Journal of the House

Thursday, February 7, 2019

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

Devotional Exercises

Devotions were conducted by the Speaker.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of Rep. McCoy of Poultney, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 177

By Reps. Yantachka of Charlotte, Chesnut-Tangeman of Middletown Springs and Forguites of Springfield,

House bill, entitled

An act relating to the product stewardship requirements for primary batteries;

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

H. 178

By Reps. Cina of Burlington, Brumsted of Shelburne, Colburn of Burlington, Cordes of Lincoln, Fegard of Berkshire, Gamache of Swanton, Gonzalez of Winooski, Lippert of Hinesburg, Masland of Thetford, McCullough of Williston, Rachelson of Burlington, Ralph of Hartland and Savage of Swanton,

House bill, entitled

An act relating to exempting real property associated with a State-recognized Indian tribe from property taxation;

To the committee on Ways and Means.

H. 179

By Reps. Cina of Burlington and Ralph of Hartland,

House bill, entitled

An act relating to local management of State funds;

To the committee on Government Operations.
H. 180

By Reps. Townsend of South Burlington, Colston of Winooski, Gonzalez of Winooski, Killacky of South Burlington, LaLonde of South Burlington and Pugh of South Burlington,

House bill, entitled

An act relating to Burlington International Airport and noise compatibility programs;

To the committee on Transportation.

H. 181

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to providing the State Auditor with access to accountable care organization records;

To the committee on Health Care.

H. 182

By Reps. Cina of Burlington, Colburn of Burlington, Gonzalez of Winooski, Houghton of Essex and Page of Newport City,

House bill, entitled

An act relating to the creation of the Corrections and Mental Health Study Committee;

To the committee on Corrections and Institutions.

H. 183

By Reps. Cina of Burlington, Cordes of Lincoln, Killacky of South Burlington, Masland of Thetford and Rachelson of Burlington,

House bill, entitled

An act relating to prohibiting the involuntary sterilization of individuals with an intellectual disability;

To the committee on Human Services.

H. 184

By Reps. Chesnut-Tangerman of Middletown Springs, Burke of Brattleboro, Colburn of Burlington, Cordes of Lincoln, Donahue of Northfield, Gonzalez of Winooski, James of Manchester, Jickling of Randolph, Nicoll of Ludlow, Ralph of Hartland, Troiano of Stannard and White of Hartford,
House bill, entitled
An act relating to providing for conversion of civil fines to community service;
To the committee on Judiciary.

H. 185
By Reps. Rachelson of Burlington, Cina of Burlington, Colburn of Burlington, Gonzalez of Winooski, Killacky of South Burlington and Notte of Rutland City,
House bill, entitled
An act relating to transgender and gender nonconforming student access to gender-segregated school programs, activities, and facilities;
To the committee on Education.

H. 186
By Rep. Till of Jericho,
House bill, entitled
An act relating to the right of modified unified union school districts to be governed as supervisory districts;
To the committee on Education.

H. 187
By Reps. Noyes of Wolcott, McFaun of Barre Town, Pajala of Londonderry and Wood of Waterbury,
House bill, entitled
An act relating to home-delivered meals as a reimbursable covered service;
To the committee on Human Services.

H. 188
By Reps. Marcotte of Coventry, Bancroft of Westford, Carroll of Bennington, Dickinson of St. Albans Town, Hill of Wolcott, Jerome of Brandon, Kimbell of Woodstock, O'Sullivan of Burlington and Ralph of Hartland,
House bill, entitled
An act relating to captive insurance companies and risk retention groups;
To the committee on Commerce and Economic Development.
Joint Resolution Adopted in Concurrence  
J.R.S. 11

Joint resolution, entitled
Joint resolution establishing a procedure for the conduct of the election of
UVM trustees by plurality vote by the General Assembly in 2019
Was taken up and adopted in concurrence.

Consideration Resumed; Bill Amended; Third Reading Ordered;
Rules Suspended; Read Third Time; Bill Passed

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

Was taken up and pending third reading of the bill, Reps. Conlon of
Cornwall, Cupoli of Rutland City and Webb of Shelburne 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

(a) Definitions. As used in this section:

(1) “Existing district” means a union school district created by vote of
the electorate on or after July 1, 2015 into which a merging district is ordered
by the State Board Order to merge, whether or not that merger is conditioned
upon acceptance by the existing district of the merging district.

(2) “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.

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

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

(5) “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).’”
“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.

“Study committee” means a study committee formed under 16 V.S.A. chapter 11.

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

(1) Deadline for mergers.

(A) A newly formed district shall become operational on July 1, 2019 if each forming district was a member of a study committee that, on or after July 1, 2015 and on or before November 30, 2018, presented a proposal to the voters of each forming district to merge into a new union district.

(B) A newly formed district shall become operational on July 1, 2020 if each forming district was not a member of a study committee that, on or after July 1, 2015 and on or before November 30, 2018, presented a proposal to the voters of each forming district to merge into a new union district.

(C) The operational date of the merger of a merging district into an existing district that is not a modified unified union school district shall be July 1, 2020.

(D) The operational date of the merger of a merging district into an existing district that is a modified unified union school district, where, on or before November 30, 2018, the merger was accepted by the existing district, shall be July 1, 2019.

(E)(i) Except as provided in subdivision (ii) of this subdivision (E), the operational date of the merger of a merging district into an existing district that is a modified unified union school district, where the merger is conditioned by the State Board Order upon the acceptance by the existing district of the merging district, shall be either July 1, 2019 or July 1, 2020. The school board of the existing district shall determine, by majority vote of members representing a quorum, the proposed date of merger, and shall submit to voters of the existing district a proposal to approve the admission of the merging district as a member of the existing district as of that date.

(ii) If the board of an existing district submitted a proposal to its voters on or after November 1, 2018 and on or before March 31, 2019 to approve admission of the merging district and the proposal included an operational date of July 1, 2019, then no further action by the board or the voters is required under this subdivision (E).
(2) Default Articles. For any newly formed district that has an operational deadline of July 1, 2020 under subdivision (1)(B) of this subsection, the default articles of agreement issued with the State Board Report are amended as follows:

(A) by striking out the date “July 1, 2019” wherever it appears and inserting in lieu thereof the date “July 1, 2020”; and

(B) by striking out the date “February 28, 2019” in Article 9(D)(ii)(b) and Article 14 and inserting in lieu thereof the date “July 1, 2019”.

(3) Authority to borrow. If the first budget of a newly formed district has not been approved by voters on or before June 30 for the next fiscal year, the school board may borrow funds necessary to enable it to operate the schools on a budget of up to 87 percent of the cumulative budget amount of the most recently approved school budgets of the forming districts. If the school board borrows money under this section, it shall determine how all funds shall be expended.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the bill be amended as offered by Rep. Conlon of Cornwall and others? Reps. Conlon of Cornwall, Cupoli of Rutland City and Webb of Shelburne moved to amend the amendment as offered by Rep. Conlon of Cornwall and others as follows:

First: in Sec. 1(a)(1), by striking out “July 1, 2015” and inserting in lieu thereof “July 1, 2014”.

Second: by adding a new section, to be Sec. 2, to read:

Sec. 2. 2015 Acts and Resolves No. 46, Sec. 10, as amended by 2017 Acts and Resolves No. 49, Sec. 8, is further amended to read:

Sec. 10. TRANSITION TO SUSTAINABLE GOVERNANCE STRUCTURES; PROPOSAL; FINAL PLAN

* * *

(d) The statewide plan required by subsection (b) of this section shall include default Articles of Agreement to be used by all new unified union school districts created under the plan unless and until new or amended articles are approved.

* * *

(2) If the committee’s draft Articles of Agreement are not approved within the 90-day period on or before July 1, 2019, then the provisions in the
State Board’s default Articles of Agreement included in the statewide plan shall apply to the new district.

* * *

And by renumbering the remaining section to be numerically correct

Which was agreed to.

Pending the question, Shall the bill be amended as offered by Representatives Conlon of Cornwall, Cupoli of Rutland City, and Webb of Shelburne, as amended? Rep. Mrowicki of Putney 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 Representatives Conlon of Cornwall, Cupoli of Rutland City, and Webb of Shelburne, as amended? was decided in the affirmative. Yeas, 134. Nays, 10.

Those who voted in the affirmative are:

Ancel of Calais Forguites of Springfield Nicoll of Ludlow
Anthony of Barre City Gamache of Swanton Norris of Shoreham
Austin of Colchester Gannon of Wilmington Notte of Rutland City
Bancroft of Westford Gardner of Richmond Noyes of Wolcott
Bartholomew of Hartland Giambatista of Essex Ode of Burlington
Batchelor of Derby Goslant of Northfield O'Sullivan of Burlington
Bates of Bennington Grad of Moretown Page of Newport City
Beck of St. Johnsbury Gregoire of Fairfield Pajala of Londonderry
Birong of Vergennes Haas of Rochester Palasik of Milton
Bock of Chester Harrison of Chittenden Patt of Worcester
Brennan of Colchester Helm of Fair Haven Potter of Clarendon
Briglin of Thetford Higley of Lowell Pugh of South Burlington
Brownell of Pownal Hill of Wolcott Quimby of Concord
Browning of Arlington Hooper of Montpelier Rachelson of Burlington
Brumsted of Shelburne Hooper of Randolph Ralph of Hartland
Burditt of West Rutland Hooper of Burlington Redmond of Essex
Campbell of St. Johnsbury Houghton of Essex Rogers of Waterville
Canfield of Fair Haven James of Manchester Rosenquist of Georgia
Carroll of Bennington Jerome of Brandon Savage of Swanton
Chase of Colchester Jessup of Middlesex Scheu of Middlebury
Chesnut-Tangerman of Jickling of Randolph Scheuermann of Stowe
Middletown Springs Killacky of South Burlington Shaw of Pittsford
Christensen of Weathersfield Kimbell of Woodstock Sheldon of Middlebury
Christie of Hartford Kitzmiller of Montpelier Sibilia of Dover
Cina of Burlington Krowinski of Burlington Smith of New Haven
Colburn of Burlington LaClair of Barre Town Squirrel of Underhill
Colston of Winooksi LaLonde of South Stevens of Waterbury
Conlon of Cornwall Burlington Strong of Albany
Conquest of Newbury Lanpher of Vergennes Sullivan of Dorset
Copeland-Hanzas of Lefebvre of Newark Sullivan of Burlington
Bradford Leffler of Enosburgh Taylor of Colchester
Corcoran of Bennington Lippert of Hinesburg Terenzini of Rutland Town
Cordes of Lincoln
Cupoli of Rutland City
Demrow of Corinth
Dickinson of St. Albans Town
Donahue of Northfield
Donovan of Burlington
Durfee of Shaftsbury
Elder of Starksboro
Emmons of Springfield
Fagan of Rutland City
Fegard of Berkshire *
Feltus of Lyndon

Long of Newfane
Macaig of Williston
Marcotte of Coventry
Martel of Waterford
Masland of Thetford
Macaig of Williston
McCormack of Burlington
McCoy of Poultney
McCullough of Williston
McFaun of Barre Town
Morrissey of Bennington
Murphy of Fairfax

Till of Jericho
Toleno of Brattleboro
Toll of Danville
Toof of St. Albans Town
Townsend of South
Troiano of Stannard
Walz of Barre City
Webb of Shelburne
White of Hartford
Wood of Waterbury
Yantachka of Charlotte
Young of Greensboro

Those who voted in the negative are:
Burke of Brattleboro
Coffey of Guilford
Graham of Williamstown
Hashim of Dummerston

Kornheiser of Brattleboro
Mrowicki of Putney
Partridge of Windham
Seymour of Sutton

Smith of Derby
Szott of Barnard

Those members absent with leave of the House and not voting are:
Gonzalez of Winooski
Howard of Rutland City

O'Brien of Tunbridge
Triber of Rockingham

Rep. Fegard of Berkshire explained her vote as follows:

“Madam Speaker:

While I vote yes, it pains me to choose the well-being of two of my towns while neglecting the best interests of another that I am equally responsible to.”

Thereupon, third reading was ordered.

Thereupon, on motion of Rep. McCoy of Poultney, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed.

Adjournment

At two o'clock and eleven minutes in the afternoon, on motion of Rep. McCoy of Poultney, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.