

House Calendar

Friday, March 29, 2019

80th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

Third Reading

H. 524 Health insurance and the individual mandate.....	1186
H. 541 Changes that affect the revenue of the State.....	1186
H. 542 Making appropriations for the support of government.....	1186
S. 14 An act relating to extending the moratorium on home health agency certificates of need.....	1186

Favorable with Amendment

H. 543 Capital construction and State bonding.....	1186
Rep. Emmons for Corrections and Institutions	
Rep. Fagan for Appropriations.....	1186

NOTICE CALENDAR

Senate Proposal of Amendment

H. 39 The extension of the deadline of school district mergers required by the State Board of Education.....	1187
---	------

Ordered to Lie

H. 97 Fiscal year 2019 budget adjustments.....	1193
---	------

Consent Calendar

H.C.R. 99 Recognizing March as Bleeding Disorders Awareness Month in Vermont.....	1193
H.C.R. 100 Recognizing May 19–25, 2019 as National Public Works Week in Vermont.....	1193
H.C.R. 101 Recognizing former Representative Ann Seibert of Norwich for her leadership in the enactment of anti-smoking legislation in Vermont....	1193
H.C.R. 102 Congratulating Ted’s Pizza Shop in Rutland on its 60th anniversary.....	1193

H.C.R. 103 Congratulating the American Legion on its centennial.....	1193
H.C.R. 104 Congratulating the 2019 Fair Haven Union High School Slaters Division II girls' basketball championship team.....	1194
H.C.R. 105 Congratulating Bellows Falls Union High School Head Field Hockey Coach Bethany Coursen on being named the MAX Field Hockey 2018 Vermont State Coach of the Year and the New England Region Coach of the Year.....	1194
H.C.R. 106 Honoring Robert S. Thorn Jr. for his innovative leadership as a mental health administrator, counselor, and educator.....	1194
H.C.R. 107 Congratulating the 2019 West Rutland High School Golden Horde Division IV girls' basketball championship team.....	1194
H.C.R. 108 Congratulating the 2019 Thetford Academy Panthers Division III girls' basketball championship team.....	1194
H.C.R. 109 Congratulating the Thetford Academy Panthers Division III boys' basketball championship team.....	1194
H.C.R. 110 Congratulating the 2018 Thetford Academy Panthers Division III boys' cross-country championship team.....	1194
H.C.R. 111 Designating April 2019 as Fair Housing Month in Vermont...	1194
H.C.R. 112 Congratulating the Mt. St. Joseph Academy Mounties Division II boys' basketball championship team.....	1194
H.C.R. 113 In memory of former Sergeant at Arms Teresa M. Randall....	1194
H.C.R. 114 Congratulating the 2019 Danville School Indians Division IV boys' basketball championship team.....	1195
H.C.R. 115 Designating April 2019 as Veterans Suicide Awareness Month in Vermont.....	1195
H.C.R. 116 Recognizing April 2, 2019 as Equal Pay Day in Vermont.....	1195
H.C.R. 117 Celebrating the unique attributes of Green River Reservoir State Park.....	1195
H.C.R. 118 Congratulating the 2019 Boys & Girls Clubs of Vermont Youth of the Year Award honorees.....	1195
H.C.R. 119 Observing April 2, 2019 as National Service Recognition Day in Vermont.....	1195
H.C.R. 120 Honoring U.S. Navy Chief Petty Officers' century and a quarter of outstanding service to our nation.....	1195

ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 524

An act relating to health insurance and the individual mandate

H. 541

An act relating to changes that affect the revenue of the State

H. 542

An act relating to making appropriations for the support of government

S. 14

An act relating to extending the moratorium on home health agency certificates of need

Favorable with Amendment

H. 543

An act relating to capital construction and State bonding.

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

Rep. Fagan of Rutland City, for the Committee on Appropriations, recommends the bill ought to pass when amended as follows:

In Sec. 28, replacement of Middlesex Secure Residential Recovery facility, in subsection (b), by striking out subdivisions (2) and (3) in their entirety and inserting in lieu thereof the following:

(2) Beginning on August 15, 2019, the Secretary of Human Services shall notify the chairs of the House Committees on Appropriations, on Corrections and Institutions, and on Health Care and the Senate Committees on Appropriations, on Health and Welfare, and on Institutions at least monthly of updates on the status of the RRMC and RMHS negotiations.

(3) On or before December 15, 2019, the Secretary shall submit a written report on the status of the RRMC and RMHS negotiations to the House Committees on Appropriations, on Corrections and Institutions, and on Health Care and the Senate Committees on Appropriations, on Health and Welfare, and on Institutions. The report shall include an analysis of the current costs to

the state of operating secure residential beds as compared to the costs of operating these beds at RPMC and RMHS.

(Committee Vote 10-0-1)

NOTICE CALENDAR

Senate Proposal of Amendment

H. 39

An act relating to the extension of the deadline of school district mergers required by the State Board of Education

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. SCHOOL DISTRICT MERGERS; STATE BOARD OF EDUCATION ORDER

(a) Statement of intent.

(1) 2017 Acts and Resolves No. 49 made “useful changes to the merger time lines” contained in 2015 Acts and Resolves No. 46 “without weakening or eliminating the Act’s fundamental phased merger and incentive structures and requirements.” Act 49 reemphasized this point by noting that “[n]othing in this act should be interpreted to suggest that it is acceptable for a school district to fail to take reasonable and robust action to seek to meet the goals of Act 46.”

(2) Similarly, nothing in this act, which permits a final extension of the deadline for mergers required by the State Board of Education, should be interpreted to weaken or undermine in any way the State Board’s final merger order of November 28, 2018 or to encourage delay for school districts that want to merge on July 1, 2019. Except as modified by this act, school districts remain under all obligations under Acts 46 and 49, whether or not they choose to delay the operational date of their merger.

(b) Definitions. As used in this section:

(1) “Default Articles” means the Default Articles of Agreement issued with the State Board Report.

(2) “Existing district” means a union school district created by vote of the electorate on or after July 1, 2014 into which a merging district is ordered by the State Board Order to merge.

(3) “Forming district” means a school district that is ordered by the State Board Order to merge with other forming districts to create a newly

formed district.

(4) “Initial members” mean the initial members of the board of a newly formed district elected under Article 10 of the default articles.

(5) “Merging district” means a school district that is ordered by the State Board Order to merge into an existing district.

(6) “Newly formed district” means a union school district that is formed by the State Board Order by merging forming districts.

(7) “State Board Order” means the section of the State Board Report entitled “State Board of Education’s ‘order merging and realigning districts and supervisory unions where necessary pursuant to Act 46, Sec. 10(b).’”

(8) “State Board Report” means the “Final Report of the Decisions and Order on Statewide School District Merger Decisions Pursuant to Act 46, Sections 8(b) and 10” issued by the State Board of Education dated November 28, 2018.

(c) Notwithstanding any provision of law to the contrary:

(1) Merger deadline extension.

(A) Except as provided in subdivisions (1)(B) and (C) of this subsection, the operational deadline for school district mergers under the State Board Order shall be on July 1, 2019 or July 1, 2020.

(i) For the mergers of forming districts into a newly formed district, the school board of the newly formed district, operating in accordance with the default articles, shall, on or before June 30, 2019, determine, by majority vote of the initial members representing a quorum, the operational date of merger.

(ii) For the merger of a merging district into an existing district, the school board of the existing district shall, on or before June 30, 2019, determine, by majority vote of members representing a quorum, the operational date of merger.

(B) The operational deadline for school district mergers under the State Board Order shall be on July 1, 2019 if the relevant board does not, on or before June 30, 2019, determine the operational date of the merger under subdivision (1)(A) of this subsection.

(C) The deadline for mergers that, in the State Board Order, are conditioned upon approval of voters of the existing district shall be as specified in the State Board Order.

(2) Default Articles. The Default Articles for each newly formed district that has an operational deadline of July 1, 2020 are amended as follows:

(A) by striking out the date “June 30, 2019” wherever it appears and inserting in lieu thereof the date “June 30, 2020”;

(B) by striking out the date “July 1, 2019” wherever it appears and inserting in lieu thereof the date “July 1, 2020”; provided, however, the date “July 1, 2019” shall not be changed in Article 9 (Transitional Board);

(C) by striking out the date “December 31, 2019” wherever it appears and inserting in lieu thereof the date “December 31, 2020”;

(D) by striking out the date “July 1, 2020” wherever it appears and inserting in lieu thereof the date “July 1, 2021”;

(E) by striking out the academic year “2019–2020” wherever it appears and inserting in lieu thereof the academic year “2020–2021”;

(F) by striking out the academic year “2020–2021” wherever it appears and inserting in lieu thereof the academic year “2021–2022”;

(G) by striking out the academic year “2021–2022” wherever it appears and inserting in lieu thereof the academic year “2022–2023”;

(H) by striking out the fiscal year “2020” wherever it appears and inserting in lieu thereof the fiscal year “2021”, provided, however, the fiscal year shall not be changed in Article 9(D)(i) (Transitional Board; Specific Duties; First Draft of Proposed Budget) and Article 10(D)(iii)(b) (New Union District Board of School Directors-Initial Members; Swearing-in and Assumption of Duties; Presentation of Proposed Budget);

(I) by striking out Article 9(D)(i) (Transitional Board; Specific Duties; First Draft of Proposed Budget) and Article 10(D)(iii)(b) (New Union District Board of School Directors-Initial Members; Swearing-in and Assumption of Duties; Presentation of Proposed Budget) in their entirety; and

(J) by making conforming changes to cross-referenced years in Article 14 (Amendments).

(3) Small schools grant.

(A) If a forming district or merging district that merges under the State Board Order has an operational merger date of July 1, 2019, and that district was an “eligible school district” as defined in 16 V.S.A. § 4015, as in effect on June 30, 2019, that received a small schools support grant under that section in the fiscal year two years prior to the first fiscal year of merger, then

the newly formed district or existing district, as applicable, shall receive an annual small schools support grant in an amount equal to the small schools support grant received by the forming district or merging district, as applicable, in the fiscal year two years prior to the first fiscal year of merger. If more than one forming district or merging district was an eligible school district and merged into the same newly formed district or existing district, as applicable, then the small schools support grant for the newly formed district or existing district, as applicable, shall be in an amount equal to the total combined small schools support grants the forming districts or the merging districts, as applicable, received in the fiscal year two years prior to the first fiscal year of merger.

(B) Payment of the grant under subdivision (3)(A) of this subsection shall continue annually unless explicitly repealed by the General Assembly; provided, however, that the Secretary shall discontinue payment of the grant in the fiscal year following closure by the school district of a school that qualified the district for the grant; and further provided that if a school building that housed a school that qualified the district for the grant is closed in order to consolidate with another school into a renovated or new school building, then the Secretary shall continue to pay the grant during the repayment term of any bonded indebtedness incurred in connection with the consolidation-related renovation or construction.

(C)(i) This subdivision (3) shall also apply if:

(I) two or more school districts voluntarily merged to form a unified union school district that is operational on July 1, 2019;

(II) one or more of these school districts was an “eligible school district” as defined in 16 V.S.A. § 4015, as in effect on June 30, 2019, that received a small schools support grant under that section in fiscal year 2018;

(III) the unified union school district is not eligible for incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended; and

(IV) the unified union school district is an existing district, the board of which determines pursuant to subdivision (c)(1)(A)(ii) of this section that the operational date of merger of one or more merging districts into the existing district shall be July 1, 2019.

(ii) If the conditions in subdivision (i) of this subdivision (C) are met, then beginning in fiscal year 2020, the existing district, as enlarged, shall receive an annual small schools support grant in an amount equal to the small

schools support grant received in fiscal year 2018 by the district or districts that originally formed it, under the same terms that apply to a newly formed district under this subdivision (c)(3).

(4) Union school district budget.

(A) If the first budget of a newly formed district has not been approved by voters on or before June 30 for the 2020 or 2021 fiscal year, the Agency of Education shall authorize an amount of education spending for that newly formed district equal to:

(i) the cumulative education spending amount authorized by the most recently voter approved school budgets of the forming districts; multiplied by

(ii) the percentage that represents the average statewide increase from the prior fiscal year to the current fiscal year in school district education spending authorized by voter approved school district budgets, based on data received by the Agency of Education on or before June 14 of the prior fiscal year. As used in this subdivision (ii), for mergers under the State Board Order that are operational on July 1, 2019, the prior fiscal year shall be fiscal year 2019 and the current fiscal year shall be fiscal year 2020, and for mergers under the State Board Order that are operational on July 1, 2020, the prior fiscal year shall be fiscal year 2020 and the current fiscal year shall be fiscal year 2021.

(B) The amount authorized by the Agency of Education under subdivision (4)(A) of this subsection shall be the “education spending” of the newly formed district for the relevant fiscal year under 16 V.S.A. chapter 133.

(C) The school board of the newly formed district, operating in accordance with the default articles, shall determine how funds shall be expended in the relevant fiscal year under this subdivision (4). In addition, the school board of the newly formed district shall have the authority to expend any other funds received from other sources in the relevant fiscal year under this subdivision (4), including endowments, parental fundraising, federal funds, nongovernmental grants, or other State funds such as special education funds paid under 16 V.S.A. chapter 101.

(D)(i) This subdivision (4) shall also apply if:

(I) two or more school districts voluntarily merged to form a unified union school district that is operational on July 1, 2019;

(II) the unified union school district is an existing district, the board of which determines pursuant to subdivision (c)(1)(A)(ii) of this section

that the operational date of merger of one or more merging districts into the existing district shall be July 1, 2019; and

(III) the unified union school district is not eligible for incentives under 2010 Acts and Resolves No. 153, 2012 Acts and Resolves No. 156, or 2015 Acts and Resolves No. 46, each as amended.

(ii) If the conditions in subdivision (i) of this subdivision (D) are met, then the unified union school district shall be considered a “newly formed district” under subdivision (c)(4), and the school districts that voluntarily merged to form the unified union school district and the merging districts that enlarge it shall be considered “forming districts” under subdivision (c)(4). The school board of the existing district enlarged by the merging districts, operating in accordance with its voter-approved Articles of Agreement, shall determine how funds shall be expended in fiscal year 2020.

Sec. 2. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) ~~In~~ As used in this section:

* * *

(2) “Enrollment” means the number of students who are enrolled in a school operated by the district on October 1. A student shall be counted as one whether the student is enrolled as a full-time or part-time student. Students enrolled in prekindergarten programs shall not be counted.

* * *

(f) In determining whether a school district is an eligible school district under subdivision (1)(B)(ii)(III) of subsection (a), under which the State Board considers a school’s student-to-staff ratio in assessing its operational efficiency, the State Board shall not count a person who works in a school as a member of that school’s staff if:

(1) the person is employed by another school district (the sending school district);

(2) the sending school district and the school district responsible for the school (the receiving school district) have a reciprocity agreement under which they share staff; and

(3) the person is working in the school in the receiving district under the reciprocity agreement to support a student from the sending school district who is receiving special education services.

Sec. 3. EFFECTIVE DATES

This act shall take effect on passage, except that Sec. 2 (small school support) shall take effect on July 1, 2019.

(For text see House Journal February 6, 7, 2019)

Ordered to Lie

H. 97

An act relating to fiscal year 2019 budget adjustments.

Pending Question: Shall the House concur in the Senate Proposal of Amendment to House Proposal of Amendment to Senate Proposal of Amendment?

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

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 today's adjournment. 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 of March 28, 2019.

H.C.R. 99

House concurrent resolution recognizing March as Bleeding Disorders Awareness Month in Vermont

H.C.R. 100

House concurrent resolution recognizing May 19–25, 2019 as National Public Works Week in Vermont

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House concurrent resolution recognizing former Representative Ann Seibert of Norwich for her leadership in the enactment of anti-smoking legislation in Vermont

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H.C.R. 117

House concurrent resolution celebrating the unique attributes of Green River Reservoir State Park

H.C.R. 118

House concurrent resolution congratulating the 2019 Boys & Girls Clubs of Vermont Youth of the Year Award honorees

H.C.R. 119

House concurrent resolution observing April 2, 2019 as National Service Recognition Day in Vermont

H.C.R. 120

House concurrent resolution honoring U.S. Navy Chief Petty Officers' century and a quarter of outstanding service to our nation

Information Notice

**House Appropriations Committee
Members' amendments to Fiscal Year 2020
Proposed Omnibus Appropriations Bill (H.542)**

The House Committee on Appropriations requests all members of the House, who intend to introduce amendments to the proposed FY 2020 omnibus appropriations bill (H.542), to meet with the Committee at **8:30 a.m. on Friday, March 29, before 3rd reading**. Schedule a time with Theresa Utton-Jerman at tutton@leg.state.vt.us, 828-5767 or Room: 40 to meet with the Committee.

In addition, please notify the Chair as soon as possible if you intend to offer an amendment.