

House Calendar

Friday, February 04, 2011

31st DAY OF BIENNIAL SESSION

House Convenes at 9:30 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Action Under Rule 52

J.R.H. 10

Joint resolution requesting the United States Environmental Protection Agency to reimburse the Vermont Agency of Natural Resources for all costs incurred in assisting in the development of a new Lake Champlain Total Maximum Daily Load plan

(For text see House Journal 2/3/2011)

Action Postponed Until February 8, 2011

Committee Bill for Second Reading

H. 138

An act relating to executive branch fees.

(Rep. Branagan of Georgia will speak for the Committee on **Ways and Means.**)

Action Postponed Until February 9, 2011

Favorable with Amendment

H. 46

An act relating to youth athletes with concussions participating in athletic activities

Rep. Gilbert of Fairfax, for the Committee on **Education**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The general assembly finds:

(1) A concussion is a disturbance to brain function that can range from mild to severe and can disrupt the way the brain normally works.

(2) A concussion is caused by a blow to or motion of the head or body that causes the brain to move rapidly inside the skull.

(3) A concussion can occur with or without loss of consciousness, but most concussions occur without loss of consciousness.

(4) The risks of catastrophic injuries or death are significant when a concussion or other head injury is not properly evaluated and managed.

(5) Concussions can occur during any organized or unorganized sport or recreational activity and can result from a fall or from a person colliding with one or more other people, with the ground, or with other obstacles.

(6) The Centers for Disease Control and Prevention estimates that as many as 3,900,000 sports-related and recreation-related concussions occur in the United States each year.

(7) Concussions are one of the most commonly reported injuries in children and adolescents who participate in athletic and recreational activities.

(8) Continuing to participate in athletic and recreational activities with a concussion or symptoms of a head injury causes children and adolescents to be vulnerable to greater injury or even death.

(9) Despite the existence of recognized return-to-play standards for concussions and other head injuries, some children and adolescents in Vermont with a concussion or symptoms of a head injury are prematurely permitted to participate in athletic and recreational activities, resulting in actual or potential physical injury or death.

Sec. 2. 16 V.S.A. chapter 31, subchapter 3 is added to read:

Subchapter 3. Health and Safety Generally

§ 1431. CONCUSSIONS AND OTHER HEAD INJURIES

(a) Definitions. For purposes of this subchapter:

(1) “School athletic team” means an interscholastic athletic team or club sponsored by a public or approved independent school for elementary or secondary students.

(2) “Coach” means a person who instructs or trains students on a school athletic team.

(3) “Youth athlete” means an elementary or secondary student who is a member of a school athletic team.

(4)(A) “Licensed health care provider” means:

(i) a physician licensed pursuant to chapter 23 or 33 of Title 26;

(ii) an advanced practice registered nurse licensed pursuant to chapter 28 of Title 26;

(iii) a physician’s assistant licensed pursuant to chapter 31 of Title 26;

(iv) an athletic trainer licensed pursuant to chapter 83 of Title 26;

or

(v) a physical therapist licensed pursuant to chapter 38 of Title 26.

(B) “Licensed health care provider” includes a person identified in subdivision (A) of this subdivision (2) who is acting as a volunteer.

(b) Guidelines and other information. The commissioner of education or designee, assisted by members of the Vermont Principals’ Association and the Vermont School Boards Association selected by those associations, shall develop statewide guidelines, forms, and other materials, and update them when necessary, that are designed to educate coaches, youth athletes, and the parents and guardians of youth athletes regarding:

(1) the nature and risks of concussions and other head injuries;

(2) the risks of premature participation in athletic activities after receiving a concussion or other head injury; and

(3) the importance of obtaining a medical evaluation of a suspected concussion or other head injury and receiving treatment when necessary.

(c) Notice and training. The principal or headmaster of each public and approved independent school in the state, or a designee, shall ensure that:

(1) the information developed pursuant to subsection (b) of this section is provided annually to each youth athlete and the athlete’s parents or guardians;

(2) each youth athlete and a parent or guardian of the athlete annually sign a form acknowledging receipt of the information provided pursuant to subdivision (1) of this subsection and return it to the school prior to the athlete’s participation in training or competition associated with a school athletic team;

(3)(A) each coach of a school athletic team receive training no less frequently than every two years on how to recognize the symptoms of a concussion or other head injury; and

(B) each coach who is new to coaching at the school receive training prior to beginning his or her first coaching assignment for the school.

(d) Participation in athletic activity.

(1) A coach shall not permit a youth athlete to continue to participate in any training session or competition associated with a school athletic team if the coach has reason to believe that the athlete has sustained a concussion or other head injury during the training session or competition.

(2) A coach shall not permit a youth athlete who has been prohibited from training or competing pursuant to subdivision (1) of this subsection to train or compete with a school athletic team until the athlete has been examined by and received written permission to participate in athletic activities from a licensed health care provider trained in the evaluation and management of concussions and other head injuries.

(e) Civil liability. Neither a coach nor a volunteer, including a licensed health care provider, who does not remove a youth athlete from training or competition pursuant to subdivision (d)(1) of this section or who authorizes a youth athlete to resume participation pursuant to subdivision (d)(2) of this section shall be liable in civil damages unless:

(1) the individual's acts constitute either gross negligence or wanton or willful misconduct; or

(2) the individual will receive or expects to receive remuneration for any action connected to the removal or authorization.

Sec. 3. EFFECTIVE DATE; IMPLEMENTATION

This act shall take effect on passage; provided that:

(1) the guidelines, forms, and other materials required by Sec. 2 of this act, 16 V.S.A. § 1431(b), shall be developed and published on the websites of the Vermont Principals' Association and the department of education no later than July 1, 2011;

(2) the requirements of Sec. 2 of this act, 16 V.S.A. § 1431(c) (notice and training) and (d) (participation), shall be in effect beginning in the autumn 2011 sports season.

(Committee Vote: 11-0-0)

Amendment to be offered by Rep. Grad of Moretown to H.46

Rep. Grad of Moretown moves that the report of the committee on Education be amended as follows:

First: In Sec. 2, 16 V.S.A. § 1431, subsection (a), subdivision (4), by striking out the designation "(A)" and by striking out subdivision (B) in its entirety

Second: In Sec. 2, 16 V.S.A. § 1431, by striking out subsection (e) in its entirety

NOTICE CALENDAR
Favorable with Amendment
H. 45

An act relating to the Winhall school district's budget

Rep. Crawford of Burke, for the Committee on **Education**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. § 5401(12) is amended to read:

(12) "Excess spending" means:

(A) the per equalized pupil amount of:

(i) the district's education spending as defined in 16 V.S.A. § 4001(6), plus any amount required to be added from a capital construction reserve fund under 24 V.S.A. § 2804(b); minus

* * *

(iv) a budget deficit in a district that pays tuition to a public school or an approved independent school, or both for all of its students in one or more grades in any year in which the deficit is solely attributable to tuition paid for one or more new students who moved into the district after the budget for the year creating the deficit was passed;

(B) in excess of 125 percent of the statewide average district education spending per equalized pupil in the prior fiscal year, as determined by the commissioner of education on or before November 15 of each year based on the passed budgets to date.

Sec. 2. EFFECTIVE DATE; SUNSET

This act shall take effect on passage and shall apply to tax rates calculated for fiscal year 2012 school budgets and after.

and that after passage the title of the bill be amended to read: "An act relating to excluding tuition deficits from the definition of excess spending"

(**Committee Vote: 11-0-0**)

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. 39

House concurrent resolution congratulating the Manchester Journal on 150 years of journalism excellence

H.C.R. 40

House concurrent resolution recognizing May 12, 2011 as "Diabetic Peripheral Neuropathy Day" in Vermont

H.C.R. 41

House concurrent resolution honoring retiring Bennington District Probate Court Judge Sally I. Cook for her outstanding career accomplishments

H.C.R. 42

House concurrent resolution congratulating the 2010 Mount Mansfield Union High School Cougars Division I championship boys' cross-country team

H.C.R. 43

House concurrent resolution recognizing the outstanding public sector and community service career of Gretchen Morse of Burlington

H.C.R. 44

House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar New Year 4709

H.C.R. 45

House concurrent resolution congratulating the 2010 Leland & Gray Union High School Rebels Division III championship boys' soccer team

S.C.R. 3

Senate concurrent resolution designating May as Lupus Awareness Month in Vermont

S.C.R. 4

Senate concurrent resolution honoring former Secretary of Transportation David Dill for his insightful leadership at the Agency of Transportation

Public Hearings

February, 22, 2011 - Room 10 - 2:30 – 4:30 PM - - House Committee on Appropriations - Governor's Proposed FY2012 State Budget

February 23, 2011 - Room 11 - 9:00 – 11:00 A.M. - - House Committee on Appropriations - Governor's Proposed FY 2012 State Budget

Information Notice

HOUSE BILL INTRODUCTION DEADLINES

To All House Members:

Request Deadline - All requests for introduction of bills drafted in *standard* form must be submitted to the Legislative Council by Monday, January 31, 2011.

During the first year of the biennium, a member may request introduction of a bill drafted in *short* form and submitted to the Legislative Council anytime during the session.

Introduction Deadline - Except with prior consent of the Committee on Rules, all bills drafted in standard form, shall be introduced by February 28, 2011.

During the first year of the biennium Committee bills may be introduced at anytime.

JOINT ASSEMBLY

Thursday, February 17, 2011 – 10:30 A.M. – House Chamber –Election of a Sergeant at Arms, of an Adjutant and Inspector General, and of three (3) trustees for the University of Vermont, and Vermont and State Agricultural College.

Candidates for the positions of Sergeant at Arms and of Adjutant and Inspector General, and legislative candidates for UVM trustees must notify the Secretary of State **in writing** of their candidacies not later than Thursday, February 10, 2011, by 4:30 P.M., pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

Do not use pink mail for the delivery of notifications to the Secretary of State. Hand delivery is the best method to insure receipt of the notification.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

PUBLIC HEARING
Joint Public Hearing on Fiscal Year 2012 state budget
on Vermont Interactive Television
House and Senate Committees on Appropriations

Monday, February 14, 2011, 4:00 - 6:00 p.m. – The House and Senate Committees on Appropriations will hold a joint public hearing on Vermont Interactive Television (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the state budget for fiscal year 2012. All 15 V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Castleton, Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, Waterbury, White River Junction and Williston. V.I.T.'s web site has an up-to-date location listing, including driving directions, addresses and telephone numbers, <http://www.vitlink.org/>.

The Governor's budget proposal can be viewed at the Department of Finance's website: http://finance.vermont.gov/state_budget/rec. For information about the format of this event or to submit written testimony, call the House Appropriations Committee office at 802/828-5767 or email tutton@leg.state.vt.us. Requests for interpreters should be made to the office by 12:00 noon on Monday, January 31, 2011.