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.

1266
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
Bancroft of Westford
Bartholomew of Hartland
Baser of Bristol
Batchelor of Derby
Beck of St. Johnsbury
Beryl of Manchester *
Beyor of Highgate
Bissonnette of Winooski
Botzow of Pownal
Branagan of Georgia
Brennan of Colchester
Briglin of Thetford
Browning of Arlington
Burditt of West Rutland
Burke of Brattleboro
Buxton of Tunbridge
Canfield of Fair Haven
Car of Brandon
Chesnut-Tangeman of Middletown Springs
Christie of Hartford
Clarkson of Woodstock
Cole of Burlington
Condon of Colchester
Conquest of Newbury
Copeland-Hanzas of Bradford
Corcoran of Bennington
Dakin of Chester
Dakin of Colchester
Dame of Essex
Davis of Washington
Deen of Westminster
Devereux of Mount Holly
Dickinson of St. Albans Town
Donovan of Burlington
Eastman of Orwell
Ellis of Waterbury
Emmons of Springfield
Evans of Essex
Fagan of Rutland City
Feltus of Lyndon
Fields of Bennington
Fiske of Enosburgh
Forguates of Springfield
Frank of Underhill
French of Randolph
Gage of Rutland City
Gamache of Swanton
Gonzalez of Winooski
Grad of Moretown
Graham of Williamstown
Greshin of Warren
Haas of Rochester
Head of South Burlington
Hebert of Vernon
Helm of Fair Haven
Higley of Lowell *
Hooper of Montpelier
Hubert of Milton *
Huntley of Cavendish
Jewett of Ripton
Johnson of South Hero
Juskievicz of Cambridge
Keenan of St. Albans City
Kitzmiller of Montpelier
Klein of East Montpelier
Komline of Dorset
Krebs of South Hero
Krowinski of Burlington
LaClair of Barre Town
Lalonde of South Burlington
Lawrence of Lyndon
Lefebvre of Newark
Lenes of Shelburne
Lewis of Berlin
Lippert of Hinesburg
Long of Newfane
Lucke of Hartford
Macaig of Williston
Manwaring of Wilmington
Marcotte of Coventry
Martin of Wolcott
Masland of Thetford
McCormack of Burlington
McCoy of Poultney
McCullough of Williston
McFaun of Barre Town
Miller of Shaftsbury
Morris of Bennington
Morrissey of Bennington
Murphy of Fairfax
Myers of Essex
Nuovo of Middlebury
O'Brien of Richmond
Olsen of Londonderry
O'Sullivan of Burlington
Parent of St. Albans City
Patt of Worcester
Pearce of Richford
Pearson of Burlington
Poirier of Barre City
Potter of Clarendon
Pugh of South Burlington
Purvis of Colchester
Quimby of Concord
Rachelson of Burlington
Ram of Burlington
Russell of Rutland City
Ryerson of Randolph
Scheuermann of Stowe
Sharpe of Bristol
Shaw of Pittsford
Sheldon of Middlebury
Sibilia of Dover
Smith of New Haven
Stevens of Waterbury
Stuart of Brattleboro
Sullivan of Burlington
Sweaney of Windsor
Tate of Mendon
Terenzini of Rutland Town
Till of Jericho
Toleno of Brattleboro
Toll of Danville
Townsend of South Burlington
Troiario of Stannard
Turner of Milton
Van Wyck of Ferrisburgh
Viens of Newport City
Walz of Barre City
Webb of Shelburne
Willhoit of St. Johnsbury
Woodward of Johnson
Wright of Burlington
Yantachka of Charlotte
Young of Glover
Zagar of Barnard
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 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.

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) 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 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 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, and the need for health care professionals in particular areas of the State, particularly in underserved geographic or practice shortage areas.

2. 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:

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<tr>
<th>Batchelor of Derby</th>
<th>Dame of Essex</th>
<th>Graham of Williamstown</th>
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<td>Beck of St. Johnsbury</td>
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<td>Fields of Bennington</td>
<td>O'Brien of Richmond</td>
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<td>Olsen of Londonderry</td>
<td>Savage of Swanton</td>
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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 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 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 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 Morrissey 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 Triber 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     Johnson of South Hero       Sharp of Bristol
Middletown Springs       Keenan of St. Albans City    Sheldon of Middlebury
Christie of Hartford     Kitzmiller of Montpelier    Stevens of Waterbury *
Clarkson of Woodstock    Komline of Dorset           Stuart of Brattleboro
Cole of Burlington       Krowinski of Burlington    Sullivan of Burlington
Conquest of Newbury      Lalonde of South Burlington  Sweaney of Windsor
Copeland-Hanzas of        Lanpher of Vergennes        Till of Jericho
Bradford                 Lenes of Shelburne           Toleno of Brattleboro
Dakin of Chester         Lippert of Hinesburg        Townsend of South
Dakin of Colchester      Long of Newfane             Burlington
Davis of Washington      Lucke of Hartford           Troiano of Stannard
Deen of Westminster      Macaig of Williston         Van Wyck of Ferrisburgh
Donovan of Burlington    Manwaring of Wilmington      Walz of Barre City
Ellis of Waterbury       Martin of Wolcott           Webb of Shelburne
Emmons of Springfield    Masland of Thetford         Woodward of Johnson
Evans of Essex           McCormack of Burlington     Yantachka of Charlotte
Fields of Bennington     McCullough of Williston      Zagar of Barnard
Forguites of Springfield  Miller of Shaftsbury       Yantachka of Charlotte
Frank of Underhill       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
Clare of Burlington  Krowinski of Burlington  Sheldon of Middlebury
Cole of Burlington  Lalonde of South Burlington  Stevens of Waterbury
Copeland-Hanzas of Hartford  Lanpher of Vergennes  Stuart of Brattleboro
Bradford  Lenes of Shelburne  Sullivan of Burlington
Dakin of Chester  Lippert of Hinesburg  Sweaney of Windsor
Deen of Westminster  Lucke of Hartford  Till of Jericho
Donovan of Burlington  Macaig of Williston  Toleno of Brattleboro
Ellis of Waterbury  Manwaring of Wilmington  Troiano of Stannard
Emmons of Springfield  Masland of Thetford  Walz of Barre City
Fields of Bennington  McCormack of Burlington  Webb of Shelburne
Frank of Underhill  McCullough of Williston  Woodward of Johnson
French of Randolph  Miller of Shaftsbury  Yantachka of Charlotte
Gonzalez of Winooski  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
Beyor of Highgate  Conquest of Newbury  Town
Branagan of Georgia  Corcoran of Bennington  Donahue of Northfield
Browning of Arlington  Cupoli of Rutland City  Eastman of Orwell
Burditt of West Rutland  Dakin of Colchester  Evans of Essex
**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 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, 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 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 (b) of this section;

(9) **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 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:

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

Those who voted in the negative are:

<table>
<thead>
<tr>
<th>Ancel of Calais</th>
<th>Dakin of Colchester</th>
<th>Klein of East Montpelier</th>
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</thead>
<tbody>
<tr>
<td>Bartholomew of Hartland</td>
<td>Davis of Washington</td>
<td>Krowsinski of Burlington</td>
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<tr>
<td>Beck of St. Johnsbury</td>
<td>Deen of Westminster</td>
<td>Lalone of South Burlington</td>
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<tr>
<td>Berry of Manchester</td>
<td>Donovan of Burlington</td>
<td>Lanpher of Vergennes</td>
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<tr>
<td>Bissonnette of Winooski</td>
<td>Ellis of Waterbury</td>
<td>Lefebre of Newark</td>
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<tr>
<td>Botzow of Pownal</td>
<td>Emmons of Springfield</td>
<td>Lenes of Shelburne</td>
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<tr>
<td>Briglin of Thetford</td>
<td>Evans of Essex</td>
<td>Lippert of Hinesburg</td>
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<tr>
<td>Browning of Arlington</td>
<td>Fagan of Rutland City</td>
<td>Long of Newfane</td>
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<tr>
<td>Burditt of West Rutland</td>
<td>Feltus of Lyndon</td>
<td>Lucke of Hartford</td>
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<td>Burke of Brattleboro</td>
<td>Fields of Bennington</td>
<td>Macaig of Williston</td>
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<tr>
<td>Buxton of Tunbridge</td>
<td>Forguites of Springfield</td>
<td>Manwaring of Wilmington</td>
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<tr>
<td>Carr of Brandon</td>
<td>Frank of Underhill</td>
<td>Martin of Wolcott</td>
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<tr>
<td>Chesnut-Tangerman of</td>
<td>French of Randolph</td>
<td>Masland of Thetford</td>
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<tr>
<td>Middletown Springs</td>
<td>Gage of Rutland City</td>
<td>McCormack of Burlington</td>
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<tr>
<td>Christie of Hartford *</td>
<td>Gonzalez of Winooski</td>
<td>McCullough of Williston</td>
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<tr>
<td>Clarkson of Woodstock</td>
<td>Grad of Moretown</td>
<td>McFaul of Barre Town</td>
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<tr>
<td>Cole of Burlington</td>
<td>Haas of Rochester</td>
<td>Miller of Shaftsbury</td>
</tr>
<tr>
<td>Condon of Colchester</td>
<td>Head of South Burlington</td>
<td>Morris of Bennington</td>
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<tr>
<td>Connor of Fairfield</td>
<td>Hooper of Montpelier</td>
<td>Morrissey of Bennington *</td>
</tr>
<tr>
<td>Conquest of Newbury</td>
<td>Jewett of Ripton</td>
<td>Murphy of Fairfax</td>
</tr>
<tr>
<td>Copeland-Hanzas of</td>
<td>Johnson of South Hero</td>
<td>Myers of Essex *</td>
</tr>
<tr>
<td>Bradford</td>
<td>Juskiewicz of Cambridge</td>
<td>Nuovo of Middlebury</td>
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<tr>
<td>Corcoran of Bennington</td>
<td>Keenan of St. Albans City</td>
<td>Olsen of Londonderry</td>
</tr>
<tr>
<td>Dakin of Chester</td>
<td>Kitzmiller of Montpelier</td>
<td>O'Sullivan of Burlington</td>
</tr>
</tbody>
</table>
Those members absent with leave of the House and not voting are:

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

**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 Vermon ters 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. 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.]