

# Journal of the House

---

Friday, May 1, 2015

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by Laurie Bedard, Lay-leader at Grace United Methodist Church, St. Johnsbury, Vt.

## House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

### H. 507

Rep. Browning of Arlington introduced a bill, entitled

An act relating to eligibility for economic development in impaired waters of the State

Which was read the first time and referred to the committee on Fish, Wildlife & Water Resources.

### H. 508

Reps. Nuovo of Middlebury and Sheldon of Middlebury introduced a bill, entitled

An act relating to approval of amendments to the charter of the Town of Middlebury

Which was read the first time and referred to the committee on Government Operations.

## Committee Not Relieved of Consideration of Joint Resolution

### J.R.H. 3

**Rep. Davis of Washington** moved that the committee on General, Housing & Military Affairs be relieved of Joint resolution entitled

Joint resolution expressing deep concern over growing wealth and income inequality and the decline of family income in Vermont

Which was disagreed to.

---

**Favorable Reports; Third Reading Ordered****S. 60**

**Rep. Morris of Bennington**, for the committee on Health Care, to which had been referred House bill, entitled

An act relating to payment for medical examinations for victims of sexual assault

Reported in favor of its passage in concurrence.

**Rep. Hooper of Montpelier**, for the committee on Appropriations reported in favor of its passage in concurrence.

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

**Third Reading; Bill Passed in Concurrence  
With Proposal of Amendment****S. 9**

Senate bill, entitled

An act relating to improving Vermont's system for protecting children from abuse and neglect

Was taken up, and pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the House proposal of amendment as follows:

First: In Sec. 10, 33 V.S.A. § 5124, in subdivision (a)(1), after "Families;" by inserting the word "and"

Second: In Sec. 10, 33 V.S.A. § 5124, in subdivision (a)(2), by striking out the following: "and;" and inserting in lieu thereof a period

Third: In Sec. 10, 33 V.S.A. § 5124, by striking out subdivision (a)(3) in its entirety

Thereupon, **Rep. Donahue of Northfield** asked and was granted leave of the House to withdraw her amendment.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass in concurrence with proposal of amendment? **Rep. Pugh of South Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass in concurrence with proposal of amendment? was decided in the affirmative. Yeas, 139. Nays, 3.

Those who voted in the affirmative are:

Ancel of Calais	French of Randolph	Nuovo of Middlebury
Bancroft of Westford	Gage of Rutland City	O'Brien of Richmond
Bartholomew of Hartland	Gamache of Swanton	Olsen of Londonderry
Baser of Bristol	Gonzalez of Winooski	O'Sullivan of Burlington
Batchelor of Derby	Grad of Moretown	Parent of St. Albans City
Beck of St. Johnsbury	Graham of Williamstown	Patt of Worcester
Berry of Manchester *	Greshin of Warren	Pearce of Richford
Beyor of Highgate	Haas of Rochester	Pearson of Burlington
Bissonnette of Winooski	Head of South Burlington	Poirier of Barre City
Botzow of Pownal	Hebert of Vernon	Potter of Clarendon
Branagan of Georgia	Helm of Fair Haven	Pugh of South Burlington
Brennan of Colchester	Higley of Lowell *	Purvis of Colchester
Briglin of Thetford	Hooper of Montpelier	Quimby of Concord
Browning of Arlington	Hubert of Milton *	Rachelson of Burlington
Burditt of West Rutland	Huntley of Cavendish	Ram of Burlington
Burke of Brattleboro	Jewett of Ripton	Russell of Rutland City
Buxton of Tunbridge	Johnson of South Hero	Ryerson of Randolph
Canfield of Fair Haven	Juskiewicz of Cambridge	Scheuermann of Stowe
Carr of Brandon	Keenan of St. Albans City	Sharpe of Bristol
Chesnut-Tangerman of Middletown Springs	Kitzmiller of Montpelier	Shaw of Pittsford
Christie of Hartford	Klein of East Montpelier	Sheldon of Middlebury
Clarkson of Woodstock	Komline of Dorset	Sibilia of Dover
Cole of Burlington	Krebs of South Hero	Smith of New Haven
Condon of Colchester	Krowinski of Burlington	Stevens of Waterbury
Conquest of Newbury	LaClair of Barre Town	Stuart of Brattleboro
Copeland-Hanzas of Bradford	Lalonde of South Burlington	Sullivan of Burlington
Corcoran of Bennington	Lanpher of Vergennes	Sweaney of Windsor
Dakin of Chester	Lawrence of Lyndon	Tate of Mendon
Dakin of Colchester	Lefebvre of Newark	Terenzini of Rutland Town
Dame of Essex	Lenes of Shelburne	Till of Jericho
Davis of Washington	Lewis of Berlin	Toleno of Brattleboro
Deen of Westminster	Lippert of Hinesburg	Toll of Danville
Devereux of Mount Holly	Long of Newfane	Townsend of South Burlington
Dickinson of St. Albans Town	Lucke of Hartford	Trieber of Rockingham
Donovan of Burlington	Macaig of Williston	Troiano of Stannard
Eastman of Orwell	Manwaring of Wilmington	Turner of Milton
Ellis of Waterbury	Marcotte of Coventry	Van Wyck of Ferrisburgh
Emmons of Springfield	Martin of Wolcott	Viens of Newport City
Evans of Essex	Masland of Thetford	Walz of Barre City
Fagan of Rutland City	McCormack of Burlington	Webb of Shelburne
Feltus of Lyndon	McCoy of Poultney	Willhoit of St. Johnsbury
Fields of Bennington	McCullough of Williston	Woodward of Johnson
Fiske of Enosburgh	McFaun of Barre Town	Wright of Burlington
Forguites of Springfield	Miller of Shaftsbury	Yantachka of Charlotte
Frank of Underhill	Morris of Bennington	Young of Glover
	Morrissey of Bennington	Zagar of Barnard
	Murphy of Fairfax	
	Myers of Essex	

---

Those who voted in the negative are:

Donahue of Northfield                      Martel of Waterford \*                      Strong of Albany \*

Those members absent with leave of the House and not voting are:

Connor of Fairfield                      Mrowicki of Putney                      Shaw of Derby  
Cupoli of Rutland City                      Partridge of Windham  
Jerman of Essex                      Savage of Swanton

**Rep Berry of Manchester** explained his vote as follows:

“Mr. Speaker:

This is an excellent bill. May we use our Evidence Informed Models to prevent child abuse and neglect. Compelling data on Adverse Childhood Experiences underscores our need to devote ourselves toward approaches that zero in on prevention plans.”

**Rep. Higley of Lowell** explained his vote as follows:

“Mr. Speaker:

I supported S.9 even though a critical piece is missing. That piece is a child protection Advocate. Hopefully this can be added next year.”

**Rep. Hubert of Milton** explained his vote as follows:

“Mr. Speaker:

I vote yes for the memory of Jordan Preavy and all the unnamed victims with the hope this never happens again.”

**Rep. Martel of Waterford** explained her vote as follows:

“Mr. Speaker:

If we arrest someone and fine them \$2000 (that they will never be able to pay) and a year in jail for not reporting a situation that they themselves are caught up in and not given a chance because they are trying to protect their child. This is unfair – get them help instead of sending the child off to someone they don’t know.”

**Rep. Strong of Albany** explained her vote as follows:

“Mr. Speaker:

In our efforts to protect our precious vulnerable children I would like to see us strengthen the resources young parents need to succeed – resources such as mentoring, drug treatment, and affordable housing.”

---

**Consideration Interrupted by Recess****S. 139**

Senate bill, entitled

An act relating to pharmacy benefit managers and hospital observation status

Was taken up and pending third reading of the bill, **Rep. Browning of Arlington** moved to amend the House proposal of amendment as follows:

First: By adding four new sections and a reader assistance heading to be Secs. 6a–6d to read as follows:

\* \* \* Choice of Providers \* \* \*

Sec. 6a. INTENT

It is the intent of the General Assembly to recruit and retain a highly qualified health care workforce to provide high-quality health care services in this State. Every Vermont resident should have the ability to enter into voluntary financial arrangements with the health care professionals of his or her choice. In addition, every Vermont health care professional should have the ability to establish his or her practice where and when he or she chooses.

Sec. 6b. 18 V.S.A. § 9382 is added to read:

§ 9382. LIMITATIONS ON AUTHORITY

The Green Mountain Care Board shall not:

(1) adopt, by rule or any other mechanism, maximum rates that health care professionals may accept that would interfere with the ability of any Vermont resident to enter into a voluntary financial arrangement with the Vermont-licensed health care professional of his or her choice; or

(2) place any restrictions on the location in which a health care professional practices, unless the restriction is directly related to an agreement with the professional to practice in a specific region in return for full or partial repayment of his or her educational loans.

Sec. 6c. 18 V.S.A. § 9375 is amended to read:

§ 9375. DUTIES

(a) The Board shall execute its duties consistent with the principles expressed in 18 V.S.A. § section 9371 of this title.

(b) The Board shall have the following duties:

---

\* \* \*

(5) Set rates for health care professionals pursuant to section 9376 of this title, to be implemented over time, and make adjustments to the rules on reimbursement methodologies as needed.

\* \* \*

Sec. 6d. 18 V.S.A. § 9376 is amended to read:

§ 9376. PAYMENT AMOUNTS; METHODS

(a) It is the intent of the ~~general assembly~~ General Assembly to:

(1) ensure payments to health care professionals that are consistent with efficiency, economy, and quality of care and will permit them to provide, on a solvent basis, effective and efficient health services that are in the public interest. ~~It is also the intent of the general assembly to;~~

(2) eliminate the shift of costs between the payers of health services to ensure that the amount paid to health care professionals is sufficient to enlist enough providers to ensure that health services are available to all Vermonters and are distributed equitably; and

(3) protect the ability of each Vermont resident to enter into voluntary financial arrangements with the Vermont-licensed health care professionals of his or her choice.

(b)(1) ~~The board~~ To the extent permitted under federal law, the Board shall set reasonable rates for third-party reimbursement for health care professionals, health care provider bargaining groups created pursuant to section 9409 of this title, manufacturers of prescribed products, medical supply companies, and other companies providing health services or health supplies based on methodologies pursuant to section 9375 of this title, in order to have a consistent reimbursement amount accepted by these persons. In its discretion, the ~~board~~ Board may implement rate-setting for different groups of health care professionals over time and need not set rates for all types of health care professionals. In establishing rates, the ~~board~~ Board may consider legitimate differences in costs among health care professionals, such as the cost of providing a specific necessary service or services that may not be available elsewhere in the ~~state~~ State, and the need for health care professionals in particular areas of the ~~state~~ State, particularly in underserved geographic or practice shortage areas.

(2)(A) Nothing in this subsection shall be construed to limit the ability of a health care professional to accept less than the rate established in

subdivision (1) of this subsection from a patient without health insurance or other coverage for the service or services received.

(B) Nothing in this subsection shall be construed to limit the ability of a Vermont resident to enter into a voluntary financial arrangement with the Vermont-licensed health care professionals of his or her choice; provided, however, that no such voluntary financial agreement shall be binding on a health insurer, Medicaid, or any other entity paying health care claims on the resident's behalf.

\* \* \*

Second: In Sec. 33, effective dates, in subsection (a), following "5 and 6 (reports)." by inserting "6a-6d (choice of providers)."

### **Recess**

At ten o'clock and thirty-three minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At twelve o'clock and two minutes in the afternoon, the Speaker called the House to order.

### **Consideration Resumed; Consideration Interrupted by Recess**

#### **S. 139**

Consideration resumed on Senate bill, entitled

An act relating to pharmacy benefit managers and hospital observation status;

Pending the question, Shall the House proposal of amendment be amended as proposed by Rep. Browning of Arlington? **Rep. Browning of Arlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House proposal of amendment be amended as proposed by Rep. Browning of Arlington? was decided in the negative. Yeas, 50. Nays, 89.

Those who voted in the affirmative are:

Batchelor of Derby	Dame of Essex	Graham of Williamstown
Beck of St. Johnsbury	Devereux of Mount Holly	Greshin of Warren
Beyor of Highgate	Dickinson of St. Albans	Hebert of Vernon
Branagan of Georgia	Town	Helm of Fair Haven
Brennan of Colchester	Fagan of Rutland City	Higley of Lowell
Browning of Arlington *	Feltus of Lyndon	Hubert of Milton
Canfield of Fair Haven	Fiske of Enosburgh	Juskiewicz of Cambridge
Condon of Colchester	Gage of Rutland City	Komline of Dorset
Cupoli of Rutland City	Gamache of Swanton	LaClair of Barre Town

---

Lawrence of Lyndon	Morrissey of Bennington	Strong of Albany
Lefebvre of Newark	Myers of Essex	Tate of Mendon
Lewis of Berlin	Parent of St. Albans City	Terenzini of Rutland Town
Lucke of Hartford	Pearce of Richford	Turner of Milton
Marcotte of Coventry	Quimby of Concord	Van Wyck of Ferrisburgh
Martel of Waterford	Scheuermann of Stowe	Viens of Newport City
McCoy of Poultney	Shaw of Pittsford	Willhoit of St. Johnsbury
McFaun of Barre Town	Smith of New Haven	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Forguites of Springfield	O'Sullivan of Burlington
Bancroft of Westford	Frank of Underhill	Patt of Worcester
Bartholomew of Hartland	French of Randolph	Pearson of Burlington
Baser of Bristol	Gonzalez of Winooski	Potter of Clarendon
Berry of Manchester	Grad of Moretown	Pugh of South Burlington
Bissonnette of Winooski	Haas of Rochester	Rachelson of Burlington
Botzow of Pownal	Head of South Burlington	Ram of Burlington
Briglin of Thetford	Hooper of Montpelier	Russell of Rutland City
Burditt of West Rutland	Huntley of Cavendish	Ryerson of Randolph
Burke of Brattleboro	Jewett of Ripton	Sharpe of Bristol
Buxton of Tunbridge	Johnson of South Hero	Sheldon of Middlebury
Carr of Brandon	Keenan of St. Albans City	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Kitzmiller of Montpelier	Stevens of Waterbury
Christie of Hartford	Klein of East Montpelier	Stuart of Brattleboro
Clarkson of Woodstock	Krowinski of Burlington	Sullivan of Burlington
Cole of Burlington	Lalonde of South Burlington	Sweaney of Windsor
Connor of Fairfield	Lanpher of Vergennes	Till of Jericho
Conquest of Newbury	Lenes of Shelburne	Toleno of Brattleboro
Corcoran of Bennington	Lippert of Hinesburg	Toll of Danville
Dakin of Chester	Long of Newfane	Townsend of South Burlington
Dakin of Colchester	Macaig of Williston	Trieber of Rockingham
Davis of Washington	Manwaring of Wilmington	Troiano of Stannard
Deen of Westminster	Martin of Wolcott	Walz of Barre City
Donahue of Northfield	Masland of Thetford	Webb of Shelburne
Donovan of Burlington	McCormack of Burlington	Woodward of Johnson
Eastman of Orwell	McCullough of Williston	Yantacka of Charlotte
Ellis of Waterbury	Miller of Shaftsbury	Young of Glover
Emmons of Springfield	Morris of Bennington	Zagar of Barnard
Evans of Essex	Murphy of Fairfax	
Fields of Bennington	Nuovo of Middlebury	
	O'Brien of Richmond	

Those members absent with leave of the House and not voting are:

Jerman of Essex	Partridge of Windham	Shaw of Derby
Krebs of South Hero	Poirier of Barre City	Smith of Morristown
Mrowicki of Putney	Purvis of Colchester	
Olsen of Londonderry	Savage of Swanton	

**Rep. Browning of Arlington** explained her vote as follows:

“Mr. Speaker:

I vote yes to protect Vermonters’ right to choose their doctors by protecting the right of independent physicians to run their practices as they see fit, without interference from the Green Mountain Care Board. Such interference in the setting of rates or location of practices may tend to make these small businesses less viable, in which case Vermonters have less choice and less availability of health care.”

Pending third reading of the bill, **Reps. Jewett of Ripton, Frank of Underhill, Komline of Dorset, Krowinski of Burlington, McCullough of Williston, Morris of Bennington, Mrowicki of Putney, Nuovo of Middlebury and Till of Jericho** moved to amend the House proposal of amendment as follows:

First: In Sec. 30a, 32 V.S.A. § 7811, in the second sentence, after “the wholesale price for all tobacco products except” by inserting tobacco substitutes, which shall be taxed at a rate of 46 percent of the wholesale price.

Second: By adding eight new sections to be Secs. 31a–31h and a reader assistance heading to read as follows:

\* \* \* Electronic Cigarettes \* \* \*

Sec. 31a. 7 V.S.A. § 1003(d) is amended to read:

~~(d)(1) No person holding a tobacco license shall display or store tobacco products or tobacco substitutes where those products are accessible to consumers without direct assistance by the sales personnel~~ Persons holding a tobacco license may only display or store tobacco products or tobacco substitutes:

(A) behind a sales counter in an area accessible only to sales personnel; or

(B) in a locked container that is not located on a sales counter.

(2) This subsection shall not apply to the following:

~~(1)(A) A~~ a display of tobacco products that is located in a commercial establishment in which by law no person younger than 18 years of age is permitted to enter at any time.;

~~(2)(B) Cigarettes~~ cigarettes in unopened cartons and smokeless tobacco in unopened multipack containers of 10 or more packages, any of which shall be displayed in plain view and under the control of a responsible employee so that removal of the cartons or multipacks from the display can be readily observed by that employee.;

or

---

~~(3)(C)~~ ~~Cigars~~ cigars and pipe tobacco stored in a humidor on the sales counter in plain view and under the control of a responsible employee so that the removal of these products from the humidor can be readily observed by that employee.

Sec. 31b. 18 V.S.A. § 1421 is amended to read:

§ 1421. SMOKING IN THE WORKPLACE; PROHIBITION

(a) The use of lighted tobacco products and tobacco substitutes is prohibited in any workplace.

\* \* \*

(c) Nothing in this section shall be construed to restrict the ability of residents of the Vermont ~~veterans' home~~ Veterans' Home to use lighted tobacco products or tobacco substitutes in the indoor area of the facility in which smoking is permitted.

Sec. 31c. 18 V.S.A. § 1741 is amended to read:

§ 1741. DEFINITIONS

As used in this chapter:

\* \* \*

(5) "Tobacco substitutes" shall have the same meaning as in 7 V.S.A. § 1001.

Sec. 31d. 18 V.S.A. § 1742 is amended to read:

§ 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

(a) The possession of lighted tobacco products or use of tobacco substitutes in any form is prohibited in:

(1) the common areas of all enclosed indoor places of public access and publicly owned buildings and offices;

(2) all enclosed indoor places in lodging establishments used for transient traveling or public vacationing, such as resorts, hotels, and motels, including sleeping quarters and adjoining rooms rented to guests;

(3) designated smoke-free areas of property or grounds owned by or leased to the State; and

(4) any other area within 25 feet of State-owned buildings and offices, except that to the extent that any portion of the 25-foot zone is not on State property, smoking is prohibited only in that portion of the zone that is on State property unless the owner of the adjoining property chooses to designate his or her property smoke-free.

(b) The possession of lighted tobacco products or use of tobacco substitutes in any form is prohibited on the grounds of any hospital or secure residential recovery facility owned or operated by the State, including all enclosed places in the hospital or facility and the surrounding outdoor property.

(c) Nothing in this section shall be construed to restrict the ability of residents of the Vermont Veterans' Home to use lighted tobacco products or tobacco substitutes in the indoor area of the facility in which smoking is permitted.

Sec. 31e. 18 V.S.A. § 1743 is amended to read:

§ 1743. EXCEPTIONS

The restrictions in this chapter on possession of lighted tobacco products and use of tobacco substitutes do not apply to areas not commonly open to the public of owner-operated businesses with no employees.

Sec. 31f. 18 V.S.A. § 1745 is amended to read:

§ 1745. ENFORCEMENT

A proprietor, or the agent or employee of a proprietor, who observes a person in possession of lighted tobacco products or using tobacco substitutes in apparent violation of this chapter shall ask the person to extinguish all lighted tobacco products or cease using the tobacco substitutes. If the person persists in the possession of lighted tobacco products or use of tobacco substitutes, the proprietor, agent, or employee shall ask the person to leave the premises.

Sec. 31g. 23 V.S.A. § 1134b is amended to read:

§ 1134b. SMOKING IN MOTOR VEHICLE WITH CHILD PRESENT

(a) A person shall not possess a lighted tobacco product or use a tobacco substitute in a motor vehicle that is occupied by a child required to be properly restrained in a federally approved child passenger restraining system pursuant to subdivision 1258(a)(1) or (2) of this title.

(b) A person who violates subsection (a) of this section shall be subject to a fine of not more than \$100.00. No points shall be assessed for a violation of this section.

Sec. 31h. 32 V.S.A. § 7702(15) is amended to read:

(15) "Other tobacco products" means any product manufactured from, derived from, or containing tobacco that is intended for human consumption by smoking, chewing, or in any other manner, including products sold as a tobacco substitute, as defined in 7 V.S.A. § 1001(8); but shall not include cigarettes, little cigars, roll-your-own tobacco, snuff, or new smokeless tobacco as defined in this section.

Third: In Sec. 33, effective dates, in subsection (e), by striking out “and 30i (property tax)” and inserting in lieu thereof 30i (property tax), 31a–31g (electronic cigarettes), and 31h (tax on electronic cigarettes).

Pending the question, Shall the House proposal of amendment be amended as recommended by Reps. Jewett of Ripton, et al? **Rep. Helm of Fair Haven** moved to substitute an amendment for the amendment offered by Reps. Jewett of Ripton, et al, as follows:

First: By inserting a new section and a reader assistance heading to be Sec. 30j to read as follows:

\* \* \* Electronic Cigarettes; Study \* \* \*

Sec. 30j. ELECTRONIC CIGARETTES; REPORT

(a) The Department of Health shall analyze the available scientific and economic information regarding electronic cigarettes in order to provide recommendations to the General Assembly.

(b) The Department of Health shall:

(1) evaluate materials produced or considered by the federal Food and Drug Administration in the course of promulgating regulations relating to electronic cigarettes;

(2) review and analyze other scientific materials regarding the health and safety of electronic cigarettes;

(3) compare the health effects of tobacco cigarettes and electronic cigarettes;

(4) consider the role of electronic cigarettes as a tobacco cessation device; and

(5) evaluate, in consultation with the Department of Taxes, the effect on retail and Internet sales of a tax on electronic cigarettes.

(c) On or before January 1, 2016, the Department of Health shall report its findings and recommendations to the House Committees on Health Care, on Human Services, and on Ways and Means and the Senate Committees on Health and Welfare and on Finance.

Second: In Sec. 33, effective dates, by inserting the following:

(g) Secs. 30 (electronic cigarette study), 30f (meals and rooms definitions), 30g (meals and rooms tax licenses), 30h (sales tax definitions), and 30i (property tax) shall take effect on July 1, 2015.

### Recess

At one o'clock and twenty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At one o'clock and fifty-four minutes in the afternoon, the Speaker called the House to order.

### Consideration Resumed; Bill Read the Third Time and Passed in Concurrence with Proposal of Amendment

#### S. 139

Consideration resumed on Senate bill, entitled

An act relating to pharmacy benefit managers and hospital observation status;

Pending the question, Shall the amendment proposed by Rep. Helm of Fair Haven be substituted for the amendment proposed by Rep. Jewett of Ripton and others? **Rep. Hebert of Vernon** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the amendment proposed by Rep. Helm of Fair Haven be substituted for the amendment proposed by Rep. Jewett of Ripton and others? was decided in the negative. Yeas, 59. Nays, 79.

Those who voted in the affirmative are:

Bancroft of Westford  
Batchelor of Derby  
Beck of St. Johnsbury  
Beyor of Highgate  
Branagan of Georgia  
Brennan of Colchester  
Browning of Arlington  
Burditt of West Rutland  
Buxton of Tunbridge  
Canfield of Fair Haven  
Condon of Colchester  
Connor of Fairfield  
Corcoran of Bennington  
Cupoli of Rutland City  
Dame of Essex  
Devereux of Mount Holly  
Dickinson of St. Albans  
Town  
Donahue of Northfield  
Eastman of Orwell

Fagan of Rutland City  
Feltus of Lyndon  
Fiske of Enosburgh  
Gage of Rutland City  
Gamache of Swanton  
Graham of Williamstown  
Hebert of Vernon  
Helm of Fair Haven  
Higley of Lowell  
Hubert of Milton  
Juskiewicz of Cambridge  
LaClair of Barre Town  
Lawrence of Lyndon  
Lefebvre of Newark  
Lewis of Berlin  
Marcotte of Coventry  
Martel of Waterford  
McCoy of Poultney  
McFaun of Barre Town  
Morrissette of Bennington

Murphy of Fairfax  
Myers of Essex  
Parent of St. Albans City  
Pearce of Richford  
Purvis of Colchester  
Quimby of Concord  
Ram of Burlington  
Scheuermann of Stowe  
Shaw of Pittsford  
Sibilia of Dover  
Smith of New Haven  
Strong of Albany  
Tate of Mendon  
Terenzini of Rutland Town  
Toll of Danville  
Trieber of Rockingham  
Turner of Milton  
Viens of Newport City  
Wright of Burlington  
Young of Glover

Those who voted in the negative are:

Ancel of Calais	French of Randolph	Nuovo of Middlebury
Bartholomew of Hartland	Gonzalez of Winooski	Olsen of Londonderry
Baser of Bristol	Grad of Moretown	O'Sullivan of Burlington
Berry of Manchester	Greshin of Warren	Patt of Worcester
Bissonnette of Winooski	Haas of Rochester	Pearson of Burlington
Botzow of Pownal	Head of South Burlington	Potter of Clarendon
Briglin of Thetford	Hooper of Montpelier	Pugh of South Burlington
Burke of Brattleboro	Huntley of Cavendish	Rachelson of Burlington
Carr of Brandon	Jewett of Ripton	Ryerson of Randolph
Chesnut-Tangerman of Middletown Springs	Johnson of South Hero	Sharpe of Bristol
Christie of Hartford	Keenan of St. Albans City	Sheldon of Middlebury
Clarkson of Woodstock	Kitzmillier of Montpelier	Stevens of Waterbury *
Cole of Burlington	Komline of Dorset	Stuart of Brattleboro
Conquest of Newbury	Krowinski of Burlington	Sullivan of Burlington
Copeland-Hanzas of Bradford	Lalonde of South Burlington	Sweaney of Windsor
Dakin of Chester	Lanpher of Vergennes	Till of Jericho
Dakin of Colchester	Lenes of Shelburne	Toleno of Brattleboro
Davis of Washington	Lippert of Hinesburg	Townsend of South Burlington
Deen of Westminster	Long of Newfane	Troiano of Stannard
Donovan of Burlington	Lucke of Hartford	Van Wyck of Ferrisburgh
Ellis of Waterbury	Macaig of Williston	Walz of Barre City
Emmons of Springfield	Manwaring of Wilmington	Webb of Shelburne
Evans of Essex	Martin of Wolcott	Woodward of Johnson
Fields of Bennington	Masland of Thetford	Yantachka of Charlotte
Forguites of Springfield	McCormack of Burlington	Zagar of Barnard
Frank of Underhill	McCullough of Williston	
	Miller of Shaftsbury	
	Morris of Bennington	

Those members absent with leave of the House and not voting are:

Jerman of Essex	O'Brien of Richmond	Savage of Swanton
Klein of East Montpelier	Partridge of Windham	Shaw of Derby
Krebs of South Hero	Poirier of Barre City	Willhoit of St. Johnsbury
Mrowicki of Putney	Russell of Rutland City	

**Rep. Stevens of Waterbury** explained his vote as follows:

“Mr. Speaker:

Nationwide, sales of e-cigarettes have grown to nearly \$2 billion. They are widely advertised, sold to children and contain nicotine and, at certain temperatures, formaldehyde. Tobacco companies claimed for decades that their product was not addictive or dangerous and we believed them. Why would we now? The jury is still out on them – exactly why they should be regulated.”

Thereupon, **Rep. Donahue of Northfield** asked to divide the question and that Sec. 31a be taken up first, Secs. 30a and 31h be taken up second and Secs. 31b-31g and 33 be taken up third.

Thereupon, the first instance of amendment (Sec. 31a) was agreed to.

Pending the question, Shall the amendment proposed by Rep. Jewett of Ripton and others be adopted in the second instance of amendment (Secs. 30(a) and 31(h))? **Rep. Turner of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the amendment proposed by Rep. Jewett of Ripton and others be adopted in the second instance of amendment (Secs. 30(a) and 31(h))? was decided in the affirmative. Yeas, 70. Nays, 67.

Those who voted in the affirmative are:

Ancel of Calais	Grad of Moretown	Nuovo of Middlebury
Bartholomew of Hartland	Greshin of Warren	Olsen of Londonderry
Berry of Manchester	Haas of Rochester	O'Sullivan of Burlington
Bissonnette of Winooski	Head of South Burlington	Patt of Worcester
Botzow of Pownal	Hooper of Montpelier	Pearson of Burlington
Briglin of Thetford	Jewett of Ripton	Potter of Clarendon
Burke of Brattleboro	Johnson of South Hero	Pugh of South Burlington
Carr of Brandon	Keenan of St. Albans City	Rachelson of Burlington
Chesnut-Tangerman of Middletown Springs	Kitzmiller of Montpelier	Ram of Burlington
Christie of Hartford	Klein of East Montpelier	Ryerson of Randolph
Clarkson of Woodstock	Komline of Dorset	Sharpe of Bristol
Cole of Burlington	Krowinski of Burlington	Sheldon of Middlebury
Copeland-Hanzas of Bradford	Lalonde of South Burlington	Stevens of Waterbury
Dakin of Chester	Lanpher of Vergennes	Stuart of Brattleboro
Deen of Westminster	Lenes of Shelburne	Sullivan of Burlington
Donovan of Burlington	Lippert of Hinesburg	Sweaney of Windsor
Ellis of Waterbury	Lucke of Hartford	Till of Jericho
Emmons of Springfield	Macaig of Williston	Toleno of Brattleboro
Fields of Bennington	Manwaring of Wilmington	Troiano of Stannard
Frank of Underhill	Masland of Thetford	Walz of Barre City
French of Randolph	McCormack of Burlington	Webb of Shelburne
Gonzalez of Winooski	McCullough of Williston	Woodward of Johnson
	Miller of Shaftsbury	Yantachka of Charlotte
	Morris of Bennington	Zagar of Barnard

Those who voted in the negative are:

Bancroft of Westford	Buxton of Tunbridge	Dame of Essex
Baser of Bristol	Canfield of Fair Haven	Davis of Washington
Batchelor of Derby	Condon of Colchester	Devereux of Mount Holly
Beck of St. Johnsbury	Connor of Fairfield	Dickinson of St. Albans Town
Beyor of Highgate	Conquest of Newbury	Donahue of Northfield
Branagan of Georgia	Corcoran of Bennington	Eastman of Orwell
Browning of Arlington	Cupoli of Rutland City	Evans of Essex
Burditt of West Rutland	Dakin of Colchester	

---

Fagan of Rutland City	Lewis of Berlin	Shaw of Pittsford
Feltus of Lyndon	Long of Newfane	Sibilia of Dover
Fiske of Enosburgh	Marcotte of Coventry	Smith of New Haven
Forguites of Springfield	Martel of Waterford	Strong of Albany
Gage of Rutland City	Martin of Wolcott	Tate of Mendon
Gamache of Swanton	McCoy of Poultney	Terenzini of Rutland Town
Graham of Williamstown	McFaun of Barre Town	Toll of Danville
Helm of Fair Haven	Morrissey of Bennington	Townsend of South
Higley of Lowell	Murphy of Fairfax	Burlington
Hubert of Milton	Myers of Essex	Trieber of Rockingham
Huntley of Cavendish	Parent of St. Albans City	Turner of Milton
Juskiewicz of Cambridge	Pearce of Richford	Van Wyck of Ferrisburgh
LaClair of Barre Town	Purvis of Colchester	Viens of Newport City
Lawrence of Lyndon	Quimby of Concord	Wright of Burlington
Lefebvre of Newark	Scheuermann of Stowe	Young of Glover

Those members absent with leave of the House and not voting are:

Brennan of Colchester	Mrowicki of Putney	Russell of Rutland City
Hebert of Vernon	O'Brien of Richmond	Savage of Swanton
Jerman of Essex	Partridge of Windham	Shaw of Derby
Krebs of South Hero	Poirier of Barre City	Willhoit of St. Johnsbury

Pending the question, Shall the House proposal of amendment be amended as recommended by Reps. Jewett of Ripton, et al? **Rep. Donahue of Northfield** moved to substitute an amendment for the third instance of amendment as follows:

First: In the second instance of amendment, by striking out Secs. 31b–31g in their entirety, by renumbering Sec. 31h to be Sec. 31b, and inserting a new Sec. 31c and a reader assistance heading to read as follows:

\* \* \* Electronic Cigarettes; Study \* \* \*

Sec. 31c. ELECTRONIC CIGARETTES; REPORT

(a) The Department of Health shall analyze the available scientific information regarding electronic cigarettes in order to provide recommendations to the General Assembly.

(b) The Department of Health shall:

(1) evaluate materials produced or considered by the federal Food and Drug Administration in the course of promulgating regulations relating to electronic cigarettes;

(2) review and analyze other scientific materials regarding the health and safety of electronic cigarettes;

(3) compare the health effects of tobacco cigarettes and electronic cigarettes; and

(4) consider the role of electronic cigarettes as a tobacco cessation device.

(c) On or before January 1, 2016, the Department of Health shall report its findings and recommendations to the House Committees on Health Care, on Human Services, and on Ways and Means and the Senate Committees on Health and Welfare and on Finance.

Second: In Sec. 33, effective dates, in subsection (e), by striking out “31a–31g (electronic cigarettes), and 31h (tax on electronic cigarettes)” and inserting in lieu thereof “31a–31b (tax on electronic cigarettes), and 31c (electronic cigarettes study)”

Which was disagreed to.

Thereupon, **Rep. Scheuermann of Stowe** asked that the question be further divided and Sec. 31g be taken up first and the remaining Secs. 31b-31f and 33 be taken up second.

Thereupon, the first instance of amendment (31g) was agreed to and the second instance of amendment (31b-31f and 33) was agreed to.

Pending third reading of the bill, **Rep. Komline of Dorset** moved to amend the House proposal of amendment as follows:

First: By striking out Sec. 31b, 18 V.S.A. § 1421, in its entirety and inserting in lieu thereof the following:

Sec. 31b. 18 V.S.A. § 1421 is amended to read:

§ 1421. SMOKING IN THE WORKPLACE; PROHIBITION

(a) The use of lighted tobacco products and tobacco substitutes is prohibited in any workplace.

(b)(1) As used in this subchapter, “workplace” means an enclosed structure where employees perform services for an employer, including restaurants, bars, and other establishments in which food or drinks, or both, are served. In the case of an employer who assigns employees to departments, divisions, or similar organizational units, “workplace” means the enclosed portion of a structure to which the employee is assigned.

(2) Except for schools, workplace does not include areas commonly open to the public or any portion of a structure that also serves as the employee’s or employer’s personal residence.

(3) For schools, workplace includes any enclosed location where instruction or other school-sponsored functions are occurring.

(4) For lodging establishments used for transient traveling or public vacationing, such as resorts, hotels, and motels, workplace includes the sleeping quarters and adjoining rooms rented to guests.

(5) The prohibition on using tobacco substitutes in a workplace shall not apply to a business that does not sell food or beverages but is established for the purpose of providing a setting for patrons to purchase and use electronic cigarettes and related paraphernalia.

(c) Nothing in this section shall be construed to restrict the ability of residents of the Vermont ~~veterans' home~~ Veterans' Home to use lighted tobacco products or tobacco substitutes in the indoor area of the facility in which smoking is permitted.

Second: In Sec. 31d, 18 V.S.A. § 1742, by adding a subsection (d) to read as follows:

(d) Nothing in this chapter shall be construed to prohibit the use of tobacco substitutes in a business that does not sell food or beverages but is established for the purpose of providing a setting for patrons to purchase and use electronic cigarettes and related paraphernalia.

Which was agreed to.

Pending third reading of the bill, **Rep. Till of Jericho** moved to amend the House proposal of amendment as follows:

First: By adding a reader assistance heading and a new section to be Sec. 15a to read as follows:

\* \* \* Preventing Adverse Childhood Experiences \* \* \*

Sec. 15a. PARENTING CLASSES; APPROPRIATION

In light of the revenue from the tax on electronic cigarettes imposed by this act, the sum of \$240,000.00 is appropriated from the State Health Care Resources Fund to the Agency of Human Services in fiscal year 2016 to provide grants to parent-child centers for the creation of pilot programs offering parenting classes, which shall be conducted in the offices of health care professionals providing obstetric care and shall use the parent-child centers' own curriculum. The purpose of the pilot programs shall be to interrupt the widespread, multigenerational problem of adverse childhood experiences.

Second: In Sec. 33, effective dates, in subsection (b), following “14 (Health Care Advocate,)” by inserting 15a (parenting classes).

Thereupon, **Rep. Helm of Fair Haven** moved to substitute an amendment for the amendment offered by Rep. Till of Jericho as follows:

First: By striking out Secs. 30–30e and inserting in lieu thereof a new section and a reader assistance heading to be Sec. 30 to read as follows:

\* \* \* Electronic Cigarettes; Study \* \* \*

Sec. 30. ELECTRONIC CIGARETTES; REPORT

(a) The Department of Health shall analyze the available scientific and economic information regarding electronic cigarettes in order to provide recommendations to the General Assembly.

(b) The Department of Health shall:

(1) evaluate materials produced or considered by the federal Food and Drug Administration in the course of promulgating regulations relating to electronic cigarettes;

(2) review and analyze other scientific materials regarding the health and safety of electronic cigarettes;

(3) compare the health effects of tobacco cigarettes and electronic cigarettes;

(4) consider the role of electronic cigarettes as a tobacco cessation device; and

(5) evaluate, in consultation with the Department of Taxes, the effect on retail and Internet sales of a tax on electronic cigarettes.

(c) On or before January 1, 2016, the Department of Health shall report its findings and recommendations to the House Committees on Health Care, on Human Services, and on Ways and Means and the Senate Committees on Health and Welfare and on Finance.

Second: In Sec. 33, effective dates, by striking out subsections (e) and (f) in their entirety and inserting in lieu thereof the following:

(e) Secs. 30 (electronic cigarette study), 30f (meals and rooms definitions), 30g (meals and rooms tax licenses), 30h (sales tax definitions), and 30i (property tax) shall take effect on July 1, 2015.

Thereupon, **Rep. Helm of Fair Haven** asked and was granted leave of the House to withdraw his amendment.

Thereupon, the amendment proposed by Rep. Till of Jericho was disagreed to on a Division vote. Yeas, 32. Nays, 85.

Pending third reading of the bill, **Rep. Zagar of Barnard** moved to amend the House proposal of amendment as follows:

First: By adding a new section to be Sec. 28a to read as follows:

Sec. 28. PREVENTABLE ILLNESSES RELATED TO OBESITY

While the General Assembly is adjourned during fiscal year 2016, the Health Reform Oversight Committee shall review existing data on expenditures from the treatment of preventable illnesses related to obesity, including costs borne by the private sector, and shall survey existing and proposed policy measures to reduce the incidence of obesity in Vermont.

Second: In Sec. 33, effective dates, subsection (a), following “28 (Blueprint for Health; reports).” by inserting “28a (obesity data review).”

Which was agreed to.

Pending third reading of the bill, **Rep. Hubert of Milton** moved to amend the House proposal of amendment as follows:

In Sec. 33, in subdivision (e), after “shall take effect July 1, 2015” by inserting “; provided however, that prior to July 1, 2015, the Tax Department shall create and publicize a list of specific soft drink and candy products that will be subject to the sales tax under this act, and if the Tax Department fails to create and publicize the list under this subsection by July 1, 2015, no vendor shall be liable for any liability, penalty, or interest under 32 V.S.A. chapter 233 for any sales of soft drink or candy products until the Tax Department creates and publicize a list under this subsection.”

Thereupon **Rep. Ancel of Calais** moved to substitute an amendment for the amendment offered by Rep. Hubert of Milton as follows:

In Sec. 33, in subdivision (e), after “shall take effect July 1, 2015.”, by inserting “The Tax Department shall provide to vendors subject to the sales tax under this act outreach, education, and ongoing support to implement the tax effectively.”

Which was agreed to on a Division Vote. Yeas, 66. Nays, 55, and the amendment offered by Rep. Hubert of Milton, as substituted, was agreed to.

Pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the House proposal of amendment as follows:

First: By adding a new section to be Sec. 21a to read as follows:

Sec. 21a. 18 V.S.A. § 9376(b)(2) is amended to read:

(2) Nothing in this subsection shall be construed to:

(A) limit the ability of a health care professional to accept less than the rate established in subdivision (1) of this subsection from a patient without health insurance or other coverage for the service or services received; or

(B) reduce or limit the covered services offered by Medicare or Medicaid.

Second: In Sec. 33, effective dates, in subsection (a), following “21 (Green Mountain Care Board duties)”, by inserting 21a (impact of rate-setting authority)

Which was agreed to.

Pending third reading of the bill, **Rep. Donahue of Northfield** moved to amend the House proposal of amendment as follows:

In Sec. 29, payment reform and differential payments to providers, as follows:

First: In subdivision (2), following the semicolon, by striking out the word “and”

Second: In subdivision (3), following the word “codes”, by adding “; and”

Third: Prior to the period, by adding a subdivision (4) to read as follows:

(4) the advantages and disadvantages of allowing health care providers to continue to set their own rates for customers without health insurance or other health care coverage

Which was agreed to.

Pending third reading of the bill, **Rep. Devereux of Mount Holly** moved to amend the House proposal of amendment as follows:

First: By adding four new sections and a reader assistance heading to be Secs. 24a–24d to read as follows:

\* \* \* Health Insurance for Public Employees \* \* \*

Sec. 24a. 3 V.S.A. § 904 is amended to read:

§ 904. SUBJECTS FOR BARGAINING

(a) All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining except those matters which are prescribed or controlled by statute. Such matters appropriate for

collective bargaining to the extent they are not prescribed or controlled by statute include:

(1) ~~Wages~~ wages, salaries, benefits, and reimbursement practices relating to necessary expenses and the limits of reimbursable expenses, except as provided in subsection (c) of this section;

(2) minimum hours per week;

(3) working conditions;

(4) overtime compensation and related matters;

(5) leave compensation and related matters;

(6) reduction-in-force procedures;

(7) grievance procedures;

(8) terms of coverage and amount of employee financial participation in insurance programs, except as provided in subsection (c) of this section;

(9) rules and regulations for personnel administration, except the following: rules and regulations relating to persons exempt from the classified service under section 311 of this title and rules and regulations relating to applicants for employment in State service and employees in an initial probationary status, including any extension or extensions thereof provided such rules and regulations are not discriminatory by reason of an applicant's race, color, creed, sex, or national origin; and

(10) the manner in which to enforce an employee's obligation to pay the collective bargaining service fee.

\* \* \*

(c) Medical benefits and health insurance shall not be a subject of collective bargaining under this chapter. Employees who wish to have health insurance coverage may purchase plans through the Vermont Health Benefit Exchange established pursuant to 33 V.S.A. chapter 18, subchapter 1.

Sec. 24b. 3 V.S.A. § 1013 is amended to read:

§ 1013. SUBJECTS FOR BARGAINING

(a) All matters relating to the relationship between the employer and employees are subject to collective bargaining, to the extent those matters are not prescribed or controlled by law, including:

(1) ~~Wages~~ wages, salaries, benefits, and reimbursement practices relating to necessary expenses and the limits of reimbursable expenses, except as provided in subsection (b) of this section;

(2) ~~Minimum~~ minimum hours per week;

(3) ~~Working~~ working conditions;

(4) ~~Overtime~~ overtime compensation and related matters;

(5) ~~Leave~~ leave compensation and related matters;

(6) ~~Reduction in force~~ reduction-in-force procedures;

(7) ~~Grievance~~ grievance procedures;

(8) ~~Terms~~ terms of coverage and amount of employee financial participation in insurance programs, except as provided in subsection (b) of this section;

(9) ~~Rules~~ rules for personnel administration of employees provided the rules are not discriminatory in regard to an applicant's race, color, creed, sex, sexual orientation, gender identity, age, national origin, religion, or disability; and

(10) ~~The~~ the manner in which to enforce an employee's obligation to pay the collective bargaining service fee.

(b) Medical benefits and health insurance shall not be a subject of collective bargaining under this chapter. Employees who wish to have health insurance coverage may purchase plans through the Vermont Health Benefit Exchange established pursuant to 33 V.S.A. chapter 18, subchapter 1.

Sec. 24c. 16 V.S.A. § 2004 is amended to read:

§ 2004. AGENDA

(a) The school board, through its negotiations council, shall, upon request, negotiate with representatives of the teachers' or administrators' organization negotiations council on matters of salary, related economic conditions of employment, the manner in which it will enforce an employee's obligation to pay the agency service fee, procedures for processing complaints and grievances relating to employment, and any mutually agreed upon matters not in conflict with the statutes and laws of the State of Vermont.

(b) As used in this section, the terms "salary" and "related economic conditions of employment" shall not include medical benefits or health insurance. Medical benefits and health insurance shall not be a subject of collective bargaining under this chapter. Employees who wish to have health

insurance coverage may purchase plans through the Vermont Health Benefit Exchange established pursuant to 33 V.S.A. chapter 18, subchapter 1.

Sec. 24d. 21 V.S.A. § 1725 is amended to read:

§ 1725. COLLECTIVE BARGAINING PROCEDURE

(a)(1) For the purpose of collective bargaining, the representatives of the municipal employer and the bargaining unit shall meet at any reasonable time and shall bargain in good faith with respect to wages, hours, and conditions of employment, and shall execute a written contract incorporating any agreement reached; provided, however, neither party shall be compelled to agree to a proposal nor to make a concession, nor to bargain over any issue of managerial prerogative.

(2) As used in this section, “wages, hours, and conditions of employment” shall not include medical benefits or health insurance. Medical benefits and health insurance shall not be a subject of collective bargaining under this chapter. Employees who wish to have health insurance coverage may purchase plans through the Vermont Health Benefit Exchange established pursuant to 33 V.S.A. chapter 18, subchapter 1.

\* \* \*

Second: In Sec. 33, effective dates, in subsection (b), following “16–20 (primary care study).” by inserting “24a–24d (health insurance for public employees).”

Thereupon, **Rep. Hubert of Milton** moved to substitute an amendment for the amendment offered by Rep. Devereux of Mount Holly, as follows:

First: By adding seven new sections and a reader assistance heading to be Secs. 24a–24g to read as follows:

\* \* \* Health Insurance for Public Employees and Teachers \* \* \*

Sec. 24a. 3 V.S.A. § 904 is amended to read:

§ 904. SUBJECTS FOR BARGAINING

(a) All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining except those matters which are prescribed or controlled by statute. Such matters appropriate for collective bargaining to the extent they are not prescribed or controlled by statute include:

(1) ~~Wages~~ wages, salaries, benefits, and reimbursement practices relating to necessary expenses and the limits of reimbursable expenses, except as provided in subsection (c) of this section;

(2) minimum hours per week;

(3) working conditions;

(4) overtime compensation and related matters;

(5) leave compensation and related matters;

(6) reduction-in-force procedures;

(7) grievance procedures;

(8) terms of coverage and amount of employee financial participation in insurance programs, except as provided in subsection (c) of this section;

(9) rules and regulations for personnel administration, except the following: rules and regulations relating to persons exempt from the classified service under section 311 of this title and rules and regulations relating to applicants for employment in State service and employees in an initial probationary status, including any extension or extensions thereof provided such rules and regulations are not discriminatory by reason of an applicant's race, color, creed, sex, or national origin; and

(10) the manner in which to enforce an employee's obligation to pay the collective bargaining service fee.

\* \* \*

(c) Medical benefits and health insurance shall not be a subject of collective bargaining under this chapter. Employees who wish to have health insurance coverage may purchase plans through the Vermont Health Benefit Exchange established pursuant to 33 V.S.A. chapter 18, subchapter 1.

Sec. 24b. 3 V.S.A. § 1013 is amended to read:

#### § 1013. SUBJECTS FOR BARGAINING

(a) All matters relating to the relationship between the employer and employees are subject to collective bargaining, to the extent those matters are not prescribed or controlled by law, including:

(1) ~~Wages~~ wages, salaries, benefits, and reimbursement practices relating to necessary expenses and the limits of reimbursable expenses, except as provided in subsection (b) of this section;

(2) ~~Minimum~~ minimum hours per week;

- 
- (3) ~~Working~~ working conditions;:
- (4) ~~Overtime~~ overtime compensation and related matters;:
- (5) ~~Leave~~ leave compensation and related matters;:
- (6) ~~Reduction in force~~ reduction-in-force procedures;:
- (7) ~~Grievance~~ grievance procedures;:
- (8) ~~Terms~~ terms of coverage and amount of employee financial participation in insurance programs, except as provided in subsection (b) of this section;
- (9) ~~Rules~~ rules for personnel administration of employees provided the rules are not discriminatory in regard to an applicant's race, color, creed, sex, sexual orientation, gender identity, age, national origin, religion, or disability; and
- (10) ~~The~~ the manner in which to enforce an employee's obligation to pay the collective bargaining service fee.

(b) Medical benefits and health insurance shall not be a subject of collective bargaining under this chapter. Employees who wish to have health insurance coverage may purchase plans through the Vermont Health Benefit Exchange established pursuant to 33 V.S.A. chapter 18, subchapter 1.

Sec. 24c. 16 V.S.A. § 2004 is amended to read:

§ 2004. AGENDA

(a) The school board, through its negotiations council, shall, upon request, negotiate with representatives of the teachers' or administrators' organization negotiations council on matters of salary, related economic conditions of employment, the manner in which it will enforce an employee's obligation to pay the agency service fee, procedures for processing complaints and grievances relating to employment, and any mutually agreed upon matters not in conflict with the statutes and laws of the State of Vermont.

(b) As used in this section, the terms "salary" and "related economic conditions of employment" shall not include medical benefits or health insurance. Medical benefits and health insurance shall not be a subject of collective bargaining under this chapter. If a school board elects to provide health insurance coverage for teachers and administrators, it shall purchase health insurance coverage as provided under section 2011 of this title. If a school board does not elect to provide health insurance coverage for teachers and administrators, then teachers and administrators who wish to have health

insurance coverage may purchase plans through the Vermont Health Benefit Exchange established pursuant to 33 V.S.A. chapter 18, subchapter 1.

Sec. 24d. 16 V.S.A. § 2011 is added to read:

§ 2011. HEALTH INSURANCE FOR TEACHERS AND ADMINISTRATORS

(a) A school board that elects to provide health insurance coverage for its employees shall purchase plans offered through the Vermont Health Benefit Exchange if the school district is a qualified employer under 33 V.S.A. § 1804.

(b) A school board that elects to provide health insurance coverage for its employees may purchase only health insurance plans that are not subject to the excise tax imposed pursuant to 26 U.S.C. § 4980I.

Sec. 24e. 21 V.S.A. § 1722 is amended to read:

§ 1722. DEFINITIONS

As used in this chapter:

\* \* \*

(12) “Municipal employee” means any employee of a municipal employer, including a municipal school employee or a professional employee as defined in subdivision 1502(11) of this title, except:

\* \* \*

(17) “Wages, hours, and other conditions of employment” means any condition of employment directly affecting the economic circumstances, health, safety, or convenience of employees but excluding matters of managerial prerogative as defined in this section. For purposes of collective bargaining, “wages, hours, and other conditions of employment” shall not include medical benefits or health insurance.

\* \* \*

(21) “Municipal school employee” means an employee of a supervisory district or supervisory union that is not otherwise subject to 16 V.S.A. chapter 57 (labor relations for teachers and administrators).

Sec. 24f. 21 V.S.A. § 1725 is amended to read:

§ 1725. COLLECTIVE BARGAINING PROCEDURE

(a)(1) For the purpose of collective bargaining, the representatives of the municipal employer and the bargaining unit shall meet at any reasonable time and shall bargain in good faith with respect to wages, hours, and conditions of employment, and shall execute a written contract incorporating any agreement reached; provided, however, that neither party shall be compelled to agree to a proposal nor to make a concession, nor to bargain over any issue of managerial prerogative.

(2) As used in this section, “wages, hours, and conditions of employment” shall not include medical benefits or health insurance. Medical benefits and health insurance shall not be a subject of collective bargaining under this chapter. If a municipal employer elects to provide health insurance coverage for municipal employees, it shall purchase health insurance coverage as provided in section 1737 of this title. If a municipal employer elects not to provide health insurance coverage, municipal employees who wish to have health insurance coverage may purchase plans through the Vermont Health Benefit Exchange established pursuant to 33 V.S.A. chapter 18, subchapter 1.

\* \* \*

Sec. 24g. 21 V.S.A. § 1737 is added to read:

§ 1737. HEALTH INSURANCE FOR MUNICIPAL SCHOOL EMPLOYEES

(a) A municipal employer that elects to provide health insurance coverage for its municipal school employees shall purchase plans offered through the Vermont Health Benefit Exchange if the municipal employer is a qualified employer under 33 V.S.A. § 1804.

(b) A municipal employer that elects to provide health insurance coverage for its municipal school employees may purchase only health insurance plans that are not subject to the excise tax imposed pursuant to 26 U.S.C. § 4980I.

Second: In Sec. 33, effective dates, by adding a subsection (g) to read as follows:

(g) Secs. 24a–24g (health insurance for public employees and teachers) shall take effect on passage and shall apply to all contract negotiations that begin on or after the effective date of this act.

Pending the question, Shall the amendment proposed by Rep. Hubert of Milton be substituted for the amendment proposed by Rep. Devereux of Mt. Holly? **Rep. Hubert of Milton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the amendment proposed by Rep. Hubert of Milton be substituted for the amendment proposed by Rep. Devereux of Mt. Holly? was decided in the negative. Yeas, 35. Nays, 98.

Those who voted in the affirmative are:

Bancroft of Westford	Gamache of Swanton	McCoy of Poultney
Baser of Bristol	Graham of Williamstown *	Parent of St. Albans City
Batchelor of Derby	Greshin of Warren	Pearce of Richford
Beyor of Highgate	Helm of Fair Haven	Purvis of Colchester
Branagan of Georgia	Higley of Lowell	Quimby of Concord
Canfield of Fair Haven	Hubert of Milton	Shaw of Pittsford
Cupoli of Rutland City	Komline of Dorset	Smith of New Haven
Dame of Essex	LaClair of Barre Town	Strong of Albany
Dickinson of St. Albans Town	Lawrence of Lyndon	Tate of Mendon
Donahue of Northfield	Lewis of Berlin	Turner of Milton *
Fiske of Enosburgh	Marcotte of Coventry	Van Wyck of Ferrisburgh
	Martel of Waterford	Viens of Newport City

Those who voted in the negative are:

Ancel of Calais	Dakin of Colchester	Klein of East Montpelier
Bartholomew of Hartland	Davis of Washington	Krowinski of Burlington
Beck of St. Johnsbury	Deen of Westminster	Lalonde of South Burlington
Berry of Manchester	Donovan of Burlington	Lanpher of Vergennes
Bissonnette of Winooski	Ellis of Waterbury	Lefebvre of Newark
Botzow of Pownal	Emmons of Springfield	Lenes of Shelburne
Briglin of Thetford	Evans of Essex	Lippert of Hinesburg
Browning of Arlington	Fagan of Rutland City	Long of Newfane
Burditt of West Rutland	Feltus of Lyndon	Lucke of Hartford
Burke of Brattleboro	Fields of Bennington	Macaig of Williston
Buxton of Tunbridge	Forguites of Springfield	Manwaring of Wilmington
Carr of Brandon	Frank of Underhill	Martin of Wolcott
Chesnut-Tangerman of Middletown Springs	French of Randolph	Masland of Thetford
Christie of Hartford *	Gage of Rutland City	McCormack of Burlington
Clarkson of Woodstock	Gonzalez of Winooski	McCullough of Williston
Cole of Burlington	Grad of Moretown	McFaun of Barre Town
Condon of Colchester	Haas of Rochester	Miller of Shaftsbury
Connor of Fairfield	Head of South Burlington	Morris of Bennington
Conquest of Newbury	Hooper of Montpelier	Morrissey of Bennington *
Copeland-Hanzas of Bradford	Jewett of Ripton	Murphy of Fairfax
Corcoran of Bennington	Johnson of South Hero	Myers of Essex *
Dakin of Chester	Juskiewicz of Cambridge	Nuovo of Middlebury
	Keenan of St. Albans City	Olsen of Londonderry
	Kitzmiller of Montpelier	O'Sullivan of Burlington

---

Patt of Worcester	Sibilia of Dover	Troiano of Stannard
Pearson of Burlington	Stevens of Waterbury	Walz of Barre City
Potter of Clarendon	Stuart of Brattleboro	Webb of Shelburne
Pugh of South Burlington	Sullivan of Burlington	Woodward of Johnson
Rachelson of Burlington	Sweaney of Windsor	Wright of Burlington *
Ram of Burlington	Terenzini of Rutland Town	Yantachka of Charlotte
Ryerson of Randolph	Till of Jericho	Young of Glover
Scheuermann of Stowe	Toleno of Brattleboro	Zagar of Barnard
Sharpe of Bristol	Toll of Danville	
Sheldon of Middlebury	Trieber of Rockingham	

Those members absent with leave of the House and not voting are:

Brennan of Colchester	Krebs of South Hero	Savage of Swanton
Devereux of Mount Holly	Mrowicki of Putney	Shaw of Derby
Eastman of Orwell	O'Brien of Richmond	Townsend of South Burlington
Hebert of Vernon	Partridge of Windham	Willhoit of St. Johnsbury
Huntley of Cavendish	Poirier of Barre City	
Jerman of Essex	Russell of Rutland City	

**Rep. Christie of Hartford** explained his vote as follows:

“Mr. Speaker:

I vote no on this amendment knowing of the work within the jurisdiction of our committee with regard to this topic and other alternatives.”

**Rep. Graham of Williamstown** explained his vote as follows:

“Mr. Speaker:

It is a form of discrimination to believe State workers and education workers are above the rest of us and should be treated differently.”

**Rep. Morrissey of Bennington** explained her vote as follows:

“Mr. Speaker:

I vote no today so that this can be fully vetted and brought back to this body for a full debate.”

**Rep. Myers of Essex** explained her vote as follows:

“Mr. Speaker:

I voted no. There is a time and a place for this discussion. But today is not that time. I look forward to this discussion in the not too distant future.”

**Rep. Turner of Milton** explained his vote as follows:

“Mr. Speaker:

Understanding that the cadillac tax will cost the state and its municipalities and school district millions of dollars, I vote yes for fairness. Why should state, school and municipal employees have access to better health insurance plans than the Vermonters paying the bill? Thank you.”

**Rep. Wright of Burlington** explained his vote as follows:

“Mr. Speaker:

I vote no today, but make no mistake, this issue will have to be addressed in the very near future.”

Thereupon, the amendment offered by Rep. Devereux of Mount Holly was disagreed to.

Pending third reading of the bill, **Rep. Helm of Fair Haven** moved to amend the House proposal of amendment as follows:

First: By adding a Sec. 30j to read as follows:

Sec. 30j. ELECTRONIC CIGARETTES; REVENUE

Notwithstanding the provisions of 32 V.S.A. § 7823 and 33 V.S.A. § 1910d, the Department of Finance and Management shall determine the amount to be raised by the taxation of electronic cigarettes by this act in fiscal year 2016 and shall reserve that amount in the Tobacco Trust Fund established pursuant to 18 V.S.A. § 9502.

Second: In Sec. 33, effective dates, in subsection (e), by striking out “and 30i (property tax)” and inserting in lieu thereof “30i (property tax), and 30j (electronic cigarette revenue)”

Which was agreed to.

Pending third reading of the bill, **Rep. Olsen of Londonderry** moved to amend the House proposal of amendment as follows:

First: By striking out Sec. 24, Medicaid; ambulance reimbursement, in its entirety and inserting in lieu thereof a new Sec. 24 to read as follows:

Sec. 24. AMBULANCE SERVICES; MEDICAID REIMBURSEMENT

A sum equivalent to the amount that the Department of Finance and Management estimates will be raised by the taxation of electronic cigarettes pursuant to this act shall be appropriated from the State Health Care Resources Fund to the Department of Vermont Health Access in fiscal year 2016 to increase the reimbursements for ambulance and emergency medical services provided to Medicaid beneficiaries during fiscal year 2016 to the extent that

the funds attributable to electronic cigarette revenues allow, but not to exceed the level of Medicare reimbursement for the same services.

Second: By striking out Sec. 15a, parenting classes, in its entirety and by adding a reader assistance heading and a new section to be Sec. 24a to read as follows:

\* \* \* Preventing Adverse Childhood Experiences \* \* \*

Sec. 24a. PARENTING CLASSES; APPROPRIATION

Any sums remaining from the tax on electronic cigarettes imposed by this act after the appropriation to the Department of Vermont Health Access to increase Medicaid reimbursement rates pursuant to Sec. 24 of this act, as determined by the Department of Finance and Management, are appropriated from the State Health Care Resources Fund to the Agency of Human Services in fiscal year 2016 to provide grants to parent-child centers for the creation of pilot programs offering parenting classes, which shall be conducted in the offices of health care professionals providing obstetric care and shall use the parent-child centers' own curriculum. The purpose of the pilot programs shall be to interrupt the widespread, multigenerational problem of adverse childhood experiences.

Third: In Sec. 33, effective dates, in subsection (a), by striking out “24 (ambulance reimbursement).”

Fourth: In Sec, 33, effective dates, in subsection (b), by striking out “15a (parenting classes)” and following “16–20 (primary care study).” by inserting “24 (ambulance reimbursement), 24a (parenting classes).”

Thereupon, **Rep. Olsen of Londonderry** asked and was granted leave of the House to withdraw his amendment.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

**Action on Bill Postponed**

**H. 355**

House bill, entitled

An act relating to licensing and regulating foresters

Was taken up and on motion of **Rep. Cole of Burlington**, action on the bill was postponed until Tuesday, May 5, 2015.

---

**Action on Bill Postponed****S. 44**

Senate bill, entitled

An act relating to creating flexibility in early college enrollment numbers

Was taken up and on motion of **Rep. Juskiewicz of Cambridge**, action on the bill was postponed until Tuesday, May 5, 2015.

**Action on Bill Postponed****H. 503**

House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington

Was taken up and on motion of **Rep. Cole of Burlington**, action on the bill was postponed until Tuesday, May 5, 2015.

**Action on Bill Postponed****H. 504**

House bill, entitled

An act relating to approval of the adoption and codification of the charter of the Town of Waitsfield

Was taken up and on motion of **Rep. Lewis of Berlin**, action on the bill was postponed until Tuesday, May 5, 2015.

**Message from the Senate No. 56**

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:

The Senate has considered bills originating in the House of the following titles:

**H. 494.** An act relating to approval of the adoption and codification of the charter of the Town of Weybridge.

**H. 496.** An act relating to approval of the adoption and codification of the charter of the Town of West Fairlee.

**H. 499.** An act relating to approval of the adoption and codification of the charter of the Town of Salisbury.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

**H. 489.** An act relating to revenue.

**H. 490.** An act relating to making appropriations for the support of government.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

#### **Message from the Senate No. 57**

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:

The Senate has considered a bill originating in the House of the following title:

**H. 62.** An act relating to prohibiting a sentence of life without parole for a person who was under 18 years of age at the time of the commission of the offense.

And has passed the same in concurrence.

The Senate has considered House proposal of amendment to Senate bill of the following title:

**S. 72.** An act relating to binding arbitration for State employees.

And has concurred therein.

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

**H.C.R. 140.** House concurrent resolution congratulating Lucinda Storz on winning the 2015 Vermont State Spelling Bee.

**H.C.R. 141.** House concurrent resolution commemorating the centennial anniversary of the legislative establishment of Vermont town forests.

**H.C.R. 142.** House concurrent resolution congratulating the 2014 Richford High School Rockets Division III girls' championship softball team.

**H.C.R. 143.** House concurrent resolution congratulating the 2014 Richford Division IV girls' track and field team.

**H.C.R. 144.** House concurrent resolution congratulating Jessica Diggins on winning a silver medal at the FIS (International Ski Federation) Nordic World Ski Championships 2015.

**H.C.R. 145.** House concurrent resolution in memory of Hardwick Gazette sports editor Dave Morse.

**H.C.R. 146.** House concurrent resolution welcoming the North East Food and Drug Officials Association to Vermont for its 104th annual meeting.

**H.C.R. 147.** House concurrent resolution honoring retired Winooski Police Chief Stephen J. McQueen for his exemplary law enforcement leadership.

**H.C.R. 148.** House concurrent resolution honoring the culinary contribution to Rutland City of Three Tomatoes Trattoria and the community focus of its owner, Allen Frey.

### **Adjournment**

At six o'clock and forty minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until Monday, May 4, 2015 at 1:00 in the afternoon.

### **Concurrent Resolutions Adopted**

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

#### **H.C.R. 140**

House concurrent resolution congratulating Lucinda Storz on winning the 2015 Vermont State Spelling Bee;

#### **H.C.R. 141**

House concurrent resolution commemorating the centennial anniversary of the legislative establishment of Vermont town forests;

#### **H.C.R. 142**

House concurrent resolution congratulating the 2014 Richford High School Rockets Division III girls' championship softball team;

---

**H.C.R. 143**

House concurrent resolution congratulating the 2014 Richford Division IV girls' track and field team;

**H.C.R. 144**

House concurrent resolution congratulating Jessica Diggins on winning a silver medal at the FIS (International Ski Federation) Nordic World Ski Championships 2015;

**H.C.R. 145**

House concurrent resolution in memory of Hardwick Gazette sports editor Dave Morse;

**H.C.R. 146**

House concurrent resolution welcoming the North East Food and Drug Officials Association to Vermont for its 104th annual meeting;

**H.C.R. 147**

House concurrent resolution honoring retired Winooski Police Chief Stephen J. McQueen for his exemplary law enforcement leadership;

**H.C.R. 148**

House concurrent resolution honoring the culinary contribution to Rutland City of Three Tomatoes Trattoria and the community focus of its owner, Allen Frey;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2015, seventy-third Biennial session.]