

# House Calendar

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Wednesday, March 21, 2012

79th DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 P.M.

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**ACTION CALENDAR**

**Action Postponed Until March 21, 2012**

**Favorable with Amendment**

**H. 440**

An act relating to creating an agency and secretary of education and amending the membership and purpose of the state board of education

**Rep. Donovan of Burlington**, for the Committee on **Education**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. chapter 49 is added to read:

CHAPTER 49. EDUCATION

§ 2701. AGENCY AND SECRETARY CREATED

There is created an agency of education that shall be under the direction and supervision of a secretary of education.

§ 2702. SECRETARY OF EDUCATION

(a) With the advice and consent of the senate, the governor shall appoint a secretary of education from among no fewer than three candidates proposed by the state board of education.

(b) The secretary shall report directly to the governor and shall be a member of the governor's cabinet.

(c) At the time of appointment, the secretary shall have expertise in public education management and policy and demonstrated leadership and management abilities.

Sec. 2. 16 V.S.A. § 161 is amended to read:

§ 161. STATE BOARD OF EDUCATION; APPOINTMENT OF MEMBERS; TERM; VACANCY

The state board shall consist of ten members. Two of the members shall be secondary students, one of whom shall be a full member and the other of whom shall be a junior member who may not vote. All members shall be appointed by the governor with the advice and consent of the senate. In the appointment of the nonstudent members ~~consideration,~~ priority shall be given to the selection of ~~such persons as shall adequately represent all sections of the~~

state with a demonstrated commitment to public education. To the extent possible, the members shall represent geographically diverse areas of the state.

(1) Upon the expiration of the respective terms of those members of the board previously appointed, excluding the student members, the governor shall, biennially in the month of February with the advice and consent of the senate, appoint members ~~thereto~~ for terms of ~~six~~ three years. The terms shall begin March 1 of the year in which the appointments are made. ~~A member serving a term of six years shall not be eligible for reappointment for successive terms~~ A nonstudent member is eligible for reappointment provided that the total number of years to be served will not exceed nine years.

\* \* \*

Sec. 3. 16 V.S.A. § 164 is amended to read:

§ 164. STATE BOARD, GENERAL POWERS AND DUTIES

The state board shall ~~have supervision over, and management of the department of education and the public school system, except as otherwise provided; and shall~~ review and evaluate education policy presented by the governor and secretary, establish policies to guide the work of the agency, and engage local school board members and the broader education community. In addition to other specified duties, the board shall:

\* \* \*

(4) ~~Biennially or as required by the governor cause to be prepared a budget for all money to be expended by the department of education~~ Guide preparation of and submit an agency budget to the governor.

\* \* \*

(10) ~~Establish an information clearinghouse and accessible database to help districts share information about educational programs and practices which improve student performance. Educational programs and practices include those designed to create and sustain a safe learning environment.~~  
[Repealed.]

\* \* \*

(19) ~~Develop, in consultation with the secretary of state, and make available to school boards, sample ballot language for items which may be voted on by Australian ballot and for which no statutory language exists.~~  
[Repealed.]

\* \* \*

(21) Report annually to the governor and the general assembly on the progress the board has made in establishing policies to guide the work of the agency and engaging the citizens of Vermont.

(22) Work with the secretary and agency to ensure that a new member of the board receives orientation within 60 days of appointment regarding essential elements of Vermont's education system, including an overview of education funding; school quality standards; the prekindergarten–16 continuum; the structure of education delivery, including the role of local boards and locally appointed administrators; student performance on standardized assessments; and policies governing the agency, including indicators to monitor progress and ensure accountability.

Sec. 4. 16 V.S.A. § 212(18) and (19) are added to read:

(18) Establish an information clearinghouse and accessible database to help districts share information about educational programs and practices that improve student performance. Educational programs and practices include those designed to create and sustain a safe learning environment.

(19) Develop, in consultation with the secretary of state, and make available to school boards sample ballot language for issues that may be decided by Australian ballot and for which no statutory language exists.

Sec. 5. REPEAL

16 V.S.A. § 211 (appointment of commissioner by board of education; commissioner's reports to board) is repealed.

\* \* \* Transition \* \* \*

Sec. 6. STATE BOARD OF EDUCATION; MEMBERSHIP;  
APPOINTMENT

(a) Notwithstanding the provisions of 16 V.S.A. § 161 as amended by Sec. 2 of this act, the term of any nonstudent member of the state board of education who was appointed and is a member before March 1, 2013 shall expire at the end of the original six-year term to which the member was appointed.

(b) The governor shall appoint new members pursuant to the terms of 16 V.S.A. § 161 as amended by this act upon the expiration of a term or a vacancy occurring on or after March 1, 2013.

Sec. 7. AGENCY OF EDUCATION; SECRETARY OF EDUCATION;  
POWERS AND DUTIES

On March 1, 2013:

(1) the secretary of education shall assume all the powers, duties, rights, and responsibilities of the commissioner of education; and

(2) the agency of education shall assume all the powers, duties, rights, and responsibilities of the department of education.

Sec. 8. LEGISLATIVE COUNCIL; PREPARATION OF A DRAFT BILL

On or before January 15, 2013, the legislative council shall prepare and submit a draft bill to the house and senate committees on education that makes statutory amendments of a technical nature and identifies all statutory sections that the general assembly must amend substantively to effect the intent of this act.

Sec. 9. EFFECTIVE DATES

(a) This section and Secs. 6 through 8 (transitional provisions) of this act shall take effect on passage.

(b) Secs. 1–5 of this act shall take effect on February 1, 2013.

and that after passage the title of the bill be amended to read: “An act relating to creating an agency and secretary of education and clarifying the purpose of the state board of education”

( Committee Vote: 10-0-1)

**Favorable**

**H. 467**

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

**Rep. Strong of Albany**, for the Committee on **Judiciary**, recommends the bill ought to pass.

( Committee Vote: 10-0-1)

**Senate Proposal of Amendment**

**H. 512**

An act relating to banking, insurance, securities, and health care administration

The Senate proposes to the House to amend the bill by striking out Sec. 41 in its entirety and inserting in lieu thereof a new Sec. 41 to read as follows:

Sec. 41. 8 V.S.A. § 6052(b) is amended to read:

(b) Before it may offer insurance in any state, each risk retention group shall also submit for approval to the insurance commissioner of this state a plan of operation and feasibility study which includes a description of the

coverages, deductibles, coverage limits, rates, and rating classification systems for each line of insurance the group intends to offer, together with such additional information as the commissioner may reasonably require. In considering and approving the risk retention group's plan of operation and any subsequent amendments thereto, the commissioner may limit the net amount of risk retained by a risk retention group. The risk retention group shall submit for approval by the commissioner an appropriate revision in the event of any subsequent material change in any item of the plan of operation or feasibility study, including any material change in the information called for in subsection (c) of this section, but excluding the identity of policyholders and any changes in rates or rating classification systems. The group shall not offer any additional kinds of liability insurance, in this state or in any other state, until a revision of such plan or study is approved by the commissioner. The risk retention group shall inform the commissioner of any material changes in rates or rating classification systems, within 30 days of the adoption of such change. (For text see House Journal 2/16/2012 )

## **NEW BUSINESS**

### **Third Reading**

#### **H. 78**

An act relating to wages for laid-off employees

#### **H. 157**

An act relating to restrictions on tanning beds

#### **H. 412**

An act relating to harassment and bullying in educational settings

#### **H. 459**

An act relating to approval of amendments to the charter of the town of Brattleboro

#### **H. 468**

An act relating to a renewable portfolio standard and the Sustainably Priced Energy Enterprise Development Program

**Amendment to be offered by Reps. Browning of Arlington, Komline of Dorset, Pearson of Burlington and Poirier of Barre City to H. 468**

Reps. Browning of Arlington, Komline of Dorset, Pearson of Burlington and Poirier of Barre City move to amend the bill as follows:

First: By adding Sec. 16a to read as follows:

Sec. 16a. WINDFALL SHARING MECHANISM; PAYBACK

(a) The public service board may not approve the acquisition of one electric company by another or the merger of multiple electric companies unless, as a condition of such acquisition or merger, there will be a direct cash repayment to current ratepayers, based on their rate class, of the full amount of funds subject to any windfall sharing mechanism previously established by the board that is applicable to the electric company to be acquired or to one or more of the merging electric companies,

(b) Notwithstanding 1 V.S.A. §§ 213 and 214, subsection (a) of this section shall apply to all petitions filed with the public service board on or after September 1, 2011.

Second: In Sec. 17, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) This section and Secs. 1 (renewable energy chapter; goals), 2 (renewable energy chapter; definitions), 3 (renewable portfolio standards), 4 (SPEED; total renewables targets); 5 (SPEED; standard offer program), 6 (standard offer; prior capacity; interconnection application), 14 (total energy; report) and 16a (windfall sharing mechanism; payback of this act shall take effect on passage.

**H. 484**

An act relating to amendment to the Windham solid waste district charter

**H. 498**

An act relating to parity for primary mental health care services

**H. 550**

An act relating to the Vermont administrative procedure act

**H. 627**

An act relating to an opiate addiction treatment system

**H. 640**

An act relating to promoting tourism and marketing

**H. 691**

An act relating to prohibiting collusion as an antitrust violation

**H. 699**

An act relating to scrap metal processors



**H. 730**

An act relating to miscellaneous consumer protection laws

**H. 745**

An act relating to the Vermont prescription monitoring system

**H. 747**

An act relating to cigarette manufacturers

**H. 751**

An act relating to jurisdiction of delinquency proceedings

**H. 759**

An act relating to permitting the use of secure residential recovery facilities for continued involuntary treatment

**H. 768**

An act relating to ignition interlock restricted driver's licenses and civil suspensions

**H. 769**

An act relating to department of environmental conservation fees

**H. 770**

An act relating to the state's transportation program

**H. 771**

An act relating to making technical corrections and other miscellaneous changes to education law

**H. 772**

An act relating to allocation of federal rental subsidies

**NOTICE CALENDAR**

**Committee Bill for Second Reading**

**H. 773**

An act relating to veterans' tax exemption.

**(Rep. Head of South Burlington will speak for the Committee on General, Housing and Military Affairs.)**

**H. 774**

An act relating to meat inspection, delivery of liquid fuels, dairy operations, and animal foot baths.

**(Rep. Zagar of Barnard will speak for the Committee on Agriculture.)**

**H. 775**

An act relating to allowed interest rates for installment loans.

**(Rep. Ralston of Middlebury will speak for the Committee on Commerce and Economic Development.)**

**H. 776**

An act relating to encouraging flexible pathways leading to secondary school completion and career and college readiness.

**(Rep. Crawford of Burke will speak for the Committee on Education.)**

**H. 777**

An act relating to licensed midwives and certified nurse midwives.

**(Rep. Pearson of Burlington will speak for the Committee on Health Care.)**

**H. 778**

An act relating to structured settlements.

**(Rep. Koch of Barre Town will speak for the Committee on Judiciary.)**

**H. 779**

An act relating to the water quality of state surface waters.

**(Rep. Deen of Westminster will speak for the Committee on Fish, Wildlife & Water Resources.)**

**H. 780**

An act relating to compensation for certain state employees.

**(Rep. Atkins of Winooski will speak for the Committee on Government Operations.)**

**H. 781**

An act relating to making appropriations for the support of government.

**(Rep. Heath of Westford will speak for the Committee on Appropriations.)**

## Favorable with Amendment

### H. 613

An act relating to governance of the Community High School of Vermont

**Rep. Buxton of Tunbridge**, for the Committee on **Education**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 28 V.S.A. § 120 is amended to read:

§ 120. CORRECTIONS DEPARTMENT EDUCATION PROGRAM;  
INDEPENDENT SCHOOL

(a) Authority. An education program is established within the department of corrections for the education of persons who have not completed secondary education and who are committed to the custody of the commissioner of corrections.

(b) Applicability of education provisions. The education program shall be approved by the state board of education as an independent school under 16 V.S.A. § 166, shall comply with the school quality standards provided by 16 V.S.A. § 165, and shall be coordinated with adult education, special education, and technical education.

(c) Program supervision. The commissioner of corrections shall appoint ~~an education supervisor~~ a director of corrections education, who shall be licensed as an administrator under 16 V.S.A. chapter 51, to ~~supervise the community high school~~ serve as the superintendent of the Community High School of Vermont and coordinate use of other education programs by persons under the supervision of the commissioner.

(d) Curriculum. The education program shall offer a minimum course of study, as defined in 16 V.S.A. § 906, and special education programs as required in 16 V.S.A. chapter 101 at each correctional facility and department service center, but is not required to offer a driver training course or a physical educational course.

(e) ~~Commissioner of education's designation of special education program. Notwithstanding any law to the contrary, the commissioner of education, in accordance with the provisions of 16 V.S.A. chapter 101, shall designate a program to provide for the special education of eligible persons who are under the custody of the commissioner of corrections. Within the limits of funds made available for this specific purpose, the commissioner of education shall pay the costs of this program in excess of costs defined in subsection (g) of this section. [Repealed.]~~

(f) Reimbursement payments. The provision of 16 V.S.A. § 4012, relating to payment for state-placed students, shall not apply to the corrections education program.

(g) [Repealed.]

(h) Required participation. All persons under the custody of the commissioner of corrections who are under the age of 23 and have not received a high school diploma shall participate in ~~the~~ an education program unless exempted by the commissioner.

Sec. 2. 28 V.S.A. § 121 is amended to read:

§ 121. COMMUNITY HIGH SCHOOL OF VERMONT BOARD

(a) A board is established for the purpose of advising the ~~education supervisor~~ director of corrections education when serving as the superintendent of the Community High School of Vermont, the independent school established in section 120 of this title. The board shall have supervision over policy formation for the ~~independent school~~ Community High School of Vermont, except as otherwise provided, shall recommend school policy to the ~~commissioner of corrections, shall oversee local advisory boards of the school~~ director of corrections education, may create a structure for local advisory boards as it deems appropriate, and shall perform such other duties as requested from time to time by the commissioner of education or of corrections.

(b) The board shall consist of nine members, each appointed by the governor for a three-year term subject to the advice and consent of the senate, in such a manner that no more than three terms shall expire annually, as follows:

(1) Six representatives ~~from the membership of local advisory boards serving the school sites, not to include more than one member from any advisory board~~ selected to ensure geographic representation throughout the state.

(2) Three members-at-large.

(c) The board shall appoint a chair and vice chair, each of whom shall serve for one year or until a successor is appointed by the board.

(d) The board shall report on its activities annually to the state board of education, the secretary of the agency of human services, and the commissioner of corrections.

(e) ~~The board may, with the approval of the commissioner of corrections, appoint the education supervisor of the independent school~~ The commissioner

shall consult with the board prior to appointing the director of corrections education.

Sec. 3. IMPLEMENTATION

Notwithstanding the provisions of Sec. 2, 28 V.S.A. § 121(b)(1), the current members of the board shall serve until the expiration of their respective terms.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

( **Committee Vote: 9-0-2**)

**Rep. Mook of Bennington**, for the Committee on **Government Operations**, recommends the bill ought to pass when amended as recommended by the Committee on **Education**.

(**Committee Vote: 8-0-3**)

**Public Hearings**

Wednesday, March 21, 2012 - Room 11 - 6:00-8:00 PM - S. 199, Immunizations/Philosophical Exemption - House Health Care Committee

**Information Notice**

**Deadline for Introducing Bills**

Pursuant to Rule 40(b) of the Rules and Orders of the Vermont House of Representatives, during the second year of the biennium, except with the prior consent of the Committee on Rules, no member may introduce a bill into the House drafted in standard form after the last day of January. Bills may be introduced in Short Form until the second Friday after Town Meeting Day.

In order to meet this deadline all sign out sheets must be submitted to the Legislative Council no later than the close of business on Friday, January 27, 2012. Requests for short form bills may be made until Wednesday, February 15, 2012.

Pursuant to Rule 40(c) during the second year of the biennium, except with the prior consent of the Committee on Rules, no committee, except the Committees on Appropriations, Ways and Means or Government Operations, may introduce a bill drafted in standard form after the last day of March. The Committees on Appropriations, Ways and Means bills may be drafted in standard form at any time, and Government Operations bills, pertaining to city or town charter changes, may be drafted in standard form at any time.

**House Appropriations Committee  
Members' amendments to Fiscal Year 2013  
Proposed Omnibus Appropriations Bill (H.781)**

The House Appropriations Committee requests all members of the House, who intend to introduce amendments to the proposed FY 2013 omnibus appropriations bill (H.781), to meet with the committee in room 42 at 8:30 a.m. on either Thursday, March 22, before 2<sup>nd</sup> reading, OR Friday, March 23, before 3<sup>rd</sup> reading. If possible, please schedule a time with Theresa Utton-Jerman (828-5767, Room: 40 or [tutton@leg.state.vt.us](mailto:tutton@leg.state.vt.us)) to meet with the Committee.

**SENATE APPROPRIATIONS COMMITTEE  
FY 2013 Budget  
ADVOCATES TESTIMONY**

On **Monday, March 26** beginning at **1:30 pm**, the Senate Appropriations Committee will be taking testimony from advocates regarding the Fiscal Year 2013 Budget (H.781) in Room 11 of the State House. To schedule time before the Committee contact Becky Buck at the Legislative Joint Fiscal Office located at 1 Baldwin Street (phone: 828-5969).