

House Calendar

Thursday, February 16, 2012

45th DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 39

An act relating to advance directives for service members

Committee Bill for Second Reading

H. 758

An act relating to divorce and dissolution proceedings.

(Rep. Lippert of Hinesburg will speak for the Committee on Judiciary.)

Favorable with Amendment

H. 512

An act relating to banking, insurance, securities, and health care administration

Rep. Kitzmiller of Montpelier, for the Committee on **Commerce and Economic Development**, recommends the bill be amended as follows:

First: In Sec. 9, 8 V.S.A. § 2405(f), in both subdivisions (1) and (2), by striking out the words “to the commissioner” and inserting in lieu thereof “to the department”

Second: By striking out Sec. 42 in its entirety and by inserting in lieu thereof a new Sec. 42 to read as follows:

Sec. 42. STUDY REGARDING THE CONVERSION OF NONPROFIT HOSPITALS

(a) The commissioner of banking, insurance, securities, and health care administration, in consultation with the attorney general or designee, a representative from the Vermont Association of Hospitals and Health Systems, and any other interested parties the commissioner deems appropriate, shall conduct a study of Vermont’s law pertaining to the conversion of nonprofit hospitals, 18 V.S.A. § 9420. The commissioner shall determine:

(1) whether the definition of “qualifying amount” should be clarified or amended in any manner. For example, the commissioner shall consider whether the “assets” reviewed in making threshold determinations should be further defined or qualified, not only in terms of the amount but also the type of assets subject to jurisdiction under 18 V.S.A. § 9420; or, more broadly,

whether a new standard, such as a materiality standard, should apply;

(2) whether the definition of “convert” should be clarified or amended in any manner. For example, the commissioner shall consider whether the sale of securities, bequests, buildings, and equipment, and contracts with physician and management groups should be specifically excluded from the term;

(3) whether the term “related conversions,” as it applies to conversions that must be aggregated for purposes of whether the threshold requirements have been met, should be further defined or clarified in any manner. For example, the commissioner shall consider whether a specific “look back” provision pertaining to prior conversions should be included in the statute and, if so, to what extent;

(4) whether nonprofit hospitals should provide prior written notice to the commissioner and the attorney general of conversions of less than the qualifying amount of assets. In making this determination, the commissioner shall consider the administrative burden and costs that a hospital would incur in complying with such a requirement;

(5) if the conversion also meets the threshold requirements of the certificate of need process, whether parallel investigations are necessary and, if so, whether the investigations can be conducted in a more coordinated manner to diminish the administrative burden on the applicable hospital, while not compromising the state’s existing regulatory objectives;

(6) whether existing or new exemptions are appropriate; and

(7) whether other amendments to the subject law would serve the general good of the state.

(b) The commissioner shall report his or her findings and recommendations to the house committee on commerce and economic development and the senate committee on finance not later than December 1, 2012. If the commissioner proposes any statutory amendments, he or she shall provide a detailed rationale for each such proposal.

(c) It is the intent of the general assembly that there be sufficient state supervision of and involvement in any work group established under this section, consistent with federal and state antitrust laws.

(Committee Vote: 10-0-1)

Rep. Johnson of Canaan, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Commerce and Economic Development.

(Committee Vote: 10-0-1)

Consent Calendar

Concurrent Resolutions

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 260

House concurrent resolution honoring the 2011 class of Vermont Boy Scouts awarded the rank of Eagle

H.C.R. 261

House concurrent resolution in memory of Michael J. Garofano and Michael G. Garofano

H.C.R. 262

House concurrent resolution in memory of former Representative Kermit Welch Richardson of Orange

H.C.R. 263

House concurrent resolution in memory of Stephen Eddy of Rutland

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House concurrent resolution in memory of Sister Elizabeth Candon, RSM (Sr. Mary Patrick)

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House concurrent resolution congratulating Tong Chen as Vermont's 2012 Teacher of the Year

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House concurrent resolution proudly commemorating the centennial anniversary of the University of Vermont Extension

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H.C.R. 271

House concurrent resolution in memory of Frederick M. Faeth, Jr.

Public Hearings

February 22, 2012 - 9:00-11:00 AM - Tourism in Vermont - Committee on Commerce and Economic Development

February 28, 2012 - Room 11 - 7:00 PM - Judicial Retention of Justices Karen Carroll, Dennis Pearson, and Barry Peterson

Information Notice

Deadline for Introducing Bills

Pursuant to Rule 40(b) of the Rules and Orders of the Vermont House of Representatives, during the second year of the biennium, except with the prior consent of the Committee on Rules, no member may introduce a bill into the House drafted in standard form after the last day of January. Bills may be introduced in Short Form until the second Friday after Town Meeting Day.

In order to meet this deadline all sign out sheets must be submitted to the Legislative Council no later than the close of business on Friday, January 27, 2012. Requests for short form bills may be made until Wednesday, February 15, 2012.

Pursuant to Rule 40(c) during the second year of the biennium, except with the prior consent of the Committee on Rules, no committee, except the Committees on Appropriations, Ways and Means or Government Operations, may introduce a bill drafted in standard form after the last day of March. The Committees on Appropriations, Ways and Means bills may be drafted in standard form at any time, and Government Operations bills, pertaining to city or town charter changes, may be drafted in standard form at any time.

Joint Assembly

NOTICE OF JOINT ASSEMBLY

Thursday, February 16, 2012 - 10:30 A.M. - Election of two (2) trustees for the Vermont State Colleges Corporation.

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than Thursday, February 9, 2012, by 5:00 P.M. pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

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

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

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