

Journal of the Senate

FRIDAY, MAY 1, 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. 57

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 Senate proposal of amendment to the following House bill:

H. 120. An act relating to creating a Vermont false claims act.

And has severally concurred therein.

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

H. 105. An act relating to disclosure of sexually explicit images without consent.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

Rules Suspended; Bill Committed

Pending entry on the Calendar for notice, on motion of Senator Campbell the rules were suspended and Senate bill entitled:

S. 135. An act relating to expanding the responsibilities of the Green Mountain Care Board.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Finance, Senator Campbell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Appropriations with the report of the Committee on Finance *intact*,

Which was agreed to.

Bill Referred to Committee on Finance

H. 5.

House bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to hunting, fishing, and trapping.

Third Readings Ordered; Rules Suspended; Bills Passed In Concurrence

H. 494.

Senator Collamore, for the Committee on Government Operations, to which was referred House bill entitled:

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

Reported that the bill ought to pass in concurrence.

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

Thereupon, on motion of Senator Campbell, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

Thereupon, the bill was passed in concurrence.

H. 496.

Senator Collamore, for the Committee on Government Operations, to which was referred House bill entitled:

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

Reported that the bill ought to pass in concurrence.

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

Thereupon, on motion of Senator Campbell, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

Thereupon, the bill was passed in concurrence.

H. 499.

Senator Collamore, for the Committee on Government Operations, to which was referred House bill entitled:

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

Reported that the bill ought to pass in concurrence.

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

Thereupon, on motion of Senator Campbell, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

Recess

On motion of Senator Campbell the Senate recessed until 11:00 A.M.

Called to Order

The Senate was called to order by the President.

Proposals of Amendment; Third Reading Ordered**H. 477.**

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

An act relating to miscellaneous amendments to election law.

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

First: By striking out Sec. 6 (17 V.S.A. § 2386 (time for filing statements)) in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. 17 V.S.A. § 2386 is amended to read:

§ 2386. TIME FOR FILING STATEMENTS

(a) ~~Statements pursuant to this subchapter, except for vacancies created by the death or withdrawal of a candidate after the~~ In the case of the failure of a major political party to nominate a candidate by primary, a statement shall be filed as set forth in section 2356 of this title not later than 5:00 p.m. on the third day following the primary.

(b) In the case of the death or withdrawal of a candidate after the primary election, the party committee shall have seven days from the date of the death

or withdrawal to nominate a candidate. In no event, shall a statement be filed later than 60 days prior to the election.

(c) In the case of a nomination by a minor political party, a statement shall be filed as set forth in section 2356 of this chapter.

(d) In the case of a nomination for the office of justice of the peace, a statement shall be filed as set forth in section 2413 of this chapter.

Second: By adding two new sections under the “Campaign Finance” reader assistance heading to be Secs. 29a and 29b to read as follows:

Sec. 29a. 17 V.S.A. § 2903 is amended to read:

§ 2903. PENALTIES

(a) A person who knowingly and intentionally violates a provision of subchapter 2, 3, or 4 of this chapter shall be fined not more than \$1,000.00 or imprisoned not more than six months, or both.

(b) A person who violates any provision of this chapter shall be subject to a civil penalty of up to \$10,000.00 for each violation and shall refund ~~the unspent balance of Vermont campaign finance grants received under subchapter 5 of this chapter, if any, calculated as of the date of the violation to~~ the Secretary of State an amount equivalent to any contributions or expenditures that violate subdivision 2983(b)(1) of this chapter.

(c) In addition to the other penalties provided in this section, a State’s Attorney or the Attorney General may institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this chapter.

Sec. 29b. APPLICABILITY OF SEC. 29a

It is the intent of the General Assembly that the provisions of 1 V.S.A. § 214(c) shall apply to Sec. 29a of this act.

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

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as moved by Senator White? Senator Sears raised a *point of order* under Sec. 111(3) of Mason’s Manual of Legislative Procedure on the grounds that the *second* proposal of amendment offered by Senator White violated the rule against referring to any matter awaiting adjudication in a court.

The President *overruled* the point of order and ruled that the proposal of amendment did not violate Sec. 111(3) of Mason’s Manual of Legislature Procedure and could be considered by the Senate.

Thereupon, the pending question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Government Operations?, Senator Sears moved that the second proposal of amendment be voted on separately, which was agreed to.

Thereupon, the *first* proposal of amendment of the Committee on Government Operations was decided in the affirmative.

Thereupon, Senator Sears moved to amend the proposal of amendment of the Committee on Government Operations by adding the following:

Third: By striking out Sec. 40 (effective dates) and inserting in lieu thereof the following:

Sec. 40. EFFECTIVE DATES

This act shall take effect on passage, except:

(1) Sec. 7, 17 V.S.A. § 2402 (requisites of statement), shall take effect on January 1, 2016;

(2) Sec. 19, 17 V.S.A. § 2593 (participation to be entered on statewide checklist by town clerk), shall take effect on July 1, 2015; and

(3) Secs. 29a, 17 V.S.A. § 2903 (penalties), and 29b (applicability of Sec. 29a) shall take effect on April 1, 2016.

Which was disagreed to on a division of the Senate, Yeas 10, Nays 17.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Government Operations in the *second* proposal of amendment?, was decided in the affirmative on a roll call, Yeas 22, Nays 6.

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

Roll Call

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

Those Senators who voted in the negative were: Degree, Flory, McAllister, Mullin, Sears, Snelling.

Those Senators absent and not voting were: Campbell, Westman.

Thereupon, third reading of the bill was ordered.

Proposal of Amendment; Bill Passed in Concurrence with Proposal of Amendment

H. 489.

House bill entitled:

An act relating to revenue.

Was taken up.

Thereupon, pending third reading of the bill, Senator Ashe moved to amend the Senate proposal of amendment as follows:

First: By striking out Sec. 32 (AHS administration of VSNIP) in its entirety and inserting in lieu thereof the following:

Sec. 32. [Deleted.]

Second: In Sec. 33, (Probate Cases), by striking out subdivision (a)(20) in its entirety and inserting in lieu thereof a new subdivision (a)(20) to read:

(20) Corrections for vital records ~~\$30.00~~ \$40.00

Third: In Sec. 85 (sales tax definitions), in subdivision (31), after “soft drinks” by striking out “. candy.” and by striking subdivision (55) in its entirety.

Fourth: By adding a section 87a to read as follows:

Sec. 87a. 32 V.S.A. § 5870 is amended to read:

§ 5870. REPORTING USE TAX ON INDIVIDUAL INCOME TAX RETURNS

The Commissioner of Taxes shall provide that individuals report use tax on their State individual income tax returns. Taxpayers are required to attest to the amount of their use tax liability under chapter 233 of this title for the period of the tax return. Alternatively, they may elect to report an amount that is ~~0.10~~ 0.15 percent of their Vermont adjusted gross income, as shown on a table published by the Commissioner of Taxes; and use tax liability arising from the purchase of each item with a purchase price in excess of \$1,000.00 shall be added to the table amount.

Fifth: In Sec. 88 (satellite programming tax), in 32 V.S.A. § 10502, subsection (a), after “the rate of” by striking “five” and inserting in lieu thereof two and one-half

Sixth: In Sec. 91, in subdivision (1), after 30 (Motor Vehicles), and before (VSNIP surcharge and language) by striking out “31–32” and inserting in lieu thereof 31, and by adding a subdivision (12) to read:

(12) Sec. 85 (use tax reporting) shall take effect on January 1, 2016, and apply to tax year 2015 returns and after.

Which was agreed to.

Thereupon, Senator Pollina moved that the Senate proposal of amendment be amended by adding three new sections to be numbered Secs. 22b, 22c, and 22d to read as follows:

Sec. 22b. 10 V.S.A. § 1521 is amended to read:

§ 1521. DEFINITIONS

~~For the purpose of~~ As used in this chapter:

(1) “Beverage” means beer or other malt beverages and mineral waters, mixed wine drink, soda water, and carbonated soft drinks in liquid form and intended for human consumption. As of January 1, 1990, “beverage” also shall mean liquor.

* * *

(3) “Container” means the individual, separate, bottle, can, jar, or carton composed of glass, metal, paper, plastic, or any combination of those materials containing a consumer product. This definition shall not include containers made of biodegradable material.

(4) “Distributor” means every person who engages in the sale of consumer products in containers to a dealer in this ~~state~~ State including any manufacturer who engages in such sales. Any dealer or retailer who sells, at the retail level, beverages in containers without having purchased them from a person otherwise classified as a distributor, shall be a distributor.

(5) “Manufacturer” means every person bottling, canning, packing, or otherwise filling containers for sale to distributors or dealers.

* * *

(8) “Secretary” means the ~~secretary of the agency of natural resources~~ Secretary of Natural Resources.

(9) “Mixed wine drink” means a beverage containing wine and more than 15 percent added plain, carbonated, or sparkling water; and ~~which that~~ which that contains added natural or artificial blended material, such as fruit juices, flavors, flavoring, adjuncts, coloring, or preservatives; ~~which that~~ which that contains not more than 16 percent alcohol by volume; or other similar product marketed as a wine cooler.

(10) “Liquor” means spirits as defined in 7 V.S.A. § 2.

(11) "Deposit initiator" means the first distributor or manufacturer to collect the deposit on a beverage container sold to any person within the State.

Sec. 22c. 10 V.S.A. §§ 1530 and 1531 are added to read:

§ 1530. ABANDONED BEVERAGE CONTAINER DEPOSITS; DEPOSIT TRANSACTION ACCOUNT; BEVERAGE REDEMPTION FUND

(a) A deposit initiator shall open a separate interest-bearing account in a Vermont branch of a financial institution to be known as the deposit transaction account. The deposit initiator shall keep the deposit transaction account separate from all other revenues and accounts.

(b) Beginning on July 1, 2015, each deposit initiator shall deposit in its deposit transaction account the refund value established by section 1522 of this title for all beverage containers sold by the deposit initiator. The deposit initiator shall deposit the refund value for each beverage container in the account not more than three business days after the date on which the beverage container is sold. All interest, dividends, and returns earned on the deposit transaction account shall be paid directly to the account. The deposit initiator shall pay all refunds on returned beverage containers from the deposit transaction account.

(c) Beginning on August 10, 2015, and by the tenth day of each month thereafter, every deposit initiator shall report to the Secretary of Natural Resources and the Commissioner of Taxes concerning transactions affecting the deposit initiator's deposit transaction account in the preceding month. The deposit initiator shall submit the report on a form provided by the Commissioner of Taxes. The report shall include:

(1) the balance of the account at the beginning of the preceding month;

(2) the number of nonreusable beverage containers sold in the preceding month and the number of nonreusable beverage containers returned in the preceding month;

(3) the amount of beverage container deposits received by the deposit initiator and deposited into the deposit transaction account;

(4) the amount of refund payments made from the deposit transaction account in the preceding month;

(5) any income earned on the deposit transaction account in the preceding month;

(6) any other transactions, withdrawals, or service charges on the deposit transaction account from the preceding month; and

(7) any additional information required by the Commissioner of Taxes.

(d) On or before August 10, 2015, and on the tenth day of each month thereafter, each deposit initiator shall remit from its deposit transaction account to the Commissioner of Taxes any abandoned beverage container deposits from the preceding month. The amount of abandoned beverage container deposits for a month is the amount equal to the amount of deposits that should be in the fund less the sum of:

(1) income earned on amounts on the account during that month; and

(2) the total amount of refund value received by the deposit initiator for nonrefillable containers during that month.

(e) The Secretary of Natural Resources may prohibit the sale of a beverage that is sold or distributed in the State by a deposit initiator who fails to comply with the requirements of this chapter. The Secretary may allow the sale of a beverage upon the deposit initiator's coming into compliance with the requirements of this chapter.

(f) The Commissioner of Taxes shall deposit in the General Fund established under 32 V.S.A. § 435 all abandoned beverage container deposits remitted under subsection (d) of this section.

Sec. 22d. 32 V.S.A. § 435(b) is amended to read:

(b) The General Fund shall be composed of revenues from the following sources:

* * *

(12) All other revenues accruing to the State not otherwise required by law to be deposited in any other designated fund or used for any other designated purpose;

(13) All abandoned beverage container deposits remitted to the Commissioner of Taxes under 10 V.S.A. § 1530.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as moved by Senator Pollina? Senator Rodgers raised a *point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the grounds that the proposal of amendment offered by Senator Pollina was *not germane* to the bill and therefore could not be considered by the Senate.

The President *overruled* the point of order and ruled that the proposal of amendment was *germane* to the bill and could be considered by the Senate.

Thereupon, the recurring question, Shall the Senate propose to the House to amend the bill as moved by Senator Pollina?, was disagreed to on a roll call, Yeas 10, Nays 19.

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

Roll Call

Those Senators who voted in the affirmative were: Ayer, Baruth, Benning, Cummings, Degree, Doyle, McCormack, Pollina, White, Zuckerman.

Those Senators who voted in the negative were: Ashe, Balint, Bray, Campbell, Campion, Collamore, Flory, Kitchel, Lyons, MacDonald, Mazza, McAllister, Mullin, Nitka, Rodgers, Sears, Sirotkin, Snelling, Starr.

The Senator absent and not voting was: Westman.

Thereupon, Senator Zuckerman moved that the Senate proposal of amendment be amended by:

Sec. 57a. HOME MORTGAGE INTEREST DEDUCTION

The Department of Taxes shall report to the General Assembly on or before January 15, 2016 on whether the limit on home mortgage interest under 32 V.S.A. § 5811(21)(A)(v) has a financial impact on Vermont businesses including farms.

Which was agreed to.

Thereupon, Senator Rodgers moved that the Senate proposal of amendment be amended by inserting a new section to be numbered Sec. 22a to read as follows:

Sec. 22a. 10 V.S.A. § 1976 is amended to read:

§ 1976. DELEGATION OF AUTHORITY TO MUNICIPALITIES

(a)(1) The Secretary may delegate to a municipality authority to:

(A) implement all sections of this chapter, except for sections 1975 and 1978 of this title; or

(B) implement permitting under this chapter for the subdivision of land, a building or structure, or a campground when the subdivision, building or structure, or campground is served by sewerage connections and water service lines, provided that:

(i) the lot, building or structure, or campground utilizes both a sanitary sewer service line and a water service line; and

(ii) the water main and sanitary sewer collection line that the water service line and sanitary sewer service line are connected to are owned and controlled by the delegated municipality.

(2) If a municipality submits a written request for delegation of this chapter, the ~~secretary~~ Secretary shall delegate authority to the municipality to implement and administer provisions of this chapter, the rules adopted under this chapter, and the enforcement provisions of chapter 201 of this title relating to this chapter, provided that the ~~secretary~~ Secretary is satisfied that the municipality:

(A) has established a process for accepting, reviewing, and processing applications and issuing permits, which shall adhere to the rules established by the ~~secretary~~ Secretary for potable water supplies and wastewater systems, including permits, by rule, for sewerage connections;

(B) has hired, appointed, or retained on contract, or will hire, appoint, or retain on contract, a licensed designer to perform technical work which must be done by a municipality under this section to grant permits;

(C) will take timely and appropriate enforcement actions pursuant to the authority of chapter 201 of this title;

(D) commits to reporting annually to the ~~secretary~~ Secretary on a form and date determined by the ~~secretary~~ Secretary; ~~and~~

(E) will only issue permits for water service lines and sanitary sewer service lines when there is adequate capacity in the public water supply system source, wastewater treatment facility, or indirect discharge system; and

(F) will comply with all other requirements of the rules adopted under section 1978 of this title.

~~(2) Notwithstanding the provisions of this subsection, there shall be no delegation of this section or of section 1975 or 1978 of this title.~~

* * *

Which was agreed to.

Thereupon, Senator Pollina moved that the Senate proposal of amendment be amended as follows:

First: By inserting a Sec. 58a to read as follows:

Sec. 58a. TAX RATES

(a) 2009 Spec. Sess. Acts and Resolves No. 2, Sec. 20 is repealed.

(b) Beginning in tax year 2015, the tax rates for the two highest income tax brackets in 32 V.S.A. § 5822(a)(1)–(5) are raised from tax year 2014 rates of 8.80 percent and 8.95 percent to 9.0 percent and 9.5 percent respectively. The tax rates for the three lowest brackets shall remain the same as they were in tax year 2014: 3.55 percent, 6.80 percent, and 7.80 percent. The Office of

Legislative Council is authorized to alter the statutory chart in 32 V.S.A. § 5822(a)(1)–(5) to reflect these changes.

Second: By striking out Sec. 88 (satellite programming tax) in its entirety and inserting in lieu thereof:

Sec. 88. [Deleted.]

Third: In Sec. 91 (effective dates), in subdivision (8), after “58 (minimum tax)” by adding , 58a (income tax rates), and by striking out subdivision (11) in its entirety.

Which was disagreed to on a roll call, Yeas 6, Nays 23.

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

Roll Call

Those Senators who voted in the affirmative were: Cummings, Doyle, McCormack, Pollina, White, Zuckerman.

Those Senators who voted in the negative were: Ashe, Ayer, Balint, Baruth, Benning, Bray, Campbell, Campion, Collamore, Degree, Flory, Kitchel, Lyons, MacDonald, Mazza, McAllister, Mullin, Nitka, Rodgers, Sears, Sirotkin, Snelling, Starr.

The Senator absent and not voting was: Westman.

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

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and forty-five minutes in the afternoon.

Called to Order

The Senate was called to order by the President.

Proposals of Amendment Amended; Bill Passed in Concurrence with Proposals of Amendment

H. 490.

House bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senator Kitchel moved that the Senate proposal of amendment be amended as follows:

First: By striking out Sec. B.204 in its entirety and insert in lieu thereof a new Sec. B.204 to read as follows:

Sec. B.204 Judiciary

Personal services	35,186,260
Operating expenses	8,683,467
Grants	<u>76,030</u>
Total	43,945,757
Source of funds	
General fund	38,439,850
Special funds	2,667,462
Tobacco fund	39,871
Federal funds	473,301
Interdepartmental transfers	<u>2,325,273</u>
Total	43,945,757

Second: By striking out Sec. B.301 in its entirety and inserting in lieu thereof a new Sec. B.301 to read as follows:

Sec. B.301 Secretary's office - global commitment

Operating expenses	4,541,736
Grants	<u>1,373,818,419</u>
Total	1,378,360,155
Source of funds	
General fund	209,337,689
Special funds	26,550,179
Tobacco fund	28,747,141
State health care resources fund	270,712,781
Federal funds	842,972,365
Interdepartmental transfers	<u>40,000</u>
Total	1,378,360,155

Third: By striking out Sec. B.307 in its entirety and inserting in lieu thereof a new Sec. B.307 to read as follows:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Grants	<u>659,633,970</u>
Total	659,633,970
Source of funds	

Global Commitment fund	<u>659,633,970</u>
Total	659,633,970

Fourth: By striking out Sec. B.604 in its entirety.

Fifth: By striking out Sec. E.301.2 in its entirety.

Which was agreed to.

Thereupon, Senator Kitchel moved that the Senate proposal of amendment be amended by inserting a new section to be numbered Sec. E.100.6 to read as follows:

Sec. E.100.6 FURTHER REDUCTIONS FOR CONFERENCE COMMITTEE CONSIDERATION

(a) The conference committee on this bill may review and consider further changes suggested by the Administration including additional pay act reductions; changes to opioid inpatient treatment reimbursement; further alignment of Medicaid and Medicare readmission; and alternatives for funding weatherization.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senator Kitchel?, Senator Kitchel requested and was granted leave to withdraw the proposal of amendment.

Thereupon, Senator Ayer, Lyons, McCormack, and Pollina moved that the Senate proposal of amendment be amended by inserting a new Sec. E.313.1 to read as follows:

Sec. E.313.1 18 V.S.A. chapter 95 is added to read:

CHAPTER 95. SUBSTANCE ABUSE ADVISORY COUNCIL

§ 4851. PURPOSE

It is the purpose of this chapter to establish a council responsible for evaluating Vermont's substance abuse system of care from a health and wellness perspective. The council created herein shall modernize the State's approach to substance abuse in terms of prevention, intervention, treatment, and recovery by focusing on community services, balancing scarce Medicaid resources, and integrating efforts with the Blueprint for Health.

§ 4852. SUBSTANCE ABUSE ADVISORY COUNCIL

(a) Creation. There is created a substance abuse advisory council to foster coordination and integration of substance abuse services across the substance abuse system of care.

(b) Membership. The Council shall be composed of the following 17 members:

- (1) the Secretary of Human Services or designee;
- (2) the Secretary of Education or designee;
- (3) the Deputy Commissioner of the Department of Health's Division of Alcohol and Drug Abuse Programs;
- (4) the Commissioner of Mental Health or designee;
- (5) the Commissioner of Vermont Health Access or designee;
- (6) the Director of the Blueprint or designee;
- (7) a representative of an approved provider or preferred provider that shall also be a designated agency, appointed by the Governor;
- (8) a representative of an approved provider or preferred provider that provides residential treatment services, appointed by the Governor;
- (9) two licensed alcohol and drug abuse counselors serving different regions of the State, appointed by the Governor;
- (10) a physician in private practice with expertise treating substance use disorders, appointed by the Governor;
- (11) a representative of hospitals, appointed by the Vermont Association of Hospitals and Health Systems;
- (12) a representative of the criminal justice community, appointed by the Governor;
- (13) an educator involved in substance abuse prevention services, appointed by the Governor;
- (14) a youth substance abuse prevention specialist, appointed by the Governor;
- (15) a community prevention coalition member, appointed by the Governor; and
- (16) a member of the peer community involved in recovery services, appointed by the Governor.

(c) Report. Annually on or before November 15, the Council shall submit a written report to the House Committee on Human Services and to the Senate Committee on Health and Welfare with its findings and any recommendations for legislative action.

(d) Meetings.

(1) The Secretary of Human Services shall call the first meeting of the Council to occur on or before August 1, 2015.

(2) The Council shall select a chair and vice chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(e) Reimbursement. Members of the Council who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than four meetings annually.

§ 4853. ADMINISTRATIVE SUPPORT

The Agency of Human Services shall provide the Council with such administrative support as is necessary for it to accomplish the purposes of this chapter.

§ 4854. POWERS AND DUTIES

The Council shall:

(1) assess substance abuse services and service delivery in the State, including the following:

(A) the effectiveness of existing substance abuse services in Vermont and opportunities for improved treatment; and

(B) strategies for enhancing the coordination and integration of substance abuse services across the system of care;

(2) provide recommendations to the Department of Health in its development of a substance abuse system of care, including regarding the integration of substance abuse services with health care reform initiatives, such as pay for performance methodologies;

(3) provide recommendations to the General Assembly and the Agency of Human Services regarding the improvement of statutes and rules governing the substance abuse system of care; and

(4) provide recommendations to the General Assembly regarding State policy and programs for individuals experiencing public inebriation.

Which was agreed to on a roll call, Yeas 17, Nays 10.

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

Roll Call

Those Senators who voted in the affirmative were: Balint, Bray, Collamore, Cummings, Degree, Doyle, Kitchel, Lyons, MacDonald, McCormack, Pollina, Sears, Sirotkin, Snelling, Starr, White, Zuckerman.

Those Senators who voted in the negative were: Baruth, Benning, Campbell, Champion, Flory, Mazza, McAllister, Mullin, Nitka, Rodgers.

Those Senators absent and not voting were: Ashe, Ayer, Westman.

Thereupon, Senator White moved that the Senate proposal of amendment be amended by inserting a new Sec. E.600.1 to read as follows:

Sec. E.600.1 16 V.S.A. § 2285 is added to read:

§ 2285. NONAPPLICABILITY OF CERTAIN REQUIREMENTS FOR PAYMENT OF WAGES

Except as expressly provided in this chapter, the University of Vermont and State Agricultural College and its Board of Trustees, officers, and employees shall not be subject to the provisions of 21 V.S.A. § 342(c) that require written employee authorization before an employer may pay wages through electronic funds transfer or other direct deposit systems to a checking, savings, or other deposit account maintained by the employee within or outside the State.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as moved by Senator White? Senator Baruth raised a *point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the grounds that the proposal of amendment offered by Senator White was *not germane* to the bill and therefore could not be considered by the Senate.

Thereupon, the President *sustained* the point of order and ruled that the proposal of amendment offered by Senator White was *not germane* to the bill.

The President thereupon declared that the proposal of amendment offered by Senator White could *not* be considered by the Senate and the proposal of amendment was ordered stricken.

Thereupon, Senator White moved to suspend Rule 402 of Mason's Manual of Legislative Procedure so that the Senate could consider the proposal of amendment. Which was disagreed to on a division of the Senate, Yeas 20, Nays 8.

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

Appointments Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator White, the following Gubernatorial appointments were confirmed together as a group by the Senate, without reports given by the Committees to which they were referred and without debate:

Mathis, William of Brandon - Member, State Board of Education - March 1, 2015, to February 28, 2021.

McAllister, Dylan of Greensboro - Student Member, State Board of Education - July 1, 2014, to June 30, 2016.

Milne, Linda of Montpelier - Member, Vermont State Colleges Board of Trustees - March 1, 2015, to February 28, 2021.

Peltz, Peter of Woodbury - Member, State Board of Education - March 1, 2015, to February 28, 2021.

Rules Suspended; Bills Messaged

On motion of Senator Campbell, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

H. 489, H. 490, H. 494, H. 496, H. 499.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were severally adopted in concurrence:

By Representative Lawrence and others,

By Senators Benning and Kitchel,

H.C.R. 140.

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

By All Members of the House,

By All Members of the Senate,

H.C.R. 141.

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

By Representative Pearce and others,
By Senators Degree, McAllister, Rodgers and Starr,

H.C.R. 142.

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

By Representative Pearce and others,
By Senators Degree, McAllister, Rodgers and Starr,

H.C.R. 143.

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

By Representatives Jewett and Olsen,

H.C.R. 144.

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

By Representative Troiano and others,

H.C.R. 145.

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

By Representative Macaig,

H.C.R. 146.

House concurrent resolution welcoming the Northeast Food and Drug Officials Association to Vermont for its 104th annual meeting.

By Representative Bissonnette and others,

H.C.R. 147.

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

By Representative Russell and others,

By Senators Mullin, Collamore and Flory,

H.C.R. 148.

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

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, May 5, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 26.