

Senate Calendar

WEDNESDAY, MARCH 15, 2017

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ACTION CALENDAR

UNFINISHED BUSINESS OF TUESDAY, MARCH 14, 2017

Second Reading

Favorable with Recommendation of Amendment

S. 72.

An act relating to requiring telemarketers to provide accurate caller identification information.

Reported favorably with recommendation of amendment by Senator Campion for the Committee on Finance.

The Committee recommends that the bill be amended in Sec. 1, in 9 V.S.A. chapter 63, subchapter 1, in § 2464a(b), by striking out subdivision (3) in its entirety and inserting in lieu thereof a new subdivision (3) to read:

(3) No person, telephone solicitor, or telemarketer engaged in a telephone solicitation shall cause a caller identification service to transmit misleading, inaccurate, or false caller identification information, provided that the person, telephone solicitor, or telemarketer may substitute the name and telephone number of the person on whose behalf he or she places the call.

(Committee vote: 6-0-1)

NEW BUSINESS

Third Reading

S. 39.

An act relating to the repeal of the crime of obtaining maps and plans while at war.

Second Reading

Favorable with Recommendation of Amendment

S. 20.

An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older.

Reported favorably with recommendation of amendment by Senator Rodgers for the Committee on Natural Resources and Energy.

The Committee recommends that the bill be amended by striking out all

after the enacting clause and inserting in lieu thereof the following:

Sec. 1 10 V.S.A. § 4255(c) is amended to read:

(c) A permanent or free license may be secured on application to the Department by a person qualifying as follows:

(1) A Vermont resident ~~70~~ 66 years of age or older may receive one or all of the following licenses ~~at no cost~~ for \$60.00:

(A) a permanent fishing license;

(B) if the person qualifies for a hunting license, a permanent combination fishing and hunting license, which shall include all big game licenses, except for a moose license;

(C) if the person qualifies for a trapping license, a permanent trapping license; and

(D) if the person qualifies for an archery license, ~~an~~ a permanent archery license.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2018.

And that after passage the title of the bill be amended to read:

“An act relating to permanent licenses for persons 66 years of age or older”

(Committee vote: 4-0-1)

Reported favorably by Senator Degree for the Committee on Finance.

The Committee recommends that the bill ought to pass when amended as recommended by the Committee on Natural Resources and Energy.

(Committee vote: 6-0-1)

S. 44.

An act relating to shared candidate campaign expenditures.

Reported favorably with recommendation of amendment by Senator Pearson for the Committee on Government Operations.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 2944 is amended to read:

§ 2944. ACCOUNTABILITY FOR RELATED EXPENDITURES

(a) A related campaign expenditure made on a candidate's behalf shall be

considered a contribution to the candidate on whose behalf it was made.

(b) As used in this section, a “related campaign expenditure made on the candidate’s behalf” means any expenditure intended to promote the election of a specific candidate or group of candidates or the defeat of an opposing candidate or group of candidates if intentionally facilitated by, solicited by, or approved by the candidate or the candidate’s committee.

(c)(1) An expenditure made by a political party or by a political committee that recruits or endorses candidates that primarily benefits six or fewer candidates who are associated with the political party or political committee making the expenditure is presumed to be a related expenditure made on behalf of those candidates, except that the acquisition, use, or dissemination of the images of those candidates by the political party or political committee shall not be presumed to be a related expenditure made on behalf of those candidates.

(2) An expenditure made by a political party or by a political committee that recruits or endorses candidates that substantially benefits more than six candidates and facilitates party or political committee functions, voter turnout, platform promotion, or organizational capacity shall not be presumed to be a related expenditure made on a candidate’s behalf.

(d)(4) As used in this section, an expenditure by a person shall not be considered a “related expenditure made on the candidate’s behalf” if all:

(1)(A) All of the following apply:

(A)(i) the expenditure was made in connection with a campaign event whose purpose was to provide a group of voters with the opportunity to meet a candidate;

(B)(ii) the expenditure was made for:

(i)(I) invitations and any postage for those invitations to invite voters to the event; or

(ii)(II) any food or beverages consumed at the event and any related supplies thereof; and

(C)(iii) the cumulative value of any expenditure by the person made under this subsection does not exceed \$500.00 per event.

(2)(B) For the purposes of this subsection subdivision (1):

(A)(i) if the cumulative value of any expenditure by a person made under this subsection exceeds \$500.00 per event, the amount equal to the difference between the two shall be considered a “related expenditure made on the candidate’s behalf”; and

~~(B)~~(ii) any reimbursement to the person by the candidate for the costs of the expenditure shall be subtracted from the cumulative value of the expenditures.

(2) All of the following apply:

(A) the expenditure is for an electioneering communication that promotes or supports all of the candidates who are named or pictured in it and no others, and those candidates:

(i) have filed or been nominated as described in subdivision 2901(1)(B) of this chapter for a legislative, county, or local office;

(ii) are on the same ballot for the same election; and

(iii) each make an expenditure for the electioneering communication of an equal amount in order to share the cost of the electioneering communication equally; and

(B) no other person has made an expenditure for the electioneering communication.

(e)(1) A candidate may seek a determination that an expenditure is a related expenditure made on behalf of an opposing candidate by filing a petition with the Superior Court of the county in which either candidate resides.

(2) Within 24 hours of the filing of a petition, the ~~Court~~ court shall schedule the petition for hearing. Except as to cases the ~~Court~~ court considers of greater importance, proceedings before the Superior Court, as authorized by this section, and appeals from there take precedence on the docket over all other cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(3) The findings and determination of the ~~Court~~ court shall be prima facie evidence in any proceedings brought for violation of this chapter.

(f) The Secretary of State may adopt rules necessary to administer the provisions of this section.

Sec. 2. 17 V.S.A. § 2971 is amended to read:

§ 2971. REPORT OF MASS MEDIA ACTIVITIES

(a)(1) In addition to any other reports required to be filed under this chapter, a person who makes expenditures for any one mass media activity totaling \$500.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within the timeframe of 45 days before a primary, through the date of a general, county, election or within the timeframe of 45 days before a local election through the date of that

local election shall, for each activity, file a mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each such candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other such candidate by mail.

(3) The mass media report shall be filed and the copy of the report shall be sent within 24 hours of the expenditure or activity, whichever occurs first. For the purposes of this section, a person shall be treated as having made an expenditure if the person has executed a contract to make the expenditure.

~~(b)~~(4) The report shall identify the person who made the expenditure; the name of each candidate whose name or likeness was included in the activity; the amount and date of the expenditure; to whom it was paid; and the purpose of the expenditure.

(b) [Reserved.]

(c) If ~~the~~ a mass media activity described in this section occurs within 45 days before the election and the timeframe described in subdivision (a)(1) or (d)(1) of this section but the expenditure was ~~previously~~ reported prior to that timeframe, an additional report shall be required under this section.

(d)(1) In addition to the reporting requirements of subsection (a) of this section, an independent expenditure-only political committee that makes an expenditure for any one mass media activity totaling \$5,000.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within the timeframe of 45 days before a primary; through the date of a general, county, election or within the timeframe of 45 days before a local election through the date of that local election shall, for each such activity and within 24 hours of the expenditure or activity, whichever occurs first, file an independent expenditure-only political committee mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each such candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other such candidate by mail.

(3) The report shall include all of the information required under ~~subsection (b)~~ subdivision (a)(4) of this section, as well as the names of the contributors, dates, and amounts for all contributions in excess of \$100.00 accepted since the filing of the committee's last report.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

And that after passage the title of the bill be amended to read:

“An act relating to shared candidate campaign expenditures and to the report of mass media activities”

(Committee vote: 5-0-0)

Senate Resolution for Action

S.R. 8.

Senate resolution relating to adoption of a temporary Rule 44A.

PENDING QUESTION: Shall the resolution be adopted?

(For text of resolution, see Senate Journal for Friday, March 3, 2017, page 239)

NOTICE CALENDAR

Second Reading

Favorable with Recommendation of Amendment

S. 4.

An act relating to publicly accessible meetings of an accountable care organization’s governing body.

Reported favorably with recommendation of amendment by Senator Lyons for the Committee on Health and Welfare.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 9382 is amended to read:

§ 9382. OVERSIGHT OF ACCOUNTABLE CARE ORGANIZATIONS

(a) In order to be eligible to receive payments from Medicaid or commercial insurance through any payment reform program or initiative, including an all-payer model, each accountable care organization shall obtain and maintain certification from the Green Mountain Care Board. The Board shall adopt rules pursuant to 3 V.S.A. chapter 25 to establish standards and processes for certifying accountable care organizations. To the extent permitted under federal law, the Board shall ensure these rules anticipate and accommodate a range of ACO models and sizes, balancing oversight with support for innovation. In order to certify an ACO to operate in this State, the Board shall ensure that the following criteria are met:

* * *

~~(13) meetings of the ACO's governing body include a public session at which all business that is not confidential or proprietary is conducted and members of the public are provided an opportunity to comment comply with the provisions of section 9572 of this title;~~

* * *

Sec. 2. 18 V.S.A. chapter 227 is amended to read:

CHAPTER 227. ALL-PAYERMODEL AND ACCOUNTABLE CARE ORGANIZATIONS

Subchapter 1. All-Payer Model

§ 9551. ALL-PAYERMODEL

* * *

Subchapter 2. Accountable Care Organizations

§ 9571. DEFINITIONS

As used in this subchapter:

(1) "Accountable care organization" and "ACO" means an organization of health care providers that has a formal legal structure, is identified by a federal Taxpayer Identification Number, and agrees to be accountable for the quality, cost, and overall care of the patients assigned to it.

(2) "Health care provider" means a person, partnership, or corporation, including a health care facility, that is licensed, certified, or otherwise authorized by law to provide professional health care services in this State to an individual during that individual's medical care, treatment, or confinement.

§ 9572. MEETINGS OF AN ACCOUNTABLE CARE ORGANIZATION'S GOVERNING BODY

(a) Application. This section shall apply to all regular, special, and emergency meetings of an accountable care organization's governing body, whether in person or by electronic means, as well as to any other assemblage of governing body members at which binding action is taken.

(b) Public meetings; exceptions. Meetings of an accountable care organization's governing body shall be open to the public and shall provide members of the public an opportunity to comment, except that the ACO's governing body may meet in executive session to consider business related to the following:

(1) contracts or contract negotiations for which premature general public knowledge would reasonably place the ACO or another person at a

substantial disadvantage;

(2) pending or probable prosecution or civil litigation to which the ACO is or is likely to be a party;

(3) personnel matters;

(4) information that reasonably could be considered a trade secret, as defined in 1 V.S.A. § 317(c)(9);

(5) confidential attorney-client communications;

(6) information prohibited from public disclosure by the terms of an enforceable data use contract to which the ACO is bound; and

(7) information prohibited from public disclosure by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or by any other State or federal law.

(c) Notice. An accountable care organization shall make its governing board's meeting schedule available to the public by posting notice of the time and place of each meeting on the ACO's website at least one week before the meeting and the agenda for each meeting at least 48 hours before the meeting, except that if an unforeseen occurrence or condition requires the governing body's immediate attention at an emergency meeting, the ACO shall provide public notice as soon as possible before the meeting occurs.

(d)(1) Minutes and recordings. All portions of each meeting of an ACO's governing body that are open to the public shall either be recorded or minutes shall be taken, and the recordings and minutes shall be made available to the public.

(2) Meeting minutes shall include the names of all governing body members present at the meeting in person or by electronic means, the names of any other individuals who participated in the meeting, a summary of any public comments provided at the meeting, and all actions taken or considered by the governing body during the meeting.

(e) Participation by electronic or other means.

(1) One or more members of an ACO's governing body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location.

(2) Any member of the governing body attending a meeting by electronic or other means may participate fully in discussing the governing body's business and voting to take an action, but any vote of the governing body that is not unanimous shall be taken by roll call.

(3) Each member of the governing body who attends a meeting without

being physically present at a designated meeting location shall:

(A) identify himself or herself when the meeting is convened; and

(B) be able to hear the conduct of the meeting and be heard throughout the meeting.

(4) If a quorum or more of the members of the governing body attend a meeting without being physically present at a designated meeting location, the agenda required to be posted pursuant to subsection (c) of this section shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the governing body or one or more members of the ACO's staff shall be present at each designated meeting location.

Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2018.

(Committee vote: 5-0-0)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Julia Moore of Middlesex – Secretary, Agency of Natural Resources (term 1/5/17 - 2/28/17) - By Sen. Pearson for the Committee on Natural Resources and Energy. (3/15/17)

Julia Moore of Middlesex – Secretary, Agency of Natural Resources (term 3/1/17 - 2/28/19) - By Sen. Pearson for the Committee on Natural Resources and Energy. (3/15/17)

Louis Porter of Adamant – Commissioner, Department of Fish and Wildlife (term 1/5/17 – 2/28/17) – By Sen. Rodgers for the Committee on Natural Resources and Energy. (3/15/17)

Louis Porter of Adamant – Commissioner, Department of Fish and Wildlife (term 3/1/17 – 2/28/19) – By Sen. Rodgers for the Committee on Natural Resources and Energy. (3/15/17)

NOTICE OF JOINT ASSEMBLY

March 23, 2017 - 4:00 P.M. - House Chamber - Retention of a Chief Justice and three Associate Justices of the Supreme Court and ten Superior Court Judges.

FOR INFORMATION ONLY

CROSS OVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate/House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance/Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 17, 2017**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate/House** bills referred pursuant to Senate Rule 31 or House Rule 35(a) to the Committees on Appropriations and Finance/Ways and Means must be reported out by the last of those committees on or before **Friday, March 24, 2017**, and filed with the Secretary/Clerk so they may be placed on the Calendar for Notice the next legislative day.

Note: The Senate will not act on bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (Appropriations “Big Bill”, Transportation Spending Bill, Capital Construction Bill, and Miscellaneous Tax Bill).