

Journal of the House

Wednesday, March 16, 2016

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Elissa Johnk, the Old Meeting House, East Montpelier, Vt.

Committee Bill Introduced

H. 870

Rep. Botzow of Pownal, for the committee on Commerce & Economic Development, introduced a bill, entitled

An act relating to telecommunications

Which was read the first time and, under the rule, placed on the Calendar for notice tomorrow.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 40

Senate bill, entitled

An act relating to the creation of a Vulnerable Adult Fatality Review Team;
To the committee on Human Services.

S. 116

Senate bill, entitled

An act relating to rights of offenders in the custody of the Department of Corrections;

To the committee on Corrections & Institutions.

Bill Referred to Committee on Appropriations

H. 863

House bill, entitled

An act relating to making miscellaneous amendments to Vermont's retirement laws

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

Joint Resolution Adopted in Concurrence

J.R.S. 46

By Senators Baruth and Benning,

J.R.S. 46. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 18, 2016, it be to meet again no later than Tuesday, March 22, 2016.

Was taken up read and adopted in concurrence.

Rules Suspended; Bill Committed

H. 870

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Botzow of Pownal**, the rules were suspended and House bill, entitled

An act relating to telecommunications

Was taken up for immediate consideration.

Pending second reading of the bill, **Rep. Botzow of Pownal** moved that the bill be committed to the committee on Corrections and Institutions, which was agreed to.

Third Reading; Bill Passed

H. 559

House bill, entitled

An act relating to an exemption from licensure for visiting team physicians

Was taken up, read the third time and passed.

Bill Read Third Time and Passed

H. 571

House bill, entitled

An act relating to driver's license suspensions, driving with a suspended license, and DUI penalties

Was taken up and pending third reading of the bill, **Rep. Dame of Essex** moved to amend the bill as follows:

By adding a new section to be Sec. 19a to read:

Sec. 19a. 23 V.S.A. § 4(82) is amended to read:

(82) “Portable electronic device” means a portable electronic or computing device, including a cellular telephone, personal digital assistant (PDA), or laptop computer. “Portable electronic device” does not include a tobacco substitute as defined in 7 V.S.A. § 1001, a two-way or Citizens Band radio, or equipment used by a licensed Amateur Radio operator in accordance with 47 C.F.R. part 97.

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

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Conquest of Newbury** 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? was decided in the affirmative. Yeas, 128. Nays, 15.

Those who voted in the affirmative are:

Ancel of Calais	Corcoran of Bennington	Helm of Fair Haven
Bancroft of Westford	Cupoli of Rutland City	Higley of Lowell
Bartholomew of Hartland	Dakin of Chester	Hooper of Montpelier
Baser of Bristol	Dakin of Colchester	Huntley of Cavendish
Batchelor of Derby	Dame of Essex	Jerman of Essex
Beck of St. Johnsbury	Davis of Washington	Jewett of Ripton
Berry of Manchester	Deen of Westminster	Johnson of South Hero
Bissonnette of Winooski	Devereux of Mount Holly	Juskiewicz of Cambridge
Botzow of Pownal	Dickinson of St. Albans	Keenan of St. Albans City
Branagan of Georgia	Town	Kitzmiller of Montpelier
Brennan of Colchester	Donahue of Northfield	Klein of East Montpelier
Briglin of Thetford	Donovan of Burlington	Krebs of South Hero
Browning of Arlington	Eastman of Orwell	Krowinski of Burlington
Burditt of West Rutland	Emmons of Springfield	Lalonde of South Burlington
Burke of Brattleboro	Fagan of Rutland City	Lanpher of Vergennes
Buxton of Tunbridge	Feltus of Lyndon	Lawrence of Lyndon
Canfield of Fair Haven	Fields of Bennington	Lefebvre of Newark
Carr of Brandon	Fiske of Enosburgh	Lenes of Shelburne
Chesnut-Tangerman of	Forguites of Springfield	Lippert of Hinesburg
Middletown Springs	Frank of Underhill	Long of Newfane
Clarkson of Woodstock	French of Randolph	Lucke of Hartford
Cole of Burlington	Gage of Rutland City	Macaig of Williston
Condon of Colchester	Gamache of Swanton	Manwaring of Wilmington
Connor of Fairfield	Gonzalez of Winooski	Marcotte of Coventry
Conquest of Newbury	Greshin of Warren	Martel of Waterford *
Copeland-Hanzas of	Haas of Rochester	Martin of Wolcott
Bradford	Head of South Burlington	Masland of Thetford

McCormack of Burlington	Pearson of Burlington	Toleno of Brattleboro
McCoy of Poultney	Potter of Clarendon	Toll of Danville
McCullough of Williston	Rachelson of Burlington	Townsend of South
McFaun of Barre Town	Russell of Rutland City	Burlington
Miller of Shaftsbury	Ryerson of Randolph	Trieber of Rockingham
Morris of Bennington	Scheuermann of Stowe	Troiano of Stannard
Mrowicki of Putney	Sharpe of Bristol	Turner of Milton
Murphy of Fairfax	Shaw of Pittsford	Van Wyck of Ferrisburgh
Myers of Essex	Shaw of Derby	Viens of Newport City
Nuovo of Middlebury	Sheldon of Middlebury	Walz of Barre City
O'Brien of Richmond	Stevens of Waterbury	Webb of Shelburne
Olsen of Londonderry	Strong of Albany	Willhoit of St. Johnsbury
O'Sullivan of Burlington	Stuart of Brattleboro	Wood of Waterbury
Parent of St. Albans Town	Sullivan of Burlington	Woodward of Johnson
Partridge of Windham	Sweaney of Windsor	Yantachka of Charlotte
Patt of Worcester	Tate of Mendon	Young of Glover
Pearce of Richford	Till of Jericho	Zagar of Barnard

Those who voted in the negative are:

Beyor of Highgate	LaClair of Barre Town	Savage of Swanton
Graham of Williamstown *	Lewis of Berlin	Sibilia of Dover
Hebert of Vernon	Morrissey of Bennington	Smith of New Haven
Hubert of Milton	Purvis of Colchester	Terenzini of Rutland Town
Komline of Dorset	Quimby of Concord	Wright of Burlington

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

Christie of Hartford	Grad of Moretown	Pugh of South Burlington
Evans of Essex	Poirier of Barre City	Ram of Burlington

Rep. Graham of Williamstown explained his vote as follows:

“Mr. Speaker:

Again we show we don’t need to take responsibility for our actions.”

Rep. Martel of Waterford explained her vote as follows:

“Mr. Speaker:

Fairness of this bill started when Chittenden and Windsor had a one day restoration day. Which left the rest of the state out in the cold. This bill was put forth to treat all Vermonters the same. We do all live in the same state.”

Third Reading; Bill Passed

H. 854

House bill, entitled

An act relating to timber trespass

Was taken up, read the third time and passed.

Bill Read the Third Time and Passed

H. 171

House bill, entitled

An act relating to restrictions on the use of electronic cigarettes

Was taken up and pending third reading of the bill, **Rep. Till of Jericho** moved to amend the bill as follows:

First: By striking out Sec. 1, 7 V.S.A. § 1003(d), in its entirety and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 1003 is amended to read:

§ 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
TOBACCO PARAPHERNALIA; REQUIREMENTS;
PROHIBITIONS

(a) A person shall not sell or provide tobacco products, tobacco substitutes, or tobacco paraphernalia to any person younger than ~~18~~ 19 years of age.

(b) Beginning August 28, 1997, vending machines selling tobacco products, tobacco substitutes, or tobacco paraphernalia are prohibited. This subsection shall not apply to a vending machine that is located in a commercial establishment in which by law no person younger than ~~18~~ 19 years of age is permitted to enter at any time. A single vending machine may not be used to sell other commodities in combination with tobacco products, tobacco substitutes, or tobacco paraphernalia. A violation of this subsection shall result in the seizure of the vending machine.

(c) Beginning January 1, 2001, and subject to receiving any necessary exemption from preemption from the U.S. Food and Drug Administration, all vending machines selling tobacco products are prohibited.

~~(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 or in any other area of the establishment that is inaccessible to the public; 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~~ 19 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.

Second: By striking out Sec. 8, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 8. 7 V.S.A. § 1005 is amended to read:

§ 1005. PERSONS UNDER ~~18~~ 19 YEARS OF AGE; POSSESSION OF TOBACCO PRODUCTS; MISREPRESENTING AGE OR PURCHASING TOBACCO PRODUCTS; PENALTY

(a) A person under ~~18~~ 19 years of age shall not possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia unless the person is an employee of a holder of a tobacco license and is in possession of tobacco products, tobacco substitutes, or tobacco paraphernalia to effect a sale in the course of employment. A person under ~~18~~ 19 years of age shall not misrepresent his or her age to purchase or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia. A person who possesses tobacco products, tobacco substitutes, or tobacco paraphernalia in violation of this subsection shall be subject to having the tobacco products, tobacco substitutes, or tobacco paraphernalia immediately confiscated and shall be further subject to a civil penalty of \$25.00. In the case of failure to pay a penalty, the Judicial Bureau shall mail a notice to the person at the address in the complaint notifying the person that failure to pay the penalty within 60 days of the notice will result in either the suspension of the person's operator's license for a period of not more than 90 days or the delay of the initial licensing of the person for a period of not more than one year. A copy of the notice shall be sent to the Commissioner of Motor Vehicles, who, after expiration of 60 days from the date of notice and unless notified by the Judicial Bureau that the penalty has been paid shall either suspend the person's

operator's license or cause initial licensing of the person to be delayed for the periods set forth in this subsection and the rules. An action under this subsection shall be brought in the same manner as a traffic violation pursuant to 23 V.S.A. chapter 24. The Commissioner of Motor Vehicles shall adopt rules in accordance with the provisions of 3 V.S.A. chapter 25 to implement the provisions of this subsection, which may provide for incremental suspension or delays not exceeding cumulatively the maximum periods established by this subsection.

(b) A person under ~~18~~ 19 years of age who misrepresents his or her age by presenting false identification to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or provide up to 10 hours of community service, or both.

Sec. 9. 7 V.S.A. § 1007 is amended to read:

§ 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~18~~ 19 YEARS OF AGE

An individual who sells or furnishes tobacco products, tobacco substitutes, or tobacco paraphernalia to a person under ~~18~~ 19 years of age shall be subject to a civil penalty of not more than \$100.00 for the first offense and not more than \$500.00 for any subsequent offense. An action under this section shall be brought in the same manner as for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought within 24 hours of the occurrence of the alleged violation.

Sec. 10. 4 V.S.A. § 1102(b) is amended to read:

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(4) Violations of 7 V.S.A. § 1005(a), relating to possession of tobacco products by a person ~~less than 18~~ under 19 years of age.

(5) Violations of 7 V.S.A. § 1007, relating to furnishing tobacco products to a person under ~~the age of 18~~ 19 years of age.

* * *

Sec. 11. 7 V.S.A. § 667(c) is amended to read:

(c) The provisions of subsection (b) of this section shall not apply to a violation of subsection 1005(a) of this title, relating to purchase of tobacco products by a person less than ~~18~~ 19 years of age.

Sec. 12. 7 V.S.A. § 1003 is amended to read:

§ 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
TOBACCO PARAPHERNALIA; REQUIREMENTS;
PROHIBITIONS

(a) A person shall not sell or provide tobacco products, tobacco substitutes, or tobacco paraphernalia to any person younger than ~~19~~ 20 years of age.

(b) Beginning August 28, 1997, vending machines selling tobacco products, tobacco substitutes, or tobacco paraphernalia are prohibited. This subsection shall not apply to a vending machine that is located in a commercial establishment in which by law no person younger than ~~19~~ 20 years of age is permitted to enter at any time. A single vending machine may not be used to sell other commodities in combination with tobacco products, tobacco substitutes, or tobacco paraphernalia. A violation of this subsection shall result in the seizure of the vending machine.

(c) Beginning January 1, 2001, and subject to receiving any necessary exemption from preemption from the U.S. Food and Drug Administration, all vending machines selling tobacco products are prohibited.

(d)(1) Persons holding a tobacco license may only display or store tobacco products or tobacco substitutes:

(A) behind a sales counter or in any other area of the establishment that is inaccessible to the public; or

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

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

(A) a display of tobacco products that is located in a commercial establishment in which by law no person younger than ~~19~~ 20 years of age is permitted to enter at any time;

* * *

Sec. 13. 7 V.S.A. § 1005 is amended to read:

§ 1005. PERSONS UNDER ~~19~~ 20 YEARS OF AGE; POSSESSION OF
TOBACCO PRODUCTS; MISREPRESENTING AGE OR
PURCHASING TOBACCO PRODUCTS; PENALTY

(a) A person under ~~19~~ 20 years of age shall not possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia unless the person is an employee of a holder of a tobacco license and is in possession of tobacco products, tobacco substitutes, or tobacco paraphernalia to effect a sale in the course of employment. A person under ~~19~~ 20 years of age shall not misrepresent his or her age to purchase or attempt to

purchase tobacco products, tobacco substitutes, or tobacco paraphernalia. A person who possesses tobacco products, tobacco substitutes, or tobacco paraphernalia in violation of this subsection shall be subject to having the tobacco products, tobacco substitutes, or tobacco paraphernalia immediately confiscated and shall be further subject to a civil penalty of \$25.00. In the case of failure to pay a penalty, the Judicial Bureau shall mail a notice to the person at the address in the complaint notifying the person that failure to pay the penalty within 60 days of the notice will result in either the suspension of the person's operator's license for a period of not more than 90 days or the delay of the initial licensing of the person for a period of not more than one year. A copy of the notice shall be sent to the Commissioner of Motor Vehicles, who, after expiration of 60 days from the date of notice and unless notified by the Judicial Bureau that the penalty has been paid shall either suspend the person's operator's license or cause initial licensing of the person to be delayed for the periods set forth in this subsection and the rules. An action under this subsection shall be brought in the same manner as a traffic violation pursuant to 23 V.S.A. chapter 24. The Commissioner of Motor Vehicles shall adopt rules in accordance with the provisions of 3 V.S.A. chapter 25 to implement the provisions of this subsection, which may provide for incremental suspension or delays not exceeding cumulatively the maximum periods established by this subsection.

(b) A person under ~~19~~ 20 years of age who misrepresents his or her age by presenting false identification to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or provide up to 10 hours of community service, or both.

Sec. 14. 7 V.S.A. § 1007 is amended to read:

§ 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~19~~ 20 YEARS OF AGE

An individual who sells or furnishes tobacco products, tobacco substitutes, or tobacco paraphernalia to a person under ~~19~~ 20 years of age shall be subject to a civil penalty of not more than \$100.00 for the first offense and not more than \$500.00 for any subsequent offense. An action under this section shall be brought in the same manner as for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought within 24 hours of the occurrence of the alleged violation.

Sec. 15. 4 V.S.A. § 1102(b) is amended to read:

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(4) Violations of 7 V.S.A. § 1005(a), relating to possession of tobacco products by a person under ~~19~~ 20 years of age.

(5) Violations of 7 V.S.A. § 1007, relating to furnishing tobacco products to a person under ~~19~~ 20 years of age.

* * *

Sec. 16. 7 V.S.A. § 667(c) is amended to read:

(c) The provisions of subsection (b) of this section shall not apply to a violation of subsection 1005(a) of this title, relating to purchase of tobacco products by a person less than ~~19~~ 20 years of age.

Sec. 17. 7 V.S.A. § 1003 is amended to read:

§ 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
TOBACCO PARAPHERNALIA; REQUIREMENTS;
PROHIBITIONS

(a) A person shall not sell or provide tobacco products, tobacco substitutes, or tobacco paraphernalia to any person younger than ~~20~~ 21 years of age.

(b) Beginning August 28, 1997, vending machines selling tobacco products, tobacco substitutes, or tobacco paraphernalia are prohibited. This subsection shall not apply to a vending machine that is located in a commercial establishment in which by law no person younger than ~~20~~ 21 years of age is permitted to enter at any time. A single vending machine may not be used to sell other commodities in combination with tobacco products, tobacco substitutes, or tobacco paraphernalia. A violation of this subsection shall result in the seizure of the vending machine.

(c) Beginning January 1, 2001, and subject to receiving any necessary exemption from preemption from the U.S. Food and Drug Administration, all vending machines selling tobacco products are prohibited.

(d)(1) Persons holding a tobacco license may only display or store tobacco products or tobacco substitutes:

(A) behind a sales counter or in any other area of the establishment that is inaccessible to the public; or

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

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

(A) a display of tobacco products that is located in a commercial establishment in which by law no person younger than ~~20~~ 21 years of age is permitted to enter at any time;

* * *

Sec. 18. 7 V.S.A. § 1005 is amended to read:

§ 1005. PERSONS UNDER ~~20~~ 21 YEARS OF AGE; POSSESSION OF TOBACCO PRODUCTS; MISREPRESENTING AGE OR PURCHASING TOBACCO PRODUCTS; PENALTY

(a) A person under ~~20~~ 21 years of age shall not possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia unless the person is an employee of a holder of a tobacco license and is in possession of tobacco products, tobacco substitutes, or tobacco paraphernalia to effect a sale in the course of employment. A person under ~~20~~ 21 years of age shall not misrepresent his or her age to purchase or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia. A person who possesses tobacco products, tobacco substitutes, or tobacco paraphernalia in violation of this subsection shall be subject to having the tobacco products, tobacco substitutes, or tobacco paraphernalia immediately confiscated and shall be further subject to a civil penalty of \$25.00. In the case of failure to pay a penalty, the Judicial Bureau shall mail a notice to the person at the address in the complaint notifying the person that failure to pay the penalty within 60 days of the notice will result in either the suspension of the person's operator's license for a period of not more than 90 days or the delay of the initial licensing of the person for a period of not more than one year. A copy of the notice shall be sent to the Commissioner of Motor Vehicles, who, after expiration of 60 days from the date of notice and unless notified by the Judicial Bureau that the penalty has been paid shall either suspend the person's operator's license or cause initial licensing of the person to be delayed for the periods set forth in this subsection and the rules. An action under this subsection shall be brought in the same manner as a traffic violation pursuant to 23 V.S.A. chapter 24. The Commissioner of Motor Vehicles shall adopt rules in accordance with the provisions of 3 V.S.A. chapter 25 to implement the provisions of this subsection, which may provide for incremental suspension or delays not exceeding cumulatively the maximum periods established by this subsection.

(b) A person under ~~20~~ 21 years of age who misrepresents his or her age by presenting false identification to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or provide up to 10 hours of community service, or both.

Sec. 19. 7 V.S.A. § 1007 is amended to read:

§ 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~20~~ 21 YEARS OF AGE

An individual who sells or furnishes tobacco products, tobacco substitutes, or tobacco paraphernalia to a person under ~~19~~ 20 years of age shall be subject to a civil penalty of not more than \$100.00 for the first offense and not more than \$500.00 for any subsequent offense. An action under this section shall be brought in the same manner as for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought within 24 hours of the occurrence of the alleged violation.

Sec. 20. 4 V.S.A. § 1102(b) is amended to read:

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(4) Violations of 7 V.S.A. § 1005(a), relating to possession of tobacco products by a person under ~~20~~ 21 years of age.

(5) Violations of 7 V.S.A. § 1007, relating to furnishing tobacco products to a person under ~~20~~ 21 years of age.

* * *

Sec. 21. 7 V.S.A. § 667(c) is amended to read:

(c) The provisions of subsection (b) of this section shall not apply to a violation of subsection 1005(a) of this title, relating to purchase of tobacco products by a person less than ~~20~~ 21 years of age.

Sec. 22. EFFECTIVE DATES

(a) Secs. 2–7 (prohibiting use of tobacco substitutes in workplaces and public places) and this section shall take effect on July 1, 2016.

(b) Secs. 1 (7 V.S.A. § 1003) and 8–11 (increasing smoking age to 19) shall take effect on January 1, 2017.

(c) Secs. 12–16 (increasing smoking age to 20) shall take effect on January 1, 2018.

(d) Secs. 17–21 (increasing smoking age to 21) shall take effect on January 1, 2019.

Pending the question, Shall the bill be amended as recommended by Till of Jericho? **Rep. Till of Jericho** 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 be amended as recommended by Till of

Jericho? was decided in the negative. Yeas, 71. Nays, 71. The vote resulting in a tie, was decided in the negative pursuant to Rule 76.

Those who voted in the affirmative are:

Ancel of Calais	Johnson of South Hero	O'Sullivan of Burlington
Bancroft of Westford	Juskiewicz of Cambridge	Pearson of Burlington
Bartholomew of Hartland	Keenan of St. Albans City	Potter of Clarendon
Beck of St. Johnsbury	Kitzmiller of Montpelier	Rachelson of Burlington
Berry of Manchester	Klein of East Montpelier	Ryerson of Randolph
Bissonnette of Winooski	Komline of Dorset	Sharpe of Bristol
Branagan of Georgia	Krebs of South Hero	Stevens of Waterbury
Briglin of Thetford	LaClair of Barre Town	Strong of Albany
Burke of Brattleboro	Lalonde of South Burlington	Stuart of Brattleboro
Canfield of Fair Haven	Lanpher of Vergennes	Sullivan of Burlington
Clarkson of Woodstock	Lawrence of Lyndon	Till of Jericho
Copeland-Hanzas of Bradford	Lenes of Shelburne	Toleno of Brattleboro
Dakin of Chester	Lewis of Berlin	Toll of Danville
Dame of Essex	Lippert of Hinesburg	Townsend of South Burlington
Devereux of Mount Holly	Lucke of Hartford	Turner of Milton
Donovan of Burlington	Macaig of Williston	Walz of Barre City
Fields of Bennington	Manwaring of Wilmington	Willhoit of St. Johnsbury
Frank of Underhill	Martel of Waterford	Wood of Waterbury
Gage of Rutland City	Masland of Thetford	Woodward of Johnson
Gonzalez of Winooski	McCormack of Burlington	Yantachka of Charlotte
Greshin of Warren	McCullough of Williston	Young of Glover
Hoopier of Montpelier	Miller of Shaftsbury *	Zagar of Barnard
Jerman of Essex	Morris of Bennington *	
Jewett of Ripton	Nuovo of Middlebury	
	Olsen of Londonderry	

Those who voted in the negative are:

Baser of Bristol	Dakin of Colchester	Hebert of Vernon
Batchelor of Derby	Davis of Washington	Helm of Fair Haven
Beyor of Highgate	Deen of Westminster	Higley of Lowell
Botzow of Pownal	Dickinson of St. Albans Town	Hubert of Milton
Brennan of Colchester	Donahue of Northfield	Huntley of Cavendish
Browning of Arlington	Eastman of Orwell	Krowinski of Burlington
Burditt of West Rutland	Emmons of Springfield	Lefebvre of Newark
Buxton of Tunbridge	Fagan of Rutland City	Long of Newfane
Carr of Brandon	Feltus of Lyndon	Marcotte of Coventry
Chesnut-Tangerman of Middletown Springs	Fiske of Enosburgh	Martin of Wolcott
Cole of Burlington	Forguites of Springfield	McCoy of Poultney
Condon of Colchester	French of Randolph	McFaun of Barre Town
Connor of Fairfield	Gamache of Swanton	Morrissey of Bennington
Conquest of Newbury	Graham of Williamstown	Mrowicki of Putney
Corcoran of Bennington	Haas of Rochester	Murphy of Fairfax
Cupoli of Rutland City	Head of South Burlington	Myers of Essex
		Parent of St. Albans Town

Partridge of Windham	Shaw of Pittsford	Trieber of Rockingham
Patt of Worcester	Shaw of Derby	Troiano of Stannard
Pearce of Richford	Sheldon of Middlebury	Van Wyck of Ferrisburgh
Purvis of Colchester	Sibilia of Dover	Viens of Newport City
Quimby of Concord	Smith of New Haven	Webb of Shelburne *
Russell of Rutland City	Sweaney of Windsor	Wright of Burlington
Savage of Swanton	Tate of Mendon	
Scheuermann of Stowe	Terenzini of Rutland Town	

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

Christie of Hartford	O'Brien of Richmond	Ram of Burlington
Evans of Essex	Poirier of Barre City	
Grad of Moretown	Pugh of South Burlington	

Rep. Miller of Shaftsbury explained her vote as follows:

“Mr. Speaker:

Even though I believe that prohibition does not work in modifying or changing behavior, I do believe that education works. I support Representative Till's amendment because health care costs increases have been out of control for years and years.

My committee, Education, recently increased the penalty threshold in Bill H. 46 by 9/10 of one percent to help school boards with their budgets because health care costs increased 7.8 percent this year.

Till's amendment offers a way to decrease spending while saving the lives of our youth.”

Rep. Morris of Bennington explained her vote as follows:

“Mr. Speaker:

My respect for this process is great. My obligation to the youth of Vermont is greater. This conversation is not new and I applaud Rep. Till and the advocates who fought to have this heard as it was omitted from the process. We have failed to support tobacco prevention and cessation in this state. It is my respect for public health and loyalty to Vermonters and not Big Tobacco that will keep me fighting this fight.”

Rep. Webb of Shelburne explained her vote as follows:

“Mr. Speaker:

My vote here does not reflect my view on the importance of this amendment and its reasonableness. I am disappointed that this did not go

through the deliberative process. It speaks to my request to the committee to take this up and begin the deliberative process ASAP.”

Thereupon, the bill was read the third time and passed.

Bill Read Second Time; Third Reading Ordered

H. 860

Rep. Smith of New Haven spoke for the committee on Agriculture & Forest Products.

House bill entitled

An act relating to on-farm livestock slaughter

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

Bill Read Second Time; Third Reading Ordered

H. 861

Rep. Zagar of Barnard spoke for the committee on Agriculture & Forest Products.

House bill entitled

An act relating to regulation of treated article pesticides

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

Bill Read Second Time; Third Reading Ordered

H. 862

Rep. Kitzmiller of Montpelier spoke for the committee on Commerce & Economic Development.

House bill entitled

An act relating to insurance laws

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

Action on Bill Postponed

H. 74

House bill, entitled

An act relating to safety protocols for social and mental health workers

Was taken up and pending second reading of the bill, on motion of **Rep. McCoy of Poultney**, action on the bill was postponed until the next legislative day.

Bill Amended; Third Reading Ordered

H. 111

Rep. Lucke of Hartford, for the committee on General, Housing & Military Affairs, to which had been referred House bill, entitled

An act relating to the removal of grievance decisions from the Vermont Labor Relations Board's website

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 928 is amended to read:

§ 928. ~~RULES AND REGULATIONS~~

* * *

(b) Notwithstanding the provisions of subsection (a) of this section, ~~rules and regulations~~ adopted by the Board as they relate to grievance appeals shall provide:

* * *

(7)(A)(i) That the name of any grievant whom the Board exonerates of misconduct for which he or she was disciplined shall be redacted from the version of the Board's decision that is posted on the Board's website.

(ii) Nothing in this subdivision (7)(A) shall be construed to require the Board to redact the name of the grievant from any other version of the Board's decision or from any other documents related to the grievance.

(B) Nothing in this subdivision (7) shall be construed to modify an individual's right to privacy pursuant to any law, rule, or policy.

Sec. 2. GRIEVANT PREVIOUSLY EXONERATED; REDACTION OF
NAME FROM BOARD DECISION

(a) On or before January 1, 2017, the Vermont Labor Relations Board shall adopt rules necessary to permit a grievant whom, in a decision issued after December 31, 1994, the Board exonerated of misconduct for which he or she was disciplined to petition the Board to redact his or her name from the version of the Board's decision that is posted on the Board's website.

(b)(1) Nothing in this section shall be construed to require the Board to redact the name of the grievant from any other version of the Board's decision or from any other documents related to the grievance.

(2) Nothing in this section shall be construed to modify an individual's right to privacy pursuant to any law, rule, or policy.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on General, Housing & Military Affairs agreed to and third reading ordered.

Action on Bill Postponed

H. 261

House bill, entitled

An act relating to criminal record inquiries by an employer

Was taken up and pending second reading of the bill, on motion of **Rep. Head of South Burlington**, action on the bill was postponed until the next legislative day.

Bill Amended; Third Reading Ordered

H. 531

Rep. Lefebvre of Newark, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to aboveground storage tanks

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 1929a is amended to read:

§ 1929a. STANDARDS FOR ABOVEGROUND STORAGE TANKS

(a) ~~No later than~~ On or before December 31, 2011, the ~~secretary~~ Secretary shall adopt rules addressing the design and proper installation of aboveground storage tanks.

(b) After January 1, 2012, no person shall offer for sale, install, or substantially improve an aboveground storage tank that does not meet the standards adopted by the ~~secretary~~ Secretary under subsection (a) of this section.

(c) On or before July 1, 2017, the Secretary shall adopt rules for the inspection of aboveground storage tanks. The rules shall include, at a minimum, the following:

(1) when installation of secondary containment systems for types of aboveground storage tanks is required, the required specifications of the systems, and the process for installation of the systems;

(2) the protocol to be followed and the criteria to be reviewed in the performance of inspections required under this section, including:

(A) the appropriate methods to document the age of tanks installed on or after July 1, 2017;

(B) the frequency of required tank inspections;

(C) requirements for the tagging or marking of tanks and tank fill pipes when tanks are determined to be noncompliant with the requirements of this section or the rules adopted by the Secretary under this section;

(3) an updated checklist to be used in the performance of inspections required under this section or the rules adopted by the Secretary under this section;

(4) training and certification requirements for tank inspectors; and

(5) the protocol to address tanks identified as noncompliant with the inspection criteria established by the rules adopted by the Secretary under this section.

(d) A fuel supplier shall inspect an aboveground storage tank in accordance with the requirements of this chapter and the rules adopted by the Secretary pursuant to subsection (c) of this section.

(e) The Secretary shall maintain a database of tanks that have been determined to be noncompliant with the requirements of this section or the rules adopted by the Secretary pursuant to subsection (c) of this section. The database shall be accessible to the public.

(f) No person shall deliver heating fuel to an aboveground storage tank which has been visibly designated as noncompliant with the requirements of this chapter.

(g) If the owner of an aboveground storage tank in a structure converts the type of fuel used for home heating purposes from fuel oil or kerosene to natural gas or propane, the owner shall have the aboveground storage tank used to store fuel oil or kerosene and any fill pipes retired from use and removed from the structure at the same time as the conversion. As used in this

subsection, “structure” means any assembly of materials that is intended for occupancy or use by a person and that has at least three walls and a roof.

Sec. 2. 10 V.S.A. § 1941(g) is amended to read:

(g) The owner of a farm or residential heating fuel storage tank used for on-premises heating or an underground or aboveground heating fuel storage tank used for on-premises heating by a mobile home park resident, as defined in section 6201 of this title, who desires assistance to close, replace, or upgrade the tank may apply to the Secretary for such assistance. The financial assistance may be in the form of grants of up to: \$2,000.00 or the costs of closure, replacement, or upgrade, whichever is least for an aboveground storage tank located inside a structure; up to \$3,000.00 or the costs of closure, replacement, or upgrade, whichever is least for an aboveground storage tank located outside a structure; and up to \$4,000.00 or the costs of closure, replacement, or upgrade, whichever is least for an underground storage tank. As used in this subsection, “structure” means any assembly of materials that is intended for occupancy or use by a person and that has at least three walls and a roof. Grants shall be made only to the current property owners, except at mobile home parks where a grant may be awarded to a mobile home park resident. To be eligible to receive the grant, an environmental site assessment must be conducted by a qualified consultant during the tank closure, replacement, or upgrade if the tank is an underground heating fuel storage tank. In addition, if the closed tank is to be replaced with an underground heating fuel storage tank, the replacement tank and piping shall provide a level of environmental protection at least equivalent to that provided by a double wall tank and secondarily contained piping. Grants shall be awarded on a priority basis to projects that will avoid the greatest environmental or health risks. The Secretary shall also give priority to applicants who are replacing their underground heating fuel tanks with aboveground heating fuel storage tanks that will be installed in accordance with the Secretary’s recommended standards. The Secretary shall also give priority to lower income applicants. To be eligible to receive the grant, the owner must provide the previous year’s financial information, and, if the replacement tank is an aboveground tank, must assure that any work to replace or upgrade a tank shall be done in accordance with industry standards (National Fire Protection Association, or NFPA, Code 31), as it existed on July 1, 2004, until another date or edition is specified by rule of the Secretary. The Secretary shall authorize only up to \$400,000.00 in assistance for underground and aboveground heating fuel tanks in any one fiscal year from the Heating Fuel Account for this purpose. The application must be accompanied by the following information:

- (1) proof of ownership, including information disclosing all owners of record of the property, except in the case where the applicant is a mobile home park resident;
- (2) for farm or residential aboveground heating fuel storage tank owners, a copy of the federal income tax return for the previous year;
- (3) identification of the contractor performing any heating fuel storage tank closure, replacement, or upgrade;
- (4) an estimated cost of tank closure, replacement, or upgrade;
- (5) the amount and type of assistance requested;
- (6) a schedule for the work;
- (7) description of surrounding area, including location of water supply wells, surface waters, and other sensitive receptors; and
- (8) such other information and assurances as the Secretary may require.

Sec. 3. 10 V.S.A. § 8003(a) is amended to read:

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes, and the Board may take such action with respect to subdivision (10) of this subsection:

* * *

(8) 10 V.S.A. chapter 59, relating to underground storage tanks and aboveground storage tanks;

* * *

Sec. 4. EFFECTIVE DATES

This act shall take effect on July 1, 2016, except that 10 V.S.A. § 1929a(d)–(g) (aboveground storage tank inspection, database, delivery, and removal requirements) shall take effect on July 1, 2017.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Fish, Wildlife & Water Resources agreed to and third reading ordered.

Action on Bill Postponed

H. 560

House bill, entitled

An act relating to traffic safety

Was taken up and pending second reading of the bill, on motion of **Rep. Jewett of Ripton**, action on the bill was postponed until the next legislative day.

Bill Amended; Third Reading Ordered

H. 595

Rep. Krebs of South Hero, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to potable water supplies from surface waters

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 1978(a) is amended to read:

(a) The Secretary shall adopt rules, in accordance with 3 V.S.A. chapter 25, necessary for the administration of this chapter. These rules shall include the following:

* * *

(15) Provisions authorizing the use by a residential dwelling of surface water as a source of a potable water supply permitted under this chapter.

Sec. 2. 10 V.S.A. § 1981 is added to read:

§ 1981. SURFACE WATER SOURCE; POTABLE WATER SUPPLY

The Secretary shall approve the use of a surface water as the source of a potable water supply under this chapter if the following conditions are satisfied:

(1) the building or structure using the surface water as a source is a single-family residence occupied by the owner of record;

(2) only one single-family residence shall be served by a potable water supply using a surface water as a source;

(3) a single-family residence with a potable water supply using a surface water as a source shall not be used as the site of a home occupation that employs persons other than family members and is visited by the public in a manner or duration that would presume the need for use of a potable water supply;

(4) a professional engineer shall design the potable water supply using a surface water as a source, including a treatment system for the surface water;

(5) only surface waters that meet criteria adopted by the Secretary by rule are eligible as the source of a potable water supply permitted under this chapter; and

(6) the applicant or permit holder complies with the other relevant rules adopted under section 1978 of this chapter.

Sec. 3. SURFACE WATER SOURCE; RULEMAKING

The Secretary shall adopt rules to implement 10 V.S.A. § 1981 on or before July 1, 2017.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Fish, Wildlife & Water Resources agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 623

Rep. Myers of Essex, for the committee on Corrections & Institutions, to which had been referred House bill, entitled

An act relating to compassionate release and parole eligibility

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 28 V.S.A. § 501 is amended to read:

§ 501. ELIGIBILITY FOR PAROLE CONSIDERATION

(a) An inmate who is serving a sentence of imprisonment shall be eligible for parole ~~consideration~~ as follows:

(1) If the inmate's sentence has no minimum term or a zero minimum term, the inmate shall be eligible for parole consideration within 12 months after commitment to a correctional facility.

(2) If the inmate's sentence has a minimum term, the inmate shall be eligible for parole consideration after the inmate has served the minimum term of the sentence.

(3) Notwithstanding subsection 502a(a) of this title, if the inmate is 55 years of age or older but under 65 years of age, and has served ten years but not served the minimum of the sentence, the inmate shall be eligible for parole

consideration, unless the inmate has programming requirements that have not been fulfilled.

(4) Notwithstanding subsection 502a(a) of this title, if the inmate is 65 years of age or older, and has served five years but not served the minimum of the sentence, the inmate shall be eligible for parole consideration, unless the inmate has programming requirements that have not been fulfilled.

Sec. 2. 28 V.S.A. § 502a is amended to read:

§ 502a. RELEASE ON PAROLE

(a) No inmate serving a sentence with a minimum term shall be released on parole until the inmate has served the minimum term of the sentence, less any reductions for good behavior.

(b) An inmate shall be released on parole by the written order of the Parole Board if the Board determines:

(1) the inmate is eligible for parole;

(2) there is a reasonable probability that the inmate can be released without detriment to the community or to the inmate; and

(3) the inmate is willing and capable of fulfilling the obligations of a law-abiding citizen.

(c) A parole shall be ordered only for the best interest of the community and of the inmate, and shall not be regarded as an award of clemency, a reduction of sentence, or a conditional pardon.

(d) Notwithstanding subsection (a) of this section, or any other provision of law to the contrary, any inmate who is serving a sentence, including an inmate who has not yet served the minimum term of the sentence, who is diagnosed as having a terminal or ~~debilitating~~ serious medical condition so as to render the inmate unlikely to be physically capable of presenting a danger to society, may be released on medical parole to a hospital, hospice, other licensed inpatient facility, or suitable housing accommodation as specified by the parole board. Provided the inmate has authorized the release of his or her personal health information, the ~~The~~ Department shall promptly notify the parole board upon receipt of medical information of an inmate's diagnosis of a terminal or ~~debilitating~~ serious medical condition.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

and that after passage the title of the bill be amended to read: "An act relating to parole eligibility"

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Corrections & Institutions agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 690

Rep. Bancroft of Westford, for the committee on Health Care, to which had been referred House bill, entitled

An act relating to the practice of acupuncture by physicians and osteopaths

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 26 V.S.A. § 3402 is amended to read:

§ 3402. PROHIBITIONS; OFFENSES; EXEMPTIONS

(a) Except as provided in section 3412 of this title, ~~no~~ a person shall not practice acupuncture unless he or she is licensed in accordance with the provisions of this chapter.

(b)(1) ~~No~~ A person shall not use in connection with the person's name any letters, words, or insignia indicating or implying that the person is an acupuncturist unless the person is licensed in accordance with this chapter.

(2) The only title a licensed acupuncturist may use in reference to that license is "licensed acupuncturist" or its abbreviation, as "Lic. Ac."

(c) A person who violates any of the provisions of subsection (a) or (b) of this section shall be subject to the penalties provided in 3 V.S.A. § 127~~(e)~~.

(d) Nothing in subsection (a) of this section shall prevent a student from performing acupuncture under the supervision of a competent licensed acupuncturist instructor:

(1) within a school or a college or an acupuncture department of a college or university that is licensed by the Vermont Agency of Education or certified by the Accreditation Commission for Acupuncture and Oriental Medicine; ~~or~~

(2) as a student in a Director-approved apprenticeship; or

(3) as an intern in any hospital.

(e) Nothing in subsection (a) of this section shall prevent a person who is licensed or certified as an acupuncturist in another state or Canadian province from practicing acupuncture for no more than five days in a calendar year as part of a health care professional educational seminar or program in Vermont, if the educational seminar or program is directly supervised by a Vermont-licensed health care professional whose scope of practice includes acupuncture.

(f) The provisions of this chapter shall not apply to the following persons acting within the scope of his or her professional practice:

(1) a person licensed to practice medicine under chapter 23 of this title;

(2) a person licensed to practice osteopathic medicine under chapter 33 of this title; or

(3) a person licensed as a physician assistant under chapter 31 of this title.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to the practice of acupuncture by physicians, osteopaths, and physician assistants”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Health Care agreed to and third reading ordered.

Action on Bill Postponed

H. 743

House bill, entitled

An act relating to fair and impartial policing

Was taken up and pending second reading of the bill, on motion of **Rep. Burditt of West Rutland**, action on the bill was postponed two legislative days.

Bill Amended; Third Reading Ordered

H. 769

Rep. Emmons of Springfield, for the committee on Corrections & Institutions, to which had been referred House bill, entitled

An act relating to strategies to reduce the incarcerated population

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 28 V.S.A. § 105 is amended to read:

§ 105. CASELOAD CAPACITY

(a) Corrections officers designated to work exclusively with offenders in the community who are 21 years of age ~~and~~ or younger shall have caseloads of no more than 25 youths.

(b) The department shall review the severity of offenses and assess the risk to reoffend of all offenders older than 21 years of age under its jurisdiction in the community and assign one of the following levels of supervision to each offender:

(1) Risk management supervision, which shall mean supervision at a level of intensity that includes case planning and measures to reduce risk of reoffense.

(2) Response supervision, which shall mean monitoring of the offender's compliance with conditions of probation or parole, including staff responding to violation behavior, and, as appropriate, use of the automated monitoring system.

~~(3) Administrative supervision, which shall mean monitoring of the offender's address and compliance with the law.~~

* * *

(d) The ~~department~~ Department shall establish the following caseload ranges for offender profiles:

(1) All ~~listed~~ offenders requiring serving a sentence for a listed crime as defined in 13 V.S.A. § 5301 who require risk management shall be supervised at no more than 45 offenders per corrections officer.

(2) All nonlisted offenders requiring risk management shall be supervised at no more than 60 offenders per corrections officer.

(3) All offenders requiring response supervision ~~shall~~ may be supervised ~~at no more than 150 offenders per corrections officer.~~

~~(4) All offenders requiring administrative supervision may be supervised on caseloads consistent with the capacity of automated status-reporting monitoring systems as established by the department~~ Department.

~~(5)~~(4) When there is a mixed profile caseload in which a single corrections officer supervises offenders with different supervision levels and at least one-third of the offenders require a more intensive supervision demand than the other offenders, the caseload shall be supervised at the lowest level of offender-to-staff ratio.

Sec. 2. 28 V.S.A. § 205 is amended to read:

§ 205. PROBATION

(a)(1) After passing sentence, a court may suspend all or part of the sentence and place the person so sentenced in the care and custody of the Commissioner upon such conditions and for such time as it may prescribe in accordance with law or until further order of court.

(2) The term of probation for misdemeanors shall be for a specific term not to exceed two years unless the Court, in its sole discretion, specifically finds that the interests of justice require a longer or an indefinite period of probation.

(3)(A) The term of probation for nonviolent felonies shall not exceed four years or the statutory maximum term of imprisonment for the offense, whichever is less, unless the Court, in its sole discretion, specifically finds that the interests of justice require a longer or an indefinite period of probation.

(B) As used in this subdivision, “nonviolent felonies” means an offense which is not:

(i) a listed crime as defined in 13 V.S.A. § 5301(7); or

(ii) an offense involving sexual exploitation of children in violation of 13 V.S.A. chapter 64.

(4) Nothing in this subsection shall prevent the Court from terminating the period of probation and discharging a person pursuant to section 251 of this title.

(5) The probation officer of a person on probation for a specific term shall review the person’s case file during probation and, not less than 45 days prior to the expiration of the probation term, may file a petition with the Court requesting the Court to extend the period of probation for a specific term not to exceed one year in order to provide the person the opportunity to complete programming consistent with special conditions of probation. A hearing on the petition for an extension of probation under this subsection shall comply with the procedures set forth in Rule 32.1 of the Vermont Rules of Criminal Procedure.

(b) The victim of a listed crime as defined in 13 V.S.A. § 5301(7) for which the offender has been placed on probation shall have the right to request, and receive from the Department of Corrections information regarding the offender's general compliance with the specific conditions of probation. Nothing in this section shall require the Department of Corrections to disclose any confidential information revealed by the offender in connection with participation in a treatment program.

(c)(1) Unless the Court in its discretion finds that the interests of justice require additional standard and special conditions of probation, when the Court orders a specific term of probation for a qualifying offense, the offender shall be placed on administrative probation, ~~which means that the only conditions of~~ . After sentencing, the Department may supervise a nonviolent misdemeanor offender on administrative probation, provided that the offender poses a low risk of reoffense and such placement would not compromise victim or public safety. The only conditions of administrative probation shall be that the probationer:

(A) register with the Department of Corrections' probation and parole office in his or her district;

(B) notify the probation officer of his or her current address each month;

(C) within 72 hours, notify the Department of Corrections if probable cause is found for a criminal offense during the term of probation; and

(D) not be convicted of a criminal offense during the term of probation.

(2) As used in this subsection, "~~qualifying offense~~" "nonviolent misdemeanor" means:

~~(A) Unlawful mischief under 13 V.S.A. § 3701.~~

~~(B) Retail theft under 13 V.S.A. §§ 2575 and 2577.~~

~~(C) Operating after suspension or revocation of license under 23 V.S.A. § 674(a).~~

~~(D) Bad checks under 13 V.S.A. § 2022.~~

~~(E) Theft of services under 13 V.S.A. § 2582.~~

~~(F) Disorderly conduct under 13 V.S.A. § 1026, unless the original charge was a listed offense as defined in 13 V.S.A. § 5301(7).~~

~~(G) Theft of rented property under 13 V.S.A. § 2591.~~

- ~~(H) Operation without consent of owner under 23 V.S.A. § 1094(a).~~
- ~~(I) Petit larceny under 13 V.S.A. § 2502.~~
- ~~(J) Negligent operation of a motor vehicle under 23 V.S.A. § 1091(a).~~
- ~~(K) False reports to law enforcement under 13 V.S.A. § 1754.~~
- ~~(L) Setting fires under 13 V.S.A. § 508.~~
- ~~(M) A first offense of a minor's misrepresenting age, procuring, possessing, or consuming liquors under 7 V.S.A. § 657.~~
- ~~(N) Simple assault by mutual consent under 13 V.S.A. § 1023(b) unless the original charge was a listed offense as defined in 13 V.S.A. § 5301(7).~~
- ~~(O) Unlawful trespass under 13 V.S.A. § 3705(a).~~
- ~~(P) A first offense of possession under 18 V.S.A. § 4230(a)(1).~~

a misdemeanor offense which is not a listed crime as defined in 13 V.S.A. § 5301(7) or an offense involving sexual exploitation of children in violation of 13 V.S.A. chapter 64 or 13 V.S.A. § 1030.

(3) Nothing in this subsection shall prohibit a court from requiring participation in the restorative justice program established in chapter 12 of this title.

Sec. 3. 28 V.S.A. § 808 is amended to read:

§ 808. FURLOUGHS GRANTED TO OFFENDERS

(a) The Department may extend the limits of the place of confinement of an offender at any correctional facility if the offender agrees to comply with such conditions of supervision the Department, in its sole discretion, deems appropriate for that offender's furlough. The Department may authorize furlough for any of the following reasons:

- (1) To visit a critically ill relative.
- (2) To attend the funeral of a relative.
- (3) To obtain medical services.
- (4) To contact prospective employers.
- (5) To secure a suitable residence for use upon discharge.

(6) To continue the process of reintegration initiated in a correctional facility. The offender may be placed in a program of conditional reentry status

by the Department upon the offender's completion of the minimum term of sentence. While on conditional reentry status, the offender shall be required to participate in programs and activities that hold the offender accountable to victims and the community pursuant to section 2a of this title.

(b) An offender granted a furlough pursuant to this section may be accompanied by an employee of the Department, in the discretion of the Commissioner, during the period of the offender's furlough. The Department may use electronic monitoring equipment such as global position monitoring, automated voice recognition telephone equipment, and transdermal alcohol monitoring equipment to enable more effective or efficient supervision of individuals placed on furlough.

(c) The extension of the limits of the place of confinement authorized by this section shall in no way be interpreted as a probation or parole of the offender, but shall constitute solely a permitted extension of the limits of the place of confinement for offenders committed to the custody of the Commissioner.

(d) When any enforcement officer, as defined in 23 V.S.A. § 4, employee of the Department, or correctional officer responsible for supervising an offender believes the offender is in violation of any verbal or written condition of the furlough, the officer or employee may immediately lodge the offender at a correctional facility or orally or in writing deputize any law enforcement officer or agency to arrest and lodge the offender at such a facility. The officer or employee shall subsequently document the reason for taking such action.

(e) The Commissioner may place on medical furlough any offender who is serving a sentence, including an offender who has not yet served the minimum term of the sentence, who is diagnosed with a terminal or debilitating condition so as to render the offender unlikely to be physically capable of presenting a danger to society. The Commissioner shall develop a policy regarding the application for, standards for eligibility of, and supervision of persons on medical furlough. The offender may be released to a hospital, hospice, other licensed inpatient facility, or other housing accommodation deemed suitable by the Commissioner.

(f) While appropriate community housing is an important consideration in release of offenders, the Department shall not use lack of housing as the sole factor in denying furlough to offenders who have served at least their minimum sentence for a nonviolent misdemeanor or nonviolent felony provided that public safety and the best interests of the offender will be served by reentering the community on furlough. The Department shall adopt rules to implement this subsection.

(g) Subsections (b)–(f) of this section shall also apply to sections 808a ~~and 808b~~, 808c, ~~and 808e~~ of this title.

Sec. 4. 28 V.S.A. § 808a is amended to read;

§ 808a. TREATMENT FURLOUGH

~~(a) An offender may be sentenced to serve a term of imprisonment, but placed by a court on treatment furlough to participate in such programs administered by the Department in the community that reduce the offender's risk to reoffend or that provide reparation to the community in the form of supervised work activities.~~

~~(b)~~ Provided the approval of the sentencing judge is first obtained, the Department may place on treatment furlough an offender who has not yet served the minimum term of the sentence, who, in the Department's determination, needs residential treatment services not available in a correctional facility. The services may include treatment for substance abuse or personal violence or any other condition that the Department has determined should be addressed in order to reduce the offender's risk to reoffend or cause harm to himself or herself or to others in the facility. The offender shall be released only to a hospital or residential treatment facility that provides services to the general population. The State's share of the cost of placement in such a facility, net of any private or federal participation, shall be paid pursuant to memoranda of agreement between and within State agencies reflective of their shared responsibilities to maximize the efficient and effective use of State resources. In the event that a memorandum of agreement cannot be reached, the Secretary of Administration shall make a final determination as to the manner in which costs will be allocated.

~~(e)(b)~~(1) Except as provided in subdivision (2) of this subsection, the Department, in its own discretion, may place on treatment furlough an offender who has not yet served the minimum term of his or her sentence for an eligible misdemeanor as defined in section 808d of this title if the Department has made a determination based upon a risk assessment that the offender poses a low risk to public safety or victim safety and that employing an alternative to incarceration to hold the offender accountable is likely to reduce the risk of recidivism.

(2) Driving under the influence of alcohol or drugs, second offense, as defined in 23 V.S.A. §§ 1201 and 1210(c) and boating under the influence of alcohol or drugs, second offense, as defined in 23 V.S.A. § 3323 shall be considered eligible misdemeanors for the sole purpose of subdivision (1) of this subsection.

Sec. 5. 28 V.S.A. § 808e is added to read:

§ 808e. PREAPPROVED FURLOUGH

(a) When recommended by the Department, the court may sentence an offender to serve a term of imprisonment, but place the offender on preapproved furlough to participate in programs in the community administered by the Department that reduce the offender's risk to reoffend.

(b) An offender who meets program requirements may be sentenced to preapproved furlough to participate in a program that provides reparation to the community in the form of supervised work activity.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Corrections & Institutions agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 805

Rep. Tate of Mendon, for the committee on General, Housing & Military Affairs, to which had been referred House bill, entitled

An act relating to employment rights for members of the National Guard and Reserve Components of the U.S. Armed Forces

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 491 is amended to read:

§ 491. ABSENCE ON MILITARY SERVICE AND TRAINING;

EMPLOYMENT AND REEMPLOYMENT RIGHTS

(a) Any duly qualified member of the ~~“reserve components of the armed forces,”~~ Reserve Components of the U.S. Armed Forces, of the ~~ready reserve~~ Ready Reserve, or an organized unit of the ~~national guard~~ Vermont National Guard or the National Guard of another state shall upon request be entitled to leaves of absence for a total of 15 days in any calendar year for the purpose of engaging in military drill, training, or other temporary duty under military authority. A leave of absence shall be with or without pay as determined by the employer. Upon completion of the military drill, training, or other temporary duty under military authority, a permanent employee shall be

reinstated in that position with the same status, pay, and seniority, including seniority that accrued during the period of absence.

* * *

(c) An employer shall not discriminate in employment against any person because a person has taken any of the following actions:

(1) ~~Enforcement~~ enforcement of a provision of this ~~subsection~~ subchapter or federal law-;

(2) ~~Testified~~ testified or made a statement in connection with any proceeding under this ~~subsection~~ subchapter or under federal law-;

(3) ~~Assisted~~ assisted or participated in any investigation under this ~~subsection~~ subchapter or federal law-; or

(4) ~~Exercised~~ exercised any right provided by this ~~subsection~~ subchapter or under federal law.

Sec. 2. 21 V.S.A. § 492 is amended to read:

§ 492. RIGHTS AND BENEFITS

* * *

(c)(1) If any member of the Vermont National Guard with civilian employer-sponsored insurance coverage is ordered to State active duty by the Governor for up to 30 days, or if any member of the National Guard of another state who is a Vermont employee with civilian employer-sponsored insurance is ordered to state active duty by the governor of that state for up to 30 days, the service member may, at the member's option, continue his or her civilian health insurance under the same terms and conditions as were in effect for the month preceding the member's call to State active duty, including a continuation of the same levels of employer and employee contributions toward premiums and cost-sharing.

(2) If a member of the Vermont National Guard is called to State active duty for more than 30 days, or if a member of the National Guard of another state who is a Vermont employee is called to state active duty for more than 30 days, the member may continue his or her civilian health insurance. For a member whose employer chooses not to continue regular contributions toward premiums and cost-sharing during the period of the member's State active duty in excess of 30 days, the State of Vermont shall be responsible for paying the employer's share of the premium and cost-sharing.

* * *

Sec. 3. 21 V.S.A. § 493 is amended to read:

§ 493. ENFORCEMENT

(a) If any employer fails to comply with any of the provisions of this subchapter, the employee may bring an action ~~at law for damages for noncompliance, or apply to the superior court for equitable relief as may be just and proper under the circumstances~~ in the Civil Division of the Superior Court seeking compensatory and punitive damages or equitable relief, including restraint of prohibited acts, restitution of wages or other benefits, reinstatement, costs, reasonable attorney's fees, and other appropriate relief.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on General, Housing & Military Affairs agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 812

Rep. Donahue of Northfield, for the committee on Health Care, to which had been referred House bill, entitled

An act relating to consumer protections for accountable care organizations

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. ALL-PAYER MODEL; MEDICARE AGREEMENT

The Green Mountain Care Board and the Agency of Administration shall only enter into an agreement with the Centers for Medicare and Medicaid Services to waive provisions under Title XVIII (Medicare) of the Social Security Act if the agreement:

(1) is consistent with the principles of health care reform expressed in 18 V.S.A. § 9371, to the extent permitted under Section 1115A of the Social Security Act and approved by the federal government;

(2) preserves the consumer protections set forth in Title XVIII of the Social Security Act, including not reducing Medicare covered services, not increasing Medicare patient cost sharing, and not altering Medicare appeals processes;

(3) allows providers to choose whether to participate in accountable care organizations, to the extent permitted under federal law;

(4) allows Medicare patients to choose their providers;

(5) includes outcome measures for population health; and

(6) continues to provide payments from Medicare directly to health care providers or accountable care organizations without conversion, appropriation, or aggregation by the State of Vermont.

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

CHAPTER 227. ALL-PAYER MODEL

§ 9551. ALL-PAYER MODEL

In order to implement a value-based payment model allowing participating health care providers to be paid by Medicaid, Medicare, and commercial insurance using a common methodology that may include population-based payments, the Green Mountain Care Board and Agency of Administration shall ensure that the model:

(1) maintains consistency with the principles established in section 9371 of this title;

(2) continues to provide payments from Medicare directly to health care providers or accountable care organizations without conversion, appropriation, or aggregation by the State of Vermont;

(3) maximizes alignment between Medicare, Medicaid, and commercial payers to the extent permitted under federal law and waivers from federal law, including:

(A) what is included in the calculation of the total cost of care;

(B) attribution and payment mechanisms;

(C) patient protections;

(D) care management mechanisms; and

(E) provider reimbursement processes;

(4) strengthens and invests in primary care;

(5) incorporates social determinants of health;

(6) adheres to federal and State laws on parity of mental health and substance abuse treatment, integrates mental health and substance abuse

treatment systems into the overall health care system, and does not manage mental health or substance abuse care separately from other health care;

(7) includes a process for integration of community-based providers, including home health agencies, mental health agencies, development disability service providers, emergency medical service providers, and area agencies on aging, and their funding streams, into a transformed, fully integrated health care system;

(8) continues to prioritize the use, where appropriate, of existing local and regional collaboratives of community health providers that develop integrated health care initiatives to address regional needs and evaluate best practices for replication and return on investment;

(9) pursues an integrated approach to data collection, analysis, exchange, and reporting to simplify communication across providers and drive quality improvement and access to care;

(10) allows providers to choose whether to participate in accountable care organizations, to the extent permitted under federal law;

(11) evaluates access to care, quality of care, patient outcomes, and social determinants of health;

(12) requires processes and protocols for shared decision making between the patient and his or her health care providers that take into account a patient's unique needs, preferences, values, and priorities, including use of decision support tools and shared decision-making methods with which the patient may assess the merits of various treatment options in the context of his or her values and convictions, and by providing patients access to their medical records and to clinical knowledge so that they may make informed choices about their care;

(13) supports coordination of patients' care and care transitions through the use of technology, with patient consent, such as sharing electronic summary records across providers and using telemedicine, home telemonitoring, and other enabling technologies; and

(14) ensures, in consultation with the Office of the Health Care Advocate, that robust patient grievance and appeal protections are available.

* * * Oversight of Accountable Care Organizations * * *

Sec. 3. 18 V.S.A. § 9373 is amended to read:

§ 9373. DEFINITIONS

As used in this chapter:

* * *

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

Sec. 4. 18 V.S.A. § 9375(b) is amended to read:

(b) The Board shall have the following duties:

* * *

(13) Adopt by rule pursuant to 3 V.S.A. chapter 25 standards for accountable care organizations, including reporting requirements, patient protections, solvency and ability to assume financial risk, and other matters the Board deems necessary and appropriate to the operation and evaluation of accountable care organizations pursuant to this chapter.

Sec. 5. 18 V.S.A. § 9382 is added to read:

§ 9382. OVERSIGHT OF ACCOUNTABLE CARE ORGANIZATIONS

(a) In order to be eligible to receive payments from Medicaid or commercial insurance through any payment reform program or initiative, including an all-payer model, each accountable care organization with 10,000 or more attributed lives in Vermont shall obtain and maintain certification from the Green Mountain Care Board. The Board shall adopt rules pursuant to 3 V.S.A. chapter 25 to establish standards and processes for certifying accountable care organizations, which may include consideration of acceptance of accreditation by the National Committee for Quality Assurance or another national accreditation organization for any of the criteria set forth in this section. In order to certify an ACO to operate in this State, the Board shall ensure that the following criteria are met:

(1) the ACO’s governance, leadership, and management structure is transparent, reasonably and equitably represents the ACO’s participating providers and its patients, and includes a consumer advisory board and other processes for inviting and considering consumer input;

(2) the ACO has established appropriate mechanisms to provide, manage, and coordinate high-quality health care services for its patients, including incorporating the Blueprint for Health, coordinating services for complex high-need patients, and providing access to health care providers who are not participants in the ACO;

(3) the ACO has established appropriate mechanisms to receive and distribute payments to its participating health care providers;

(4) the ACO has established appropriate mechanisms and criteria for accepting health care providers to participate in the ACO that prevent unreasonable discrimination and are related to the needs of the ACO and the patient population served;

(5) the ACO has established mechanisms to promote evidence-based health care, patient engagement, coordination of care, use of electronic health records, and other enabling technologies to promote integrated, efficient, and effective health care services;

(6) the ACO has the capacity for meaningful participation in health information exchanges;

(7) the ACO has performance standards and measures to evaluate the quality and utilization of care delivered by its participating health care providers;

(8) the ACO does not place any restrictions on the information its participating health care providers may provide to patients about their health or decisions regarding their health;

(9) the ACO's participating health care providers engage their patients in shared decision making to ensure their awareness and understanding of their treatment options and the related risks and benefits of each;

(10) the ACO has an accessible mechanism for explaining how ACOs work; provides contact information for the Office of the Health Care Advocate; maintains a consumer telephone line for complaints and grievances from attributed patients; responds and makes best efforts to resolve complaints and grievance from attributed patients, including providing assistance in identifying appropriate rights under a patient's health plan; and share deidentified complaint and grievance information with the Office of the Health Care Advocate at least twice annually;

(11) the ACO collaborates with providers not included in its financial model, including home- and community-based providers and dental health providers;

(12) the ACO does not interfere with patients' choice of their own health care providers under their health plan, regardless of whether a provider is participating in the ACO; does not reduce covered services; and does not increase patient cost sharing;

(13) meetings of the ACO's governing body include a public session which all business that is not confidential or proprietary is conducted and members of the public are provided an opportunity to comment; and

(14) the impact of the ACO's establishment and operation does not diminish access to any health care service for the population and area it serves.

(b)(1) The Green Mountain Care Board shall adopt rules pursuant to 3 V.S.A. chapter 25 to establish standards and processes for reviewing, modifying, and approving ACO budgets. In its review, the Board shall review and consider:

(A) information regarding utilization of the health care services delivered by health care providers participating in with the ACO;

(B) the goals and recommendations of the health resource allocation plan created in chapter 221 of this title;

(C) the expenditure analysis for the previous year and the proposed expenditure analysis for the year under review;

(D) the character, competence, fiscal responsibility, and soundness of the ACO and its principals;

(E) any reports from professional review organizations;

(F) the ACO's efforts to prevent duplication of high-quality services being provided efficiently and effectively by existing community-based providers in the same geographic area;

(G) the extent to which the ACO provides incentives for systemic health care investments to strengthen primary care, including strategies for recruiting additional primary care providers, providing resources to expand capacity in existing primary care practices, and reducing the administrative burden of reporting requirements for providers while balancing the need to have sufficient measures to evaluate adequately the quality of and access to care;

(H) the extent to which the ACO provides incentives for systemic health care investments in social determinants of health, such as developing support capacities that prevent hospital admissions and readmissions, reduce length of hospital stays, improve population health outcomes, and improve the solvency of and address the financial risk to community-based providers that are participating providers of an accountable care organization;

(I) public comment on all aspects of the ACO's costs and use and on the ACO's proposed budget;

(J) information gathered from meetings with the ACO to review and discuss its proposed budget for the forthcoming fiscal year;

(K) information on the ACO's administrative costs, as defined by the Board; and

(L) the effect, if any, of Medicaid reimbursement rates on the rates for other payers.

(2) The Office of the Health Care Advocate shall have the right to intervene in any ACO budget review under this subsection. As an intervenor, the Office of the Health Care Advocate shall receive copies of all materials in the record and may:

(A) ask questions of any participant in the Board's ACO budget review;

(B) submit written comments for the Board's consideration; and

(C) provide testimony in any hearing held in connection with the Board's ACO budget review.

(c) The Board's rules shall include requirements for submission of information and data by ACOs and their participating providers as needed to evaluate an ACO's success. They may also establish standards as appropriate to promote an ACO's ability to participate in applicable federal programs for ACOs.

(d) All information required to be filed by an ACO pursuant to this section or to rules adopted pursuant to this section shall be made available to the public upon request, provided that individual patients or health care providers shall not be directly or indirectly identifiable.

(e) To the extent required to avoid federal antitrust violations, the Board shall supervise the participation of health care professionals, health care facilities, and other persons operating or participating in an accountable care organization. The Board shall ensure that its certification and oversight processes constitute sufficient State supervision over these entities to comply with federal antitrust provisions and shall refer to the Attorney General for appropriate action the activities of any individual or entity that the Board determines, after notice and an opportunity to be heard, may be in violation of State or federal antitrust laws without a countervailing benefit of improving patient care, improving access to health care, increasing efficiency, or reducing costs by modifying payment methods.

* * * Rulemaking * * *

Sec. 6. GREEN MOUNTAIN CARE BOARD; RULEMAKING

On or before January 1, 2018, the Green Mountain Care Board shall adopt rules governing the oversight of accountable care organizations pursuant to 18 V.S.A. § 9382. On or before January 15, 2017, the Board shall provide an update on its rulemaking process and its vision for implementing the rules to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance.

Sec. 7. DENIAL OF SERVICE; RULEMAKING

The Department of Financial Regulation and the Department of Vermont Health Access shall ensure that their rules protect against wrongful denial of services under an insured's or Medicaid beneficiary's health benefit plan for an insured or Medicaid beneficiary attributed to an accountable care organization. The Departments may amend their rules as necessary to ensure that the grievance and appeals processes in Medicaid and commercial health benefit plans are appropriate to an accountable care organization structure.

* * * Implementation Provisions * * *

Sec. 8. TRANSITION; IMPLEMENTATION

(a) Prior to January 1, 2018, if the Green Mountain Care Board and the Agency of Administration pursue development and implementation of an all-payer model, they shall develop and implement the model in a manner that works toward meeting the criteria established in 18 V.S.A. § 9551. Through its authority over payment reform pilot projects under 18 V.S.A. § 9377, the Board shall also oversee the development and operation of accountable care organizations in order to encourage them to achieve compliance with the criteria established in 18 V.S.A. § 9382(a) and to establish budgets that reflect the criteria set forth in 18 V.S.A. § 9382(b).

(b) On or before January 1, 2018, the Board shall begin certifying accountable care organizations that meet the criteria established in 18 V.S.A. § 9382(a) and shall only approve accountable care organization budgets after review and consideration of the criteria set forth in 18 V.S.A. § 9382(b). If the Green Mountain Care Board and the Agency of Administration pursue development and implementation of an all-payer model, then on and after January 1, 2018 they shall implement the all-payer model in accordance with 18 V.S.A. § 9551.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATES

(a) Secs. 1 (Medicare waiver), 6–7 (rulemaking), and 8 (transition; implementation) and this section shall take effect on passage.

(b) Secs. 2 (all-payer model) and 3–5 (ACOs) shall take effect on January 1, 2018.

and that after passage the title of the bill be amended to read: “An act relating to implementing an all-payer model and oversight of accountable care organizations”

The bill, having appeared on the Calendar one day for notice, was taken up, and read the second time and the report of the committee on Health Care agreed to.

Rep. Copeland-Hanzas in Chair.

Pending the question, Shall the bill be read a third time? **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 bill be read a third time? was decided in the affirmative. Yeas, 124. Nays, 17.

Those who voted in the affirmative are:

Bancroft of Westford	Deen of Westminster	Jerman of Essex
Bartholomew of Hartland	Dickinson of St. Albans	Jewett of Ripton
Baser of Bristol	Town	Johnson of South Hero
Beck of St. Johnsbury	Donahue of Northfield	Juskiewicz of Cambridge
Berry of Manchester	Donovan of Burlington	Keenan of St. Albans City
Bissonnette of Winooski	Eastman of Orwell	Kitzmiller of Montpelier
Botzow of Pownal	Emmons of Springfield	Klein of East Montpelier
Brennan of Colchester	Fagan of Rutland City	Krebs of South Hero
Briglin of Thetford	Feltus of Lyndon	Krowinski of Burlington
Browning of Arlington *	Fields of Bennington	Lalonde of South Burlington
Burke of Brattleboro	Forguites of Springfield	Lanpher of Vergennes
Buxton of Tunbridge	Frank of Underhill	Lawrence of Lyndon
Canfield of Fair Haven	French of Randolph	Lefebvre of Newark
Carr of Brandon	Gage of Rutland City	Lenes of Shelburne
Chesnut-Tangerman of	Gamache of Swanton	Lewis of Berlin
Middletown Springs	Gonzalez of Winooski	Lippert of Hinesburg
Clarkson of Woodstock	Grad of Moretown	Long of Newfane
Cole of Burlington	Greshin of Warren	Lucke of Hartford
Condon of Colchester	Haas of Rochester	Macaig of Williston
Connor of Fairfield	Head of South Burlington	Manwaring of Wilmington
Conquest of Newbury	Hebert of Vernon	Marcotte of Coventry
Corcoran of Bennington	Helm of Fair Haven	Martel of Waterford
Dakin of Chester	Higley of Lowell	Martin of Wolcott
Dakin of Colchester	Hooper of Montpelier	Masland of Thetford
Davis of Washington	Huntley of Cavendish	McCormack of Burlington

McCoy of Poultney	Purvis of Colchester	Toleno of Brattleboro
McCullough of Williston	Rachelson of Burlington	Toll of Danville
McFaun of Barre Town	Russell of Rutland City	Townsend of South
Miller of Shaftsbury	Ryerson of Randolph	Burlington
Morris of Bennington	Savage of Swanton	Trieber of Rockingham
Mrowicki of Putney	Scheuermann of Stowe	Troiano of Stannard
Murphy of Fairfax	Sharpe of Bristol	Van Wyck of Ferrisburgh
Myers of Essex	Shaw of Pittsford	Viens of Newport City
Nuovo of Middlebury	Sheldon of Middlebury	Walz of Barre City
O'Brien of Richmond	Sibilia of Dover	Webb of Shelburne
Olsen of Londonderry	Smith of New Haven	Willhoit of St. Johnsbury
O'Sullivan of Burlington	Smith of Morristown	Wood of Waterbury
Parent of St. Albans Town	Stevens of Waterbury	Woodward of Johnson
Partridge of Windham	Stuart of Brattleboro	Yantachka of Charlotte
Patt of Worcester	Sullivan of Burlington	Young of Glover
Pearce of Richford	Sweaney of Windsor	Zagar of Barnard
Pearson of Burlington	Tate of Mendon	
Potter of Clarendon	Till of Jericho	

Those who voted in the negative are:

Batchelor of Derby	Devereux of Mount Holly	Morrissey of Bennington
Beyor of Highgate	Fiske of Enosburgh	Quimby of Concord
Branagan of Georgia	Graham of Williamstown	Terenzini of Rutland Town
Burditt of West Rutland	Hubert of Milton	Turner of Milton
Cupoli of Rutland City	Komline of Dorset	Wright of Burlington
Dame of Essex	LaClair of Barre Town	

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

Ancel of Calais	Poirier of Barre City	Shaw of Derby
Christie of Hartford	Pugh of South Burlington	Strong of Albany
Evans of Essex	Ram of Burlington	

Rep. Browning of Arlington explained her vote as follows:

“Mme. Speaker:

This bill does not provide sufficient protection for Vermonters from the risk of reductions in health care by Accountable Care Organizations due to financial pressures. It will be very difficult for the Green Mountain Care Board to properly enforce the regulatory provisions established here. Nevertheless, I vote yes, because sometimes it is better to have a fig leaf than to be naked.”

Action on Bill Postponed

H. 818

House bill, entitled

An act relating to stalking

Was taken up and pending second reading of the bill, on motion of **Rep. Grad of Moretown**, action on the bill was postponed until the next legislative day.

Favorable Report; Third Reading Ordered

H. 580

Rep. Sullivan of Burlington, for the committee on Natural Resources & Energy, to which had been referred House bill, entitled

An act relating to conservation easements

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Favorable Report; Third Reading Ordered

H. 640

Rep. Gonzalez of Winooski, for the committee on General, Housing & Military Affairs, to which had been referred House bill, entitled

An act relating to expenses for the repair of town cemeteries

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Favorable Report; Third Reading Ordered

H. 824

Rep. Walz of Barre City, for the committee on General, Housing & Military Affairs, to which had been referred House bill, entitled

An act relating to the adoption of occupational safety and health rules and standards

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Message from the Senate No. 28

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 on its part passed Senate bills of the following titles:

S. 157. An act relating to breast density notification and education.

S. 255. An act relating to regulation of hospitals, health insurers, and managed care organizations.

In the passage of which the concurrence of the House is requested.

Adjournment

At four o'clock and forty-six minutes in the afternoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.