# House Calendar

**Thursday, April 02, 2015**  
86th DAY OF THE BIENNIAL SESSION  
House Convenes at 9:30 A.M.

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ACTION CALENDAR
Action Postponed Until April 2, 2015
Favorable with Amendment

H. 367

An act relating to miscellaneous revisions to the municipal plan adoption, amendment, and update process

Rep. Forguites of Springfield, for the Committee on Natural Resources & Energy, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1.  24 V.S.A. § 4350 is amended to read:

§ 4350. REVIEW AND CONSULTATION REGARDING MUNICIPAL PLANNING EFFORT

(a) A regional planning commission shall consult with its municipalities with respect to the municipalities’ planning efforts, ascertaining the municipalities’ needs as individual municipalities and as neighbors in a region, and identifying the assistance that ought to be provided by the regional planning commission. As a part of this consultation, the regional planning commission, after public notice, shall review the planning process of its member municipalities at least twice during an eight-year period, or more frequently on request of the municipality, and shall so confirm when a municipality:

(1) is engaged in a continuing planning process that, within a reasonable time, will result in a plan which is consistent with the goals contained in section 4302 of this title; and

(2) is engaged in a process to implement its municipal plan, consistent with the program for implementation required under section 4382 of this title; and

(3) is maintaining its efforts to provide local funds for municipal and regional planning purposes.

(b)(1) As part of the consultation process, the commission shall consider whether a municipality has adopted a plan. In order to obtain or retain confirmation of the planning process after January 1, 1996, a municipality must have an approved plan. A regional planning commission shall review and approve initial or readopted plans of its member municipalities, when
approval is requested and warranted. Each review shall include a public hearing which is noticed at least 15 days in advance by posting in the office of the municipal clerk and at least one public place within the municipality and by publication in a newspaper or newspapers of general publication in the region affected. The commission shall approve a plan if it finds that the plan:

(A) is consistent with the goals established in section 4302 of this title;

(B) is compatible with its regional plan;

(C) is compatible with approved plans of other municipalities in the region; and

(D) contains all the elements included in subdivisions 4382(a)(1)-(12) of this title.

(2) Prior to January 1, 1996, if a plan contains all the elements required by subdivisions 4382(a)(1)-(10) and is submitted to the regional planning commission for approval but is not approved, it shall be conditionally approved.

(c)(2) A commission shall give approval or disapproval to a municipal plan or amendment within two months of its receipt following a final hearing held pursuant to section 4385 of this title. The fact that the plan is approved after the deadline shall not invalidate the plan. If the commission disapproves the plan or amendment, it shall state its reasons in writing and, if appropriate, suggest acceptable modifications. Submissions for approval that follow a disapproval shall receive approval or disapproval within 45 days.

(d)(3) The commission shall file any adopted plan or amendment with the Department of Housing and Community Development within two weeks of receipt from the municipality. Failure on the part of the commission to file the plan shall not invalidate the plan.

(4) If a municipality chooses to request approval of an amendment under subsection 4385(c) of this title, the provisions of subdivisions (2) and (3) of this subsection shall apply.

(c)(1) As part of the interim consultation process and review under section 4386 of this title, the commission shall consider whether a municipality is implementing its adopted plan. In order to retain confirmation of the planning process, a municipality must document that it has reviewed and is actively engaged in a process to implement its adopted plan. A regional commission shall review the interim report submitted by the municipality under section 4386 of this title and confirm the municipal planning process if it finds:
(A) the submitted report meets the requirements of section 4386 of this title; and

(B) the municipality has undertaken actions or developed programs to implement its adopted plan.

(2) When assessing whether a municipality has been actively engaged in a process to implement its adopted plan, the regional planning commission shall consider the activities of local boards and commissions with regard to the preparation or adoption of bylaws and amendments; capital budgets and programs; supplemental plans; or other actions, programs, or measures undertaken or scheduled to implement the adopted plan. The regional planning commission shall also consider factors that may have hindered or delayed municipal implementation efforts.

(3) The interim consultation may include guidance by the regional planning commission with regard to resources and technical support available to the municipality to implement its adopted plan and recommendations by the regional planning commission for plan amendments and for updating the plan prior to readoption under section 4387 of this title.

(e)(d) During the period of time when a municipal planning process is confirmed:

(1) The municipality’s plan will not be subject to review by the Commissioner of Housing and Community Development under section 4351 of this title.

(2) State agency plans adopted under 3 V.S.A. chapter 67 shall be compatible with the municipality’s approved plan. This provision shall not apply to plans that are conditionally approved under this chapter.

(3) The municipality may levy impact fees on new development within its borders, according to the provisions of chapter 131 of this title.

(4) The municipality shall be eligible to receive additional funds from the municipal and regional planning fund.

(e)(d) Confirmation and approval decisions under this section shall be made by majority vote of the commissioners representing municipalities, in accordance with the bylaws of the regional planning commission.

Sec. 2. 24 V.S.A. § 4385 is amended to read:

§ 4385. ADOPTION AND AMENDMENT OF PLANS; HEARING BY LEGISLATIVE BODY

* * *
(d) Plans may be reviewed from time to time and may be amended in the light of new developments and changed conditions affecting the municipality. An amendment to a plan does not affect or extend the plan’s expiration date.

Sec. 3. 24 V.S.A. § 4386 is added to read:

§ 4386. INTERIM REVIEW AND REPORT

(a) Five years after an initial adoption or readoption of a plan, the planning commission shall conduct an interim review of the plan that shall focus on the status of the plan’s recommended implementation program adopted under section 4382 of this title.

(b) As part of the interim review, the planning commission shall prepare a brief written report to be submitted to the regional planning commission for review under section 4350 of this title. The planning commission also shall give a copy of the report to the municipality’s legislative body. The report shall include:

(1) a brief description of plan amendments proposed and enacted since the plan was last adopted or readopted;

(2) the status of the plan’s implementation program, including actions or programs undertaken or proposed to implement the plan and their associated outcomes; and

(3) for the next comprehensive plan update, a proposed timeline and potential issues for consideration.

Sec. 4. 24 V.S.A. § 4387 is amended to read:

§ 4387. READOPTION OF PLANS

(a) All plans, including all prior amendments, shall expire every five 10 years unless they are readopted according to the procedures in section 4385 of this title.

(b)(1) A municipality may readopt any plan that has expired or is about to expire. Prior to any readoption, the planning commission shall review and update the information on which the plan is based, and shall consider this information in evaluating the continuing applicability of the plan. In its review, the planning commission shall:

(A) consider the interim report prepared under section 4386 of this title;

(B) engage in community outreach and involvement in updating the plan;
(C) consider consistency with the goals established in section 4302 of this title;

(D) address the required plan elements under section 4382 of this title;

(E) evaluate the plan for internal consistency among plan elements, goals, objectives, and community standards;

(F) address compatibility with the regional plan and the approved plans of adjoining municipalities; and

(G) establish a program and schedule for implementing the plan.

(2) The readopted plan shall remain in effect for the ensuing 10 years unless earlier readopted.

(c) Upon the expiration of a plan, all bylaws and capital budgets and programs then in effect shall remain in effect, but shall not be amended until a plan is in effect.

(d) The fact that a plan has not been approved shall not make it inapplicable, except as specifically provided by this chapter. Bylaws, capital budgets, and programs shall remain in effect, even if the plan has not been approved.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2015. The 10-year expiration date for municipal plans and the five-year interim consultation and report requirement applies to plans adopted or readopted on or after July 1, 2015. Plans adopted or readopted before July 1, 2015, shall expire in accordance with section 4387 of this title as it existed on the date of adoption or readoption.

(Committee Vote: 9-0-2)

NEW BUSINESS

Third Reading

H. 35

An act relating to improving the quality of State waters

Amendment to be offered by Rep. Higley of Lowell to H. 35

First: In Sec. 4, 6 V.S.A. § 4871, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a) Small farm definition. As used in this section, “small farm” means a parcel or parcels of land, except for the two acres on which a homestead or
residence is located:

(1) of 25 acres or more in size from which the owner or operator produced an annual gross income of $10,000.00 or more from the sale of farm crops or farm products in one of the two, or three of the five, preceding calendar years; or

(2)(A) that house at least 25 or more mature dairy cows, cattle or cow/calf pairs, equines, water buffalo, American bison, fallow deer, red deer, or ratites; 35 or more veal calves; 80 or more swine or sheep; or 100 or more turkeys, laying hens, chickens, ducks, or other fowl; and

(B) house no more than the number of animals specified under section 4857 of this title.

Second: In Sec. 5, 6 V.S.A. § 4810a, by striking subdivision (a)(1) in its entirety
and by renumbering the remaining subdivisions of subsection 4810a(a) to be numerically correct

H. 361

An act relating to making amendments to education funding, education spending, and education governance

Amendment to be offered by Reps. Johnson of South Hero and Krebs of South Hero to H. 361

First: After Sec. 35a and before the reader assistance by adding a new section to be Sec. 35b and related reader assistance to read:

* * * Designation of Secondary Schools * * *

Sec. 35b. 16 V.S.A. § 827 is amended to read:

§ 827. DESIGNATION OF A PUBLIC HIGH SCHOOL OR AN APPROVED INDEPENDENT HIGH SCHOOL AS THE SOLE PUBLIC HIGH SCHOOL OF A SCHOOL DISTRICT

(a) A school district not maintaining an approved public high school may vote on such terms or conditions as it deems appropriate, to designate an one or more approved independent school or a or public school high schools as the public high school or schools of the district.

(b) Except as otherwise provided in this section, if the board of trustees or the school board of the a designated school votes to accept this designation, the school shall be regarded as a public school for tuition purposes under subsection 824(b) of this title, and the sending school district shall pay tuition only to that school only, and to any other school designated under this section,
until such time as the sending school district or the designated school votes to rescind the designation.

(c) A parent or legal guardian who is dissatisfied with the instruction provided at the designated school or who cannot obtain for his or her child the kind of course or instruction desired there, or whose child can be better accommodated in an approved independent or public high school nearer his or her home during the next academic year, may request on or before April 15 that the school board pay tuition to another approved independent or public high school selected by the parent or guardian.

(d) The school board may pay tuition to another approved high school as requested by the parent or legal guardian if in its judgment that will best serve the interests of the student. Its decision shall be final in regard to the institution the student may attend. If the board approves the parent’s request, the board shall pay tuition for the student in an amount not to exceed the least of:

(1) The statewide average announced tuition of Vermont union high schools.

(2) The per-pupil tuition the district pays to the designated school in the year in which the student is enrolled in the nondesignated school. If the district has designated more than one school pursuant to this section, then it shall be the lowest per-pupil tuition paid to a designated school.

(3) The tuition charged by the approved nondesignated school in the year in which the student is enrolled.

* * *

Second: In Sec. 36 (effective dates), after subsection (z), by adding new subsection to be subsection (aa) to read:

(aa) Sec. 35b (designation) shall take effect on July 1, 2015.

Amendment to be offered by Reps. Till of Jericho and Christie of Hartford to H. 361

In Sec. 27 (caps), by adding a new subsection to be subsection (g) to read:

(g) This section shall not apply to a regional education district (RED) or to any other district eligible to receive RED incentives pursuant to 2010 Acts and Resolves No. 153, as amended by 2012 Acts and Resolves No. 156 and 2013 Acts and Resolves No. 56, that receives final voter approval under 16 V.S.A. chapter 11 on or before December 31, 2016.
Amendment to be offered by Rep. Scheuermann of Stowe to H. 361

*** Short Title ***

Sec. 1. SHORT TITLE

This act shall be referred to as the 21st Century Education Transformation Act.

*** Consolidated Administrative Districts ***

Sec. 2. CONSOLIDATED ADMINISTRATIVE DISTRICTS

(a) Creation. Effective on July 1, 2017, all existing supervisory unions shall be dissolved and restructured into 15 larger Consolidated Administrative Districts (CADs). The boundaries of the new CADs shall be identical to the current 15 career technical education service regions; provided, however, that:

(1) the boundaries of the CAD that contains the current North Country Career Education Center Service Region shall be expanded to include the districts within the Canaan Comprehensive High School Service Region; and

(2) the boundaries of the CAD that contains the current Southeastern Vermont Career Education Center Service Region shall be expanded to include the districts within the Windham Northeast Supervisory Union.

(b) Transition.

(1) On or before July 1, 2016, the electorate of the school districts within the CAD boundaries shall elect members to an interim CAD board; provided, however, that:

(A) membership on the board shall be apportioned so that it is consistent with the proportional representation requirements of the Equal Protection Clause of the U.S. Constitution; and

(B) each member district shall have at least one representative.

(2) The interim CAD board shall be responsible for transitioning the supervisory unions and member districts to the CAD’s funding and governance model and shall have authority, in consultation with the member districts, to enter into contracts, prepare an initial proposed budget for the CAD and the member districts, hire a superintendent, adopt policies, and otherwise plan for full implementation of the CAD on July 1, 2017.

(c) School districts.

(1) Each school district within a CAD shall retain its current governance structure, including its elected school board, unless it chooses to alter its governance structure pursuant to law.
(2) Each school district within a CAD shall continue to be responsible for the education of its resident students pursuant to 16 V.S.A. chapter 21.

(3) A school district board shall remain the local elected body focused on the academic policy and educational quality of the schools within its geographic boundaries.

(4) Except to the extent that they conflict with this act, a school district within a CAD shall perform all duties required of a school district under current law. In particular, the local board of a school district shall:

(A) develop the school district’s proposed budget for submission to the CAD board;

(B) except for those providing special education services, select all administrators, teachers, and staff employed in the district to be hired through contracts negotiated and entered into at the CAD level;

(C) select and approve the curriculum used by schools in the district; and

(D) manage and maintain all schools and other buildings owned by the district.

d) CADs and CAD boards.

(1) The electorate of the school districts within the CAD boundaries shall elect members to the CAD board; provided, however, that:

(A) membership on the board shall be apportioned so that it is consistent with the proportional representation requirements of the Equal Protection Clause of the U.S. Constitution; and

(B) each member district shall have at least one representative.

(2) Based upon the proposed budgets developed and submitted by the district boards pursuant to subdivision (c)(4)(A) of this section and upon the CAD board’s determination of the budget needed for the CAD to perform its duties, the CAD board shall develop a proposed budget, which shall include the total proposed education spending for the CAD and all member districts (the Global Budget). The CAD board shall present the proposed Global Budget to the electorate of the CAD for a commingled vote at an annual or special meeting duly warned for the purpose.

(3) After a Global Budget is approved:

(A) the CAD shall issue the base education property tax assessment to the taxpayers within the CAD; and
(B) each municipality shall issue and collect any regional education property tax assessments and transfer any amounts collected to the CAD.

(4) Except to the extent that they conflict with this act, a CAD shall perform all duties and provide all services required of a supervisory union under current law. In particular, the CAD board shall:

(A) be responsible for the provision of all aspects of special education, including the hiring of special educators, the assignment of their services to schools within the CAD, and the development of individualized education programs (IEPs); provided, however, that each student’s IEP team would consist of those individuals required by State Board of Education Rule 2363.4 and include representatives from the local school district and the CAD;

(B) negotiate CAD-wide collectively bargained contracts pursuant to the requirements of 16 V.S.A. chapter 57 for all administrators, teachers, and staff employed within the CAD;

(C) subject to the right of local school districts to select the specific individuals to be hired pursuant to subdivision (c)(4)(B) of this section, enter into CAD-level contracts with all administrators, teachers, and staff employed within the CAD;

(D) purchase and distribute all supplies to all schools within the CAD;

(E) provide financial and student data management for all schools within the CAD;

(F) provide or provide for transportation services, in any local district in which it is offered;

(G) manage the provision of Advanced Placement courses to ensure maximum availability to students throughout the CAD; and

(H) perform any other duties on behalf of one or more of the member districts that the districts and CAD board deem appropriate.

(e) Nonoperating districts, operating districts, and tuition vouchers.

(1) Nonoperating districts. A district that, as of the effective date of this act, provides for the education of all resident students in one or more grades by paying tuition on the students’ behalf shall continue to have authority to provide education by paying tuition on behalf of all students in the grade or grades pursuant to the provisions of 16 V.S.A. §§ 821 and 822 and shall not be required to limit the options currently available to those students.

(2) Operating districts.
(A) Notwithstanding any provision of 16 V.S.A. chapter 21 to the contrary, a district that, as of the effective date of this act, provides for the education of all resident students in one or more grades by operating a school offering the grade or grades shall pay tuition pursuant to 16 V.S.A. §§ 823–826, 828, and 836 on behalf of a resident student to a school not operated by the district upon notice given by the student’s parent or guardian before November 30 for the next academic year.

(B) Tuition shall be paid under this subdivision (2) solely to a public school, an approved independent school, or an independent school meeting school quality standards that is located within the geographic borders of the CAD.

(f) School closures. Neither the CAD board nor any State-level entity or official shall have the authority to close any public school without the consent of the voters of the district in which the school is located.

*** Education Property Tax ***

Sec. 3. REGIONAL EDUCATION PROPERTY TAX SYSTEM

On or before December 15, 2015, the Secretary of Education, in consultation with the Commissioner of Taxes, shall prepare a detailed plan to eliminate the statewide education property tax system and replace it with a CAD tax system based on the following principles:

(1) Annually, the Agency of Education would determine a base education property tax rate to balance the Education Fund.

(2) The amount of the base education property tax that is raised in each CAD would be determined by multiplying the base education property tax rate by the CAD’s unified grand list.

(3) In the 2017–2018 school year, each CAD’s spending amount would include education spending plus spending covered by categorical aid for special education, transportation, small schools, and essential early education. In the 2018–2019 school year and after, spending covered by categorical aid would become part of the base education property tax rate.

(4) Each CAD would be guaranteed equalized spending up to the statewide average per pupil spending amount.

(5) A CAD’s guaranteed spending would equal the average per pupil CAD spending amount multiplied by the CAD’s average daily membership.

(6) The total amount of a CAD’s property tax rate would equal its base education property tax rate plus any additional regional property tax rate.
(7) The amount of equalizing aid that a CAD would receive from the State would depend on the amount raised by the base education property tax rate.

(A) If the amount that a CAD’s base education property tax rate raises does not cover its guaranteed equalized spending, then it would receive the difference in equalizing aid from the State, which would be derived from non-property tax revenues from the Education Fund.

(B) If the amount that a CAD’s base education property tax rate raises is more than is needed to cover its guaranteed equalized spending, then its base education property tax rate would be reduced by the difference divided by its grand list.

(C) If a CAD spends above the guaranteed equalized spending amount, then the CAD would impose a regional property tax rate and raise the additional funds on its own grand list.

(8) The grand list in each CAD would be unified.

(9) The current income sensitivity and homeowner rebate programs would be eliminated and, if necessary, replaced with a new State program to assist Vermonters in need.

(10) The use of a common level of appraisal in each municipality to determine education property tax rates would be eliminated and replaced with a rolling appraisal conducted in each CAD.

*** Office of Legislative Council ***

Sec. 4. LEGISLATIVE COUNCIL

On or before December 1, 2015, the Office of Legislative Council shall provide to the House and Senate Committees on Education, the House Committee on Ways and Means, and the Senate Committee on Finance proposed statutory amendments necessary to accomplish the purpose of this act.

*** Effective Date ***

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2015, and each CAD shall be implemented and fully operational on or before July 1, 2017.

Amendment to be offered by Reps. Shaw of Pittsford and Eastman of Orwell to H. 361

In Sec. 27 (caps), subsection (b), by adding a new subdivision to be subdivision (3) to read:
(3) “Education spending” shall have the same meaning as in 16 V.S.A. § 4001(6); provided, however, that “education spending” shall not include a district’s or supervisory union’s spending in connection with providing prekindergarten education pursuant to 16 V.S.A. § 829.

Amendment to be offered by Reps. McCormack of Burlington and Strong of Albany to H. 361

First: By striking out Secs. 19, 19a, and 19b (sale of school buildings; study) and their reader assistance in their entirety and inserting in lieu thereof one new section to be Sec. 19 to read:

Sec. 19. [Deleted.]

Second: In Sec. 36 (effective dates), by striking out subsection (l) in its entirety and inserting in lieu thereof a new subsection (l) to read:

(l) [Deleted.]

Favorable with Amendment

H. 492

An act relating to capital construction and State bonding.

(Rep. Emmons of Springfield will speak for the Committee on Corrections & Institutions.)

Rep. Hooper of Montpelier, for the Committee on Appropriations, recommends the bill be amended as follows:

by inserting a Sec. 30a to read as follows:

Sec. 30a. SECURE RESIDENTIAL FACILITY; PLAN FOR SITING AND DESIGN

(a) The Secretary of Human Services shall conduct an examination of the needs of the Agency of Human Services for siting and designing a secure residential facility. The examination shall analyze the operating costs for the facility, including the staffing, size of the facility, the quality of care supported by the structure, and the broadest options available for the management and ownership of the facility.

(b) The funds appropriated in 2014 Acts and Resolves No. 178, Sec. 1, amending 2013 Acts and Resolves No. 51, Sec. 2, and Sec. 30 of this act, shall only become available to the Department of Buildings and General Services after the Secretary of Human Services notifies the Commissioner of Finance and Management that the examination described in subsection (a) of this section is completed.
(c) On or before February 1, 2016, the Secretary of Human Services shall present the results of the examination described in subsection (a) of this section to the House Committees on Appropriations, on Corrections and Institutions, and on Human Services, and the Senate Committees on Appropriations, Health and Welfare, and on Institutions.

(Committee Vote 10-0-1)

NOTICE CALENDAR

Senate Proposal of Amendment

H. 240

An act relating to miscellaneous technical corrections to laws governing motor vehicles, motorboats, and other vehicles

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

First: In Sec. 12, 23 V.S.A. § 458, by striking out the second sentence in its entirety and inserting in lieu thereof the following:

The purchaser, if a properly licensed, on attaching the number plate with temporary validation stickers, temporary plate or decal purchaser either attaches to the motor vehicle, motorboat, snowmobile, or all-terrain vehicle; or carries in the motorboat such number plate or decal, he or she may operate the same for a period not to exceed 60 consecutive days immediately following the purchase.

Second: By striking out Sec. 21 in its entirety, and by renumbering the remaining sections to be numerically correct.

(No House Amendments)

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. 89

House concurrent resolution congratulating Aliah Curry on her record breaking career on the Norwich University women’s basketball team
H.C.R. 90
House concurrent resolution recognizing the centennial anniversary of the Vermont Workers’ Compensation Act

H.C.R. 91
House concurrent resolution congratulating Alexander (AJ) Ginnis on winning a bronze medal in the men’s slalom at the 2015 Junior World Championships

H.C.R. 92
House concurrent resolution designating March as Women’s History Month in Vermont

H.C.R. 93
House concurrent resolution designating April 2015 as the Month of the Military Child in Vermont

H.C.R. 94
House concurrent resolution congratulating the 2014 Proctor High School Phantoms Division IV championship girls’ soccer team

H.C.R. 95
House concurrent resolution congratulating the Cabot School on winning the Teach for the Planet Innovation Challenge

H.C.R. 96
House concurrent resolution congratulating the 2015 Proctor High School Phantoms Division IV championship boys’ basketball team

H.C.R. 97
House concurrent resolution congratulating the 2015 Woodstock Union High School Wasps Division II championship boys’ basketball team

H.C.R. 98
House concurrent resolution recognizing the American Traffic Safety Association and its Foundation for their outstanding public awareness, education, and training programs with respect to safety in highway work zones and designating March 30–April 3, 2015 as Vermont Work Zone Awareness Week

Public Hearings
On Tuesday, April 7, 2015 beginning at 1:30 pm, the Senate Appropriations Committee will be taking testimony from advocates regarding the Fiscal Year 2016 Budget (H.490) in Room 10 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 or via email at: rbuck@leg.state.vt.us.