

Journal of the Senate

THURSDAY, APRIL 9, 2015

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 46

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 considered joint resolution originating in the Senate of the following title:

J.R.S. 23. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Message from the Governor

A message was received from His Excellency, the Governor, by Susan Allen, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the ninth day of April, 2015 he approved and signed a bill originating in the Senate of the following title:

S. 6. An act relating to technical corrections to civil and criminal procedure statutes.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 146.

By Senators Rodgers and Starr,

An act relating to the exemption of materials needed to make tree bark mulch from Vermont's sales and use tax.

To the Committee on Finance.

S. 147.

By Senators Rodgers and Starr,

An act relating to the exemption tree bark mulch intended for resale from Vermont's sales and use tax.

To the Committee on Finance.

Bills Referred

H. 35.

House bill entitled:

An act relating to improving the quality of State waters.

Was taken up and pursuant to Temporary Rule 44A was referred to the Committee on Natural Resources & Energy.

H. 268.

House bill entitled:

An act relating to approval of the adoption and the codification of the charter of the Town of Franklin and of the merger of Franklin Fire District No. 1 into the Town.

Was taken up and pursuant to Temporary Rule 44A was referred to the Committee on Government Operations.

H. 361.

House bill entitled:

An act relating to making amendments to education funding, education spending, and education governance.

Was taken up and pursuant to Temporary Rule 44A was referred to the Committee on Education.

H. 478.

House bill entitled:

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

Was taken up and pursuant to Temporary Rule 44A was referred to the Committee on Government Operations.

Bill Amended; Third Reading Ordered**S. 139.**

Senate committee bill entitled:

An act relating to pharmacy benefit managers, hospital observation status, and chemicals of high concern to children.

Having appeared on the Calendar for notice for one day, was taken up.

Senator McCormack, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill be amended by striking out Sec. 5 (Prospective Payment for Home Health Services), Sec. 6 (Health Care Oversight Committee), Sec. 7 (Mental Health Oversight Committee), Sec. 8 (Long-Term Care Evaluation Task Force), and Sec. 13 (Appropriation) in their entirety and renumbering the remaining sections of the bill to be numerically correct.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of amendment of the Committee on Appropriations was agreed to.

Thereupon, pending the question, Shall the bill be read the third time?, Senator Pollina moved to amend the bill as follows:

First: In Sec. 12, 18 V.S.A. § 1776 by amending subsection (b) to read as follows:

(b) Additional chemicals of concern to children. The Commissioner may by rule add additional chemicals to the list of chemicals of high concern to children, provided that the Commissioner of Health, on the basis of ~~the weight~~ evaluation of credible, scientific evidence, has determined that a chemical proposed for addition to the list meets both of the following criteria in subdivisions (1) and (2) of this subsection:

* * *

Second: In Sec. 12, 18 V.S.A. § 1776(d) by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) The Commissioner, ~~upon the recommendation of~~ after consultation with the Chemicals of High Concern to Children Working Group, may adopt a rule to regulate the sale or distribution of a children's product containing a chemical of high concern to children upon a determination that:

(A) ~~children will be exposed to a chemical of high concern to children in the children's product~~ there is reasonable risk of exposure of children to the chemical of high concern; and

(B) ~~there is a probability that, due to the degree of exposure or frequency of exposure of a child to a chemical of high concern to children in a children's product, exposure could cause or contribute to one or more of the adverse health impacts listed under subdivision (b)(1) of this section~~ one or more safer and technically and economically feasible alternatives to the chemical of high concern to children are available.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senators Flory, Benning, Degree, Mazza, McAllister, Rodgers, Sears, and Starr moved to amend the bill by striking out Secs. 11 and 12 (chemicals of high concern to children) in their entirety.

Which was agreed to on a division of the senate, Yeas 16, Nays 15.

There being a tie, the Secretary took the casting vote of the President, who voted "Yea".

Thereupon third reading of the bill was ordered.

Adjournment

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