

Journal of the Senate

WEDNESDAY, APRIL 18, 2018

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Rosaire Bisson of Barre.

Message from the House No. 47

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

Mr. President:

I am directed to inform the Senate that:

The House has considered bills originating in the Senate of the following titles:

S. 29. An act relating to decedents' estates.

S. 101. An act relating to the conduct of forestry operations.

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

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee on Appropriations:

H. 404. An act relating to Medicaid reimbursement for long-acting reversible contraceptives.

H. 718. An act relating to creation of the Restorative Justice Study Committee.

House Proposal of Amendment Concurred In

S. 164.

House proposal of amendment to Senate bill entitled:

An act relating to establishing the Unused Prescription Drug Repository Program.

Was taken up.

The House proposes to the Senate to amend the bill in Sec. 1, unused prescription drug repository program; feasibility analysis; report, in subsection (b), by striking out the words “House Committee on Health Care” and inserting in lieu thereof the words House Committees on Health Care and on Human Services

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

House Proposals of Amendment Concurred In

S. 182.

House proposals of amendment to Senate bill entitled:

An act relating to the investment authority of municipal trustees of public funds.

Were taken up.

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

First: In Sec. 1, 24 V.S.A. § 2432, in subsection (d), by striking the subsection in its entirety and inserting in lieu thereof the following:

(d) The trustees may delegate management and investment of funds under their charge to the extent that is prudent under the terms of the trust or endowment, and in accordance with section 3415 (delegation of management and investment functions) of the Uniform Prudent Management of Institutional Funds Act, 14 V.S.A. chapter 120. Notwithstanding the limitations on investments set forth in subsection (b) of this section, an agent exercising a delegated management or investment function, if investing, shall invest the funds in a publicly traded security that is:

(1) registered with the Securities and Exchange Commission pursuant to 15 U.S.C. § 78l and listed on a national securities exchange;

(2) issued by an investment company registered pursuant to 15 U.S.C. § 80a-8;

(3) a corporate bond registered as an offering with the Securities and Exchange Commission pursuant to 15 U.S.C. § 78l and issued by an entity whose stock is a publicly traded security;

(4) a municipal security;

(5) a deposit in federally insured financial institutions as defined in 8 V.S.A. § 11101(32); or

(6) a security issued, insured, or guaranteed by the United States.

Second: In Sec. 3, 18 V.S.A. § 5384, in subsection (b), in subdivision (3), by striking the subdivision in its entirety and inserting in lieu thereof the following:

(3) The treasurer, selectboard, or trustees of public funds may delegate management and investment of town cemetery funds to the extent that it is prudent under the terms of the trust or endowment, and in accordance with ~~the Uniform Prudent Management of Institutional Funds Act, 14 V.S.A. § section 3415 (delegation of management and investment functions) of the Uniform Prudent Management of Institutional Funds Act, 14 V.S.A. chapter 120.~~ An Notwithstanding the limitations on investments set forth in this subsection, an agent exercising a delegated management or investment function, if investing, may shall invest cemetery funds only in the securities enumerated in this section in a publicly traded security that is:

(A) registered with the Securities and Exchange Commission pursuant to 15 U.S.C. § 78l and listed on a national securities exchange;

(B) issued by an investment company registered pursuant to 15 U.S.C. § 80a-8;

(C) a corporate bond registered as an offering with the Securities and Exchange Commission pursuant to 15 U.S.C. § 78l and issued by an entity whose stock is a publicly traded security;

(D) a municipal security;

(E) a deposit in federally insured financial institutions as defined in 8 V.S.A. § 11101(32); or

(F) a security issued, insured, or guaranteed by the United States.

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

S. 282.

House proposals of amendment to Senate bill entitled:

An act relating to health care providers participating in Vermont's Medicaid program.

Were taken up.

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

First: In Sec. 1, Medicaid provider screening and enrollment, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) In the event that the Department of Vermont Health Access will be unable to meet the 60-day time frame required by subsection (a) of this section by July 1, 2019, the Commissioner of Vermont Health Access shall convene a meeting of interested stakeholders, including organizations representing health care providers and health care facilities, on or before February 1, 2019, to provide an update regarding the status of the Department's provider screening and enrollment efforts, including identifying the remaining barriers and any additional resources needed for the Department to be able to process applications within 60 days following receipt and providing an alternative date by which the Department expects to begin meeting the 60-day time frame requirement.

Second: In Sec. 2, Medicaid participating provider concerns; report, in the section heading by striking out “; REPORT” and by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) On or before December 15, 2018, the Commissioner of Vermont Health Access shall convene a meeting of interested stakeholders to provide a summary of the Department's responses to participating providers' concerns regarding the Medicaid program and its administration and of the Department's findings regarding the potential for making changes to the Medicaid fraud and abuse statutes and for creating an exception to recoupment as described in subsection (a) of this section.

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

Bill Passed in Concurrence with Proposal of Amendment

House bill of the following title:

H. 294. An act relating to inquiries about an applicant's salary history.

Was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 30, Nays 0.

Senator Balint 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, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Bill Passed in Concurrence with Proposal of Amendment

House bill of the following title:

H. 333. An act relating to identification of gender-free restrooms in public buildings and places of public accommodation.

Was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 30, Nays 0.

Senator Balint 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, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Bill Passed in Concurrence with Proposal of Amendment

H. 603.

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

An act relating to human trafficking.

Bill Passed in Concurrence

H. 690.

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

An act relating to explanation of advance directives and treating clinicians who may sign a DNR/COLST.

Bill Passed in Concurrence with Proposals of Amendment

H. 696.

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

An act relating to establishing a State individual mandate.

Third Reading Ordered**J.R.H. 15.**

Senator Cummings, for the Committee on Finance, to which was referred joint House resolution entitled:

Joint resolution requesting the Federal Trade Commission, the Federal Communications Commission, and Congress to adopt more effective measures to enforce the federal Do Not Call list and to police illegal robocalls.

Reported that the joint resolution ought to be adopted in concurrence.

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

Proposals of Amendment; Third Reading Ordered**H. 914.**

Senator Lyons, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to reporting requirements for the second year of the Vermont Medicaid Next Generation ACO Pilot Project.

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

First: In Sec. 1, Vermont Medicaid Next Generation ACO Pilot Project reports, in subsection (a), following “the Green Mountain Care Board,” by inserting the following: the Medicaid and Exchange Advisory Committee,

Second: In Sec. 2, All-Payer Model and accountable care organization reports, in subsection (a), following “the Health Reform Oversight Committee,” by inserting the following: the Medicaid and Exchange Advisory Committee,

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.

House Proposal of Amendment Concurred In**S. 237.**

House proposal of amendment to Senate bill entitled:

An act relating to providing representation to needy persons concerning immigration matters.

Was taken up.

The House proposes to the Senate to amend the bill by adding a new Sec. 1 to read as follows:

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that the Defender General, the Deputy Defender General, and public defenders shall, pursuant to 13 V.S.A. § 5203(3), continue to meet professional representation obligations to clients through representation that may extend to federal immigration court.

And by renumbering the remaining sections to be numerically correct.

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

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, April 19, 2018.