

# Journal of the House

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**Thursday, April 11, 2013**

At one o'clock in the afternoon the Speaker called the House to order.

## **Devotional Exercises**

Devotional exercises were conducted by the Speaker.

## **Message from the Senate No. 39**

A message was received from the Senate by Mr. Marshall, its Assistant 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. 38.** An act relating to expanding eligibility for driving and identification privileges in Vermont.

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

The Senate has considered a bill originating in the House of the following title:

**H. 51.** An act relating to payment of workers' compensation benefits by electronic payroll card.

And has passed the same in concurrence.

## **House Bill Introduced**

### **H. 536**

By the committee on General, Housing and Military Affairs,

An act relating to the Adjutant and Inspector General and the Vermont National Guard;

Under the rule, placed on the Calendar for notice.

## **Senate Bill Referred**

### **S. 38**

Senate bill, entitled

An act relating to expanding eligibility for driving and identification privileges in Vermont;

To the committee on Transportation.

**Rules Suspended; Bill Committed**

**S. 7**

On motion of **Rep. Head of South Burlington**, the rules were suspended and Senate bill, entitled

An act relating to social networking privacy protection

Appearing on the Calendar for notice, was taken up for immediate consideration.

Pending the reading of the report of the committee on General, Housing and Military Affairs, on motion of **Rep. Head of South Burlington**, the bill was committed to the committee on Commerce and Economic Development.

**Bill Amended, Read Third Time and Passed**

**H. 198**

House bill, entitled

An act relating to the Legacy Insurance Management Act

Was taken up and pending third reading of the bill, **Rep. Wilson of Manchester** moved to amend the bill as follows:

First: In Sec. 3, 8 V.S.A. § 7114, subdivision (a)(2), by striking out each instance of the word “fee” and by inserting in lieu thereof “tax”

Second: In Sec. 3, 8 V.S.A. § 7114, subdivision (a)(3), by striking out the word “fees” and by inserting in lieu thereof “costs and transfer tax”

Third: In Sec. 3, by striking out 8 V.S.A. § 7116 in its entirety and by inserting in lieu thereof a new 8 V.S.A. § 7116 to read as follows:

§ 7116. FEE; COSTS; TRANSFER TAX

(a) To cover the costs of processing and reviewing a plan under this chapter, the assuming company shall pay to the Commissioner the following nonrefundable fees at the times set forth in subsections 7112(a) and 7114(a) of this chapter:

(1) an administrative fee in the amount of \$30,000.00; and

(2) the reasonable costs of persons retained by the Commissioner under subsection 7113(a) of this chapter.

(b) When a plan is approved, the assuming company shall pay the Commissioner a transfer tax equal to the sum of:

(1) one percent of the first \$100,000,000.00 of the gross liabilities transferred, including direct and assumed unpaid claims, losses, and loss adjustment expenses with no reductions for amounts ceded; and

(2) 0.5 percent of the gross liabilities transferred that exceed \$100,000,000.00, including direct and assumed unpaid claims, losses, and loss adjustment expenses with no reductions for amounts ceded.

(c) All fees and payments received by the Department under subsection (a) of this section and 10 percent of the transfer tax under subsection (b) of this section shall be credited to the insurance regulatory and supervision fund under section 80 of this title. The remaining 90 percent of the transfer tax shall be deposited directly into the general fund.

Fourth: In Sec. 3, 8 V.S.A. § 7121, subdivision (a)(3), by striking out the word “fee” and by inserting in lieu thereof “tax”

Which was agreed to.

Pending third reading of the bill, **Rep. Wilson of Manchester** moved to amend the bill as follows:

In Sec. 3, 8 V.S.A. § 7112, subsection (k), by striking out the word “Any” and by inserting in lieu thereof “Except as provided in subsection 7114(f) of this chapter, any”

Which was agreed to.

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

### **Favorable Report; Bill Amended and Third Reading Ordered**

#### **H. 521**

**Rep. Stuart of Brattleboro**, spoke for the committee on Education, to which had been referred House bill, entitled

An act relating to making miscellaneous amendments to education law

**Rep. Manwaring of Wilmington** for the committee on Appropriations, recommended that the bill ought to pass.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

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

By striking out Secs. 16 through 18 in their entirety and inserting in lieu thereof three new sections to be Secs. 16 through 18 to read:

Sec. 16. INDEPENDENT AND PUBLIC SCHOOLS; RESEARCH

(a) Creation of committee. There is created a committee to research and consider the relationship among and the relative responsibilities, opportunities, and challenges of public schools and approved independent schools that receive publicly funded tuition dollars.

(b) Membership. The members of the Committee shall be as follows:

(1) the Secretary of Education or designee, who shall serve as the Committee's Chair;

(2) the Executive Director of the Vermont Independent Schools Association or designee;

(3) one head of an approved independent school in Vermont that receives publicly funded tuition, appointed by the Vermont Independent Schools Association;

(4) one trustee of an approved independent school in Vermont that receives publicly funded tuition, appointed by the Vermont Independent Schools Association;

(5) the Executive Director of the Vermont Superintendents Association or designee;

(6) the Executive Director of the Vermont School Boards Association or designee;

(7) the Executive Director of the Vermont–National Education Association or designee;

(8) the Executive Director of the Vermont Council of Special Education Administrators or designee; and

(9) the Chair of the Council on Independent Schools created in 16 V.S.A. § 166(d) or designee.

(c) Committee's charge. The Committee shall:

(1) explore and compare:

(A) the structure of and financial costs of providing education by public schools and approved independent schools receiving publicly funded tuition dollars in Vermont;

(B) the educational opportunities provided and the measurable student outcomes achieved by public schools and approved independent schools receiving publicly funded tuition dollars in Vermont; and

(C) differences in admissions policies, special education services, assessments, school-based meals programs, and teacher licensing in public schools and approved independent schools receiving publicly funded tuition dollars in Vermont; and

(2) consider ways in which either or both systems can be modified to serve the best interests of all students.

(d) Assistance. For purposes of its study of these issues, the Committee shall have the assistance of the Agency of Education.

(e) Report. By November 1, 2013, the Committee shall report its findings to the Senate and House Committees on Education.

(f) Term of Committee. The Committee shall cease to exist on July 1, 2014.

Sec. 17. [Deleted.]

Sec. 18. [Deleted.]

Thereupon, **Rep. Branagan of Georgia** asked and was granted leave of the House to withdraw her amendment.

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

By striking Secs. 16 through 18 in their entirety and inserting in lieu thereof three new sections to be Secs. 16 through 18 to read:

Sec. 16. PUBLIC SCHOOLS AND INDEPENDENT SCHOOLS; STUDY COMMITTEE

(a) There is created a committee to research and consider both the opportunities and challenges created by closing a public school with the intention or result of reopening it as an approved independent school that serves essentially the same population of students and receives publicly funded tuition dollars. The committee shall consult with a wide variety of individuals and organizations committed to ensuring high quality education for Vermont students. The members of the committee shall be:

(1) the chair of the Council on Independent Schools created in 16 V.S.A. § 166(d) or designee;

(2) the Executive Director of the Vermont Independent Schools Association or designee;

(3) one trustee of an approved independent school in Vermont that receives publicly funded tuition, selected by the Vermont Independent Schools Association;

(4) one head of an approved independent school in Vermont that receives publicly funded tuition, selected by the Vermont Independent Schools Association;

(5) one teacher in an approved independent school in Vermont that receives publicly funded tuition, selected by the Vermont Independent Schools Association;

(6) the Executive Director of the Vermont Superintendents Association or designee;

(7) the Executive Director of the Vermont School Boards Association or designee;

(8) the Executive Director of the Vermont Principals' Association or designee;

(9) the Executive Director of the Vermont–National Education Association or designee;

(10) the Executive Director of the Vermont Council of Special Education Administrators or designee;

(11) the chair of the State Board of Education or designee; and

(12) the Secretary of Education or designee, who shall serve as the committee's chair and convene the first meeting of the committee on or before July 1, 2013.

(b) Keeping in mind the interests of students, taxpayers, and the Vermont tradition of local control, the committee shall:

(1) explore the opportunities and challenges that may result from closing a public school and reopening it as an approved independent school, including consideration of:

(A) the financial consequences to taxpayers in the community in which the school is located, to Vermont taxpayers, and to the Education Fund;

(B) the availability of educational opportunities for students;

(C) the provision of special education services;

(D) the provision of school-based meals programs;

(E) teacher licensing requirements;

(F) school safety crisis planning; and

(G) the provision of 504 services, the application of the Family Education Rights and Privacy Act, and the effect, if any, on other federal rights of students and families connected to a school's receipt of federal funding; and

(2) examine the impetus for and results of those instances in which a former public school was or will be reopened as an approved independent school in Vermont.

(c) By December 15, 2013, the Secretary shall report the results of the study required by this section to the House and Senate Committees on Education and on Appropriations, the House Committee on Ways and Means, and the Senate Committee on Finance.

(d) The committee shall cease to exist on December 15, 2013.

Sec. 17. [Deleted.]

Sec. 18. [Deleted.]

Which was agreed to and third reading was ordered.

**Third Reading; Bill Passed**

**H. 529**

House bill, entitled

An act relating to approval of an amendment to the charter of the Winooski Incorporated School District related to the term of district treasurer

Was taken up, read the third time and passed.

**Third Reading; Bill Passed in Concurrence**

**S. 3**

Senate bill, entitled

An act relating to allowing participation in out-of-state contests requiring a fee to enter

Was taken up, read the third time and passed in concurrence.

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**Third Reading; Bill Passed in Concurrence  
With Proposal of Amendment**

**S. 159**

Senate bill, entitled

An act relating to various amendments to Vermont's land use control law and related statutes

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Proposal of Amendment Agreed to; Third Reading Ordered**

**S. 104**

**Rep. Till of Jericho**, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to expedited partner therapy

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 1, subsection (c), by striking "Centers for Disease Control and Prevention (CDC)" and inserting in lieu thereof "Commissioner"

Second: In Sec. 1, subsection (d), by striking "CDC" and inserting in lieu thereof "Centers for Disease Control and Prevention"

Third: In Sec. 2, subsection (d), by striking "CDC" and inserting in lieu thereof "Centers for Disease Control and Prevention"

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment offered by the committee on Health Care was agreed to and third reading ordered.

**Senate Proposal of Amendment Not Concurred in;  
Committee of Conference Requested and Appointed**

**H. 131**

The Senate proposed to the House to amend House bill, entitled

An act relating to harvesting guidelines and procurement standards;

First: In Sec. 4, 30 V.S.A. § 248(b)(11), by striking out subparagraphs (B) and (C) in their entirety and inserting in lieu thereof the following:



(B) ~~incorporate commercially available and feasible designs to achieve a reasonable~~ an optimum design system efficiency for the type and design of the proposed facility, taking into account commercial availability, feasibility, and cost-effectiveness; and

(C) comply with harvesting ~~guidelines~~ procedures and procurement standards that ~~are consistent~~ ensure long-term forest health and sustainability. These procedures and standards at a minimum shall comply with the guidelines and standards developed by the secretary of natural resources pursuant to 10 V.S.A. § 2750 (harvesting guidelines and procurement standards) when adopted under that statute. The requirement to comply with harvesting guidelines and procurement standards under 10 V.S.A. § 2750 when adopted shall apply to any woody biomass facility approved under this section on or after April 15, 2013 regardless of whether that approval is issued prior to the adoption of those guidelines and standards.

Second: By striking out Sec. 5 (period of guideline and standard development; application of Public Service Board criterion) in its entirety.

And by renumbering the remaining section to be numerically correct

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Malcolm of Pawlet** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

**Rep. Malcolm of Pawlet**  
**Rep. Klein of East Montpelier**  
**Rep. Canfield of Fair Haven**

#### **Message from the Senate No. 40**

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

**H. 431.** An act relating to mediation in foreclosure actions.

And has passed the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

**Adjournment**

At two o'clock and fifteen minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.