

Journal of the House

Thursday, February 16, 2012

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

Devotional Exercises

Devotional exercises were conducted by Rev. Paul Habersang of Christ Episcopal Church, Montpelier, VT.

Message from the Senate No. 15

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:

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 558. An act relating to fiscal year 2012 budget adjustment.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Kitchel
Senator Sears
Senator Snelling

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 37. Senate concurrent resolution honoring the military valor of United States Army Staff Sgt. Dylan J. Maynard.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 254. House concurrent resolution congratulating the 2011 Springfield High School Division II championship softball team.

H.C.R. 256. House concurrent resolution congratulating Brandon Fire District #1 Superintendent Ray Counter and the Brandon Fire District #1 Prudential Committee on the district's designation as a Class II water system.

H.C.R. 257. House concurrent resolution congratulating Kristen Kelliher on becoming the youngest female to scale the highest points in each of the lower 48 states.

H.C.R. 258. House concurrent resolution recognizing the spirit of Vermont Strong online, in music, and as a commemorative license plate.

H.C.R. 259. House concurrent resolution congratulating the Suicide Six Ski Area in Woodstock on its 75th anniversary.

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

H. 746

Rep. Head of South Burlington moved that the committee on General, Housing and Military Affairs be relieved of House bill, entitled

An act relating to employment of cosmetologists

And that the bill be committed to the committee on Commerce and Economic Development, which was agreed to.

Third Reading; Bill Passed

H. 39

House bill, entitled

An act relating to persons authorized to direct disposition of service members' remains

Was taken up, read the third time and passed.

Bill Read Second Time; Third Reading Ordered

H. 758

Rep. Lippert of Hinesburg spoke for the committee on Judiciary.

House bill entitled

An act relating to divorce and dissolution proceedings

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Bill Amended; Third Reading Ordered

H. 512

Rep. Kitzmiller of Montpelier, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

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

Reported in favor of its passage when 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.

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

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Commerce and Economic Development and Ways and Means agreed to and third reading ordered.

Adjournment

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