

# Journal of the Senate

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TUESDAY, APRIL 24, 2012

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Message from the House No. 57

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second 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. 189.** An act relating to expanding confidentiality of cases accepted by the court diversion project.

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 House bill of the following title:

**H. 785.** An act relating to capital construction and state bonding budget adjustment.

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

The House has considered Senate proposal of amendment to House bill entitled:

**H. 464.** An act relating to a moratorium on hydraulic fracturing wells for natural gas and oil production.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. McCullough of Williston  
Rep. Krebs of South Hero  
Rep. Webb of Shelburne

The House has considered Senate proposal of amendment to House proposal of amendment to Senate bill entitled:

**S. 116.** An act relating to probate proceedings.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses.

The Speaker appointed as members of such Committee on the part of the House:

Rep. Lippert of Hinesburg  
Rep. Koch of Barre Town  
Rep. Marek of Newfane

The House has considered Senate proposal of amendment to House proposal of amendment to Senate bill entitled:

**S. 199.** An act relating to immunization exemptions and the immunization pilot program.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses.

The Speaker appointed as members of such Committee on the part of the House:

Rep. Fisher of Lincoln  
Rep. Spengler of Colchester  
Rep. Till of Jericho

The Governor has informed the House that on the April 20, 2012, he approved and signed bills originating in the House of the following titles:

**H. 21.** An act relating to the mutual benefit enterprise act.

**H. 565.** An act relating to regulating licensed lenders and mortgage loan originators.

### **Bill Passed**

Senate bill of the following title was read the third time and passed:

**S. 233.** An act relating to gradually increasing the mandatory age of school attendance.

**Bills Passed in Concurrence**

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

**H. 272.** An act relating to maintenance of private roads.

**H. 327.** An act relating to the uniform principal and income act.

**Bill Passed in Concurrence with Proposal of Amendment****H. 559.**

House bill entitled:

An act relating to health care reform implementation.

Was taken up.

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

First: By striking Sec. 24b in its entirety and inserting in lieu thereof a new Sec. 24b to read as follows:

Sec. 24b. [DELETED]

Second: In Sec. 24c, 12 V.S.A. § 7012(c), by striking out the words “in accordance with” and inserting in lieu thereof the words prepared pursuant to

Third: In Sec. 24e by striking out “,24b (Sorry Works! pilot program),”

Fourth: In Sec. 24e(3) by striking out “, 24b,”

Fifth: By striking Sec. 24g in its entirety

Which was agreed to.

Senator Sears moved that the Senate proposal of amendment be amended by striking out Sec. 39a, (SPORTS INJURIES) in its entirety.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senator Sears?, Senator Mullin moved to substitute the following amendment for the proposal of amendment of Senator Sears:

In Sec. 39a, 16 V.S.A. § 1413(d)(1) and by striking the words “reason to believe” and inserting in lieu thereof the words an objectively reasonable belief under the circumstances

Which was agreed to.

Thereupon, the question, Shall the Senate proposal be amended as recommended by Senator Sears, as substituted?, was decided in the affirmative.

Senator Mullin moved to amend the Senate proposal of amendment in Sec. 11f, 18 V.S.A. § 9418b, in subdivisions (g)(2)(A) and (B), by striking out the following: “uniform” each time it appears and inserting in lieu thereof the following: clear, uniform, and readily accessible in both places; and in subdivision (g)(4), in the first sentence, by striking out the following: “two business days” and inserting in lieu thereof the following: 48 hours and by striking out the following: “seven business days” and inserting in lieu thereof the following: 120 hours

Which was agreed to.

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

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

Sec. 11d. 8 V.S.A. § 4089b(c) is amended to read:

(c) A health insurance plan shall provide coverage for treatment of a mental health condition and shall:

(1) not establish any rate, term, or condition that places a greater burden on an insured for access to treatment for a mental health condition than for access to treatment for other health conditions, including no greater co-payment for primary mental health care or services than the co-payment applicable to care or services provided by a primary care provider under an insured’s policy and no greater co-payment for specialty mental health care or services than the co-payment applicable to care or services provided by a specialist provider under an insured’s policy;

Second: By inserting a new section to be numbered Sec. 11e to read as follows:

Sec. 11e. PARITY FOR MENTAL HEALTH CO-PAYMENTS;  
RULEMAKING

No later than October 1, 2013, the commissioner of financial regulation shall adopt rules pursuant to 3 V.S.A. chapter 25 establishing the guidelines for distinguishing between primary and specialty mental health services developed pursuant to Sec. 11c of this act, taking into account any recommendations received from the committees of jurisdiction.

And by relettering the remaining provisions to be alphabetically correct

Third: In Sec. 42, Effective Dates, by striking out subsection (i) in its entirety and inserting in lieu thereof a new subsection (i) to read as follows:

(i) Secs. 11b (mental health and substance abuse quality assurance), 11e (rulemaking; mental health co-payment parity), 11f (mental health ombudsman), 11g (payment; definitions), and 11h (prior authorization) of this act shall take effect on July 1, 2012.

Fourth: In Sec. 42, Effective Dates, by adding a new subsection (k) to read as follows:

(k) Sec. 11d (parity for mental health co-payments) of this act shall take effect on January 1, 2014, and shall apply to health insurance plans on and after January 1, 2014 on such date as a health insurer issues, offers, or renews the health insurance plan, but in no event later than January 1, 2015.

Which was agreed to.

Senator Campbell moved that the Senate proposal of amendment be amended by adding a new section to be numbered Sec. 2f to read as follows:

Sec. 2f. 33 V.S.A. § 1806(g) is added to read:

(g) The Vermont health benefit exchange shall clearly display on each page of the exchange website on which a bronze-level plan is available for purchase a notice to prospective purchasers regarding the actuarial value of such plan. The notice shall alert prospective purchasers that a bronze plan will cover only 60 percent of their health care expenses, with the beneficiary responsible for the remaining 40 percent through a combination of deductibles, co-payments, and coinsurance.

Which was agreed to.

Senators Illuzzi and Miller moved that the Senate proposal of amendment be amended as follows:

First: In Sec. 3, 33 V.S.A. § 1811, in the first sentence of subdivision (a)(1), following “organization health benefit plan”, by striking out offered through the Vermont health benefit exchange and and following “small employer”, by inserting before the period the following: and, on and after January 1, 2015, offered through the Vermont health benefit exchange

Second: In Sec. 3, 33 V.S.A. § 1811, in subsection (b), by striking out the word “No” and inserting in lieu thereof the words On and after January 1, 2015, no

Third: By adding a new section to be numbered Sec. 3a to read as follows:

Sec. 3a. Sec. 2 of No. 48 of the Acts of 2011 is amended to read:

Sec. 2. STRATEGIC PLAN; UNIVERSAL AND UNIFIED HEALTH SYSTEM; EXTENDING DEADLINE BY WHICH MANDATORY PURCHASE ON THE HEALTH BENEFIT EXCHANGE REQUIRED

(a) Vermont must begin to plan now for health care reform, including simplified administration processes, payment reform, and delivery reform, in order to have a publicly financed program of universal and unified health care operational after the occurrence of specific events, including the receipt of a waiver from the federal Exchange requirement from the U.S. Department of Health and Human Services. A waiver will be available in 2017 under the provisions of existing law in the Patient Protection and Affordable Care Act (Public Law 111-148) (“Affordable Care Act”), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and may be available in 2014 under the provisions of two bills, H.R. 844 and S.248, introduced in the 112th Congress. In order to begin the planning efforts, the director of health care reform in the agency of administration shall establish a strategic plan, which shall include time lines and allocations of the responsibilities associated with health care system reform, to further the containment of health care costs, to further Vermont’s existing health care system reform efforts as described in 3 V.S.A. § 2222a and to further the following:

\* \* \*

(2)(A) As provided in Sec. 4 of this act, no later than ~~November~~ October 1, 2013, the Vermont health benefit exchange established in 33 V.S.A. chapter 18, subchapter 1 shall begin enrolling individuals and ~~small~~ employers with 50 or fewer employees for coverage beginning January 1, 2014. Beginning January 1, 2014, the commissioner of financial regulation may require qualified health benefit plans to be sold to individuals and small groups through the Vermont health benefit exchange, provided that the commissioner shall also allow qualified and nonqualified plans that comply with the required provision of the Affordable Care Act to be sold to individuals and small groups outside the exchange. Beginning January 1, 2015, the commissioner shall not allow qualified and nonqualified plans to be sold to individuals or small groups outside the exchange. The intent of the general assembly is to establish the Vermont health benefit exchange in a manner such that it may become the foundation for Green Mountain Care.

\* \* \*

(3) ~~As provided in Sec. 4 of this act, no~~ No later than October 1, 2015, the Vermont health benefit exchange established in 33 V.S.A. chapter 18, subchapter 1 shall begin enrolling employers with 100 or fewer employees for coverage beginning January 1, 2016. ~~No later than November~~ October 1, 2016, the Vermont health benefit exchange established in 33 V.S.A. chapter 18, ~~subchapter 1~~ shall begin enrolling large employers for coverage beginning January 1, 2017.

\* \* \*

Fourth: In Sec. 41, Repeals, in subsection (i), by striking out “January 1, 2014” and inserting in lieu thereof January 1, 2015; following “renewed in”, by striking out “2013” and inserting in lieu thereof 2014; and following “calendar year”, by striking out “2014” and inserting in lieu thereof 2015

Fifth: In Sec. 41a, Transitional Provisions, in subsection (a), by striking out “2014” and inserting in lieu thereof 2015; in subsection (b), by striking out “(c) and” and, following the word “exchange”, by inserting in the first year; by striking out subsections (c) and (e) in their entirety and relettering the remaining subsections to be alphabetically correct

Seventh: In Sec. 42, Effective Dates, in subsection (g), following “Secs. 3 (merged insurance markets)”, by inserting the following , 3a (strategic plan),

Which was disagreed to on a roll call, Yeas 12, Nays 15.

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

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Benning, Brock, Doyle, Flory, Hartwell, Illuzzi, Mazza, Miller, Mullin, Sears, Snelling, Westman.

**Those Senators who voted in the negative were:** Ashe, Ayer, Baruth, Carris, Cummings, Fox, Galbraith, Giard, Kittell, Lyons, MacDonald, McCormack, Nitka, Pollina, White.

**Those Senators absent and not voting were:** Campbell, Kitchel, Starr.

Senator Illuzzi moved that the Senate proposal of amendment be amended as follows:

First: By striking out Sec. 2d, 33 V.S.A. § 1805, in its entirety and inserting in lieu thereof a new Sec. 2d to read as follows:

Sec. 2d. 33 V.S.A. § 1805 is amended to read:

§ 1805. DUTIES AND RESPONSIBILITIES; BROKERS; NAVIGATE TO EXCHANGE; ONE TIME ASSISTANCE

The Vermont health benefit exchange shall have the following duties and responsibilities consistent with the Affordable Care Act:

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(17) Establishing procedures and a mechanism that allow licensed insurance agents and brokers to be reasonably compensated by the employer, the exchange, or an insurer:

(A) facilitating the enrollment of qualified individuals and qualified employers in any qualified health plan offered through the exchange for which the individual or employer is eligible; and

(B) assisting qualified individuals in applying for premium tax credits and cost-sharing reductions for qualified health benefit plans purchased through the exchange.

Second: By inserting a new section to be numbered Sec. 2f to read as follows:

Sec. 2f. CONTINGENCY PLAN; AFFORDABLE CARE ACT; U.S. SUPREME COURT

(a) In the event that the Patient Protection and Affordable Care Act of 2010, as amended, is struck in whole or part by the United States Supreme Court prior to January 1, 2013, the secretary of administration may modify the implementation planning for health care reform activities impacted by the decision of the U.S. Supreme Court in a manner which accomplishes the principles in No. 48 of the Acts of 2011. Notwithstanding 33 V.S.A. chapter 18, subchapter 1 (Vermont health benefit exchange), the secretary may suspend implementation of reform efforts which are no longer required by the Affordable Care Act due to the U.S. Supreme Court decision.

(b) The director of health care reform in the agency of administration shall brief the health care oversight committee about the United States Supreme Court's actions and solicit input from the committee on legislative preferences and intent on moving forward with health care reform. If the oversight committee elects not to schedule a briefing, the director shall inform the secretary of administration of the efforts made to inform the committee and solicit input.

Thereupon, Senator Mullin moved that the question be divided.



Thereupon, Senator Illuzzi, requested and was granted leave to withdraw the *first* proposal of amendment.

Thereupon, the *second* proposal of amendment was disagreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 20, Nays 7.

Senator Cummings 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, Carris, Cummings, Fox, Galbraith, Giard, Illuzzi, Kittell, Lyons, MacDonald, Mazza, McCormack, Miller, Mullin, Nitka, Pollina, Sears, White.

**Those Senators who voted in the negative were:** Benning, Brock, Doyle, Flory, Hartwell, \*Snelling, Westman.

**Those Senators absent and not voting were:** Campbell, Kitchel, Starr.

\*Senator Snelling explained her vote as follows:

“Last year I stood here and expressed my hope that by this time this year we would have sufficient information to go forward with health care reform. Instead I find that I still have too many questions and concerns to vote favorably.

“This legislation includes valuable and necessary actions however the scope of this bill has also been broadly expanded and includes many provisions that are not to complete the exchange.”

### **Consideration Postponed**

#### **S. 172.**

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

An act relating to creating a private activity bond advisory committee.

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

Sec. 1. STUDY OF STATE OWNERSHIP INTEREST IN VERMONT'S TRANSMISSION ASSETS

(a) The joint fiscal office shall retain the services of a financial advisor to study the costs, benefits, and risks associated with the state's acquisition of up to a 51-percent ownership interest in Vermont's high-voltage bulk electric (115 kV and above) transmission assets, which are currently owned and financed by

Vermont Transco, LLC (Transco) and managed by the Vermont Electric Power Co., Inc. (VELCO). The financial advisor shall report his or her findings and recommendations to the senate committees on economic development, housing, and general affairs and on finance and the house committees on commerce and economic development and on ways and means not later than April 2, 2012. The advisor may rely on public financial filings with the U.S. Federal Energy Regulatory Commission, the Vermont public service board, ISO-New England, any bond prospectus prepared and issued by the corporation, as well as any other available, relevant information.

(b) The joint fiscal office shall retain the services of a consultant, who may or may not be the same advisor retained under subsection (a) of this section, to study whether the state's acquisition of transmission assets would position the state to influence public benefits such as:

(1) providing low income or underserved individuals or communities with beneficial products or services;

(2) promoting economic opportunity for individuals or communities with beneficial products or services;

(3) preserving or improving the environment; and

(4) accomplishing any other identifiable benefit for society or the environment.

The consultant shall report his or her findings and recommendations to the senate committees on economic development, housing, and general affairs and on finance and the house committees on commerce and economic development and on ways and means not later than April 2, 2012.

(c) Based on the reports authorized under subsections (a) and (b) of this section, the secretary of administration shall make a recommendation as to whether the acquisition of up to 51-percent of Vermont's transmission assets would benefit the people of Vermont and shall provide the reasons for his or her recommendation. The secretary shall submit his or her recommendation to the senate committees on economic development, housing, and general affairs and on finance and the house committees on commerce and economic development and on ways and means not later than April 9, 2012.

(d) Costs incurred in preparing the reports authorized by this section may be reimbursed from the general fund to the joint fiscal office up to \$250,000.00.

## Sec. 2. EFFECTIVE DATE

This act shall be effective on passage.

And that after passage the title of the bill be amended to read:

An act relating to the study of state ownership interest in Vermont's transmission assets.

And that when so amended the bill ought to pass.

Thereupon, Senator Cummings raised a *point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the ground that the Report of the Committee on Economic Development, Housing and General Affairs was *not germane* to the underlying bill and therefore could not be considered by the Senate.

Thereupon, the President *sustained* the point of order and ruled that the recommendation of amendment of the Committee on Economic Development, Housing and General Affairs was *not germane* to the underlying bill as it did not satisfy the criteria of Mason's Sec. 402 regarding germaneness in that it dealt with a difference topic or subject and changed the purpose, scope and object of the original bill and thus was not naturally related to and did not follow in a logical sequence the subject matter of the original bill.

The President declared that the proposal of amendment recommended by the Committee on Economic Development, Housing and General Affairs could *not* be considered by the Senate and the proposal of amendment was ordered stricken.

Thereupon, Senator Mazza moved that consideration of the bill be postponed until the next legislative day, which was agreed to.

### **Proposal of Amendment; Third Reading Ordered**

#### **H. 730.**

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

An act relating to miscellaneous consumer protection laws.

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

First: By adding two new sections to be numbered Secs. 1a and 1b to read as follows:

Sec. 1a. 9 V.S.A. chapter 63 is amended to read:

CHAPTER 63. CONSUMER ~~FRAUD~~ PROTECTION

\* \* \*

§ 2453. PRACTICES PROHIBITED; ANTITRUST AND CONSUMER. FRAUD PROTECTION

\* \* \*

§ 2461e. REQUIREMENTS FOR GUARANTEED PRICE PLANS AND PREPAID CONTRACTS

\* \* \*

(d) Private right of action under consumer ~~fraud~~ protection act. In addition to the remedies set forth in sections 2458 and 2461 of this title, a home heating oil, kerosene, or liquefied petroleum gas dealer may bring an action against its heating oil, kerosene, or liquefied petroleum gas suppliers for failing to honor its contract with the home heating oil, kerosene, or liquefied petroleum gas dealer. The home heating oil, kerosene, or liquefied petroleum gas dealer bringing the action may recover all remedies available to consumers under subsection 2461(b) of this title.

\* \* \*

§ 2480q. PENALTIES

(a) The following penalties shall apply to violations of this subchapter:

\* \* \*

(3) A violation of section 2480p of this subchapter shall be deemed a violation of ~~chapter 63 section 2453~~ of this title, ~~the Consumer Fraud Act~~. The attorney general has the same authority to conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under subchapter 1 ~~of chapter 63~~ of this title chapter.

\* \* \*

Sec. 1b. REDESIGNATION OF TERM “CONSUMER FRAUD” TO READ “CONSUMER PROTECTION”

(a) The legislative council, under its statutory revision authority pursuant to 2 V.S.A. § 424, is directed to delete the term “consumer fraud” and to insert in lieu thereof the term “consumer protection” wherever it appears in each of the following sections: 7 V.S.A. § 1010; 8 V.S.A. §§ 2706, 2709, and 2764; 9 V.S.A. § 2471; 18 V.S.A. §§ 1511, 1512, 4086, 4631, 4633, 4634, and 9473; 20 V.S.A. § 2757; and 33 V.S.A. §§ 1923 and 2010; and in any other sections as appropriate.

(b) Notwithstanding the provisions of 3 V.S.A. chapter 25, the attorney general shall have the authority to delete the term “consumer fraud” and to insert in lieu thereof the term “consumer protection” wherever it appears in the attorney general’s rules, regulations, and procedures and shall exercise such authority upon passage of this act as he or she deems to be necessary, appropriate, and consistent with the purposes of this section.

Second: In Sec. 3, in 9 V.S.A. § 2463, in the first sentence, by striking out the following: “in the United States or Canada”

Third: In Sec. 4, by striking out subdivision (7) in its entirety.

Fourth: In Sec. 6, in the section catchline following “SERVICES” by inserting the following: ; OBLIGATION OF BUSINESS RECIPIENT TO NOTIFY SELLER and in 9 V.S.A. § 4401(b)(1), in the second sentence before the period by inserting the following: and shall have no further obligation to accommodate the seller’s schedule for pick-up or return shipment or otherwise to facilitate the recovery of the item beyond the requirements of this section

Fifth: In Sec. 9, in 8 V.S.A. § 4260(a), by striking out the sixth sentence and inserting in lieu thereof a new sentence to read as follows: A customer is deemed to consent to receive notice and correspondence by electronic means if the insurer or vendor first discloses to the customer that by providing an electronic mail address the customer consents to receive electronic notice and correspondence at the address, and, the customer provides an electronic mail address.

Sixth: By striking out Sec. 13 in its entirety and inserting in lieu thereof a new Sec. 13 to read as follows:

Sec. 13. 33 V.S.A. § 2607 is amended to read:

§ 2607. PAYMENTS TO FUEL SUPPLIERS

\* \* \*

(g) The public service board shall require natural gas suppliers to provide a discount to fuel assistance customers that is substantially similar to the discount required in public service board docket 7535 for Central Vermont Public Service Corporation and Green Mountain Power.

Seventh: By adding a new section to be numbered Sec. 13a to read as follows:

Sec. 13a. STUDY; RESIDENTIAL SPRINKLER SYSTEMS

The department of public safety, in consultation with the department of financial regulation, home builders, and insurance carriers, as well as other interested parties, shall study the costs of requiring sprinklers in new

residential construction, including whether fire insurance carriers should be required to absorb all of the costs of sprinkler installation by offsetting premiums until the cost is paid in full and the reduction in premiums is not otherwise recovered in premiums charged to other insureds. The department shall report its findings and any recommendations regarding the cost of installing and paying for residential sprinkler systems to the senate committee on economic development, housing and general affairs and the house committee on general, housing and military affairs on or before January 15, 2013.

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, and the proposals of amendment were collectively agreed to, and third reading of the bill was ordered.

**Proposal of Amendment; Third Reading Ordered**

**H. 467.**

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

An act relating to limited liability for a landowner who permits a person to enter the owner's land for recreational use.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, 12 V.S.A. § 5792(4), after "skiing" by adding the following: , snowboarding

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.

**Bill Amended; Third Reading Ordered**

**H. 412.**

Senate bill entitled:

An act relating to harassment and bullying in educational settings.

Having been called up, was taken up.

Thereupon, the pending question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Education?, was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Baruth, moved to amend the recommendation of amendment of the Committee on Economic Development, Housing and General Affairs as follows:

In Sec. 1, 16 V.S.A. § 14, subsection (c) by striking out subdivision (2) and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) The conduct was either:

(A) for multiple instances of conduct, so pervasive that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits provided by the educational institution; or

(B) for a single instance of conduct, so severe that when viewed from an objective standard of a similarly situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits provided by the educational institution.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

### **House Proposal of Amendment Concurred In**

#### **S. 222.**

House proposal of amendment to Senate bill entitled:

An act relating to cost-sharing for employer-sponsored insurance assistance plans.

Was taken up.

The House proposed to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 1974(c)(3) is amended to read:

(3) The premium assistance program under this subsection shall provide a subsidy of premiums or cost-sharing amounts based on the household income of the eligible individual, with greater amounts of financial assistance provided to eligible individuals with lower household income and lesser amounts of assistance provided to eligible individuals with higher household income. Until an approved employer-sponsored plan is required to meet the standard in subdivision (4)(B)(ii) of this subsection, the subsidy shall include premium assistance and assistance to cover cost-sharing amounts for chronic care health services covered by the Vermont health access plan that are related to evidence-based guidelines for ongoing prevention and clinical management of

the chronic condition specified in the ~~blueprint~~ Blueprint for ~~health~~ Health in 18 V.S.A. § 702. The subsidy shall also include assistance to cover cost-sharing amounts for supplemental prescription drug coverage equivalent to the benefits offered by the Vermont health access plan. Notwithstanding any other provision of law, when an individual is enrolled in Catamount Health solely under the high deductible standard outlined in 8 V.S.A. § 4080f(a)(9), the individual shall not be eligible for premium assistance for the 12-month period following the date of enrollment in Catamount Health.

#### Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

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

#### **House Proposal of Amendment Concurred In**

##### **S. 236.**

House proposal of amendment to Senate bill entitled:

An act relating to health care practitioner signature authority.

Was taken up.

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

In Sec. 1, 26 V.S.A. § 1616, following the words “nurse practitioner” by inserting the words or a nurse midwife

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

#### **Rules Suspended; Bill Messaged**

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

##### **H. 559.**

#### **Message from the House No. 58**

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

Mr. President:

I am directed to inform the Senate that:

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



**J.R.S. 59.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The Governor has informed the House that on the April 24, 2012, he approved and signed bills originating in the House of the following titles:

**H. 760.** An act relating to lowering to 16 the age of consent for blood donation.

**H. 765.** An act relating to the mental health needs of the corrections population.

### **Adjournment**

On motion of Senator Campbell, the Senate adjourned until three o'clock in the afternoon on Wednesday, April 25, 2012.