

To: 'Bill Botzow'



Montpelier Notes, An occasional email for Pownal and Woodford residents. If you would prefer not to receive these notes please reply to botzow@sover.net and I'll remove you from the list. If you would like to be added please let me know. I do not give your email address to others. --Bill Botzow

March 16, 2014

Hello all,

It was very good to see so many of you and hear from you during Town Meeting week. A special thanks to all who emailed or filled the Doyle Poll and even more thanks to those who ran for office, came out to vote and worked hard to make sure our voting places run smoothly. If you would still like to take the poll and still have the email I sent with the poll, please send it back soon. I will be turning the polls in March 24. If you need me to send you the poll again just let me know.

First week back in Montpelier after Town Meeting we worked to finish up bills that needed to be voted out of committee by Friday to meet the crossover deadline. That is when House bills head for the Senate and Senate bills to the House. My Commerce Committee passed out the four measures we have been working on for a number of weeks—all on unanimous votes. The big snow Wednesday into Thursday made for a quieter than usual State House, nonetheless we had more than enough for a quorum on those days and everybody had a chance to vote on the committees reports on Friday. None of the measures were easy as they dealt with Unemployment Insurance, Workers Compensation, notice to the state and communities when large layoffs and closings are likely and the budget for workforce development. However the committee worked well and hard together to find good common agreements.

Although much of the legislature's work was in committee, we also passed through the House a number of bills. Here's what we worked on.

H. 685 An act relating to identification and registration of moorings

This bill will help relieve any confusion about the ownership and use of moorings in Lake Champlain and other lakes. A mooring “means a buoy, piling, stake, or other apparatus used to secure, berth, or moor vessels in public water. It does not include fixed piers connected to the shore or accessory structures directly related thereto...”

A mooring’s owner would identify the mooring with their name and address. A mooring without identification could be used without penalty. Also using a mooring in an emergency would not incur a penalty. The bill passed unanimously on a voice vote.

H. 123 An act relating to Lyme disease and other tick-borne illnesses

The House passed this bill on a roll call vote 140 – 0. The serious impacts of Lyme disease and other tick related illnesses are well known in our towns and I am especially pleased to see the legislature take this step. Here’s what the bill says.

The General Assembly finds:

- (1) Lyme disease, caused by one or more *Borrelia* species of spirochete bacteria, is increasingly widespread in Vermont and has become endemic in the State.
- (2) Lyme disease is a fast growing vector-borne disease in Vermont.
- (3) Lyme disease may be successfully treated with a short-term course of antibiotics if diagnosed early; however, for patients whose Lyme disease is not identified early, complex and ongoing symptoms may require more aggressive treatment as acknowledged by the Centers for Disease Control and Prevention and the International Lyme and Associated Diseases Society.
- (4) Treatment of Lyme disease needs to be tailored to the individual patient, and there is a range of opinions within the medical community regarding proper treatment of Lyme disease.
- (5) Coinfection by other tick-borne illnesses may complicate and lengthen the course of treatment.

The purpose of this act is to ensure that patients have access to treatment for Lyme disease and other tick-borne illnesses in accordance with their needs and the clinical judgment of their physicians.

A policy statement clearly communicating the following shall be issued by the Vermont State Board of Medical Practice to physicians licensed pursuant to 26 V.S.A. chapter 23 and to physician assistants licensed pursuant to 26V.S.A. chapter 31; the Vermont Board of Osteopathic

Physicians to physicians licensed pursuant to 26 V.S.A. chapter 33; and the Vermont Board of Nursing to advanced practice registered nurses licensed pursuant to 26 V.S.A. chapter 28:

(1) a physician, physician assistant, or nurse practitioner, as appropriate, shall document the basis for diagnosis of and treatment for Lyme disease, other tick-borne illness, or coinfection in a patient's medical record;

(2) a physician, physician assistant, or nurse practitioner, as appropriate, shall obtain a patient's informed consent in writing prior to administering any proposed long-term treatment for Lyme disease, other tick-borne illness, or coinfection; and

(3) the Board shall not pursue disciplinary action against a physician, physician assistant, or nurse practitioner, as appropriate, solely for the use of medical care recognized by the guidelines of the Centers for Disease Control and Prevention, Infectious Diseases Society of America, or International Lyme and Associated Diseases Society for the treatment of a patient's symptoms when the patient is clinically diagnosed with Lyme disease or other tick-borne illness; however, this does not preclude discipline for errors, omissions, or other misconduct when practicing within such guidelines.

H. 542 An act relating to the taxation of soil amendments

The Agriculture Committee and the Tax committees recommended this bill to sort out any confusion regarding how soil amendments would be treated for the sales tax. The bill covers compost, manipulated animal manure, planting mix, perlite, vermiculite and similar products. These products would be exempt from the sales tax. The bill says, "The statutory purpose of the exemptions for composting materials, compost, animal manure, manipulated animal manure, and planting mix in 32 V.S.A. §9741(49) and (50) is to support the composting industry, and to further the goals of 2012 Acts and Resolves No. 148." This bill passed on a voice vote.

H. 650 An act relating to establishing the Ecosystem Restoration and Water Quality Improvement Special Fund

This bill establishes a special fund to help those communities required by the EPA to collect data on water quality. Here's the stated purpose of the fund: "The federal and State requirements for the permitting of Municipal Separate Storm Sewer Systems (MS4) require certain communities to collect water flow and precipitation data at monitoring stations on stormwater-impaired waters in order to demonstrate compliance with stormwater Total Maximum Daily Load allocations. The costs, equipment, and expertise to conduct monitoring can be prohibitive to individual communities. The establishment of the Ecosystem Restoration and Water Quality Improvement Special Fund is intended to ensure municipal compliance with the monitoring requirements for MS4 communities while reducing the fiscal and other pressures on these communities." Overall, the bill establishes a special ecosystem restoration fund that will assist municipalities in collecting water flow and precipitation data that is required as a permit condition. Often towns do

not have the equipment or expertise for monitoring, and this optional fund can be used to facilitate using a third party (state) to complete the required functions.

The bill passed on a unanimous voice vote.

H. 795 An act relating to victim's compensation and restitution procedures

Often it is difficult to locate a person responsible for restitution. This bill puts the already established Restitution Unit in charge and designates them as "a law enforcement agency for the sole purpose of requesting and obtaining access to information needed to identify or locate a person, including access to information maintained by the National Criminal Information Center." The Restitution Unit will also be able to contract with Sherriff departments to serve papers, to collect fees and costs, and to make advance disbursements from a special fund to help victims under certain conditions. This bill also passed unanimously.

H. 501 An act relating to operating a motor vehicle under the influence of alcohol or drugs

This bill clarified policy on DUI making the standards for driving influenced by drugs the same as those for alcohol. We had a roll call vote. I voted yes and it passed 138 – 2.

H. 618 An act relating to exclusive jurisdiction over delinquency proceedings by the Family Division of the Superior Court

Sometimes the process for treatment of arrested minors is unclear depending on the offense and the circumstances. This bill calls for a report with recommendations on the matter and for the development of a clear document advising minors of their rights, the consequences of decisions and the process.

H. 584 An act relating to municipal regulation of parking lots and meters

This bill makes clear the right of municipalities to collect fees for parking in lots and using meters and to use those funds for municipal purposes.

H. 661 An act relating to exhumation requirements and notice

This bill strengthens the permit and notice requirements for exhuming a dead body. There would be a public notice and attempts to directly contact any spouse, child, parent, sibling, or

descendant of the deceased to ensure that any living relative of the deceased is aware of the applicant's desire to exhume the deceased's body.

H. 823 An act relating to encouraging growth in designated centers and protecting natural resources

This bill easing Act 250 permitting for development in designated downtowns and villages while discouraging sprawl passed 92 – 44 and I voted yes. Here's a good description of the bill from the reporter of the bill Rep. Rebecca Ellis.

“On March 13, the House approved a bill (H.823) to encourage growth in downtowns and to discourage strip development outside of existing settlements. Many years ago, the Vermont Legislature adopted a goal to “maintain the state's historic settlement pattern of compact village and urban centers separated by rural countryside,” and yet we continue to see scattered development across our landscapes and sprawl along our roads. Strip development diminishes the Vermont brand, eats up valuable land, encourages car travel, contributes to greenhouse gas emissions, and requires expensive infrastructure.

H.823 provides several incentives for development in Vermont's state-designated downtowns, new towns, growth centers and neighborhood development areas. Vermont currently has 24 designated downtowns, 2 new towns centers, 6 growth centers and 1 pending neighborhood development area. The bill encourages housing in these areas by raising the number of units that are allowed in a “priority housing project” before triggering Act 250. For development, housing or otherwise, that does trigger Act 250, the bill would allow off-site mitigation for agricultural soils on a 1:1 ratio. And finally, wastewater and water system improvements in these areas would receive priority funding from the Agency of Natural Resources.

For development in Vermont's 24 designated downtowns, the bill creates an expedited Act 250 process, eliminates Act 250 permit fees, and facilitates state permits for water and sewer hook-ups. Taken together, these changes provide real incentives for more development in Vermont's downtown areas.

The bill also discourages strip development outside of existing settlements by setting new standards under Act 250's criterion 9(L). Enacted in 1970, Act 250 has not, unfortunately, prevented strip development. H.823 would require future development that goes through Act 250 to make more efficient use of land, energy, roads, utilities and infrastructure. In practical terms, this means fewer curb cuts along highways and more shared access points, more depth in commercial development, more mixed uses, more multi-story buildings, more connections to existing settlements, and more transportation alternatives. Where strip development already exists, the bill encourages infill.

The bill does not prohibit development outside of existing settlements, nor does it prohibit industrial parks. H.823 does set new and higher standards for development outside of existing settlements, which ultimately will result in better land development, stronger

communities, reduction in greenhouse gas emissions, and preservation of Vermont's traditional landscape.”

H. 681 An act relating to the professional regulation for veterans, military service members, and military spouses

Often military personnel have received training, experience and credentials while in the service that qualifies them for professional licenses in civilian life. This bill recognizes that accomplishment by making it easier for military personnel to qualify for Vermont professional licenses in their fields.

H. 690 An act relating to the definition of serious functional impairment

This bill says, “It is the intent of the General Assembly that the serious functional impairment designation applies solely to individuals residing in a correctional facility and not to individuals reentering the community after incarceration.” The very specific designation of this status for an individual in corrections can have very different implications in other settings.

H. 852 An act relating to improving workforce education and training

This Commerce Committee bill takes major steps in systematizing the many workforce development programs and approaches offered throughout the state. The bill clarifies that the Commissioner of the Department of Labor is in charge of coordinating workforce development amongst departments and agencies and that the federally required workforce investment board has the charge to thoroughly investigate and make recommendations on current practices through broad public outreach by using workgroups and task forces. The bill also brings accountability and transparency to the Vermont Training Program. This program helps new workers, incumbent workers, employers, and education and training centers such as the CDC. By more thoroughly collecting data on its practices and benefits we hope to build the program as an economic development tool.

If you have any questions or thoughts on any of the legislation I write about please let me know. I look forward to hearing from you.

Stay in touch,

Bill

Rep. Bill Botzow

1225 South Stream Rd.

Bennington, VT 05201

802 447-7717 botzow@sover.net bbotzow@leg.state.vt.us