

# Journal of the House

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Wednesday, February 6, 2019

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

## Devotional Exercises

Devotional exercises were conducted by Singers from NewBrook School, Farm to School Action Circle, Newfane, VT.

## House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

### H. 169

By Reps. Donahue of Northfield, Christensen of Weathersfield, Cina of Burlington, Cordes of Lincoln, Houghton of Essex, Jickling of Randolph, Lippert of Hinesburg, Page of Newport City, Pugh of South Burlington and Smith of Derby,

House bill, entitled

An act relating to mental health insurance benefits;

To the committee on Health Care.

### H. 170

By Reps. Masland of Thetford, Anthony of Barre City, Christie of Hartford, Conquest of Newbury, Hooper of Montpelier, Patt of Worcester, Szott of Barnard and Troiano of Stannard,

House bill, entitled

An act relating to requiring community service as a high school graduation requirement;

To the committee on Education.

### H. 171

By Rep. Till of Jericho,

House bill, entitled

An act relating to water quality funding;

To the committee on Natural Resources, Fish, and Wildlife.

**H. 172**

By Reps. Masland of Thetford, Christie of Hartford, Conquest of Newbury, Fegard of Berkshire, Hooper of Montpelier, Szott of Barnard and Troiano of Stannard,

House bill, entitled

An act relating to the right to interview candidates for teaching and school principal positions where school districts have been forced to merge;

To the committee on Education.

**H. 173**

By Reps. Ancel of Calais and Toll of Danville,

House bill, entitled

An act relating to making clarifications to the State's grant acceptance process;

To the committee on Appropriations.

**H. 174**

By Reps. Browning of Arlington, Morrissey of Bennington, Sullivan of Dorset, Bancroft of Westford, Batchelor of Derby, Bates of Bennington, Beck of St. Johnsbury, Brennan of Colchester, Brownell of Pownal, Canfield of Fair Haven, Coffey of Guilford, Cupoli of Rutland City, Fagan of Rutland City, Gamache of Swanton, Gannon of Wilmington, Goslant of Northfield, Graham of Williamstown, Gregoire of Fairfield, Harrison of Chittenden, Higley of Lowell, James of Manchester, Jerome of Brandon, Leffler of Enosburgh, Martel of Waterford, Mattos of Milton, Myers of Essex, Norris of Shoreham, Ode of Burlington, Page of Newport City, Palasik of Milton, Rosenquist of Georgia, Savage of Swanton, Strong of Albany, Terenzini of Rutland Town and Toof of St. Albans Town,

House bill, entitled

An act relating to limits on the prescription of opioids and creating a private right of action for prescriptions in excess of those limits;

To the committee on Human Services.

**H. 175**

By Reps. Cordes of Lincoln, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cina of Burlington, Colburn of Burlington, Colston of Winooski, Donovan of Burlington, Durfee of Shaftsbury, Elder of Starksboro, Gonzalez of Winooski, Hooper of Randolph,

Hooper of Burlington, Jessup of Middlesex, LaLonde of South Burlington, McCarthy of St. Albans City, McCullough of Williston, Mrowicki of Putney, Ralph of Hartland, Redmond of Essex, Scheu of Middlebury, Sullivan of Burlington, Szott of Barnard, Till of Jericho, Troiano of Stannard, Walz of Barre City, White of Hartford and Yacovone of Morristown,

House bill, entitled

An act relating to prohibiting utilities from using eminent domain for fossil fuel infrastructure;

To the committee on Energy and Technology.

**H. 176**

By Rep. Beck of St. Johnsbury,

House bill, entitled

An act relating to exempting capital gains from Vermont's income tax if they result from an investment in a federal Opportunity Zone;

To the committee on Ways and Means.

**Senate Bill Referred**

**S. 14**

Senate bill, entitled

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

To the committee on Human Services.

**Joint Resolution Adopted in Concurrence**

**J.R.S. 12**

By Senator Ashe,

**J.R.S. 12.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, February 8, 2019, it be to meet again no later than Tuesday, February 12, 2019.

Was taken up, read and adopted in concurrence.

**Legislative Committee On  
Administrative Rules (LCAR) Appointed**

Pursuant to 3 V.S.A. § 817, the Chair hereby appoints the following members the Legislative Committee on Administrative Rules:

**Rep. Chesnut-Tangerman of Middletown Springs**

**Rep. Gardner of Richmond**

**Rep. Myers of Essex**

**Rep. Squirrell of Underhill**

**Judicial Nominating Board Elected**

Pursuant to 4 V.S.A. § 601, the Speaker nominated as a committee to the Judicial Nominating Board the following named members:

**Rep. Grad of Moretown**

**Rep. Jessup of Middlesex**

**Rep. Myers of Essex**

Thereupon, **Rep. LaClair of Barre Town** moved the election of the candidates, as nominated by the Speaker, which was agreed to.

**Adverse Report; Second Reading;  
Consideration Interrupted**

**H. 39**

**Rep. Conlon of Cornwall**, for the committee on Education, to which had been referred House bill, entitled

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

Reported the bill ought not pass. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time.

**Rep. Donovan of Burlington** raised a Point of Order in that the discussion of this bill violates rules which the Speaker ruled not well taken as the bill does not address the issue in front of the courts presently.

**Recess**

At one o'clock and twenty-eight minutes in the afternoon, the Speaker declared a recess until two o'clock in the afternoon.

At two o'clock and eight minutes in the afternoon, the Speaker called the House to order.

**Consideration Resumed; Consideration Interrupted**

**H. 39**

Consideration resumed on House bill, entitled

An act relating to the extension of the deadline of school district mergers

required by the State Board of Education

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

By striking out all after the enacting clause and inserting in lieu thereof the following:

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

Notwithstanding any provision of law to the contrary:

(1) Merger deadline extension. The deadline for school district mergers ordered by the State Board of Education under 2015 Acts and Resolves No. 46, Sec. 10, as amended, shall be on July 1, 2019 or July 1, 2020.

(A) For a school district that is required to merge into an existing district, if the school board of the merging district votes or has voted, by majority vote of members representing a quorum, in favor of merging on July 1, 2019, then the merger shall take effect on that date, subject to approval by the existing district to accept the merging district where required by the State Board order.

(B) For school districts that are required to merge into a newly formed district, if the school board of each merging district votes or has voted, by majority vote of members representing a quorum, in favor of merging on July 1, 2019, then the merger shall take effect on that date.

(2) Default Articles of Agreement. On or before March 15, 2019, the State Board of Education shall amend and reissue the default Articles of Agreement included with the State Board's order to merge to accommodate the merger deadline extension in this section. The deadline for approval of the draft Articles of Agreement under Sec. 10(d)(2) of 2015 Acts and Resolves No. 46, as amended, shall be extended to March 31, 2020.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the bill be amended as offered by Rep. Scheuermann of Stowe? **Rep. Gamache of Swanton** 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 offered by Rep. Scheuermann of Stowe? was decided in the negative. Yeas, 69. Nays, 74.

Those who voted in the affirmative are:

Ancel of Calais	Goslant of Northfield	Norris of Shoreham
Bancroft of Westford	Graham of Williamstown	Notte of Rutland City
Bartholomew of Hartland	Gregoire of Fairfield	Noyes of Wolcott
Batchelor of Derby	Hashim of Dummerston	Page of Newport City
Bock of Chester	Higley of Lowell	Pajala of Londonderry
Brennan of Colchester	Hill of Wolcott	Partridge of Windham
Briglin of Thetford	Hooper of Montpelier	Patt of Worcester
Brownell of Pownal	Hooper of Randolph	Quimby of Concord
Browning of Arlington	Jessup of Middlesex	Rogers of Waterville
Burditt of West Rutland	Jickling of Randolph	Rosenquist of Georgia
Burke of Brattleboro	Kitzmiller of Montpelier	Savage of Swanton
Campbell of St. Johnsbury	Kornheiser of Brattleboro	Scheuermann of Stowe
Chase of Colchester	Lefebvre of Newark	Seymour of Sutton
Cina of Burlington	Leffler of Enosburgh	Smith of Derby
Coffey of Guilford	Marcotte of Coventry	Smith of New Haven
Colburn of Burlington	Martel of Waterford	Strong of Albany
Conquest of Newbury	Masland of Thetford	Szott of Barnard
Cordes of Lincoln	Mattos of Milton	Toll of Danville
Donahue of Northfield	Morrissey of Bennington	Toof of St. Albans Town
Fegard of Berkshire	Mrowicki of Putney *	Troiano of Stannard
Feltus of Lyndon	Murphy of Fairfax	Wood of Waterbury
Gamache of Swanton	Myers of Essex	Yacovone of Morristown
Gannon of Wilmington	Nicoll of Ludlow	Young of Greensboro

Those who voted in the negative are:

Anthony of Barre City	Fagan of Rutland City	Morgan of Milton
Austin of Colchester	Forguites of Springfield	Ode of Burlington
Bates of Bennington	Gardner of Richmond	O'Sullivan of Burlington
Beck of St. Johnsbury	Giambatista of Essex	Palasik of Milton
Birong of Vergennes	Grad of Moretown	Potter of Clarendon
Brumsted of Shelburne	Haas of Rochester	Pugh of South Burlington
Canfield of Fair Haven	Harrison of Chittenden	Rachelson of Burlington
Carroll of Bennington	Helm of Fair Haven	Ralph of Hartland
Chesnut-Tangerman of Middletown Springs	Hooper of Burlington	Redmond of Essex
Christensen of Weathersfield	Houghton of Essex	Scheu of Middlebury
Christie of Hartford	James of Manchester	Shaw of Pittsford
Colston of Winooski	Jerome of Brandon	Sheldon of Middlebury
Conlon of Cornwall	Killacky of South Burlington	Sibilia of Dover
Copeland-Hanzas of Bradford	Kimbell of Woodstock	Squirrell of Underhill
Corcoran of Bennington	Krowinski of Burlington	Stevens of Waterbury
Cupoli of Rutland City	LaClair of Barre Town	Sullivan of Dorset
Demrow of Corinth	LaLonde of South Burlington	Sullivan of Burlington
Dickinson of St. Albans Town	Lanpher of Vergennes	Taylor of Colchester
Dolan of Waitsfield	Lippert of Hinesburg	Terenzini of Rutland Town
Donovan of Burlington	Long of Newfane	Till of Jericho
Durfee of Shaftsbury	Macaig of Williston	Townsend of South Burlington
Elder of Starksboro	McCarthy of St. Albans City	Walz of Barre City
	McCormack of Burlington	Webb of Shelburne
	McCoy of Poultney	White of Hartford

Emmons of Springfield

McCullough of Williston  
McFaun of Barre Town

Yantachka of Charlotte

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

Gonzalez of Winooski  
Howard of Rutland CityO'Brien of Tunbridge  
Toleno of Brattleboro

Trieber of Rockingham

**Rep. Mrowicki of Putney** explained his vote as follows:

“Madam Speaker:

In a representative democracy, our constituents depend on us to carry their voice to the Statehouse. My vote reflects the clear will of Windham 4 voters, both in regards to their merger vote and the recent election where this was in the top 3 issues of campaign 2018. I am in accord with those voters and am glad to bring their voice into the People’s House.”

#### **Adjournment**

Pending the question, Shall the bill be read the third time?, at three o'clock and fifty-four minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.