

February 23, 2014

Hello all,

Warmer, then freezing hard, baseball in the sports pages, birds singing in the trees, really bumpy roads, as February heads to March, winter's grip starts to yield. Now for the time that takes all our patience as we watch solid snow and ice start to go, return and eventually surrender to longer days.

Friday night coming home was difficult north of Rutland. Icy conditions had traffic at a crawl with cars off the road. Nevertheless made it home before too late and have enjoyed a normal weekend with some time at the Transfer Station, chores around the house with Ruth and the Olympics. Someone in the state house last week said that if Vermont were a nation it would have about the tenth highest medal count. Impressive. Here are a few community announcements.

Youth baseball

POWNAL — The Pownal Cal Ripken Baseball is looking for players for the upcoming season. The team is open to all Pownal and surrounding area children ages 4-12. Children ages 9-12 can play in Cal Ripken sanctioned tournaments.

There is no registration fee for any child. Sign-ups will be Feb. 12, 24 and 26 from **5:15** p.m. to **6** p.m. at the Pownal Elementary School gym.

Please call Scot Morse at 802-379-6681 with any questions.

Students on dean's list

Good to see in the Banner reports of students on the Dean's list at college. Here are a few I saw from Pownal. Congratulations to our students.

Joanne Szymanik of North Pownal and a student at Pratt Institute

Nathan Cardinal of Pownal and a student at Paul Smith's College

Katie J. Quinn of Pownal and a student at Saint Michael's College.

Southwest Vermont Career Development Center Annual Report and Budget request

Last week I wrote about where to find annual reports and budget proposals for local schools and neglected to include the Career Development Center. You can pick up the annual report and budget proposal there or find the information at www.svcdc.org . Scroll down and click on the report on the left side.

House Concurrent Resolution 219 IN MEMORY OF JUANITA COOK OF POWNAL

A highlight of the week in Montpelier was the reading of a resolution honoring Juanita Cook of Pownal. Wednesday was the annual statewide disability awareness day and reading the resolution in the House was one of the events. Darryl and Kim Cook of Pownal came up for the reading. Juanita was a special person who accomplished a great deal for others. Here's the resolution.

Whereas, Juanita Cook was born in Jamestown, NY, in 1936 and earned a master's degree in speech-language pathology from UVM, and

Whereas, she was a dedicated speech therapist, serving on the staff and Board of the Brandon Training School, and

Whereas, in later years, she worked with the public schools in Bennington County, the Southwestern Vermont Medical Center, multiple rehabilitation facilities, home health agencies, and in private practice, and

Whereas, Juanita Cook was a founding director of Bennington Project Independence, a member of the Board of Directors of the Epilepsy Association of Vermont, and a gubernatorial appointee on the Vermont State Rehabilitation Council and the Vermont Statewide Independent Living Council, and

Whereas, she was a pioneering woman aviator who soloed as a teen, loved music and the outdoors, and was an accomplished musician, and

Whereas, Juanita Cook successfully and productively lived with an increasingly disabling physical condition, and

Whereas, she fervently advocated for the rights of persons with disabilities, and for the rights of all citizens to live independently and fulfill their true potential, and

Whereas, on March 2, 2013, Juanita Cook died after an extensive illness, and

Whereas, her survivors include a son, Daryl, of Pownal, and Kimberly, his companion, two grandsons, Dustin and Derek, a great-granddaughter, Alaina, and her companion of many years, Beth Cheadle, who died subsequently on Christmas night 2013, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its sincere condolences to the family of Juanita Cook, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the family of Juanita Cook.

Pownal has a long history of individuals who make a strong contribution to the disability community. As well as Juanita we also lost Dick Warrender recently. Though much of his work was in neighboring NY State where he was the NY State Advocate for Persons with Disabilities, when he retired to Pownal he became involved in Vermont and was appointed to the VT Statewide Independent Living Council.

Just a few bills came to the floor for action this week.

H. 581 An act relating to guardianship of minors

The House Judiciary Committee recommended this bill. It updates policy in an important area of public and private responsibility. Here's the purpose section of the bill.

This article shall be construed in accordance with the following purposes and policies:

(1) It is presumed that the interests of minor children are best promoted in the child's own home. However, when parents are temporarily unable to care for their children, guardianship provides a process through which parents can arrange for family members or other parties to care for the children.

(2) Family members can make better decisions about minor children when they understand the consequences of those decisions and are informed about the law and the available supports.

(3) Decisions about raising a child made by a person other than the child's parent should be based on the informed consent of the parties unless there has been a finding of parental unsuitability.

(4) When the informed consent of the parents cannot be obtained, parents have a fundamental liberty interest in raising their children unless a proposed guardian can show parental unsuitability by clear and convincing evidence.

(5) Research demonstrates that timely reunification between parents and their children is more likely when children have safe and substantial contact with their parents.

(6) It is in the interests of all parties, including the children, that parents and proposed guardians have a shared understanding about the length of time that they expect the guardianship to last, the circumstances under which the parents will resume care for their children, and the nature of the supports and services that are available to assist them.

The bill passed unanimously on a voice vote.

H. 676 An act relating to regulation of land uses within flood hazard areas

This bill clarifies the authority of towns in regulating development activity in flood plains. Post Irene we have all learned the importance of being well organized among towns, regions and the state in mitigating risks to communities due to major flooding. It also passed on a strong voice vote.

S. 215 An act relating to administering, implementing, and financing water quality improvement in Vermont

This Senate bill would require the Secretary of Natural Resources to submit to the General Assembly specific recommendations for administering, implementing, and financing water quality improvement in Vermont. The findings section well states the case for guarding and improving water quality.

(a) Findings. The General Assembly finds and declares:

(1) Clean water is a key factor in Vermont's quality of life.

(2) Preserving, protecting, and restoring the water quality of surface waters are necessary for the clean water, recreation, economic opportunity, wildlife habitat, and ecological value that such waters provide.

(3) The State currently is subject to multiple requirements to respond to, remediate, and prevent water quality problems, including implementation of a total maximum daily load (TMDL) plan for Lake Champlain; a pending TMDL for the Connecticut River; a pending TMDL for Lake Memphremagog; and implementation of 15 TMDLs for stormwater-impaired waters throughout the State.

(4) All waters of the State are at risk of pollution or impairment, and under State and federal law, Vermont is required to prevent impairment or degradation of these waters. In 2007, the General Assembly required the Agency of Natural Resources to adopt by July 2008 rules implementing anti-degradation in the State, but the rules have not yet been adopted.

(5) Responding to the multiple water quality requirements to which the State is subject requires a long-term work plan to identify and prioritize necessary State action to improve water quality, but the State currently lacks such a plan.

(6) Significant financial resources will also be required to respond adequately to the multiple water quality requirements in the State, but the State currently lacks the funding necessary to respond adequately and in a timely way to the demands for remediation and water quality protection.

(7) To address how the State should pursue the implementation, administration, and financing of water quality programs in Vermont, the General Assembly enacted 2012 Acts and Resolves No. 138 (Act 138), which required the Secretary of Natural Resources to report to the General Assembly regarding how the State should fund statewide and localized water quality remediation and conservation efforts.

(8) Specifically, the Act 138 report required the Secretary of Natural Resources to recommend:

(A) funding sources or a funding mechanism or mechanisms for ongoing water quality efforts in the State; and

(B) how to design, implement, and administer water quality programs in the State.

(9) The Secretary of Natural Resources submitted the Act 138 report to the Vermont General Assembly on January 13, 2012. However, the Act 138 report did not include recommendations from the Secretary of Natural Resources. Instead, the Act 138 report listed: 19 categories of water quality needs, each with multiple proposed necessary actions; 16 possible financial tools for generating additional revenue for water quality; and eight options for administering a statewide water quality program.

(10) After receipt of the Act 138 report, the General Assembly faced the task of sifting through variations or permutations of the multiple actions, financial tools, and administration options available for water quality programs in the State; a task the General Assembly intended to avoid when it required the Secretary of Natural Resources to issue the Act 138 report.

The bill goes on to instruct ANR to bring forward priority actions with a financing plan. The state needs to be well organized on this issue or the federal government will soon start requiring specific steps. We will be better off with our own solutions.

In the next few weeks the work of the legislature will be mostly in committees as we finish work on bills before the deadlines for sending bills to the Senate.

Here are a few more committee updates.

APPROPRIATIONS, by Rep. Mitzi Johnson

Understanding Medicaid and the “Global Commitment”

Friday the Appropriations Committee wrapped up testimony and began committee discussion and mark-up on the budget bill. While there will be much to report on our progress in the coming weeks, I thought this would be a good opportunity to share some of the framework on Medicaid.

Global Commitment is Vermont's Medicaid waiver. Most state Medicaid programs are payment shops. A patient goes to the doctor, physical therapist, dentist, mental health counselor, etc; the provider bills the State and the State bills the Feds for the appropriation portion. That federal/state proportion, or Federal Medical Assistance Percentage (FMAP), is an annual federal formula based on how Vermont's economy compares with other states. Because Vermont's average income is higher and unemployment lower than many other states, we get less federal match than many others (55% fed to 45% state. The wealthiest states are 50/50).

In 2005, Vermont earned a federal waiver to fundamentally restructure Medicaid, allowing flexibility in what we can cover within a long-term, budget-neutral cap. State and federal actuaries come to consensus on what Vermont's Medicaid expenditures are likely to be. Vermont is given federal spending authority up to that amount (provided we cough up the state money to match federal funds!) and given flexibility to initiate health care interventions that would improve health outcomes and reduce spending trends. With any money left under the actuarial recommendation after paying for traditional Medicaid services, we are able to invest in initiatives that improve public health and health care delivery thereby bending the growth in Medicaid and other health care spending (i.e. public access to immunizations, the Blueprint for health, funding for Recovery Centers) or improve access to health care for the un- and under insured which improves health outcomes and reduce the cost shift for uninsured care (i.e. free clinics, premium assistance and cost sharing subsidies).

These are Medical Care Outcome (MCO) Investments, which can total a certain percentage of traditional Medicaid spending over time. One new addition to the list of MCO investments is the new state psychiatric hospital. Inpatient psychiatric facilities over 16 beds are deemed by an antiquated and awful federal name, to be "institutes of mental disease" or IMDs and (for the most part) ineligible to receive Medicaid money. We have the opportunity to open a 25 bed facility by spending MCO investment dollars.

Vermont also has a Long Term Care waiver that follows a similar structure, which is known as Choices for Care. Rather than only getting state assistance for nursing home care, income-eligible Vermonters may choose a range of long-term care options from minor assistance with household chores to residential care. The theory, which is fully supported by data trends since

the program's inception, is that by investing in home and community based services, we can decrease expensive nursing home costs, serve more Vermonters, and support the type of long term care people want.

GOVERNMENT OPERATIONS, by Rep. Debbie Evans

Search and Rescue: With the help of many stakeholders and interested parties, Vermont has a state-of-the-art search and rescue strategic plan in place. It is the result of two years of thought, determination and very hard work. One of the recommendations was to create a Search and Rescue (SAR) coordinator. An overview of the coordinator's duties are as follows:

- Establishing training standards for state police and providing the appropriate training.
- Conducting a forty hour class in search management training.
- Working on a SAR database to ensure contact information is correct and accurate.
- Maintaining records of all SAR operations. Also, trying to keep the data in concert with what is being collected on a national basis.
- Communicating with public safety entities and creating an extensive outreach
- Program with local fire departments and EMS agencies and determining what constitutes their role.
- Reaching out to every ski patrol in the state and distributing a "Lost Skier" worksheet.

Our coordinator is meeting with Search and Rescue counterparts from around the state: Civil Air Patrol, Customs & Border Protection, New York State Police aviation, Vt. National Guard, local law enforcement groups, police and sheriffs.

The work that is being done on consistency in how search and rescue is handled, such as the appropriate questions being asked and proper notifications being made is invaluable. It is an effort to have everyone working on the "same page".

All of this is being done with the safety and well being of Vermonters as a top priority.

JUDICIARY, by Rep. Suzi Wizowaty

This week, the House passed H.581, which overhauls Vermont law regarding minor guardianship. Existing law is nearly 100 years old and fails to adequately address the needs of families in this century. In a nutshell, the minor guardianship procedure in the probate division allows a family to choose someone other than a parent to have custody and responsibility for a child. Most probate guardianships are ordered with the consent of the parent, but some are contested and the rules governing contested cases are currently incomplete. In addition, existing law gives little guidance in handling a guardianship that begins with consent, but later becomes contested when the parent seeks to resume custody. H.581 addresses all of those issues and lays out a clear road map for parents, guardians and probate judges going forward. It is a significant piece of legislation and reflects the careful work of a dedicated group of stakeholders who met for nearly 18 months and produced a comprehensive report. The bill is now in the Senate.

Bill signing ceremony

Last week on Wednesday I was proud to be part of a bill signing ceremony in the Governor's office for a bill my Commerce and Economic Development Committee worked on for three sessions. We saw the Governor sign into law the "Legacy Insurance Management Act", also known as the "LIMA Bill". This makes Vermont the first state to offer an efficient way for an insurance company to sell a block of old commercial policies that have created a burden on its books. The policies would go to a new, Vermont-based company that can manage those old policies until they finally expire. Vermont's Department of Financial Regulation which has a reputation for gold standard regulation would ensure the solvency and probity of the transfer and the new company. While bills such as this may seem arcane they are critical to the efficient working of the world of commerce and key to Vermont maintaining excellence in financial regulation.

I hear the weather will turn frigid again next week. With all the recent thawing and refreezing there is a lot of ice. Please be very careful and have a good safe week.

Stay in touch,

Bill

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