

# Journal of the Senate

FRIDAY, APRIL 10, 2015

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

Smith, Megan of Mendon - Commissioner, Department of Tourism and Marketing - March 1, 2015, to February 28, 2017.

Costantino, Steven of Providence - Commissioner, Department of Vermont Health Access - February 17, 2015, to February 28, 2017.

Johnson, Justin of Barre - Commissioner, Agency of Administration - March 1, 2015, to February 28, 2017.

## Recess

On motion of Senator Campbell the Senate recessed until 11:55 A.M.

## Called to Order

The Senate was called to order by the President.

## Consideration Resumed; Consideration Interrupted by Recess

### S. 138.

Consideration was resumed on Senate bill entitled:

An act relating to promoting economic development.

Thereupon, pending the question, Shall the bill be read the third time? Senator Collamore and Balint moved to amend the bill by adding a new section to be numbered Sec. 22 to read as follows:

Sec. 22. SALES AND USE TAX HOLIDAY

Notwithstanding the provisions of 32 V.S.A. § 9771 and 24 V.S.A. § 138, a sales and use tax or local option sales tax shall not be imposed or collected on sales to individuals for personal use items or tangible personal property at a sales price of \$2,000.00 or less on August 29, 2015.

Thereupon, pending the question, Shall the bill be amended as recommended by Senator Collamore and Balint?, Senator Sears moved that the bill be committed to the Committee on Appropriations.

Thereupon, Senator Campbell, moved that the Senate recess until 1:00 P.M.

### **Called to Order**

The Senate was called to order by the President.

### **Consideration Resumed; Bill Amended; Bill Passed**

Thereupon, the pending question, Shall the bill be committed to the Committee on Appropriations as moved by Senator Sears?, Senator Sears requested and was granted leave to withdraw his motion.

Thereupon, the pending question, Shall the bill be amended as recommended by Senator Collamore and Balint?, was disagreed to on a roll call, Yeas 9, Nays 21.

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

### **Roll Call**

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

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

Thereupon, pending the question, Shall the bill be read third time?, Senator Westman moved to amend the bill in Sec. 50, 7 V.S.A. § 2, (definitions) by striking out subdivision (28) in its entirety and inserting in lieu thereof two new subdivisions (27) and (28) to read as follows:

(27) "Special events permit": a permit granted by the Liquor Control Board permitting a person holding a manufacturer's or rectifier's license to sell by the glass or by unopened bottle spirits, fortified wines, malt beverages, or vinous beverages manufactured or rectified by the license holder at an event open to the public that has been approved by the local licensing authority. For the purposes of tasting only, the permit holder may distribute, with or without charge, beverages manufactured by the permit holder by the glass no more than two ounces per product and eight ounces total of malt beverages or vinous beverages and no more than one ounce in total of spirits or fortified wines to each individual. No more than ~~36~~ 104 special events permits may be issued to a holder of a manufacturer's or rectifier's license during a year. A special

event permit shall be valid for the duration of each public event or four days, whichever is shorter. Requests for a special events permit, accompanied by the fee as required by subdivision 231(13) of this title, shall be submitted to the Department of Liquor Control at least five days prior to the date of the event. Each manufacturer or rectifier planning to attend a single special event under this permit may be listed on a single permit. However, each attendance at a special event shall count toward the manufacturer's or rectifier's ~~36~~ 104 special-event-permit limitation.

(28) "Fourth-class license" or "farmers' market license": the license granted by the Liquor Control Board permitting a manufacturer or rectifier of malt ~~or~~ beverages, vinous beverages, fortified wines, or spirits to sell by the unopened container and distribute, by the glass, with or without charge, beverages manufactured by the licensee. No more than a combined total of ten fourth-class and farmers' market licenses may be granted to a licensed manufacturer or rectifier. At only one fourth-class license location, a manufacturer or rectifier of vinous beverages, malt beverages, fortified wines, or spirits may sell by the unopened container and distribute by the glass, with or without charge, vinous beverages, malt beverages, fortified wines, or spirits produced by no more than five additional manufacturers or rectifiers, provided these beverages are purchased on invoice from the manufacturer or rectifier. A manufacturer or rectifier of vinous beverages, malt beverages, fortified wines, or spirits may sell its product to no more than five additional manufacturers or rectifiers. A fourth-class licensee may distribute by the glass no more than two ounces of malt beverages or vinous beverage with a total of eight ounces to each retail customer and no more than one-quarter ounce of spirits or fortified wine with a total of one ounce to each retail customer for consumption on the manufacturer's premises or at a farmers' market. A fourth class licensee may distribute by the glass up to four mixed drinks containing a combined total of no more than one ounce of spirits or fortified wine to each retail customer for consumption only on the manufacturer's premises. A farmers' market license is valid for all dates of operation for a specific farmers' market location.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senators Campbell, McAllister, Benning, and Degree moved to amend the bill by adding a new section to be numbered Sec. 63 to read as follows:

Sec. 63. 13 V.S.A. § 4010 is amended to read:

§ 4010. GUN SILENCERS

(a) ~~A~~ Except as otherwise provided in subsection (b) of this section, a person who manufactures, sells, uses, or possesses with intent to sell or use an appliance known as or used for a gun silencer shall be fined \$25.00 for each

offense. The provisions of this section shall not prevent the use or possession of gun silencers by:

\* \* \*

(b) Subsection (a) of this section shall not apply to a person licensed under 18 U.S.C. chapter 44 who is also registered as a Special Occupational Taxpayer under the National Firearms Act of 1934, for the purpose of manufacturing, joint production, calibration, integration, incorporation, testing, permanent and temporary export, permanent and temporary import, research and development, repair, or sale of silencers in accordance with federal, State, and local law.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read the third time?, Senators Flory and Mazza moved to amend the bill by adding a new section to be numbered Sec. 65 to read as follows:

Sec. 65. 32 V.S.A. § 5930ii is amended to read:

§ 5930ii. RESEARCH AND DEVELOPMENT TAX CREDIT

(a) A taxpayer of this State shall be eligible for a credit against the tax imposed under this chapter in an amount equal to ~~27~~ 30 percent of the amount of the federal tax credit allowed in the taxable year for eligible research and development expenditures under 26 U.S.C. § 41(a) and which are made within this State.

(b) Any unused credit available under subsection (a) of this section may be carried forward for up to 10 years.

(c) Each year, on or before January 15, the Department of Taxes shall publish a list containing the names of the taxpayers who have claimed a credit under this section during the most recent completed calendar year.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Flory and Mazza?, Senator Flory requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, pending the question, Shall the bill be read third time?, Senators Westman, Ashe, Ayer, and Lyons moved to amend the bill by adding a Sec. 66 to read as follows:

Sec. 66. PREWRITTEN SOFTWARE ACCESSED REMOTELY

Charges for the right to access and use prewritten software run on underlying infrastructure that is not managed or controlled by the purchaser or any related company shall not be considered tangible personal property under 32 V.S.A. § 9701(7).

Which was agreed to.

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

First: By adding new sections to be numbered Secs. 71–74 to read as follows:

Sec. 71. 32 V.S.A. § 5930a(c)(2) is amended to read:

(2) The new jobs should make a net positive contribution to employment ~~in the area, and meet or exceed the prevailing compensation level including wages and benefits, for the particular employment sector~~ consistent with the applicable wage threshold for the labor market area. The new jobs should offer benefits and opportunities for advancement and professional growth consistent with the employment sector.

Sec. 72. 32 V.S.A. § 5930b is amended to read:

§ 5930b. VERMONT EMPLOYMENT GROWTH INCENTIVE

(a) Definitions. As used in this section:

\* \* \*

(24) “Wage threshold” means the minimum annualized Vermont gross wages and salaries paid, as determined by the Council, but not less than:

(A) 60 percent above the minimum wage at the time of application; ~~in order for a new job to be a qualifying job under this section; or~~

(B) 40 percent above the State minimum wage at the time of application for a businesses located in a labor market area of this State in which the unemployment rate is greater than the average unemployment rate for the State.

(25) “Labor market area” means a labor market area as designated by the Vermont Department of Labor.

(b) Authorization process.

(1) A business may apply to the Vermont Economic Progress Council for approval of a performance-based employment growth incentive to be paid out of the business’s withholding account upon approval by the Department of Taxes pursuant to the conditions set forth in this section. Businesses shall not be permitted to deduct approved incentives from withholding liability payments otherwise due. In addition to any other information that the Council may require in order to fulfill its obligations under section 5930a of this title, an employment growth incentive application shall include all the following information:

- 
- (A) application base number of jobs;
  - (B) total jobs at time of application;
  - (C) application base payroll;
  - (D) total payroll at time of application;
  - (E) jobs target for each year in the award period;
  - (F) payroll target for each year in the award period;
  - (G) capital investment target for each year in the award period; and

(H) a statement signed by the president or chief executive officer or equivalent acknowledging that to the extent the applicant fails to meet the minimum capital investment by the end of the award period, any incentives remaining to be earned shall be limited, and any incentives taken shall be subject to complete or partial reversal, pursuant to subdivisions (c)(10) and (11) of this section.

(2) The Council shall review each application in accordance with section 5930a of this title, except that the Council may provide for an initial approval pursuant to the conditions set forth in subsection 5930a(c), followed by a final approval at a later date, before December 31 of the calendar year in which the economic activity commences.

(3) Except as provided in subdivision (5) of this subsection, the value of the incentives will be dependent upon the net fiscal benefit resulting from projected qualifying payroll and qualifying capital investment. An incentive ratio shall be applied to the net fiscal benefit generated by the cost-benefit model in order to determine the maximum award the Council may authorize for each application it approves. The Council may establish a threshold for wages in excess of, but not less than, the wage threshold, as defined in subsection (a) of this section for individual applications the Council wishes to approve. The Council shall calculate an incentive percentage for each approved application as follows:

Authorized award amount ÷ the five-year sum of all payroll targets

(4) An approval shall specify: the application base jobs at the time of the application; total jobs at time of application; the application base payroll; total payroll at time of application; the incentive percentage; the wage threshold; the payroll thresholds; a job target for each year of the award period; a payroll target for each year of the award period; a capital investment target for each year of the award period and description sufficient for application of subdivisions (c)(10) and (11) of this section of the nature of qualifying capital investment over the award period upon which approval shall be conditioned;

and the amount of the total award. The Council shall provide a copy of each approval to the Department of Taxes along with a copy of the application submitted by that applicant.

(5)(A) Notwithstanding subdivision (3) of this subsection, the Council may authorize incentives in excess of net fiscal benefit multiplied by the incentive ratio ~~not to exceed an annual authorization established by law for awards to businesses located in a labor market area in which the unemployment rate is greater than the average unemployment rate for the State or in which the average annual wage is below the average annual wage for the State.~~

(B)(i) Except as provided in subdivision (5)(B)(ii) of this subsection, the total amount of employment growth incentives the Vermont Economic Progress Council is authorized to approve under subdivision (5)(A) of this subsection shall not exceed \$1,000,000.00 from the General Fund.

(ii) The Council shall have the authority to exceed the cap imposed in subdivision (5)(B)(i) of this subsection upon application to and approval by the Emergency Board.

(c) Claiming an employment growth incentive.

\* \* \*

(6)(A) A business whose application is approved and, in the first, second, or third year of the award period, fails to meet or exceed its payroll target and one out of two of its jobs and capital investment targets may not claim incentives in that year. To the extent such business reaches its first, second, or third year award period targets within the succeeding two calendar year reporting periods immediately succeeding year one, two, or three of the award period, or within the extended period if an extension is granted under subdivision (B) of this subdivision (6), whichever is applicable, such business may claim incentives in five-year installments as provided in subdivisions (1) through (4) of this subsection. A business which fails to meet or exceed its payroll target and one of its two jobs and capital investment targets within this time frame shall forfeit all authority under this section to earn and claim incentives for award period year one, two, or three, as applicable, and any future award period years. The Department of Taxes shall notify the Vermont Economic Progress Council that the first, second, or third year award period targets have not been met within the prescribed period, and the Council shall rescind authority for the business to earn incentives for the activity in year one, two, or three, as applicable, and any future award period years.

(B)(i) Notwithstanding subdivision (6)(A) of this subsection, if a business determines that it may not reach its first or second year award period

targets within the succeeding two calendar year reporting periods due to facts or circumstances beyond its control, the business may request that the Council extend the period to meet the targets for another two reporting periods, reviewed annually, for award year one, and one reporting period for award year two.

(ii) The Council may grant an extension pursuant to this subdivision (B) if it determines that the business failed to meet its targets due to facts or circumstances beyond the control of the business and that there is a reasonable likelihood the business will meet the award period targets within the extension period.

(iii) If the Council grants an extension pursuant to this subdivision (B), the Council shall re-calculate the value of the incentive using the cost-benefit model and adjust the amount of the award as is necessary to account for the extension of the award period.

\* \* \*

(h) Enhanced training incentive. Notwithstanding any provision of law to the contrary, the Council may award an enhanced training incentive as follows:

(1) A business whose incentive application is approved may elect to claim an enhanced training incentive at any time during the award period by:

(A) notifying the Council of its intent to pursue an enhanced training incentive and dedicate its incentive funds to training through the Vermont Training Program or a Workforce Education and Training Fund program; and

(B) applying for a grant from the Vermont Training Program or the Workforce Education and Training Fund to perform training for new employees who hold qualifying jobs.

(2) If the business successfully completes new employee training pursuant to the terms of its training grant and uses incentive funds to cover a 25 percent share of the training costs, the Agency of Commerce and Community Development, or the Department of Labor, as applicable, shall disburse grant funds for on-the-job training of not more than 75 percent of wages for each employee in training, or not more than 75 percent of trainer expense upon successful completion of training hours.

(3) The Department of Taxes shall reimburse the Agency or the Department for 25 percent of the wages or trainer expense incurred by the Vermont Training Program or the Workforce Education and Training Fund pursuant to subdivision (2) of this subsection.

(4) If the business successfully completes its training and meets or exceeds its payroll target and either its jobs target or capital investment target,

the Council shall approve the enhanced training incentive and notify the Department of Taxes.

(5) Upon notification by the Council, the Department of Taxes shall disburse to the business a payment in an amount equal to the business's cost for training and the cost of the reimbursement to the Vermont Training Program or the Workforce Education and Training Fund for training expenses pursuant to subdivision (3) of this subsection. The Department shall disburse the remaining value of the incentive award in annual installments pursuant to subdivision (c)(2) of this section.

(6)(A) If, during the utilization period for the incentive paid pursuant to this subsection (h), the business fails to maintain the qualifying jobs or qualifying payroll established in the award year, or does not reestablish qualifying jobs or qualifying payroll to 100 percent of the award year level, the Department of Taxes shall recapture the enhanced incentive pursuant to subsection (d) of this section.

(B) The amount of recapture shall equal the sum of the installments that the Department would have disbursed if it had paid the incentive in five-year installments pursuant to subdivision (c)(2) of this section for the years during the utilization period that the qualifying jobs or qualifying payroll were not maintained.

(i) Overall gross cap on total employment growth incentive and education tax incentive authorizations.

(1) For any calendar year, the total amount of employment growth incentives the Vermont Economic Progress Council is authorized to approve under this section and property tax stabilizations under 32 V.S.A. § 5404a(a) shall not exceed \$10,000,000.00 from the General Fund and Education Fund combined each year.

(2) The Council shall have the authority to exceed the cap imposed in subdivision (1) of this subsection upon application to and approval by the Emergency Board.

Sec. 73. 2006 Acts and Resolves No. 184, Sec. 11 is amended to read:

Sec. 11. ~~VEGI; ANNUAL CALENDAR YEAR CAPS~~

~~(a) Net negative awards cap. Notwithstanding any other provision of law, in any calendar year, the annual authorization for the total net fiscal cost of Vermont employment growth incentives that the Vermont economic progress council or the economic incentive review board may approve under 32 V.S.A. § 5930b(b)(5) shall not exceed \$1,000,000.00 from the general fund.~~

~~(b) Restrictions to labor market area. Employment growth incentives within the annual authorization amount in subsection (a) of this section shall be granted solely for awards to businesses located in a labor market area of this state in which the rate of unemployment is greater than the average for the state or in which the average annual wage is below the average annual wage for the state. For the purposes of this section, a "labor market area" shall be as determined by the department of labor.~~

~~(c) Overall gross cap on total employment growth incentive and education tax incentive authorizations. For any calendar year, the total amount of employment growth incentives the Vermont economic progress council or the economic incentive review board is authorized to approve under 32 V.S.A. § 5930b and property tax stabilizations and allocations under 32 V.S.A. § 5404a(a) and (e) shall not exceed \$10,000,000.00 from the general fund and education fund combined each year. This maximum annual amount may be exceeded by the Vermont economic progress council upon application to and approval by the Emergency Board. [Repealed.]~~

Sec. 74. 10 V.S.A. § 531(d) is amended to read:

(d) In order to avoid duplication of programs or services and to provide the greatest return on investment from training provided under this section, the Secretary of Commerce and Community Development shall:

(1) consult with the Commissioner of Labor regarding whether the grantee has accessed, or is eligible to access, other workforce education and training resources;

(2) disburse grant funds only for training hours that have been successfully completed by employees; provided that, except for an award under an enhanced training incentive as provided in 32 V.S.A. § 5930b(h), a grant for on-the-job training shall either provide not more than 50 percent of wages for each employee in training, or not more than 50 percent of trainer expense, but not both, and further provided that training shall be performed in accordance with a training plan that defines the subject of the training, the number of training hours, and how the effectiveness of the training will be evaluated; and

(3) use funds under this section only to supplement training efforts of employers and not to replace or supplant training efforts of employers.

Second: By striking out Sec. 100 in its entirety and inserting in lieu thereof a new Sec. 100 to read as follows:

## Sec. 100. EFFECTIVE DATES

(a) Except as otherwise provided in subsection (b) of this section, this act shall take effect on July 1, 2015.

(b) Notwithstanding 1 V.S.A. § 214, other than 32 V.S.A. § 5930b(c) (extension of time to meet first or second year award targets), Secs. 71–74 (Vermont Employment Growth Incentive provisions) shall take effect retroactively as of January 1, 2015.

Which was agreed to on a roll call, Yeas 29, Nays 1.

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, Campbell, Campion, Collamore, Cummings, Degree, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Snelling, Starr, Westman, White, Zuckerman.

**The Senator who voted in the negative was:** Sirotkin.

Thereupon, pending the question, Shall the bill be read the third time?, Senator Campbell moved to amend the bill by striking out Sec. 63 in its entirety and inserting in lieu thereof a new section to be numbered Sec. 63 to read as follows:

Sec. 63. 13 V.S.A. § 4010 is amended to read:

§ 4010. GUN SILENCERS

(a) A Except as otherwise provided in subsection (b) of this section, a person who manufactures, sells, uses, or possesses with intent to sell or use an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers by:

\* \* \*

(b) Subsection (a) of this section shall not apply to a licensed manufacturer, as defined in 18 U.S.C. § 921, who is also registered as a manufacturer pursuant to 26 U.S.C. § 5802, for the purpose of manufacturing, joint production, calibration, integration, incorporation, testing, permanent and temporary export, permanent and temporary import, research and development, repair, or sale of silencers in accordance with federal, State, and local law.

Which was agreed to.

Thereupon, the bill was read the third time and passed on a roll call, Yeas 30, Nays 0.

Senator Sirotkin 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, Campbell, Campion, Collamore, Cummings, Degree, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

**Those Senators who voted in the negative were:** None.

### **Bill Passed**

#### **S. 139.**

Senate bill entitled:

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

Was taken up.

Thereupon, pending third reading of the bill, Senator Pollina moved to amend the bill as follows:

First: By adding a new section to be numbered Sec. 11 to read as follows:

Sec. 11. 18 V.S.A. § 1774 is amended to read:

§ 1774. CHEMICALS OF HIGH CONCERN TO CHILDREN WORKING GROUP

(a) Creation. A Chemicals of High Concern to Children Working Group (Working Group) is created within the Department of Health for the purpose of providing the Commissioner of Health advice and recommendations regarding implementation of the requirements of this chapter.

(b) Membership.

(1) The Working Group shall be composed of the following members who, except for ex officio members, shall be appointed by the Governor after consultation with the Commissioner of Health:

(A) the Commissioner of Health or designee, who shall be the chair of the Working Group;

(B) the Commissioner of Environmental Conservation or designee;

(C) the State toxicologist or designee; and

~~(D) a representative of a public interest group in the State with experience in advocating for the regulation of toxic substances; a scientist or other accredited professional with expertise or knowledge of the toxicity or health effects of chemicals.~~

~~(E) a representative of an organization within the State with expertise in issues related to the health of children or pregnant women;~~

~~(F) one representative of businesses in the State that use chemicals in a manufacturing or production process or use chemicals that are used in a children's product manufactured in the State;~~

~~(G) a scientist with expertise regarding the toxicity of chemicals; and~~

~~(H) a representative of the children's products industry with expertise in existing state and national policies impacting children's products.~~

~~(2)(A) In addition to the members of the Working Group appointed under subdivision (1) of this subsection, the Governor may appoint up to three additional adjunct members.~~

~~(B) An adjunct member appointed under this subdivision (2) shall have expertise or knowledge of the chemical or children's product under review or shall have expertise or knowledge in the potential health effects of the chemical at issue.~~

~~(C) Adjunct members appointed under this subdivision (2) shall have the same authority and powers as a member of the Working Group appointed under subdivision (1) of this subsection (b).~~

~~(3)(2) The members member of the Working Group appointed under subdivision (1)(D) of this subsection shall serve ~~staggered~~ a three-year ~~terms~~ term. The Governor may remove ~~members~~ a member of the Working Group who ~~fail~~ fails to attend three consecutive meetings and may appoint ~~replacements~~ a replacement. The Governor may reappoint ~~members~~ a member to serve more than one term.~~

\* \* \*

Second: By striking out Sec. 14 in its entirety and inserting in lieu thereof a new Sec. 14 to read as follows:

#### Sec. 14. EFFECTIVE DATES

(a) Secs. 1 and 2 (pharmacy benefit managers), 9 and 10 (reports), and this section shall take effect on passage.

(b) Secs. 3 and 4 (notice of hospital observation status) and 11 (chemicals of concern to children working group) shall take effect on July 1, 2015.

Thereupon, pending the question, Shall the bill be amended as recommended by Senator Pollina?, Senator Flory raised a *point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the grounds that the recommendation of amendment offered by Senator Pollina was not germane to the bill and therefore could not be considered by the Senate. Pending a ruling by the President, Senator Flory withdrew her point of order. Thereupon, Senator Pollina requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, pending third reading of the bill, Senators Mullin and Campbell moved to amend the bill as follows:

First: By inserting two new sections to be numbered Secs. 5 and 6 and a reader assistance heading to read as follows:

\* \* \* Immunizations \* \* \*

Sec. 5. 18 V.S.A. § 1122 is amended to read:

§ 1122. EXEMPTIONS

(a) Notwithstanding subsections 1121(a) and (b) of this title, a person may remain in school or in ~~the~~ a child care facility without a required immunization:

(1) If the person or, in the case of a minor, the person's parent or guardian presents a form created by the ~~department~~ Department and signed by a licensed health care practitioner authorized to prescribe vaccines or a health clinic stating that the person is in the process of being immunized. The person may continue to attend school or ~~the~~ a child care facility for up to six months while the immunization process is being accomplished;

(2) If a health care practitioner, licensed to practice in Vermont and authorized to prescribe vaccines, certifies in writing that a specific immunization is or may be detrimental to the person's health or is not appropriate, provided that when a particular vaccine is no longer contraindicated, the person shall be required to receive the vaccine;~~or.~~

(3) If the person or, in the case of a minor, the person's parent or guardian annually provides a signed statement to the school or child care facility on a form created by the ~~Vermont department of health~~ Department that the person, parent, or guardian:

(A) holds religious beliefs ~~or philosophical convictions~~ opposed to immunization; and

(B) has reviewed ~~and understands~~ evidence-based educational material provided by the ~~department of health~~ Department regarding immunizations, including:

(i) information about the risks of adverse reactions to immunization;

~~(C)~~(ii) ~~understands information~~ that failure to complete the required vaccination schedule increases risk to the person and others of contracting or carrying a vaccine-preventable infectious disease; and

~~(D)~~(iii) ~~understands information~~ that there are persons with special health needs attending schools and child care facilities who are unable to be vaccinated or who are at heightened risk of contracting a vaccine-preventable communicable disease and for whom such a disease could be life-threatening.

\* \* \*

Sec. 6. 18 V.S.A. § 1124 is amended to read:

§ 1124. ACCESS TO AND REPORTING OF IMMUNIZATION RECORDS

(a) In addition to any data collected in accordance with the requirements of the Centers for Disease Control and Prevention, the ~~Vermont department of health~~ Department shall annually collect from schools the immunization rates for at least those students in the first and eighth grades for each required vaccine. The data collected by the ~~department~~ Department shall include the number of medical, ~~philosophical~~, and religious exemptions filed for each required vaccine and the number of students with a provisional admittance.

\* \* \*

Second: In Sec. 14, effective dates, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Secs. 3 and 4 (notice of hospital observation status) and 5 and 6 (removing philosophical exemption for immunizations) shall take effect on July 1, 2015.

Thereupon, pending the question, Shall the bill be amended as recommended by Senators Mullin and Campbell?, Senator Flory raised a *point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the grounds that the recommendation of amendment offered by Senators Mullin and Campbell was *not germane* to the bill and therefore could not be considered by the Senate.

Thereupon, the President *sustained* the point of order, ruled the amendment offered by Senators Mullin and Campbell was *not germane* and could not be considered by the Senate.

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Thereupon, Senator White moved that the rules be suspended and that the Senate be allowed to consider a non-germane amendment.

Which was disagreed to.

Thereupon, the bill was read the third time and passed.

### **Third Readings Ordered**

#### **H. 128.**

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

An act relating to the use of results-based accountability common language in Vermont law.

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.

#### **H. 320.**

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

An act relating to technical corrections.

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.

### **Message from the House No. 47**

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 adopted joint resolution of the following title:

**J.R.H. 8.** Joint resolution relating to military suicides.

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

The House has considered Senate proposals of amendment to the following House bills:

**H. 123.** An act relating to mobile home parks, habitability standards, and compliance.

**H. 256.** An act relating to disposal of property following an eviction, and fair housing and public accommodations.

And has severally concurred therein.

The House has adopted House concurrent resolutions of the following titles:

**H.C.R. 99.** House concurrent resolution congratulating Drew Duffy on winning the super-G title at the 2015 U.S. Alpine Championships.

**H.C.R. 100.** House concurrent resolution congratulating the 2015 Essex Union High School Division I championship boys' ice hockey team.

**H.C.R. 101.** House concurrent resolution honoring volunteer curator Jim Davidson and the Rutland Historical Society.

**H.C.R. 102.** House concurrent resolution congratulating the 2014 U-32 High School boys' track and field Division II championship team.

**H.C.R. 103.** House concurrent resolution congratulating Michael Law on his induction into the Vermont Principals' Association Hall of Fame.

**H.C.R. 104.** House concurrent resolution congratulating the 2014 Harwood Union High School Highlanders Division II championship girls' and boys' cross country teams.

**H.C.R. 105.** House concurrent resolution congratulating the 2015 Mill River Union High School Minutemen Division II championship girls' basketball team.

**H.C.R. 106.** House concurrent resolution honoring Bob Mark as an extraordinary music educator and outstanding classical violinist.

**H.C.R. 107.** House concurrent resolution congratulating the 2014 Mill River Union High School Minutemen Division II championship baseball team.

**H.C.R. 108.** House concurrent resolution expressing appreciation for the economic and health benefits that the yoga industry provides to Vermonters.

**H.C.R. 109.** House concurrent resolution congratulating the Lund Family Center on its 125th anniversary.

**H.C.R. 110.** House concurrent resolution honoring John Kerrigan on his exemplary high school coaching and teaching career at Harwood Union High School.

**H.C.R. 111.** House concurrent resolution commending the final Farmers Night Civil War Sesquicentennial anniversary presentation and the outstanding work of the Vermont Civil War Sesquicentennial Commission.

**H.C.R. 112.** House concurrent resolution congratulating the winning teams in the 2015 Junior Iron Chef Vermont statewide youth culinary competition.

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

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

**S.C.R. 15.** Senate concurrent resolution congratulating the General Federation of Women's Clubs on its 125th anniversary.

And has adopted the same in concurrence.

#### **Senate Concurrent Resolution**

The following joint concurrent resolution, 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, was adopted on the part of the Senate:

By Senators Nitka, Campbell and McCormack,

By Representative Devereux,

#### **S.C.R. 15.**

Senate concurrent resolution congratulating the General Federation of Women's Clubs on its 125th anniversary.

#### **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 Jewett and others,

#### **H.C.R. 99.**

House concurrent resolution congratulating Drew Duffy on winning the super-G title at the 2015 U.S. Alpine Championships.

By Representative Myers and others,

#### **H.C.R. 100.**

House concurrent resolution congratulating the 2015 Essex Union High School Division I championship boys' ice hockey team.

By Representative Russell and others,  
By Senators Collamore, Flory and Mullin,

**H.C.R. 101.**

House concurrent resolution honoring volunteer curator Jim Davidson and the Rutland Historical Society.

By Representative Klein and others,  
By Senators Cummings, Doyle and Pollina,

**H.C.R. 102.**

House concurrent resolution congratulating the 2014 U-32 High School boys' track and field Division II championship team.

By Representative Donahue and others,  
By Senators Cummings, Doyle and Pollina,

**H.C.R. 103.**

House concurrent resolution congratulating Michael Law on his induction into the Vermont Principals' Association Hall of Fame.

By Representative Stevens and others,  
By Senators Cummings, Doyle and Pollina,

**H.C.R. 104.**

House concurrent resolution congratulating the 2014 Harwood Union High School Highlanders Division II championship girls' and boys' cross country teams.

By Representative Potter and others,

**H.C.R. 105.**

House concurrent resolution congratulating the 2015 Mill River Union High School Minutemen Division II championship girls' basketball team.

By Representative Bartholomew and others,  
By Senators Campbell, McCormack and Nitka,

**H.C.R. 106.**

House concurrent resolution honoring Bob Mark as an extraordinary music educator and outstanding classical violinist.

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By Representative Potter and others,

**H.C.R. 107.**

House concurrent resolution congratulating the 2014 Mill River Union High School Minutemen Division II championship baseball team.

By Representative Gonzalez and others,

**H.C.R. 108.**

House concurrent resolution expressing appreciation for the economic and health benefits that the yoga industry provides to Vermonters.

By Representative Keenan and others,

By Senator Campion,

**H.C.R. 109.**

House concurrent resolution congratulating the Lund Family Center on its 125th anniversary.

By Representative Stevens and others,

By Senators Cummings, Doyle and Pollina,

**H.C.R. 110.**

House concurrent resolution honoring John Kerrigan on his exemplary high school coaching and teaching career at Harwood Union High School.

By Representative Devereux and others,

**H.C.R. 111.**

House concurrent resolution commending the final Farmers Night Civil War Sesquicentennial anniversary presentation and the outstanding work of the Vermont Civil War Sesquicentennial Commission.

By Representative Manwaring and others,

**H.C.R. 112.**

House concurrent resolution congratulating the winning teams in the 2015 Junior Iron Chef Vermont statewide youth culinary competition.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, April 14, 2015, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 23.