

House Calendar

Thursday, March 19, 2015

72nd DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 pm

TABLE OF CONTENTS

	Page No.
ACTION CALENDAR	
Third Reading	
H. 5 Hunting, fishing, and trapping.....	843
H. 95 Jurisdiction over delinquency proceedings by the Family Division of the Superior Court	843
H. 98 Reportable disease registries and data	843
H. 123 Mobile home parks, habitability standards, and compliance	843
H. 310 Limited liability companies.....	843
H. 320 Technical corrections	843
H. 477 Miscellaneous amendments to election law	843
H. 482 Principle-based valuation for life insurance reserves and a standard nonforfeiture law for life insurance policies	843
Committee Bill for Second Reading	
H. 483 Home improvement fraud	843
Rep. Conquest for Judiciary	
H. 484 Miscellaneous agricultural subjects.....	843
Rep. Eastman for Agriculture and Forest Products	
Favorable with Amendment	
H. 76 The requirement of mandatory binding arbitration and to the elimination of strikes and imposed contracts in connection with collective bargaining for teachers' and school administrators' contracts.....	844
Rep. Wright for Education	
NOTICE CALENDAR	
Favorable	
H. 363 The Petroleum Cleanup Fund.....	848
Rep. Beyor for Fish, Wildlife and Water Resources	

H. 480 Making miscellaneous technical and other amendments to education laws.....	848
Rep. Beck for Education	
Rep. Komline for Ways and Means	848

Senate Proposal of Amendment

S. 6 An act relating to technical corrections to civil and criminal procedure statutes	849
---	-----

Consent Calendar

H.C.R. 68 Congratulating the 2014 South Burlington High School Division I girls' and boys' championship tennis teams.....	849
H.C.R. 69 Congratulating the 2015 Essex Union High School Hornets Division I girls' ice hockey championship team	849
H.C.R. 70 Congratulating the 2015 and 10th consecutive Essex Union High School Hornets' girls' gymnastics State championship team	850
H.C.R. 71 Honoring Nancy Zorn for her 15 years of outstanding leadership as Executive Director of the Green Mountain United Way.....	850
H.C.R. 72 Congratulating University of Vermont women's ice hockey Catamount Amanda Pelkey on scoring her 100th college career point.....	850
H.C.R. 73 Designating March 17, 2015 as Multiple Sclerosis Awareness Day in Vermont.....	850
H.C.R. 74 Congratulating Abigail Hawkins on her winning first place in the oratory category at the 2015 Vermont Debate and Forensics League State championship.....	850
H.C.R. 75 Honoring the humanitarian efforts of the Vermont Haiti Project and recognizing its social and cultural contributions to the State of Vermont	850
H.C.R. 76 Recognizing important legal milestones in the protection of the rights of persons with disabilities and designating March 18, 2015 as Disability Awareness Day at the State House	850
H.C.R. 77 Welcoming the Friends of UVM Baseball to the State House	850
H.C.R. 78 Designating August 9, 2015, as Genealogy Day in Vermont.....	850
H.C.R. 79 Congratulating the 2014 South Burlington High School Rebels Division I boys' cross-country championship team	850
H.C.R. 80 Congratulating the 2014 Williston All-Stars Little League baseball state championship baseball team	851

ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 5

An act relating to hunting, fishing, and trapping

H. 95

An act relating to jurisdiction over delinquency proceedings by the Family Division of the Superior Court

H. 98

An act relating to reportable disease registries and data

H. 123

An act relating to mobile home parks, habitability standards, and compliance

H. 310

An act relating to limited liability companies

H. 320

An act relating to technical corrections

H. 477

An act relating to miscellaneous amendments to election law

H. 482

An act relating to principle-based valuation for life insurance reserves and a standard nonforfeiture law for life insurance policies

Committee Bill for Second Reading

H. 483

An act relating to home improvement fraud.

(Rep. Conquest of Newbury will speak for the Committee on Judiciary.)

H. 484

An act relating to miscellaneous agricultural subjects.

(Rep. Eastman of Orwell will speak for the Committee on Agriculture & Forest Products.)

Favorable with Amendment

H. 76

An act relating to the requirement of mandatory binding arbitration and to the elimination of strikes and imposed contracts in connection with collective bargaining for teachers' and school administrators' contracts

Rep. Wright 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. 16 V.S.A. § 2011 is added to read:

§ 2011. STRIKES AND CONTRACT IMPOSITION PROHIBITED

(a) A strike, which shall have the same meaning as provided in 21 V.S.A. § 1722(16), shall be prohibited.

(b) The imposition of contractual terms by the school board shall be prohibited.

Sec. 2. 16 V.S.A. § 2003 is amended to read:

§ 2003. TIME TO BEGIN

The teacher or administrator organizations holding exclusive negotiating rights shall make a request for commencement of negotiations either to their school board or to the school board negotiations council no later than ~~120~~ 180 days prior to the earliest school district annual meeting conducted within the supervisory union.

Sec. 3. 16 V.S.A. § 2005 is amended to read:

§ 2005. WRITTEN AGREEMENT

(a) The negotiations councils for the school board and the teachers' or administrators' organization shall enter into a written agreement or agreements incorporating therein matters agreed to in negotiation.

(b)(1) In the event the negotiations councils for the school board and the negotiations council for the teachers' or administrators' organization are unable to arrive at an agreement before the expiration date of the existing contract, the existing contract shall remain in force until a new contract is ratified by the parties.

(2) Except as provided in subdivision (c) of this section and in the absence of a provision of the existing contract to the contrary, wages and benefits shall continue at levels and amounts that are no greater than those in

effect on the expiration date of the existing contract and no wage step increases shall occur after the expiration date.

(c) Nothing in this section shall prohibit the parties from agreeing to a modification of certain provisions of the existing contract which, as amended, shall remain in effect until a new contract is ratified by the parties.

(d)(1) In the event the negotiations councils for the school board and the negotiations council for the teachers' or administrators' organization are unable to arrive at an agreement within six months after the expiration date of the existing contract, the parties shall submit any and all unresolved issues to the Vermont Labor Relations Board.

(2) As soon as practicable, the Board shall hold a hearing on the dispute pursuant to rules established by the Board. The Board may issue subpoenas of persons and documents for the hearings. Upon completion of the hearings, the Board shall make and file with both parties written findings and recommend a reasonable basis for the settlement of the dispute.

(3) Nothing in this subsection (d) shall prohibit the Board from endeavoring to mediate the dispute at any time prior to issuing its recommendation for the settlement of the dispute.

(e) In the event the negotiations councils for the school board and the negotiations council for the teachers' or administrators' organization are unable to arrive at an agreement within one year after the expiration date of the existing agreement then the following shall apply:

(1) When the parties enter into an agreement to replace the existing agreement, it shall not include any retroactive wages or benefits at levels and amounts that are greater than those in effect on the expiration date of the existing agreement.

(2) The school district's base statewide education tax rate shall be increased by one cent on all homestead property located within the district. The increase shall apply to the district's statewide education tax rate for the next fiscal year and shall remain in force through the fiscal year in which the parties enter into the new agreement.

Sec. 4. 16 V.S.A. § 2006 is amended as follows:

§ 2006. MEDIATOR

~~If, after negotiation has taken place on all matters properly before them within 90 days after commencing negotiations,~~ the negotiations councils for the school board and teachers' or administrators' organization are unable to reach agreement on specific negotiable items, they ~~may~~ shall jointly agree upon the services and person of a mediator for the purpose of assisting them in

reconciling their differences and resolving the controversy on terms that are mutually acceptable. If agreement cannot be reached upon the person of a mediator within 5 days, ~~either party may~~ the parties shall request mediation upon ~~any and~~ all unresolved issues to be conducted by the American Arbitration Association or its designee. The parties shall meet with the mediator and make ~~such~~ information available to the mediator as required.

Sec. 5. 16 V.S.A. § 2007 is amended as follows:

§ 2007. FACT-FINDING COMMITTEE

(a) ~~If mediation fails to resolve outstanding differences or is not requested the parties are unable to resolve their outstanding differences within 45 days of commencing mediation and a continuing disagreement persists, either party may, after negotiation on all matters properly before them, request that any or the parties shall submit~~ all unresolved issues ~~be submitted~~ to a fact-finding committee ~~by notifying the other party of their intention and setting forth in writing the issues to be submitted to fact finding.~~

(b) The fact-finding committee, which shall be activated as soon as practicable ~~upon request~~, shall be composed of one member selected by the school board negotiations council, one member selected by the negotiations council for the teachers' or administrators' organization, and one member who shall serve as chair, to be chosen by the other two members. In the event that agreement cannot be reached on a third member for the fact-finding committee within five days after the appointment of the other two members, the American Arbitration Association shall be asked to appoint the third member.

(c) The fact-finding committee shall convene as soon as practicable after its appointment, hold informal hearings as necessary, and provide adequate opportunity to all parties to testify fully on, and present evidence regarding, their respective positions. All parties to the dispute shall furnish the fact-finding committee upon its request all records, papers, and information in their possession pertaining to any matter properly in issue before the fact-finding committee. The fact-finding committee shall make a written report and shall deliver it to both parties recommending a reasonable basis for the settlement of the disagreement within 30 days after the appointment of all members of the committee. Upon receipt of the report, the parties shall continue to negotiate on all issues remaining in dispute, and may jointly agree upon the services and person of a mediator to assist them in reaching a settlement of the disagreement.

(d) The report of the fact-finding committee shall be advisory only and shall not be binding on either party. The report shall be made public by the

fact-finding committee if the issues in dispute have not been resolved within ten days of the delivery of the report.

(e) All expenses of fact-finding and mediation shall be borne jointly by the parties to the dispute.

Sec. 6. 16 V.S.A. § 2010 is amended to read:

§ 2010. INJUNCTIONS

~~No restraining order or temporary or permanent injunction shall be granted in any case brought with respect to any action taken by a representative organization or an official thereof or by a school board or representative thereof in connection with or relating to pending or future negotiations, except on the basis of findings of fact made by a court of competent jurisdiction after due hearing prior to the issuance of the restraining order or injunction that the commencement or continuance of the action poses a clear and present danger to a sound program of school education that in the light of all relevant circumstances it is in the best public interest to prevent. Any restraining order or injunction issued by a court as herein provided shall prohibit only a specific act or acts expressly determined in the findings of fact to pose a clear and present danger. Upon application by either party, a Superior Court may issue a temporary restraining order or other injunctive relief and may award costs, including reasonable attorney's fees, in connection with any action taken or about to be taken by a representative organization, its officials, or its members or by a school board or its representative in relation to pending or future negotiations that is in violation of this chapter.~~

Sec. 7. 16 V.S.A. § 2008 is amended to read:

§ 2008. ~~FINALITY OF DECISIONS~~

~~All decisions of the school board regarding matters in dispute in negotiations shall, after full compliance with this chapter, be final. [Repealed.]~~

Sec. 8. 16 V.S.A. § 2021 is amended to read:

§ 2021. NEGOTIATED BINDING INTEREST ARBITRATION

* * *

~~(c) A strike, which shall have the same meaning as provided in 21 V.S.A. § 1722(16), shall be prohibited if it occurs after both parties have voluntarily submitted a dispute to final and binding arbitration or after a decision or award has been issued by the arbitrator. A school board may petition for an injunction or other appropriate relief from the Superior Court within the county wherein such strike in violation of this section is occurring or is about to occur. [Repealed.]~~

* * *

Sec. 9. 3 V.S.A. § 924 is amended to read:

§ 924. POWERS AND DUTIES

* * *

(e) In addition to its responsibilities under this chapter, the Board shall carry out the responsibilities given to it under 16 V.S.A. § 2005, 21 V.S.A. chapters 19 and 22, and chapter 28 of this title and when so doing shall exercise the powers and follow the procedures set out in that chapter.

* * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2015, and apply to negotiations beginning on or after that date.

and that after passage the title of the bill be amended to read: “An act relating to the prohibition of strikes and contract imposition, and mandatory mediation and fact-finding in connection with collective bargaining for teachers and school administrators”

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

NOTICE CALENDAR

Favorable

H. 363

An act relating to the Petroleum Cleanup Fund

Rep. Beyor of Highgate, for the Committee on **Fish, Wildlife & Water Resources**, recommends the bill ought to pass.

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

H. 480

An act relating to making miscellaneous technical and other amendments to education laws.

(**Rep. Beck of St. Johnsbury** will speak for the Committee on **Education**.)

Rep. Komline of Dorset, for the Committee on **Ways & Means**, recommends the bill ought to pass.

(**Committee Vote: 11-0-0**)

Senate Proposal of Amendment

S. 6

An act relating to technical corrections to civil and criminal procedure statutes

The Senate concurs in the House proposal of amendment with the following amendment thereto:

By adding a new Sec. 6 to read as follows:

Sec. 6. 33 V.S.A. § 5284 is amended to read:

§ 5284. DETERMINATION AND ORDER

(a) In a hearing on a motion for youthful offender status, the Court shall first consider whether public safety will be protected by treating the youth as a youthful offender. If the Court finds that public safety will not be protected by treating the youth as a youthful offender, the Court shall deny the motion and return the case to the ~~Family~~ Criminal Division of the Superior Court pursuant to subsection 5281(d) of this title. If the Court finds that public safety will be protected by treating the youth as a youthful offender, the Court shall proceed to make a determination under subsection (b) of this section.

* * *

And by renumbering the remaining section to be numerically correct.

(For House Proposal of Amendment see House Journal 2/24/2015)

Consent Calendar

Concurrent Resolutions

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 68

House concurrent resolution congratulating the 2014 South Burlington High School Division I girls' and boys' championship tennis teams

H.C.R. 69

House concurrent resolution congratulating the 2015 Essex Union High School Hornets Division I girls' ice hockey championship team

H.C.R. 70

House concurrent resolution congratulating the 2015 and 10th consecutive Essex Union High School Hornets' girls' gymnastics State championship team

H.C.R. 71

House concurrent resolution honoring Nancy Zorn for her 15 years of outstanding leadership as Executive Director of the Green Mountain United Way

H.C.R. 72

House concurrent resolution congratulating University of Vermont women's ice hockey Catamount Amanda Pelkey on scoring her 100th college career point

H.C.R. 73

House concurrent resolution designating March 17, 2015 as Multiple Sclerosis Awareness Day in Vermont

H.C.R. 74

House concurrent resolution congratulating Abigail Hawkins on her winning first place in the oratory category at the 2015 Vermont Debate and Forensics League State championship

H.C.R. 75

House concurrent resolution honoring the humanitarian efforts of the Vermont Haiti Project and recognizing its social and cultural contributions to the State of Vermont

H.C.R. 76

House concurrent resolution recognizing important legal milestones in the protection of the rights of persons with disabilities and designating March 18, 2015 as Disability Awareness Day at the State House

H.C.R. 77

House concurrent resolution welcoming the Friends of UVM Baseball to the State House

H.C.R. 78

House concurrent resolution designating August 9, 2015, as Genealogy Day in Vermont

H.C.R. 79

House concurrent resolution congratulating the 2014 South Burlington High School Rebels Division I boys' cross-country championship team

H.C.R. 80

House concurrent resolution congratulating the 2014 Williston All-Stars Little League baseball state championship baseball team

Public Hearings

March 24, 2015 - Room 11 - 6:00-8:00 pm - Renewable Energy Siting - House and Senate Committees on Natural Resources and Energy