

# Journal of the House

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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-Tangerman 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).’”

(6) “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.

(7) “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 Middletown Springs	Jickling of Randolph	Scheuermann of Stowe
Christensen of Weathersfield	Killacky of South Burlington	Shaw of Pittsford
Christie of Hartford	Kimbell of Woodstock	Sheldon of Middlebury
Cina of Burlington	Kitzmiller of Montpelier	Sibilia of Dover
Colburn of Burlington	Krowinski of Burlington	Smith of New Haven
Colston of Winooski	LaClair of Barre Town	Squirrell of Underhill
Conlon of Cornwall	LaLonde of South Burlington	Stevens of Waterbury
Conquest of Newbury	Lanpher of Vergennes	Strong of Albany
Copeland-Hanzas of Bradford	Lefebvre of Newark	Sullivan of Dorset
Corcoran of Bennington	Leffler of Enosburgh	Sullivan of Burlington
	Lippert of Hinesburg	Taylor of Colchester
		Terenzini of Rutland Town

Cordes of Lincoln	Long of Newfane	Till of Jericho
Cupoli of Rutland City	Macaig of Williston	Toleno of Brattleboro
Demrow of Corinth	Marcotte of Coventry	Toll of Danville
Dickinson of St. Albans Town	Martel of Waterford	Toof of St. Albans Town
Dolan of Waitsfield	Masland of Thetford	Townsend of South Burlington
Donahue of Northfield	Mattos of Milton	Troiano of Stannard
Donovan of Burlington	McCarthy of St. Albans City	Walz of Barre City
Durfee of Shaftsbury	McCormack of Burlington	Webb of Shelburne
Elder of Starksboro	McCoy of Poultney	White of Hartford
Emmons of Springfield	McCullough of Williston	Wood of Waterbury
Fagan of Rutland City	McFaun of Barre Town	Yacovone of Morristown
Fegard of Berkshire *	Morgan of Milton	Yantachka of Charlotte
Feltus of Lyndon	Morrissey of Bennington	Young of Greensboro
	Murphy of Fairfax	
	Myers of Essex	

Those who voted in the negative are:

Burke of Brattleboro	Kornheiser of Brattleboro	Smith of Derby
Coffey of Guilford	Mrowicki of Putney	Szott of Barnard
Graham of Williamstown	Partridge of Windham	
Hashim of Dummerston	Seymour of Sutton	

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

Gonzalez of Winooski	O'Brien of Tunbridge
Howard of Rutland City	Trieber 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.