARC savings, PAs for MH services.

House Ways & Means: *Fee Bill:* Moved favorably 10-0-1 (Donovan absent). They won't officially sign this over until the end of the week to make sure it corresponds with timing of budget/floor.

House Ways & Means: *Employer Assessment:* Annie Noonan pointed to the capacity of

Annie Noonan: Capacity of DOL to do something that would be more complicated?

Janet Ancel: Change in employer assessment that passed the senate last year. I didn't want to consider something you might implement without testifying.

Annie Noonan: We looked at this last year when the senate put it forward. I asked our people what it might take to do this.... We've had no new positions since 2011, but lost 22. They felt they would need 5 FTEs and 6 months. \$150,000 for materials, forms, materials, outreach. We are in a UI legacy system so it takes time to work with. They are trying to change a 39 year old system. We can do it, but need plenty of time or someone takes it off of our plate and we can help them do it.

Young. I understand the difficulty in programming something that old, but would \$350,000 be ongoing staff costs? That would just be to get the work done to implement it.

Greshin. Would it be preferable to do it based on uncovered FTEs? Annie said she'd find out and get more data.

House Ways & Means: *Misc Tax Bill:* Employer Assessment Tiered Proposal: Current total target: \$12 M - planning to raise \$8M with this proposal. Senate proposal from last year-- 49 and under, next break is at 50-249-- extra \$375 per year, then 250+ extra \$766 per year. Committee is considering basing the tiers on the number of uncovered employees. Considering getting rid of the exemption. *Press Attending: Ann Galloway, VT Digger*

House Ways & Means: *Bank Franchise Tax:* Donegan testified: That proposal and the numbers were from the governor a few years ago. The governor does prefer that any increase should be targeted above that threshold. Conceptually that is something he supports, just as he did a few years ago. Just a matter of picking a rate and then doing it. Main difference between credit union and banks is that credit unions are nonprofits and also not subject to the bank franchise tax. Credit unions have some money that banks don't due to not paying something like this. There are only two states that do this, others do it through corporate tax.

Senate House & Welfare: *Amendment to S.255 – Fed Exchange Study:* Proposes GMCB study long term viability of VHC. Committee stated cost is \$500,000-- need to consider and may put in another bill.

Ways means off employer assessment -]]
Letting JFO do some work.

.000025 increase increase on just large banks. .000022 if it were to be for all banks.
Air B&B if we were to collect meals and rooms how much money. Asked Sara to find some info on this.
Fee Bill

Senate Education: At 1:30 today Karin Edwards presented an overview of special education laws and requirements to the Senate Education committee. There were a few questions and the chair commented on their desire to do something about special education costs/funding as well as their desire to hear about what is working. She asked if it would be helpful to set up some system that allows

school staff to share what is working with one another. She mentioned this again when Meagan Roy testified.

OTHER:

SENATE DEMOCRATIC CAUCUS:

S. 230 – Siting Bill:

The bill will allow for a ‘Town Building Plan’ crafted by the town itself; it would then go to a Regional Planning Board that would move to approve or deny the plan. The hope is that this would help move the balance of power more towards towns. The Regional Planning Board would be run by the Public Service Board. The PSB would need to meet a high threshold to override the Town Building Plan-They would have to prove it was overwhelmingly for the greater good of all Vermonters.

Currently, the PSB needs to give ‘due consideration’; under S.230, they would need to give ‘substantial deference’, which is a higher threshold, as mentioned. The approach they took was “How to allow people to say ‘yes’ to what they want (in terms of clean energy sources) in their towns. They started with the broad goals the state wants to achieve and gave those to the towns, letting them decide how they would like to address them.

It was asked how much of the AG Bill (S.205) is in S.230; roughly 80% was the answer given.

It was mentioned that there is potential worry the Prime AG Soil sites would be used to house solar projects or that they would not be considered at all when siting for these projects occurs, particularly by the towns. It was assured that the bill backs authority to look after Prime AG Soil, and that they have worked closely with the AG’s office to make sure that there is protections and controls so that Prime AG Soil is looked after.

Opioid Bill:

Doctors are prescribing too many, yes, but there is also a system in place in the medical community that has expectations built along with it (like the idea that a good doctor will not allow patients to be in pain). The first bill that the committee took up was too ‘black and white’; it didn’t give prescribers enough leeway they felt to treat people appropriately, and even those who are stringently against over-prescribing thought it went too far.

The idea with the bill is that every prescription, renewal, etc... is kept track in the BPMS system. The system was updated in the fall to something that is very easy to work with and will be getting another upgrade this spring, making it even more efficient. One of the remaining questions is to decide how often and in what different contexts to check in w/ BPMS, as this needs to be done with due diligence. And, once we decide how often to check in, we need to make sure there are systems in place so that people won’t be arrested or sent to jail if there is a violation that is beyond your control (doctor not available, computer system’s down, etc...).

An issue that they have been running into with this bill is: who exactly decides ‘how many’(pills to be prescribed)? People and doses are so individualistic that it is very hard to set one overall pill limit or amount for everyone. There is a need to allow doctors/prescribers some leeway with determining this.

Included in the bill is a provision that prescribers need to get 2 hours of continued education (every year/few years?) that includes things such as safe disposal instructions for patients and other resources that keep them up-to-date with information related to opiates/addiction. Included in this would be more instructions on how to get people off of opiates.

Right now, Pharmaceutical companies pay a tax/fee for operating in the state (?); they ended up doubling the fee that they pay. They are using this money for health issues in the state related to opiate abuse. Particularly, they mentioned that they had found out that ambulances were not being equipped with Naloxone as it costs \$35,000 per vehicle, so some of the money will be used for that.