

Journal of the House

Tuesday, February 21, 2012

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Mark Hudson, Executive Director of the Vermont Historical Society.

Pledge of Allegiance

Page Julie Decker of Williston, led the House in the Pledge of Allegiance.

Message from the Senate No. 16

A message was received from the Senate by Mr. Bloomer, its Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

S. 245. An act relating to requiring cardiovascular care instruction in public and independent schools.

In the passage of which the concurrence of the House is requested.

Senate Bill Referred

S. 245

Senate bill, entitled

An act relating to requiring cardiovascular care instruction in public and independent schools

Was read and referred to the committee on Education.

Bill Read Second Time; Third Reading Ordered

H. 760

Rep. Burditt of West Rutland spoke for the committee on Human Services.

House bill entitled

An act relating to lowering to 16 the age of consent for blood donation

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Bill Amended; Third Reading Ordered

H. 634

Rep. Reis of St. Johnsbury, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to remedies for failure to pay municipal tickets

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 1981 is amended to read:

§ 1981. ENFORCEMENT OF ORDER FROM JUDICIAL BUREAU

(a) Upon entry of a judgment after hearing or entry of default by the hearing officer, subject to any appeal pursuant to 4 V.S.A. § 1107, the person found in violation shall have up to 30 days to pay the penalty to the judicial bureau. Upon the expiration of the period to pay the penalty, the person found in violation shall be assessed a surcharge of \$10.00 for the benefit of the municipality. All the civil remedies for collection of judgments shall be available to enforce the final judgment of the judicial bureau.

(b) In addition to any other civil remedies available by law, a final judgment of the judicial bureau that has not been satisfied within 30 days shall, upon due recordation in the land records of the town in which any real or personal property of the defendant is located, constitute a lien upon that real or personal property, except for motor vehicles as defined by 23 V.S.A. § 4(21), and may be enforced within the time and in the manner provided for the collection of taxes pursuant to 32 V.S.A. chapter, subchapter 8, chapter 133 of Title 32.

(c) ~~The supreme court shall establish rules which provide for an expedited process in small claims court for the collection of judgments to enforce the orders of the judicial bureau~~ The remedies of civil contempt and referral to a collections agency for failure to pay a judicial bureau judgment under this section shall be as provided in 4 V.S.A. § 1109(c) and (d).

(d) ~~Upon motion of the municipal attorney, grand juror or other person designated by the legislative body of the municipality and proof by affidavit that the person found in violation has not paid the penalty, in the time set forth in subsection (a) of this section, the bureau shall send to the person found in violation a notice that the penalty must be paid within 20 days of receipt of~~

~~notice. The notice shall include a warning that failure to pay the penalty within 20 days of the notice will result in a proceeding for contempt before the criminal division of the superior court, and a \$10.00 surcharge has been added to the penalty.~~

~~(e) If the penalty is not paid within the 20 days the bureau shall send a notice to the criminal division of the superior court in the county in which the violation occurred. The clerk of the criminal division of the superior court shall forthwith provide notice to the person of a hearing for civil contempt proceedings pursuant to 12 V.S.A. § 122 for the failure to pay the penalty imposed by the bureau. A finding of contempt for failure to pay the penalty shall include an order that a nonpayment surcharge of an additional \$10.00 shall be added to the penalty and surcharge set forth in subsection (a) of this section for the benefit of the municipality.~~

Sec. 2. TRANSITIONAL PROVISION

Any municipal ordinance violation that was transferred to the district court or the criminal division of the superior court prior to the effective date of this act shall be transferred by the criminal division to the judicial bureau for adjudication and collection pursuant to 24 V.S.A. § 1981.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 753

Rep. Peltz of Woodbury spoke for the committee on Education.

Rep. Heath of Westford, for the committee on Appropriations, to which had been referred House bill, entitled

An act relating to encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures

Reported in favor of its passage when amended as follows:

First: In Sec. 10, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c)(1) A RED receiving incentives pursuant to Sec. 4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) as amended by this act ("Act 153") is not eligible to receive a grant under this section.

(2) An interstate, union, or unified union school district, including a RED, that expands by merging with one or more additional school districts is not eligible to receive a grant under this section if the original merged district received a transition facilitation grant under this section, Act 153, or Sec. 168a of No. 122 of the Acts of the 2003 Adj. Sess. (2004), as amended by Sec. 23 of No. 66 of the Acts of 2007, as further amended by Sec. 5 of No. 153 of the Acts of the 2009 Adj. Sess. (2010), and as repealed by Sec. 9 of this act.

Second: After Sec. 10 and before the internal heading "* * * Incentives; Regional Education Districts * * *" by inserting a new section to be Sec. 10a to read:

Sec. 10a. APPLICABILITY; JOINT CONTRACT SCHOOL

A transition facilitation grant pursuant to Sec. 10 of this act shall be paid proportionally based on enrollment to any group of districts if in fiscal year 2012 or 2013 the voters of each district approve the issuance of bonds upon which establishment of a joint contract school is conditioned. The combined enrollment of the grades newly being offered jointly by the contracting districts shall be used to calculate the amount awarded.

Third: By adding a new section to be Sec. 19a to read:

Sec. 19a. APPROPRIATION

The sum of \$650,000.00 is appropriated from the education fund to be used for the purposes of this act in fiscal year 2013.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committee on Appropriations agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Davis of Washington** moved to amend the bill as follows:

By adding two new sections to be Secs. 19a and 19b to read:

Sec. 19a. AGREEMENTS BETWEEN DISTRICTS

It is the policy of the state of Vermont that:

(1) the consolidation of school districts, their assets, or their operations should result from the voluntary action of local communities; and

(2) school districts shall retain their authority to enter into interdistrict contracts to consolidate or share district assets or operations without the need to explore merger under Secs. 2–4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010), relating to the formation of regional education districts, or under 16 V.S.A. chapter 11, relating to the formation of union school districts in general.

Sec. 19b. 16 V.S.A. § 261a(a) is amended to read:

(a) Duties. The Except if the board of a member school district votes to perform the action on its own behalf, the board of each supervisory union shall:

* * *

Pending the question, Shall the bill be amended as recommended by Rep. Davis of Washington? **Rep. Davis of Washington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by Rep. Davis of Washington? was decided in the negative. Yeas, 21. Nays, 110.

Those who voted in the affirmative are:

Bouchard of Colchester	Hebert of Vernon	Peaslee of Guildhall
Branagan of Georgia *	Howard of Cambridge	Scheuermann of Stowe *
Browning of Arlington	Howrigan of Fairfield	Smith of New Haven
Burditt of West Rutland	Larocque of Barnet	Stevens of Shoreham
Conquest of Newbury	Moran of Wardsboro	Strong of Albany
Davis of Washington *	Olsen of Jamaica	Wilson of Manchester
Haas of Rochester	Pearson of Burlington	Zagar of Barnard

Those who voted in the negative are:

Acinapura of Brandon	Cheney of Norwich	Donahue of Northfield
Ancel of Calais	Christie of Hartford	Donovan of Burlington
Andrews of Rutland City	Clark of Vergennes	Ellis of Waterbury
Aswad of Burlington	Clarkson of Woodstock	Emmons of Springfield
Atkins of Winooski	Condon of Colchester	Evans of Essex
Bartholomew of Hartland	Consejo of Sheldon	Fagan of Rutland City
Batchelor of Derby	Copeland-Hanzas of	Fisher of Lincoln
Bissonnette of Winooski	Bradford	Frank of Underhill
Bohi of Hartford	Corcoran of Bennington	French of Shrewsbury
Botzow of Pownal	Courcelle of Rutland City	French of Randolph
Brennan of Colchester	Dakin of Chester	Gilbert of Fairfax
Burke of Brattleboro	Devereux of Mount Holly	Grad of Moretown
Buxton of Tunbridge	Dickinson of St. Albans	Greshin of Warren
Campion of Bennington	Town	Head of South Burlington
Canfield of Fair Haven	Donaghy of Poultney	Heath of Westford

Hooper of Montpelier	Manwaring of Wilmington	Reis of St. Johnsbury
Jerman of Essex	Marcotte of Coventry	Russell of Rutland City
Jewett of Ripton	Marek of Newfane	Savage of Swanton
Johnson of South Hero	Martin of Springfield	Shand of Weathersfield
Johnson of Canaan	Masland of Thetford	Sharpe of Bristol
Kitzmiller of Montpelier	McCullough of Williston	Shaw of Pittsford
Klein of East Montpelier	McFaun of Barre Town	South of St. Johnsbury
Koch of Barre Town	McNeil of Rutland Town	Spengler of Colchester
Komline of Dorset	Miller of Shaftsbury	Stevens of Waterbury
Krebs of South Hero	Mook of Bennington	Stuart of Brattleboro
Krowinski of Burlington	Mrowicki of Putney	Taylor of Barre City
Kupersmith of South Burlington	Munger of South Burlington	Till of Jericho
Lanpher of Vergennes	Myers of Essex	Toll of Danville
Lawrence of Lyndon	Nuovo of Middlebury	Townsend of Randolph
Lenes of Shelburne	O'Brien of Richmond	Trieber of Rockingham
Leriche of Hardwick	O'Sullivan of Burlington	Waite-Simpson of Essex *
Lewis of Berlin	Partridge of Windham	Webb of Shelburne
Lewis of Derby	Pearce of Richford	Winters of Williamstown
Lippert of Hinesburg	Peltz of Woodbury	Wizowaty of Burlington
Lorber of Burlington	Perley of Enosburgh	Woodward of Johnson
Macaig of Williston	Potter of Clarendon	Yantachka of Charlotte
Malcolm of Pawlet	Pugh of South Burlington	Young of Glover
	Ram of Burlington	

Those members absent with leave of the House and not voting are:

Crawford of Burke	Higley of Lowell	Morrissey of Bennington
Deen of Westminster	Hubert of Milton	Poirier of Barre City
Degree of St. Albans City	Keenan of St. Albans City	Ralston of Middlebury
Eckhardt of Chittenden	Kilmartin of Newport City	Sweaney of Windsor
Edwards of Brattleboro	Martin of Wolcott	Turner of Milton
Helm of Fair Haven	McAllister of Highgate	Wright of Burlington

Rep. Branagan of Georgia explained her vote as follows:

“Mr. Speaker:

Local control has been a strength in our Vermont communities for a long time. It is part of the reason our schools are so good. This amendment states it is policy for the will of local communities to take the lead in school consolidation, inter-district contracts and supervisory union activities. It should have been approved.”

Rep. Davis of Washington explained her vote as follows:

“Mr. Speaker:

This amendment keeps the law the same BUT says that the board of a local school district can decide that it is going to perform a duty itself that would

otherwise be provided by the Supervisory Union. Smaller districts are extremely capable when it comes to improving academic performance.”

Rep. Scheuermann of Stowe explained her vote as follows:

“Mr. Speaker:

I vote yes to do what I can to return control of education to our local communities and regions. This amendment would ensure that Montpelier does not mandate school district mergers and school closures. It does not, however, preclude us from providing greater opportunities to our children by reducing overhead at the supervisory union level and consolidating them.”

Rep. Waite-Simpson of Essex explained her vote as follows:

“Mr. Speaker:

If school districts can show that local control is better for students and cost effective, they can petition the State Board of Education for a waiver. We were very careful to ensure due process when we first imposed this regulation and it is for that reason that I vote “no”.

Pending the question, Shall the bill be read a third time? **Rep. Olsen of Jamaica** moved to amend the bill as follows:

By adding a new section to be Sec. 19a to read:

Sec. 19a. 16 V.S.A. § 4001(6)(B)(viii) is added to read:

(viii) For a regional education district formed pursuant to the provisions of Sec. 4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010), as amended from time to time, that provides for the education of resident pupils in one or more grades by paying tuition and does not maintain a school that includes the grades or grades, and into which additional students move after the end of the census period defined in subdivision (1)(A) of this section, the number of students that exceeds the district’s most recent average daily membership and for whom the district will pay tuition in the subsequent year multiplied by the district’s average rate of tuition paid in that year.

Thereupon, **Rep. Olsen of Jamaica** asked and was granted leave of the House to withdraw his amendment.

Thereupon, third reading was ordered.

Adjournment

At eleven o'clock and forty minutes in the forenoon, on motion of **Rep. Savage of Swanton**, the House adjourned until tomorrow at one o'clock in the afternoon.