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**Sent:** Wednesday, February 24, 2016 5:08 PM

**BCC:** Allen, Susan; Byrne, Emily; Clasen, Michael; Coriell, Scott; Dudley, Jahala; Gingras, Jessica; GPS; Gray, Laura; Green, Geoff; Johnson, Harriet; Johnson, Justin; Kunin, Lisa; London, Sarah; Miller, Lawrence; Mishaan, Jessica; Pepper, James; Trombley, Shana

**Subject:** Conf. Exec Priv: Daily Legislative Report for February 24, 2016

House will reconvene tomorrow at 1:00pm

Senate will reconvene tomorrow at 1:00pm

SENATE

### **Second Reading; Bill Passed**

S.241 An act relating to personal possession and cultivation of cannabis and the regulation of commercial cannabis establishments.

*3rd reading ordered on roll call, requested by Senator Campbell, Passed -- Needed 15 of 29 to Pass -- Yeas = 16, Nays = 13*

HOUSE

### **House Committee Bills Introduced**

*Read first time and placed on the Calendar for notice.*

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

*Introduced by Rep. Klein of East Montpelier, for the committee on Natural Resources Energy.*

H. 852 An act relating to State lands;

*Introduced by Rep. Klein of East Montpelier, for the committee on Natural Resources & Energy.*

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.

*Introduced by Rep. Ancel of Calais, for the committee on Ways & Means.*

### **Bill Referred to Committee on Ways and Means**

H. 852 An act relating to State land.

*Affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.*

### **Committee Relieved of Consideration and Bill Committed to Other Committee**

H. 613 An act relating to preventing child identity theft

*Relieved from the committee on Commerce & Economic Development and committed to Judiciary committee.*

H. 783 An act relating to the unconsented use of a minor's name by an adult to create an Internet website account.

*Relieved from committee on Commerce & Economic Development and committed to Judiciary committee.*

H. 671 An act relating to creating the Veterans Entrepreneurship Program

*Relieved from committee on General, Housing & Military Affairs and committed to the committee on Commerce & Community Development.*

### **Third Reading; Bill Passed**

H. 761 An act relating to cataloguing and aligning health care performance measures.

*Read the third time and passed.*

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### COMMITTEE INTEL/TESTIMONY:

#### HOUSE HEALTH CARE: **FY17 Budget Memo**

The committee generated these lists on the whiteboard.

Where we have language:

1. Health care advocate - long term HWM
2. Ambulances
3. 24 session cap MH
4. Provider tax positions
5. Studies, Dr. D being one, UPC
6. Vermont Health Connect
7. Reports back - tobacco

Placeholders:

1. Duals supplemental
2. Increased rate priorities
3. ACO oversight
4. Potential Medicaid savings? Co pays?
5. Longer term Medicaid \$
6. Obesity cut
7. Corrections and Med

Other:

Approps memo

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HOUSE HEALTH CARE: Vermont Health Connect

Presentation:

<http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/House%20Health%20Care/Vermo>

[nt%20Health%20Connect/W~Cassandra%20Gekas~Vermont%20Health%20Connect%20Update%20Feb.%2024%202016~2-24-2016.pdf](#)

Focus on Change Requests (COC), current numbers 5,557 (2/1), 4,081 (2/22), ideally would like to be at 3,000 for ability to meet prescribed customer service targets.

Rep. Gage: Asked about getting an audit (per press conference). Gekas deferred to Health Care Reform Office, Lawrence Miller question. Rep. Lippert will reach out.

Rep. Lippert: Asked about MCA Adult numbers and coordination of enrollment for homeless population (thoughts from earlier VHCB presentation). Gekas assured that DVHA/VHC is working with community partners and is working with CMS to implement limited presumptive eligibility. Rep. Lippert encouraged this work.

Rep. Donahue: Asked for clearer education materials, confusing to interpret.

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**Topic of Testimony** H. 507 - An act relating to eligibility for economic development in impaired waters of the State

**Committee Name:** House Fish, Wildlife, and Water Resources

**Person Testifying (include title):** Cameron Wood, Law Clerk, Office of Legislative

Rebecca Ellis, Sr. Counsel for Govt. Affairs, Dept. of Environmental Conservation

**Summary of Issues/Concerns:**

Rebecca Ellis

- DEC wants to make it very clear if a party is eligible to develop
- This is a first step for compliance

**Rep. Browning:**

- The House Committee on Commerce and Economic Development is working to expand the state credit tax program and determine if Vermont tax dollars should be given to individuals violating permits in other areas

**Committee Vote:**

- Yes: 6
  - No: 1
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**Topic of Testimony:** T-Bill – Railroad Trespass language

**Committee Name:** House Transportation

**Person Testifying (include title):** Dan Delabruere – VTrans Rail Program Director

Helena Gardner, Legislative Counsel and Records Officer

John Dunleavy, VTrans, Assistant Attorney General

**Summary/ Issues of concern:** T-Bill Draft version 2.2

Committee wanted to discuss the background reasoning for the language. I described that there have been 6 pedestrian strikes on VT railroads in the past 12 months of which 4 were fatalities. VTrans has invested time and money in Railroad education and safety through Operation Lifesaver of Vermont but the law enforcement communities are telling us that they need a better law in place to enforce trespassers on rail property.

The committee wanted to focus on refining what the definition of Railroad Right of Way was and how a reasonable person would be able to know when they were on RR property. The committee

wanted to define a specific number of feet on either side of railroad track centerline as the defined distance. The committee proposed 20 feet each side of center as the distance

Although VTrans did not object to having a distance as the determining factor, it was expressed that the New England Central Railroad wanted the distance to be 50 feet each side of center. Vermont Rail System wanted the distance to be as much as possible but thought 20 feet would be the minimum. VRS and NECR were not in the room but this was expressed to me prior to my testimony and I conveyed that to the committee.

There were representative lobbyists from the utility companies and VAST/VASA (snowmobile and ATV group) present that were concerned about access across the active rails. They did not think the overall language was needed and thought this could be addressed by education.

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**HOUSE AGRICULTURE:** H. 584 - An act relating to miscellaneous timber harvesting, forestry, and State lands issues

**Committee Name:** House Agriculture and Forest Products

**Person Testifying (include title):** Richard Pion, Logger

Mike Dunn, Logger

Steve Handy, President, Vermont Forest Products Association

Robbo Holleran, Director, Vermont Forest Products Association

Jack Bell, Long View Forest

Stuart Beavin, Forester

Michael O'Grady, Legislative Counsel, Office of Legislative Council

**Summary/Issues of Concern:**

Robbo Holleran

- Education component with foresters is key
- County foresters do not have a friendly relationship with foresters
- All foresters need is for a logging road to be maintained every few years
- The Department wants to inspect every logging job to ensure it's compliance with new state AMPs

Jack Bell

- Harvest notification idea may have ulterior motives
- Believe timber theft is unusual in Vermont
- Requiring additional paperwork may add expenses throughout the supply chain

Stuart Beavin

- Trip ticket requirements will create too much regulatory oversight
- A forestry notification component will not prevent timber theft or nuisance suits, impose fines for mistakes, increase fess for similar actions in the future

**Rep. Graham**

- This bill is extremely problematic

Michael O'Grady

- House Natural Resources Committee decided to eliminate trip tickets and mandatory harvest notifications
- Propose a 3 year voluntary notification system for foresters
- Propose to amend the penalty provisions to align more closely with ANR's enforcement tools to collect fines

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SENATE NATURAL RESOURCES: S.230: John Brabant was unable to be there. Testifying: Mark Whitworth, Energize Vermont: The siting of renewables should be placed under Act 250. Sen. Bray asked if he had seen the S. 230 strike-all w/r/t planning. (No.) Mark said VT has ambitious energy goals. Key element is Tier 2 of Act 56, which will require DG deployment across the state. State could have engaged VT communities in achieving goals, but has abdicated to energy developers. One result is helter skelter merchant projects that are interfering with achievement of RE goals by utilities. Meeting in Albany, VT, recently where Suncommon was discussing CSAs. They were unaware of any local grid constraints. Selling RECs, not advancing energy goals, interfering with utility achieving its goals, placing cost-shift on neighbors, paying for CT to meet its goals. Their entire business model rests on deficiencies in RE policies. Another result is the poor treatment towns and neighbors are receiving at hands of developers and PSB. 108 towns have joined the Energy Rebellion; adopting plans to regulate, opposing inappropriate projects (Strafford), passing resolutions demanding compliance with siting standards. 95 towns have adopted the Rutland Town resolution. In 63 House Districts, 91 members of House. 6 Senate districts have > 51% of populations in Rebellion (Addison, Essex, Orleans); Addison in the lead. So we need to move siting under Act 250.