

# Journal of the Senate

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THURSDAY, APRIL 2, 2015

The Senate was called to order by the President.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Kim Kie of Barre.

## Message from the House No. 42

A message was received from the House of Representatives by Ms. Melissa Kucserik, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

**H. 478.** An act relating to approval of the adoption and codification of the charter of the Town of Royalton.

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

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

**S. 98.** An act relating to captive insurance companies.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the Senate is requested.

The House has considered joint resolution originating in the Senate of the following title:

**J.R.S. 22.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

## Bill Referred to Committee on Rules

### S. 124.

Senate bill of the following title, appearing on the Calendar for notice, under Temporary Rule 44A, was referred to the Committee on Rules:

An act relating to expanding the scope of practice of Level II certified law enforcement officers.

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**Bill Referred**

House bill of the following title was introduced, read the first time and referred:

**H. 478.**

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

To the Committee on Rules.

**Bill Amended; Third Reading Ordered****S. 20.**

Senator Pollina, for the Committee on Health & Welfare, to which was referred Senate bill entitled:

An act relating to establishing and regulating licensed dental practitioners.

Reported recommending that the bill be amended as follows:

First: In Sec. 1, in 26 V.S.A. § 561 (definitions), by striking out subdivision (8) in its entirety and inserting in lieu thereof a new subdivision (8) to read as follows:

(8) "General supervision" means:

(A) For a dental practitioner with a Master's degree or higher, a dentist's supervision of a dental practitioner's oral health care services that does not require the dentist to be on-site at the time those services are being performed, but that requires the dental practitioner to perform those services with the prior knowledge and consent of the dentist.

(B) For a dental practitioner with less than a Master's degree:

(i) for the oral health care services set forth in subdivisions (b)(1)-(14), (16)-(19), and (34) of section 612 of this chapter, the supervision described in subdivision (8)(A) of this section; and

(ii) for all other oral health care services set forth in subsection 612(b) of this chapter that are not described in subdivision (i) of this subdivision (B), supervision that requires the dentist to authorize those services and remain on-site while the dental practitioner performs them.

Second: In Sec. 1, in 26 V.S.A. § 611 (license by examination), in subdivision (a)(3), after the following: "administered by an institution accredited" by inserting the following: by the Commission on Dental Accreditation

Third: In Sec. 1, following § 611 (license by examination), by inserting § 611a to read as follows:

§ 611a. LICENSE BY ENDORSEMENT

The Board may grant a license as a dental practitioner to an applicant who:

(1) is currently licensed in good standing to practice as a dental practitioner or dental therapist in any jurisdiction of the United States or Canada that has licensing requirements deemed by the Board to be at least substantially equivalent to those of this State;

(2) has met active practice requirements and any other requirements established by the Board by rule; and

(3) pays the application fee set forth in section 662 of this chapter.

Fourth: By adding two new sections to be numbered Secs. 2 and 3 to read as follows:

Sec. 2. AFFILIATION WITH THE STATE OF MINNESOTA

(a) License by endorsement. For the purposes of 26 V.S.A. § 611a (license by endorsement) in Sec. 1 of this act, a person licensed as a dental therapist in the State of Minnesota who has been certified by the Minnesota Board of Dentistry to practice as an advanced dental therapist shall be deemed to meet the requirements of 26 V.S.A. § 611a(1).

(b) Vermont State Colleges and University of Vermont.

(1) The Board of Trustees of the Vermont State Colleges shall and the Board of Trustees of the University of Vermont may explore the potential of entering into an affiliation agreement with colleges in the State of Minnesota that have an accredited dental therapy program so that the college credits of a Vermont State College student or a University of Vermont student can transfer into such a program in order for the student to attend the program.

(2) On or before January 1, 2017, those Boards of Trustees shall report to the Senate Committees on Health and Welfare and on Government Operations and the House Committees on Health Care and on Government Operations regarding the efforts of the Boards and any success in reaching an affiliation agreement with the State of Minnesota.

Sec. 3. BOARD OF DENTAL EXAMINERS; REPORT ON GEOGRAPHIC DISTRIBUTION AND GENERAL SUPERVISION OF DENTAL PRACTITIONERS

No earlier than two years after the effective date of this act but on or before January 1, 2018, the Board of Dental Examiners shall report to the Senate

Committees on Health and Welfare and on Government Operations and the House Committees on Health Care and on Government Operations regarding:

(1) Geographic distribution.

(A) The geographic distribution of licensed dental practitioners practicing in this State.

(B) The geographic areas of this State that are underserved by licensed dental practitioners.

(C) The Board's recommended incentives to promote the practice of licensed dental practitioners in underserved areas of this State, particularly those areas that are rural in nature and have high numbers of people living in poverty.

(2) General supervision. The Board's analysis of the effectiveness of the requirement that a dental practitioner be under the general supervision of a dentist as described in 26 V.S.A. § 561, and any recommendations for amendments to that general supervision requirement. In its report, the Board shall address whether a dental practitioner should be able to practice under less stringent supervision requirements and if so, under what conditions.

And by renumbering the remaining section (Effective Date) to be numerically correct.

And that when so amended the bill ought to pass.

Senator White, for the Committee on Government Operations, to which the bill was referred, reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 26 V.S.A. chapter 12 is amended to read:

CHAPTER 12. DENTISTS, DENTAL THERAPISTS, DENTAL HYGIENISTS, AND DENTAL ASSISTANTS

Subchapter 1. General Provisions

§ 561. DEFINITIONS

As used in this chapter:

(1) "Board" means the ~~board of dental examiners~~ Board of Dental Examiners.

(2) "Director" means the ~~director of the office of professional regulation~~ Director of the Office of Professional Regulation.

(3) "Practicing dentistry" means an activity in which a person:

(A) undertakes by any means or method to diagnose or profess to diagnose or to treat or profess to treat or to prescribe for or profess to prescribe for any lesions, diseases, disorders, for deficiencies of the human oral cavity, teeth, gingiva, maxilla, or mandible or adjacent associated structures;

(B) extracts human teeth or corrects malpositions of the teeth or jaws;

(C) furnishes, supplies, constructs, reproduces, or repairs prosthetic dentures, bridges, appliances, or other structures to be used or worn as substitutes for natural teeth or adjusts those structures, except on the written prescription of a duly licensed dentist and by the use of impressions or casts made by a duly licensed and practicing dentist;

(D) administers general dental anesthetics;

(E) administers local dental anesthetics, except dental hygienists as authorized by ~~board~~ Board rule; or

(F) engages in any of the practices included in the curricula of recognized dental colleges.

(4) “Dental therapist” means an individual licensed to practice as a dental therapist under this chapter.

(5) “Dental hygienist” means an individual licensed to practice as a dental hygienist under this chapter.

~~(5)~~(6) “Dental assistant” means an individual registered to practice as a dental assistant under this chapter.

~~(6)~~(7) “Direct supervision” means supervision by a licensed dentist who is readily available at the dental facility for consultation or intervention.

(8) “General supervision” means the direct or indirect oversight of a dental therapist by a dentist, which need not be on-site.

#### § 562. PROHIBITIONS

(a) No person may use in connection with a name any words, including “Doctor of Dental Surgery” or “Doctor of Dental Medicine,” or any letters, signs, or figures, including the letters “D.D.S.” or “D.M.D.,” which imply that a person is a licensed dentist when not authorized under this chapter.

(b) No person may practice as a dentist, dental therapist, or dental hygienist unless currently licensed to do so under the provisions of this chapter.

(c) No person may practice as a dental assistant unless currently registered under the provisions of this chapter.

(d) A person who violates this section shall be subject to the penalties provided in 3 V.S.A. § 127.

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§ 565. DISPLAY OF LICENSE OR REGISTRATION

Every dentist, dental therapist, dental hygienist, and dental assistant shall display a copy of his or her current license or registration at each place of practice and in such a manner so as to be easily seen and read.

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Subchapter 2. Board of Dental Examiners

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§ 584. UNPROFESSIONAL CONDUCT

The ~~board~~ Board may refuse to give an examination or issue a license to practice dentistry, to practice as a dental therapist, or to practice dental hygiene or to register an applicant to be a dental assistant and may suspend or revoke any such license or registration or otherwise discipline an applicant, licensee, or registrant for unprofessional conduct. Unprofessional conduct means the following conduct and the conduct set forth in 3 V.S.A. § 129a by an applicant or person licensed or registered under this chapter:

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Subchapter 3A. Dental Therapists

§ 611. LICENSE BY EXAMINATION

(a) Qualifications for examination. To be eligible for examination for licensure as a dental therapist, an applicant shall:

(1) have attained the age of majority;

(2) be a licensed dental hygienist;

(3) be a graduate of a dental therapist educational program administered by an institution accredited by the Commission on Dental Accreditation to train dentists or dental hygienists; and

(4) pay the application fee set forth in section 662 of this chapter and an examination fee established by the Board by rule.

(b) Completion of examination.

(1) An applicant for licensure meeting the qualifications for examination set forth in subsection (a) of this section shall pass a comprehensive, competency-based clinical examination approved by the Board and administered independently of an institution providing dental therapist education. An applicant shall also pass an examination testing the applicant's

knowledge of the Vermont laws and rules relating to the practice of dentistry approved by the Board.

(2) An applicant who has failed the clinical examination twice is ineligible to retake the clinical examination until further education and training are obtained as established by the Board by rule.

(c) The Board may grant a license to an applicant who has met the requirements of this section.

#### § 612. LICENSE BY ENDORSEMENT

The Board may grant a license as a dental therapist to an applicant who:

(1) is currently licensed in good standing to practice as a dental therapist in any jurisdiction of the United States or Canada that has licensing requirements deemed by the Board to be at least substantially equivalent to those of this State;

(2) has met active practice requirements and any other requirements established by the Board by rule; and

(3) pays the application fee set forth in section 662 of this chapter.

#### § 613. PRACTICE; SCOPE OF PRACTICE

(a) A person who provides oral health care services, including prevention, evaluation, and assessment; education; palliative therapy; and restoration under the general supervision of a dentist within the parameters of a collaborative agreement as provided under section 614 of this subchapter shall be regarded as practicing as a dental therapist within the meaning of this chapter.

(b) In addition to services permitted by the Board by rule, a dental therapist may perform the following oral health care services:

(1) Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis.

(2) Periodontal charting, including a periodontal screening examination.

(3) Exposing radiographs.

(4) Dental prophylaxis.

(5) Prescribing, dispensing, and administering analgesics, anti-inflammatories, and antibiotics.

(6) Applying topical preventive or prophylactic agents, including fluoride varnishes, antimicrobial agents, and pit and fissure sealants.

(7) Pulp vitality testing.

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- (8) Applying desensitizing medication or resin.
  - (9) Fabricating athletic mouthguards.
  - (10) Placement of temporary restorations.
  - (11) Fabricating soft occlusal guards.
  - (12) Tissue conditioning and soft reline.
  - (13) Interim therapeutic restorations.
  - (14) Changing periodontal dressings.
  - (15) Tooth reimplantation and stabilization.
  - (16) Administering local anesthetic.
  - (17) Administering nitrous oxide.
  - (18) Oral evaluation and assessment of dental disease.
  - (19) Formulating an individualized treatment plan, including services within the dental therapist's scope of practice and referral for services outside the dental therapist's scope of practice.
  - (20) Extractions of primary teeth.
  - (21) Nonsurgical extractions of periodontally diseased permanent teeth with tooth mobility of +3. A dental therapist shall not extract a tooth if it is unerupted, impacted, fractured, or needs to be sectioned for removal.
  - (22) Emergency palliative treatment of dental pain.
  - (23) Placement and removal of space maintainers.
  - (24) Cavity preparation.
  - (25) Restoring primary and permanent teeth, not including permanent tooth crowns, bridges, or denture fabrication.
  - (26) Placement of temporary crowns.
  - (27) Preparation and placement of preformed crowns.
  - (28) Pulpotomies on primary teeth.
  - (29) Indirect and direct pulp capping on primary and permanent teeth.
  - (30) Suture removal.
  - (31) Brush biopsies.
  - (32) Repairing defective prosthetic devices.
  - (33) Recementing permanent crowns.



(34) Mechanical polishing.

§ 614. COLLABORATIVE AGREEMENT

(a) Before a dental therapist may enter into his or her first collaborative agreement, he or she shall:

(1) complete 1,000 hours of direct patient care using dental therapy procedures under the direct supervision of a dentist; and

(2) receive a certificate of completion signed by that supervising dentist that verifies the dental therapist completed the hours described in subdivision (1) of this subsection.

(b) In order to practice as a dental therapist, a dental therapist shall enter into a written collaborative agreement with a dentist. The agreement shall include:

(1) practice settings where services may be provided and the populations to be served;

(2) any limitations on the services that may be provided by the dental therapist, including the level of supervision required by the supervising dentist;

(3) age- and procedure-specific practice protocols, including case selection criteria, assessment guidelines, and imaging frequency;

(4) a procedure for creating and maintaining dental records for the patients that are treated by the dental therapist;

(5) a plan to manage medical emergencies in each practice setting where the dental therapist provides care;

(6) a quality assurance plan for monitoring care provided by the dental therapist, including patient care review, referral follow-up, and a quality assurance chart review;

(7) protocols for prescribing, administering, and dispensing medications, including the specific conditions and circumstances under which these medications may be dispensed and administered;

(8) criteria relating to the provision of care to patients with specific medical conditions or complex medication histories, including requirements for consultation prior to the initiation of care;

(9) supervision criteria of dental assistants and dental hygienists; and

(10) a plan for the provision of clinical resources and referrals in situations that are beyond the capabilities of the dental therapist.

(c)(1) The supervising dentist shall accept responsibility for all services authorized and performed by the dental therapist pursuant to the collaborative agreement.

(2) A supervising dentist shall be licensed and practicing in Vermont.

(3) A supervising dentist is limited to entering into a collaborative agreement with no more than two dental therapists at any one time.

(d)(1) A collaborative agreement shall be signed and maintained by the supervising dentist and the dental therapist.

(2) A collaborative agreement shall be reviewed, updated, and submitted to the Board on an annual basis or as soon as a change is made to the agreement.

#### § 615. APPLICATION OF OTHER LAWS

(a) A dental therapist authorized to practice under this chapter shall not be in violation of section 562 of this chapter as it relates to the unauthorized practice of dentistry if the practice is authorized under this chapter and under the collaborative agreement.

(b) A dentist who permits a dental therapist to perform a dental service other than those authorized under this chapter or by the Board by rule or any dental therapist who performs an unauthorized service shall be in violation of section 584 of this chapter.

#### § 616. USE OF DENTAL HYGIENISTS AND DENTAL ASSISTANTS

(a) A licensed dental therapist may supervise dental assistants and dental hygienists directly to the extent permitted in the collaborative agreement.

(b) At any one practice setting, a licensed dental therapist may have under his or her direct supervision no more than a total of two assistants, hygienists, or combination thereof.

#### § 617. REFERRALS

(a) The supervising dentist is responsible for arranging for another dentist or specialist to provide any necessary services needed by a patient that are beyond the scope of practice of the dental therapist and which the supervising dentist is unable to provide.

(b) A dental therapist, in accordance with the collaborative agreement, shall refer patients to another qualified dental or health care professional to receive any needed services that exceed the scope of practice of the dental therapist.

## Subchapter 6. Renewals, Continuing Education, and Fees

## § 661. RENEWAL OF LICENSE

(a) Licenses and registrations shall be renewed every two years on a schedule determined by the ~~office of professional regulation~~ Office of Professional Regulation.

(b) No continuing education reporting is required at the first biennial license renewal date following licensure.

(c) The ~~board~~ Board may waive continuing education requirements for licensees who are on active duty in the ~~armed forces of the United States~~ U.S. Armed Forces.

(d) Dentists.

\* \* \*

(e) Dental therapists. To renew a license, a dental therapist shall meet active practice requirements established by the Board by rule and document completion of no fewer than 20 hours of Board-approved continuing professional education which shall include an emergency office procedures course during the two-year licensing period preceding renewal.

(f) Dental hygienists. To renew a license, a dental hygienist shall meet active practice requirements established by the ~~board~~ Board by rule and document completion of no fewer than 18 hours of ~~board-approved~~ Board-approved continuing professional education which shall include an emergency office procedures course during the two-year licensing period preceding renewal.

~~(f)~~(g) Dental assistants. To renew a registration, a dental assistant shall meet the requirements established by the ~~board~~ Board by rule.

## § 662. FEES

(a) Applicants and persons regulated under this chapter shall pay the following fees:

## (1) Application

(A) Dentist	\$ 225.00
(B) <u>Dental therapist</u>	<u>\$ 185.00</u>
(C) Dental hygienist	\$ 150.00
<del>(C)</del> (D) Dental assistant	\$ 60.00

(2) Biennial renewal	
(A) Dentist	\$ 355.00
(B) <u>Dental therapist</u>	<u>\$ 225.00</u>
(C) Dental hygienist	\$ 125.00
<del>(C)</del> (D) Dental assistant	\$ 75.00

(b) The licensing fee for a dentist, dental therapist, or dental hygienist or the registration fee for a dental assistant who is otherwise eligible for licensure or registration and whose practice in this ~~state~~ State will be limited to providing pro bono services at a free or reduced-fee clinic or similar setting approved by the ~~board~~ Board shall be waived.

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#### Sec. 2. COMMISSION ON DENTAL ACCREDITATION; EFFECTIVE DATE

The provision set forth in Sec. 1 of this act, in 26 V.S.A. § 611(a)(3) (license by examination; graduate), that requires accreditation by the Commission on Dental Accreditation, shall take effect once that accreditation from the Commission becomes available.

#### Sec. 3. BOARD OF DENTAL EXAMINERS; REPORT ON GEOGRAPHIC DISTRIBUTION OF DENTAL THERAPISTS

No earlier than two years after the effective date of this act but on or before January 1, 2020, the Board of Dental Examiners shall report to the Senate Committees on Health and Welfare and on Government Operations and the House Committees on Health Care and on Government Operations regarding:

(1) the geographic distribution of licensed dental therapists practicing in this State;

(2) the geographic areas of this State that are underserved by licensed dental therapists; and

(3) The Board's recommended incentives to promote the practice of licensed dental therapists in underserved areas of this State, particularly those areas that are rural in nature and have high numbers of people living in poverty.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

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

An act relating to establishing and regulating dental therapists.

And that when so amended the bill ought to pass.

Senator MacDonald, for the Committee on Finance, to which the bill was referred, reported the same without recommendation.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the report of the Committee on Health and Welfare bill be amended as recommended by the Committee on Government Operations?, Senators Lyons and White moved to amend the recommendation of the Committee on Government Operations in Sec. 1, 26 V.S.A. § 611 (license by examination), in subsection (a) subdivision (3), following “Commission on Dental Accreditation to train dentists” by inserting the following: , dental therapists,

Which was agreed to.

Thereupon, pending the question, Shall the report of the Committee on Health and Welfare bill be amended as recommended by the Committee on Government Operations?, Senators Kitchel, Ashe, Lyons, and Starr moved that the recommendation of amendment of the Committee on Government Operations be amended in Sec. 1, 26 V.S.A. § 613, subsection (b) (practice; scope of practice), by striking out the first sentence in its entirety and inserting in lieu thereof the following:

(b) Services performed by a dental therapist may only be performed in settings serving primarily low-income, uninsured, and underserved patients, or in areas designated by the U.S. Department of Health and Human Services as Health Professional Shortage Areas for dental care. In addition to services permitted by the Board by rule, a dental therapist may perform the following oral health care services:

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Thereupon, pending the question, Shall the report of the Committee Government Operations be amended as recommended by Senators Kitchel, Ashe, Lyons, and Starr?, Senator Kitchel requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, pending the question, Shall the report of the Committee on Health and Welfare bill be amended as recommended by the Committee on Government Operations?, Senators Kitchel, Ashe, Lyons, and Starr moved that the report of the Committee on Government Operations be amended as follows:

First: In Sec. 1, in 26 V.S.A. § 613 (practice; scope of practice), by striking out the introductory language of subsection (b) and inserting in lieu thereof the following:

(b) Services performed by a dental therapist may only be performed in practice settings or areas with a significant volume of low-income, uninsured, or underserved patients, as shall be determined by the Department of Health, or in areas designated by the U.S. Department of Health and Human Services as Health Professional Shortage Areas for dental care. In addition to services permitted by the Board by rule, a dental therapist may perform the following oral health care services:

Second: By striking out Sec. 4 (effective date) in its entirety and inserting in lieu thereof two new sections to read as follows:

Sec. 4. 26 V.S.A. § 613 is amended to read:

§ 613. PRACTICE; SCOPE OF PRACTICE

\* \* \*

~~(b) Services performed by a dental therapist may only be performed in practice settings or areas with a significant volume of low income, uninsured, or underserved patients, as shall be determined by the Department of Health, or in areas designated by the U.S. Department of Health and Human Services as Health Professional Shortage Areas for dental care. In addition to services permitted by the Board by rule, a dental therapist may perform the following oral health care services:~~

\* \* \*

Sec. 5. EFFECTIVE DATES

This act shall take effect on July 1, 2015 except for Sec. 4 (amending 26 V.S.A. § 613 (practice; scope of practice)), which shall take effect on July 1, 2020.

Which was agreed to.

Thereupon, pending the question, Shall the report of the Committee on Health and Welfare bill be amended as recommended by the Committee on Government Operations?, Senator Snelling moved that the report of the Committee on Government Operations be amended by striking out Sec. 5 (effective date) in its entirety and inserting in lieu thereof the following:

Sec. 5. EFFECTIVE DATE

(a) This act shall not take effect unless the Secretary of State confirms in writing to the General Assembly that the Secretary of State's Office has received written notice from at least 25 dentists licensed in this State that those dentists would be willing to hire a licensed dental therapist.

(b) If the Secretary of State makes the written confirmation described in subsection (a) of this section, this act shall take effect on July 1, 2015 or on the

first day of the month following the month in which the Secretary makes that written confirmation, whichever is later.

Which was disagreed to.

Thereupon, pending the question, Shall the report of the Committee on Health and Welfare bill be amended as recommended by the Committee on Government Operations?, Senator Mullin moved that the report of the Committee on Government Operations be amended as follows:

First: In Sec. 1, in 26 V.S.A. § 613 (practice; scope of practice), by adding a new subsection to be subsection (c) to read:

(c) Prior to performing any oral health care services on a minor, a dental therapist shall provide notification to the minor's parent or guardian of the dental therapist's license type, and specifically notify that parent or guardian that the dental therapist is not a dentist.

Second: In Sec. 1, in 26 V.S.A. § 561 (definitions), by striking out in its entirety subdivision (8) (definition of "general supervision").

Third: In Sec. 1, in 26 V.S.A. § 613 (practice; scope of practice), in subsection (a), following "palliative therapy; and restoration under the", by striking out "general supervision" and inserting in lieu thereof direct supervision.

Fourth: In Sec. 1, in 26 V.S.A. § 614 (collaborative agreement), in subdivision (b)(2), by striking out ", including the level of supervision required by the supervising dentist".

Thereupon, pending the question, Shall the report of the Committee on Government Operations be amended as recommended by Senator Mullin?, Senator Mullin asked that the question be divided, which was agreed to. Thereupon, the *first* recommendation of amendment was disagreed to on a roll call, Yeas 7, Nays 21.

Senator Mullin having demanded the yeas and nays, they were taken and are as follows:

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Benning, Collamore, Degree, Flory, McAllister, Mullin, Westman.

**Those Senators who voted in the negative were:** Ashe, Balint, Baruth, Bray, Campbell, Champion, Cummings, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, White, Zuckerman.

**Those Senators absent and not voting were:** Ayer, Doyle.

Thereupon, pending the question, Shall the report of the Committee on Government Operations be amended as recommended by Senator Mullin in the *second, third* and *fourth* instances of recommendations of amendment were disagreed to.

Thereupon, the recommendation of amendment of the Committee on Health & Welfare was amended as recommended by the Committee on Government Operations.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Health & Welfare, as amended?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 18, Nays 10.

Senator Mullin having demanded the yeas and nays, they were taken and are as follows:

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Balint, Baruth, Benning, Bray, Campbell, Cummings, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Rodgers, Sirotkin, Starr, White, Zuckerman.

**Those Senators who voted in the negative were:** Ashe, Campion, Collamore, Degree, Flory, McAllister, Mullin, Sears, Snelling, Westman.

**Those Senators absent and not voting were:** Ayer, Doyle.

#### **Bill Passed**

##### **S. 55.**

Senate bill of the following title was read the third time and passed:

An act relating to creating a flat rate for Vermont's estate tax and creating an estate tax exclusion amount that matches the federal amount.

#### **Bill Passed in Concurrence with Proposal of Amendment**

##### **H. 123.**

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

An act relating to mobile home parks, habitability standards, and compliance.



**Proposal of Amendment; Third Reading Ordered****H. 86.**

Senator Ashe, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to the Uniform Interstate Family Support Act.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 2, 15B V.S.A. § 1801(c), by striking out the word “extradition” and inserting in lieu thereof the word rendition

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered.

**Proposals of Amendment; Third Reading Ordered****H. 256.**

Senator White, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to disposal of property following an eviction, and fair housing and public accommodations.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: By striking out Sec. 1, 12 V.S.A. § 4854a, in its entirety and inserting in lieu thereof a new Sec. 1 to read as follows:

Sec. 1. 12 V.S.A. § 4854a is amended to read:

§ 4854a. PROPERTY OF TENANT REMAINING ON PREMISES AFTER EVICTION

(a) A landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property:

(1) 15 days after a writ of possession is served pursuant to this chapter or upon the landlord being legally restored to possession of the dwelling unit or leased premises pursuant to this chapter, whichever is later; or

(2) in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 40 days after a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title is served or upon the landlord

being legally restored to possession of the leased premises by a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title, whichever is later.

(b) Notwithstanding subsection (a) of this section, if the court stays the execution of a writ of possession issued pursuant to this chapter, then a landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property ~~five days~~ one day after the landlord is legally restored to possession of the dwelling unit or leased premises.

Second: By striking out Sec. 3, effective dates, in its entirety and inserting a new Sec. 3 to read as follows:

### Sec. 3. EFFECTIVE DATES

(a) Sec. 1 shall take effect on July 1, 2015, and shall apply to ejectment actions beginning on or after that date.

(b) This section and Sec. 2 shall take effect on passage.

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposals of amendment were collectively agreed to, and third reading of the bill was ordered.

### **Committee Relieved of Further Consideration; Bill Committed**

#### **H. 310.**

On motion of Senator Ashe, the Committee on Finance was relieved of further consideration of House bill entitled:

An act relating to limited liability companies,

and the bill was committed to the Committee on Economic Development, Housing & General Affairs.

### **Bill Called Up**

#### **S. 62.**

Senate bill of the following title was called up by Senator Lyons, and, under the rule, placed on the Calendar for action the next legislative day:

An act relating to surrogate decision making for do-not-resuscitate orders and clinician orders for life-sustaining treatment.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned until eleven o'clock in the morning.