

Journal of the Senate

TUESDAY, APRIL 5, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Terry Dorsett of Barre.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Bills Referred to Committee on Appropriations

Senate 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:

S. 17. An act relating to medical marijuana dispensaries.

S. 78. An act relating to the advancement of cellular, broadband, smart grid, and other technology infrastructure in Vermont.

S. 86. An act relating to requiring that postretirement adjustments to retirement allowances be made pursuant to the Northeast Region Consumer Price Index.

H. 275. An act relating to the recently deployed veteran tax credit.

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Carris and Mullin,

J.R.S. 25. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 8, 2011, it be to meet again no later than Tuesday, April 12, 2011.

Committee Bills Introduced

Senate committee bills of the following titles were severally introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 104.

By the Committee on Health and Welfare,

An act relating to modifications to the ban on gifts by manufacturers of prescribed products.

S. 105.

By the Committee on Agriculture,

An act relating to miscellaneous agricultural subjects.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 254.

An act relating to consumer protection.

To the Committee on Rules.

H. 443.

An act relating to the state's transportation program.

To the Committee on Transportation.

H. 446.

An act relating to capital construction and state bonding.

To the Committee on Institutions.

Bill Amended; Bill Passed**S. 53.**

Senate bill entitled:

An act relating to the number of prekindergarten children included within a school district's average daily membership.

Was taken up.

Thereupon, pending third reading of the bill, Senator Mullin moved to amend the bill by striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read:

Sec. 2. EFFECTIVE DATE; FISCAL YEAR 2012 IMPACT

(a) This section shall take effect on passage.

(b) Sec. 1 of this act shall take effect on July 1, 2011.

(c) Notwithstanding 16 V.S.A. § 4010(h), this act shall be implemented so that the fiscal year 2012 equalized pupil calculation is revised to reflect the amendments in Sec. 1 of this act.

(d) Upon passage of this act, school districts may take all necessary actions to prepare to offer prekindergarten education by or through public schools as authorized under this act and 16 V.S.A. § 829.

Which was agreed to.

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

Bill Amended; Third Reading Ordered

S. 15.

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

An act relating to insurance coverage for midwifery services and home births.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4099d is added to read:

§ 4099d. MIDWIFERY COVERAGE; HOME BIRTHS

(a) A health insurance plan or health benefit plan providing maternity benefits shall also provide coverage for services rendered by a midwife licensed pursuant to chapter 85 of Title 26 or an advanced practice registered nurse licensed pursuant to chapter 28 of Title 26 who is certified as a nurse midwife for services within the licensed midwife's or certified nurse midwife's scope of practice and provided in a hospital or other health care facility or at home.

(b) Coverage for services provided by a licensed midwife or certified nurse midwife shall not be subject to any greater co-payment, deductible, or

coinsurance than is applicable to any other similar benefits provided by the plan.

Sec. 2. DATA SUBMISSION

Each midwife licensed pursuant to chapter 85 of Title 26 and each advanced practice registered nurse licensed pursuant to chapter 28 of Title 26 who is certified as a nurse midwife shall submit data to the database maintained by the Division of Research of the Midwives Alliance of North America regarding each home birth in Vermont for which he or she is the attending midwife.

Sec. 3. DEPARTMENT OF HEALTH; REPORTING REQUIREMENT

(a) The department of health shall access the database maintained by the Division of Research of the Midwives Alliance of North America to obtain information relating to care provided in Vermont by midwives licensed pursuant to chapter 85 of Title 26 and by advanced practice registered nurses licensed pursuant to chapter 28 of Title 26 who are certified as nurse midwives.

(b) No later than March 15 of each year from 2012 through 2016, inclusive, the commissioner of health or designee shall provide testimony to the house committee on health care and the senate committee on health and welfare regarding the activities of licensed midwives and certified nurse midwives performing home births and providing prenatal and postnatal care in a nonmedical environment during the preceding year. The testimony shall include the number of home births in Vermont, the number of hospital transports associated with home births, the treatment of high-risk patients, and other relevant data, as well as the level of compliance of the licensed midwives and certified nurse midwives with the laws and rules governing their scope of practice.

Sec. 4. EFFECTIVE DATES

(a) Sec. 1 of this act shall take effect on October 1, 2011, and shall apply to all health insurance plans and health benefit plans on and after October 1, 2011, on such date as a health insurer issues, offers, or renews the plan, but in no event later than October 1, 2012.

(b) The remaining sections of this act shall take effect on passage.

Senator Fox, for the Committee on Finance, to which the bill was referred, reported that the bill be amended as recommended by the Committee on Health and Welfare, with the following amendment thereto:

In Sec. 1. 8 VSA §4099d by adding a subsection (c) to read as follows:

(c) As used in this section, "health insurance plan" means any health insurance policy or health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, as well as Medicaid, the Vermont health access plan, and any other public health care assistance program offered or administered by the state or by any subdivision or instrumentality of the state. The term shall not include policies or plans providing coverage for specific disease or other limited benefit coverage.

And that when so amended the bill ought to pass.

Senator Miller, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass when so amended.

Thereupon, the bill was read the second time by title only pursuant to Rule 43.

Thereupon the recommendation of amendment of the Committee on Health and Welfare was amended as recommended by the Committee on Finance.

Thereupon, the pending question, Shall the bill be amended as recommended by the Health and Welfare, as amended?, was agreed to.

Thereupon, third reading of the bill was ordered.

Third Reading Ordered

S. 100.

Senator Westman, for the Committee on Finance, to which was referred Senate Committee bill entitled:

An act relating to making miscellaneous amendments to education laws.

Reported that the bill ought to pass.

Senator Starr, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass.

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

Consideration Resumed; Bill Amended; Third Reading Ordered

S. 52.

Consideration was resumed on Senate bill entitled:

An act relating to protect employees from abuse at work.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs?, was agreed to.

Thereupon, third reading of the bill was ordered.

Third Readings Ordered

H. 85.

Senator Illuzzi, for the Committee on Economic Development, Housing and General Affairs, to which was referred House bill entitled:

An act relating to recognition of the Nulhegan Band of the Coosuk Abenaki Nation as a Native American Indian tribe.

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. 86.

Senator Illuzzi, for the Committee on Economic Development, Housing and General Affairs, to which was referred House bill entitled:

An act relating to recognition of the Elnu Abenaki tribe as a Native American Indian tribe.

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.

Proposal of Amendment; Third Reading Ordered

H. 236.

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

An act relating to limitation of prosecutions for sexual abuse of a vulnerable adult.

Reported recommending that the Senate propose to the House that after passage the title of the bill be amended to read as follows:

An act relating to extending the limitation of prosecutions for sexual abuse of a vulnerable adult.

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, and the proposal of amendment was agreed to, and third reading of the bill was ordered.

Senate Resolution Adopted

S.R. 8.

Senate resolution entitled:

Senate resolution expressing support for the collective bargaining rights of public employees.

Having been placed on the Calendar for action, was taken up and adopted on a roll call, Yeas 27, Nays 1.

Senator Carris 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, Baruth, Brock, Campbell, Carris, Cummings, Doyle, Flory, Fox, Giard, Hartwell, Illuzzi, Kitchel, Kittell, MacDonald, Mazza, McCormack, Miller, Mullin, Nitka, Pollina, Sears, Snelling, Starr, Westman, White.

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

Those Senators absent and not voting were: Galbraith, Lyons.

*Senator Benning explained his vote as follows:

“Mr. President, I support the right of public workers to organize, but I do not support telling the people of Wisconsin what to do when voting.”

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Wednesday, April 5, 2011.