

Journal of the Senate

TUESDAY, APRIL 26, 2016

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Abigail Stockman of Barre.

Message from the House No. 57

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

Mr. President:

I am directed to inform the Senate that:

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

S. 66. An act relating to persons who are deaf, DeafBlind, or hard of hearing.

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 Senate proposal of amendment to the following House bill:

H. 559. An act relating to an exemption from licensure for visiting team physicians.

And has severally concurred therein.

Bill Referred to Committee on Appropriations

House bill of the following title, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule, was referred to the Committee on Appropriations:

H. 620.

An act relating to health insurance and Medicaid coverage for contraceptives.

Bills Passed in Concurrence with Proposals of Amendment

House bills of the following titles were severally read the third time and passed in concurrence with proposals of amendment:

H. 95. An act relating to jurisdiction over delinquency proceedings by the Family Division of the Superior Court.

H. 610. An act relating to clarifying the Clean Water State Revolving Fund and Water Pollution Control Grant Programs.

H. 629. An act relating to a study committee to examine laws related to the administration and issuance of vital records.

Bills Passed in Concurrence

House bills of the following titles were severally read the third time and passed in concurrence:

H. 529. An act relating to State aid for school construction repayment obligations.

H. 805. An act relating to employment rights for members of the National Guard and Reserve Components of the U.S. Armed Forces.

Proposal of Amendment; Third Reading Ordered

H. 858.

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

An act relating to miscellaneous criminal procedure amendments.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 2651(6) is amended to read;

(6) "Human trafficking" means:

* * *

(B) "severe form of trafficking" as defined by ~~21 U.S.C. § 7105~~
22 U.S.C. § 7105.

* * *

Sec. 2. 13 V.S.A. § 5238 is amended to read:

§ 5238. CO-PAYMENT AND REIMBURSEMENT ORDERS

* * *

(d) To the extent that the Court finds that the eligible person has income or assets available to enable payment of an immediate co-payment, it shall order such a co-payment to cover in whole or in part the amount of the costs of representation to be borne by the eligible person. ~~When a co-payment is ordered, the assignment of counsel shall be contingent on prior payment of the co-payment.~~ The co-payment shall be paid to the clerk of the Court. Any portion of the co-payment not paid to the clerk may be included in a reimbursement order.

* * *

Sec. 3. 13 V.S.A. § 5301 is amended to read:

§ 5301. DEFINITIONS

As used in this chapter:

* * *

(7) ~~For the purpose of this chapter, “listed~~ “Listed crime” means any of the following offenses:

* * *

(W) operating vehicle under the influence of intoxicating liquor or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210~~(e)(f)~~ and ~~(f)(g)~~;

* * *

Sec. 4. 13 V.S.A. § 5411a is amended to read:

§ 5411a. ELECTRONIC POSTING OF THE SEX OFFENDER REGISTRY

(a) Notwithstanding 20 V.S.A. §§ 2056a-2056e, the Department shall electronically post information on the Internet in accordance with subsection (b) of this section regarding the following sex offenders, upon their the offender’s release from confinement or, if the offender was not subject to confinement, upon the offender’s conviction:

* * *

Sec. 5. 13 V.S.A. § 5572(a) is amended to read:

(a) A person convicted and imprisoned for a crime of which the person was exonerated pursuant to ~~subchapter 1~~ of this chapter shall have a cause of action for damages against the ~~state~~ State.

Sec. 6. 13 V.S.A. § 5578 is added to read:

§ 5578. APPLICABILITY; RETROACTIVITY

Notwithstanding 1 V.S.A. § 214(b), this subchapter and any amendments thereto shall apply to any exoneration that occurs on or after July 1, 2007.

Sec. 7. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

(a) Possession and cultivation.

* * *

~~(5) Prior to accepting a plea of guilty or a plea of nolo contendere from a defendant charged with a violation of this subsection, the court shall address the defendant personally in open court, informing the defendant and determining that the defendant understands that admitting to facts sufficient to warrant a finding of guilt or pleading guilty or nolo contendere to the charge may have collateral consequences such as loss of education financial aid, suspension or revocation of professional licenses, and restricted access to public benefits such as housing. If the a court fails to provide the defendant with notice of collateral consequences in accordance with this subdivision 13 V.S.A. § 8005(b) and the defendant later at any time shows that the plea and conviction for a violation of this subsection may have or has had a negative consequence, the court, upon the defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea or admission and enter a plea of not guilty. Failure of the court to advise the defendant of a particular collateral consequence shall not support a motion to vacate.~~

* * *

Sec. 8. JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE

During 2016 the Joint Legislative Justice Oversight Committee shall study:

(1) how a criminal defendant's credit for time served is determined with respect to time that the defendant was in Department of Corrections custody on nonincarcerative status or conditions of release; and

(2) when the name of an offender who has committed a qualifying offense is posted on the Internet Sex Offender Registry if the offender was in Department of Corrections custody on nonincarcerative status.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

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.

House Proposal of Amendment Not Concurred In; Committee of Conference Requested

S. 114.

House proposal of amendment to Senate bill entitled:

An act relating to the Open Meeting Law.

Was taken up.

The House proposes to the Senate to amend the bill in Sec. 1, in 1 V.S.A. § 312(b)(2), in the second sentence (related to the posting of minutes), by striking out “five calendar days” and inserting in lieu thereof the following: “~~five~~ seven calendar days”

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator White, the Senate refused to concur in the House proposal of amendment and requested a Committee of Conference.

Senate Bill Recommended

S. 116.

Senate bill entitled:

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

Was taken up.

Thereupon, pending second reading of the bill, on motion of Senator Flory, the bill was recommitted to the Committee on Institutions.

Senate Bill Recommended

S. 225.

Senate bill entitled:

An act relating to miscellaneous changes to laws related to motor vehicles.

Was taken up.

Thereupon, pending second reading of the bill, on motion of Senator Mazza, the bill was recommitted to the Committee on Transportation.

**House Proposal of Amendment to Senate Proposal of Amendment
Concurred In**

H. 778.

House proposal of amendment to Senate proposal of amendment to House bill entitled:

An act relating to State enforcement of the federal Food Safety Modernization Act.

Was taken up.

The House concurs in the Senate proposal of amendment with further amendment thereto as follows:

In Sec. 1, 6 V.S.A. § 853, by striking out subdivision (a)(2) in its entirety and renumbering the subsequent subdivision to be numerically correct

Thereupon, the question, Shall the Senate concur in the House proposal of amendment to the Senate proposal of amendment?, was decided in the affirmative.

**House Proposal of Amendment Not Concurred In; Committee of
Conference Requested**

S. 174.

House proposal of amendment to Senate bill entitled:

An act relating to a model State policy for use of body cameras by law enforcement officers.

Was taken up.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 1, subdivision (a)(1), after the word “report” by inserting the words in the form of proposed legislation

Second: In Sec. 1, by striking subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) A law enforcement agency or constable that does not use body cameras shall not be required to adopt a model policy regarding their use.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator Sears, the Senate refused to concur in the House proposal of amendment and requested a Committee of Conference.

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

H. 872.

House bill entitled:

An act relating to Executive Branch fees.

Was taken up.

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

First: In Sec. 34, 32 V.S.A. § 602 (definitions), in subdivision (2) (definition of “fee”), by striking out subparagraph (A) in its entirety and inserting in lieu thereof a new subparagraph (A) to read as follows:

(A) Means a monetary charge by an agency ~~or~~ the judiciary ~~Judiciary, or a municipal official when that charge is established in statute,~~ for a service or product provided to, or the regulation of, specified classes of individuals or entities.

Second: By inserting a new section to be numbered Sec. 34a to read as follows:

Sec. 34a. 32 V.S.A. chapter 7, subchapter 6 is amended to read:

Subchapter 6. Executive and Judicial Branch Fees; Municipal Fees

§ 601. STATEMENT OF PURPOSE

It is the purpose of this subchapter to establish a uniform policy on the creation and review of Executive and Judicial Branch fees and statutorily established municipal fees, and to require that any such fee be created solely by the General Assembly.

* * *

§ 605b. MUNICIPAL ADVISORY COMMITTEE; CONSOLIDATED MUNICIPAL FEE REPORT AND REQUEST

(a) Creation. There is created a Municipal Advisory Committee for the purpose of preparing a municipal fee report and request to be submitted to the General Assembly every three years.

(1) The Committee shall be composed of the following five members:

(A) two municipal officials, one of whom is from a small town, and one of whom is from a big town, and one of whom receives fees as salary, and one of whom does not receive fees as salary, who are current members of the

Vermont Municipal Clerks' and Treasurers' Association (VMCTA), and who shall be appointed by the Governor after recommendation by the VMCTA;

(B) two municipal officials, one of whom is from a small town, and one of whom is from a big town, and one of whom receives fees as salary, and one of whom does not receive fees as salary, who are not members of the VMCTA, and who shall be appointed by the Governor after recommendation by the Vermont League of Cities and Towns; and

(C) The Secretary of State or designee.

(2) The Secretary of State or designee shall be the Chair of the Committee. The Chair shall call the first meeting of the Committee to occur on or before September 1, 2016. A majority of the membership shall constitute a quorum.

(3) The Committee shall have the administrative, technical, and legal assistance of the Secretary of State.

(4) There shall be no reimbursement for attendance at meetings of the Municipal Advisory Committee.

(b) Duties; generally. The Committee shall submit a consolidated municipal fee report and request no later than the third Tuesday of the legislative session of 2017 and every three years thereafter. The report shall be submitted to the House Committee on Ways and Means, the Senate Committee on Finance, and the House and Senate Committees on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(c) Fee report. After the Committee consults with any affected agency, a fee report shall contain for each fee required to be paid to a municipality that the Committee recommends be amended:

(1) its statutory authorization and termination date if any;

(2) its current rate or amount and the date this was last set or adjusted by the General Assembly;

(3) the fund into which its revenues are deposited; and

(4) the revenues derived from it in each of the two previous fiscal years.

(d) Fee request. A fee request shall contain any proposal to:

(1) Create a new fee, or change, reauthorize, or terminate an existing fee, which shall include a description of the services provided or the function performed.

(2) Set a new or adjust an existing fee rate or amount. Each new or adjusted fee rate shall be accompanied by information justifying the rate, which may include:

(A) the relationship between the revenue to be raised by the fee or change in the fee and the cost or change in the cost of the service, product, or regulatory function supported by the fee, with costs construed pursuant to subdivision 603(2) of this title;

(B) the inflationary pressures that have arisen since the fee was last set;

(C) the effect on budgetary adequacy if the fee is not increased;

(D) the existence of comparable fees in other jurisdictions;

(E) policies that might affect the acceptance or the viability of the fee amount; and

(F) other considerations.

§ 606. LEGISLATIVE FEE REVIEW PROCESS; FEE BILL

When the consolidated fee reports and requests are submitted to the General Assembly pursuant to ~~sections~~ section 605, and 605a, or 605b of this ~~title~~ subchapter, they shall immediately be forwarded to the House Committee on Ways and Means, which shall consult with other standing legislative committees having jurisdiction of the subject area of a fee contained in the reports and requests. As soon as possible, the Committee on Ways and Means shall prepare and introduce a “consolidated fee bill” proposing:

* * *

Which was agreed to.

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

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

H. 873.

House bill entitled:

An act relating to making miscellaneous tax changes.

Was taken up.

Thereupon, pending third reading of the bill, Senators Ashe, Mullin and Sirotkin moved to amend the Senate proposal of amendment by adding a new section to be numbered Sec. 28a to read as follows:

Sec. 28a. OFFICE OF THE HEALTH CARE ADVOCATE; REPORT

In the annual report submitted by the Office of the Health Care Advocate for calendar year 2016 pursuant to 18 V.S.A. § 9603(a)(11), the Office shall provide recommendations regarding whether:

(1) the Office of the Health Care Advocate should be relieved of obligations to serve as a voting member of any advisory group, task force, or similar group in order to fulfill more effectively the Office's consumer advocacy function;

(2) Vermont Health Connect-related consumer issues should be directed in the first instance to the insurance carrier for resolution; and

(3) any other statutory or structural changes to strengthen the role of the Office of the Health Care Advocate in providing systemic advocacy.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 22, Nays 6.

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: Ashe, Ayer, Balint, Baruth, Bray, Campbell, Campion, Cummings, Doyle, Kitchel, Lyons, MacDonald, Mazza, Nitka, Riehle, Rodgers, Sears, Sirotkin, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Collamore, Degree, Flory, Mullin, Pollina.

Those Senators absent and not voting were: McAllister (Suspended), McCormack.

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

H. 875.

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 to amend the Senate proposal of amendment by striking out Sec. B.124 in its entirety and inserting in lieu thereof a new Sec. B.124 to read as follows:

Sec. B.124 Executive office - governor's office

Personal services	1,449,630
Operating expenses	436,716
Total	1,881,676
Source of funds	
General fund	1,695,176
Interdepartmental transfers	186,500
Total	1,881,676

Which was agreed to.

Thereupon, Senator Ayer moved that the Senate proposal of amendment be amended by adding a new section to be Sec. E.100.10 to read as follows:

Sec. E.100.10 UNIVERSAL PRIMARY CARE; REPORT

(a) Regardless of any future developments in payment and delivery system reform, Vermont is likely to continue to have uninsured or underinsured residents. As expanding access to primary care services is a proven method for improving population health, the General Assembly intends to move forward with implementation of universal primary care for all Vermonters.

(b) In order to determine a path forward toward implementing universal primary care in Vermont, the Secretary of Administration or designee shall:

(1) conduct a literature review of any savings realized by universal health care programs over time that are attributable to the availability of universal access to primary care; and

(2) analyze the primary care payment models created through the development of the all-payer model in order to enable legislators to estimate appropriate reimbursement amounts for health care providers delivering primary care services.

(c) The Secretary or designee shall provide a detailed implementation timeline for universal primary care, including the recommended timing for conducting cost analyses; developing financing options; projecting impacts on insurance markets, individuals, households, businesses, and others; and estimating one-time and ongoing administrative costs.

(d) On or before December 15, 2016, the Secretary or designee shall report the results of the universal primary care study required by subsection (b) of this section, and the timeline developed pursuant to subsection (c) of this section, to the Health Reform Oversight Committee, the Joint Fiscal Committee, the House Committees on Health Care, on Appropriations, and on Ways and Means, and the Senate Committees on Health and Welfare, on Appropriations, and on Finance.

Which was agreed to.

Senators Pollina, Benning, Collamore, White, and Zuckerman moved to amend the Senate proposal of amendment as follows:

First: In Sec. E.102 [DELETED], by striking out Sec. E.102 in its entirety and inserting in lieu thereof Secs. E.102 and E.102.1 to read as follows:

Sec. E. 102 WORKERS' COMPENSATION ADMINISTRATION AND OFFICE OF RISK MANAGEMENT STUDY COMMITTEE; REPORT

(a) Creation. There is created the Workers' Compensation Administration and Office of Risk Management Study Committee to study whether the workers' compensation adjustment and loss control functions of the Office of Risk Management in the Agency of Administration should be contracted out to a private entity and whether the Office of Risk Management should be given authority to implement safety measures necessary to reduce the cost of providing workers' compensation coverage to the State.

(b) Membership. The Committee shall be composed of the following four members:

(1) the Secretary of Administration or designee;

(2) the Commissioner of Labor or designee;

(3) the Executive Director of the Vermont State Employees' Association or designee; and

(4) the Auditor or designee.

(c) Powers and duties. The Committee shall study whether the workers' compensation adjustment and loss control functions of the Office of Risk Management should be contracted out to a private entity and whether the Office of Risk Management should be given authority to institute safety measures necessary to reduce the cost of providing workers' compensation coverage to the State, including the following questions:

(1) what are the actions, if any, that the Agency of Administration, the Office of State Employee Workers' Compensation and Injury Prevention, and the Office of Risk Management have taken in response to the findings and recommendations of the Vermont State Auditor's 2013 Report on the State's Workers' Compensation Program, and have those actions resulted in any improvements in the performance of the Office of Risk Management or reductions in the annual cost of satisfying State employees' workers' compensation claims;

(2) whether providing the Office of Risk Management with the authority to require State agencies and departments to implement safety measures would

reduce the annual cost of satisfying State employees' workers' compensation claims;

(3) whether providing the Office of Risk Management with the authority to require State agencies and departments to implement safety measures would reduce the frequency of work-related injuries among State employees;

(4) what are the likely costs and benefits to the State of contracting out the workers' compensation adjustment and loss control functions of the Office of Risk Management to a private entity, including any projected changes in the annual cost of satisfying State employees' workers' compensation claims, any projected changes in the amount of work-related injuries among State employees, and the projected annual cost of a private entity carrying out the workers' compensation adjustment and loss control functions of the Office of Risk Management; and

(5) how would the quality of the service provided to the State by a private entity carrying out the workers' compensation adjustment and loss control functions of the Office of Risk Management compare to the current level of service provided by the Office of Risk Management.

(d) Report. On or before December 31, 2016, the Committee shall submit a written report to the House Committees on Commerce and Economic Development and on Government Operations and the Senate Committees on Finance and on Government Operations with its findings; a recommendation as to whether the workers' compensation adjustment and loss control functions of the Office of Risk Management should be contracted out to a private entity; and any recommendations for legislative, regulatory, or administrative action.

(e) Meetings.

(1) The Secretary of Administration shall call the first meeting of the Committee to occur on or before July 15, 2016.

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

(3) The Committee shall cease to exist on January 1, 2017.

Sec. E.102.1 OFFICE OF RISK MANAGEMENT; PRIVATIZATION

Notwithstanding any provision of law to the contrary, until no sooner than January 20, 2017, the Agency of Administration shall not enter into a privatization contract, as defined in 3 V.S.A. § 341, for the workers' compensation adjustment and loss control functions of the Agency's Office of Risk Management.

Second: In Sec. F.100, Effective Dates, in subsection (a), after the following: “E.100(c) (Secretary of State, conversion of limited service position),” by inserting the following: E.102 and E.102.1 (Office of Risk Management; privatization of workers’ compensation adjustment and loss control functions; study; moratorium).

Which was disagreed to on a roll call, Yeas 13, Nays 15.

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, Balint, Baruth, Benning, Collamore, Cummings, Doyle, MacDonald, Mullin, Pollina, Sirotkin, White, Zuckerman.

Those Senators who voted in the negative were: Ashe, Bray, Campbell, Campion, Degree, Flory, Kitchel, Lyons, Mazza, Nitka, Riehle, Rodgers, Sears, Starr, Westman.

Those Senators absent and not voting were: McAllister (Suspended), McCormack.

Thereupon, Senator Benning moved that the Senate proposal of amendment be amended by striking out Sec. E.127.1, recommendations for the future of Vermont Health Connect, in its entirety and inserting in lieu thereof the following:

Sec. E.127.1 RECOMMENDATIONS FOR ALTERNATIVES TO THE VERMONT HEALTH BENEFIT EXCHANGE

(a)(1) The Joint Fiscal Office (JFO), in collaboration with one or more independent third parties pursuant to contracts negotiated for that purpose, shall conduct an analysis for the General Assembly on or before December 15, 2016 regarding alternative approaches to the Vermont Health Connect.

(2) The analysis shall provide a comparison of the costs of the alternative approaches required to ensure a sustainable, effective State-based exchange and, to the extent possible, shall provide specific recommendations and action steps for legislative consideration. Alternative approaches shall include any opportunity to build on other states’ exchange technology, as well as a fully or partially federally facilitated exchange. Factors to be analyzed include required technological changes, ease of transition, short-term and long-term costs for both the transition and the operation of the alternative approaches, and implications for future developments in the Vermont health care system.

(3) Any options presented in this analysis shall be scored based upon the factors described in subdivision (a)(2) of this section.

(b) In conducting the analysis pursuant to this section, and in preparing any requests for proposals from independent third parties, the JFO shall consult with health insurers offering qualified health plans on Vermont Health Connect.

(c) The Secretary of Administration, the Secretary of Human Services, and the Chief Information Officer shall provide the JFO access to reviews conducted to evaluate Vermont Health Connect and any other information required to complete this analysis. The Executive Branch shall provide other assistance as needed. If necessary, the JFO shall enter into a memorandum of understanding with the Executive Branch relating to any reviews or other information that shall protect security and confidentiality.

(d) Of the amounts appropriated in fiscal year 2017 from State funds to the Department of Vermont Health Access for the operation of Vermont Health Connect, the amount of \$250,000 is transferred from the Department to the JFO for the purpose of implementing this section.

Which was disagreed to on a roll call, Yeas 8, Nays 20.

Senator Collamore 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, Doyle, Flory, Mullin, Pollina, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Balint, Baruth, Bray, Campbell, Campion, Cummings, Kitchel, Lyons, MacDonald, Mazza, Nitka, Riehle, Rodgers, Sears, Sirotkin, Starr, White, Zuckerman.

Those Senators absent and not voting were: McAllister (Suspended), McCormack.

Thereupon, Senator Degree moved that the Senate proposal of amendment be amended by striking out Sec. E.141.1, 31 V.S.A. § 654, in its entirety and inserting in lieu thereof a new Sec. E.141.1 to read as follows:

Sec. E.141.1 31 V.S.A. § 654 is amended to read:

§ 654. POWERS AND DUTIES

The Commission shall adopt rules pursuant to 3 V.S.A. chapter 25, governing the establishment and operation of the State Lottery. The rules may include the following:

* * *

(7) ~~Ticket~~ Lottery product sales locations, which may include State liquor stores and liquor agencies; private business establishments; ~~fraternal, religious, and~~ volunteer organizations; ~~town clerks' offices~~; and State fairs, race tracks, and other sporting arenas.

* * *

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

Thereupon, Senator Sirotkin moved that the Senate proposal of amendment be amended in Sec. E.600.1 by adding a new subsection (c) to read as follows:

(c) Notwithstanding subsection (a) of this section, tuition for full-time undergraduate students who are resident in Vermont shall not be raised by more than the annual percentage increase in the Higher Education Price Index, as published by the Commonfund Institute, unless the tuition for these students remains 40 percent or less of the tuition charged to nonresident students.

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

Thereupon, Senators Lyons and Riehle moved that the Senate proposal of amendment be amended by striking out Sec. E.306.13, primary care reallocation in its entirety and inserting in lieu thereof a new Sec. E.306.13 to read as follows:

Sec. E.306.13 PRIMARY CARE REALLOCATION

(a) The Department of Vermont Health Access, in collaboration with the Green Mountain Care Board, shall identify up to \$4,000,000 within the resources appropriated to the Department of Vermont Health Access by this act that may be reallocated to increase reimbursement rates to Medicaid participating providers for Medicaid primary care services delivered on or after July 1, 2016. The purpose of the increase shall be to restore in part the primary care rate increase that was provided with federal funds through the Affordable Care Act and that expired on December 31, 2014.

(b) In order to offset the increases required by subsection (a) of this section to maintain budget neutrality, and to the extent permitted under federal law, the Department is authorized to adjust as needed the rates of payments for Medicaid services other than primary care and the amounts of other Medicaid-related expenditures.

(c) On or before November 1, 2016, the Department of Vermont Health Access shall provide a report on its implementation of this section to the Health Reform Oversight Committee and the Joint Fiscal Committee.

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

Thereupon, Senator Bray moved that the Senate proposal of amendment be amended by striking out Sec E.141.1 in its entirety.

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

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 23, Nays 5.

Senator Kitchel 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, Bray, Campbell, Campion, Cummings, *Flory, Kitchel, Lyons, MacDonald, Mazza, Mullin, Nitka, Riehle, Rodgers, Sears, Sirotkin, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Collamore, Degree, Doyle, Pollina.

Those Senators absent and not voting were: McAllister (Suspended), McCormack.

*Senator Flory explained her vote as follows:

“I remain concerned that our spending is once again exceeding the growth of our economy and wages.

“The high cost and continued problems with Vermont Health Connect account for most of this.

“I voted for this bill with the hope that, once we are able to evaluate the options called for in § 127, we will be able to reduce our spending so that we, like most Vermonters, will live within our means.”

Joint House Resolution Recommitted**J.R.H. 26.**

Joint House Resolution entitled:

Joint resolution relating to the amendment of the federal Toxic Substances Control Act and its preemption provisions.

Was taken up.

Thereupon, pending second reading of the joint resolution, on motion of Senator Bray, the joint resolution was recommitted to the Committee on Natural Resources and Energy.

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. 529, H. 610, H. 629, H. 778, H. 805, H. 872, H. 873, H. 875.

Rules Suspended; Bill Committed**H. 877.**

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

An act relating to transportation funding.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Finance, Senator Ashe 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.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, April 27, 2016.