

House Calendar

Thursday, February 24, 2011

51st DAY OF THE BIENNIAL SESSION

House Convenes at 1:15 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 26

An act relating to limiting the application of fertilizer containing phosphorus or nitrogen to nonagricultural turf

Committee Bill for Second Reading

H. 299

An act relating to repealing the provision that some school district budgets be presented to the voters by means of a divided question.

(Rep. Peltz of Woodbury will speak for the Committee on Education.)

Amendment to be offered by Rep. Scheuermann of Stowe to H. 299

by striking out Sec. 4 in its entirety and adding two new sections to be Secs. 4 and 5 to read:

Sec. 4. Sec. 46 of No. 160 of the Acts of the 2009 Adj. Sess. (2010) as amended by Sec. 102 of No. ____ (H.65) of 2011 is amended to read:

Sec. 46. FUTURE OF EDUCATION GOVERNANCE AND
EDUCATION FINANCE

(a) The blue ribbon tax structure commission created in Sec. H.56 of No. 1 of the Acts of the Special Session of 2009 shall, with the aid of public hearings and other public involvement:

(1) Goals. In consultation with the house committees on education and on ways and means and the senate committees on education and on finance, identify the five most important short-term goals and the five most important long-term goals for an education system, taking into account the following: student educational achievement, education governance, finance, spending controls, and cost savings; and design a quantifiable nonmonetary measure of whether schools provide a “substantially equal educational opportunity” for student educational achievement; and report its findings by July 1, 2011.

(2) Evaluation. Evaluate Vermont’s current education governance, finance, and spending control systems in light of the goals established in subdivision (1) of this subsection, the current education governance model, and the proposed changes to education governance made by the general assembly and determine the elements of the current systems which achieve these goals

well and should be maintained and those elements which do not achieve these goals well and should be modified or eliminated and report its findings by September 1, 2011.

(3) Proposals. Develop new systems of education finance, spending controls, and cost savings guided by but not limited to the goals established in subdivision (1) of this subsection and the elements identified in subdivision (2) of this subsection to be maintained, modified, or eliminated and report its proposals by December 15, 2011. At least one of the proposed systems shall advance recommendations set forth in the December 2009 report of the education transformation policy commission created by the state board of education, and shall incorporate all of the following concepts:

(A) The proposed system shall eliminate existing supervisory unions and replace them with 15 education districts (“EDs”). The boundaries of the new EDs shall be roughly the same as the current regional technical center districts. If the voters of a current school district approved, the current school district could seek permission from the commissioner of education to join a different ED.

(B) Each ED shall assume the powers, responsibilities, assets, and liabilities of the current school districts and supervisory unions within its boundaries. Among other things, the ED shall be responsible for:

(i) all aspects of special education, including the hiring of special educators, the assignment of their services to schools within the ED, and the development of individualized education plans (“IEP”); provided, however, that each student’s IEP team shall consist of those individuals required by state board of education rule 2363.4 and representatives from the ED;

(ii) the purchase and distribution of supplies to all schools within the ED;

(iii) financial and student data management for all schools within the ED;

(iv) transportation services; and

(v) the hiring of all educators, administrators, and staff employed within the ED, with contracts negotiated and executed at the ED level.

(C) The proposed system shall provide students the option to attend any elementary or secondary school operated by the ED or to have tuition paid by the ED to any public or approved independent school located within or outside the ED. Each ED shall work with its advisory councils to develop procedures to ensure that no school operated by the ED exceeds its capacity.

(D) Differences among schools shall be respected. In order to facilitate school choice, however, each ED shall work with its advisory councils toward the goal of adopting common standards, requirements, curriculum, and scheduling to the extent possible.

(E) The proposed system shall eliminate the statewide education property tax system. Each ED shall develop an ED-wide budget and shall be empowered to assess a property tax within the ED to fund the budget. Funds raised through the ED-wide property tax shall remain within and be distributed by the ED. Nonproperty tax funds shall continue to be paid into the statewide education fund and shall be used for categorical aid to the EDs and to ensure substantial equality of educational opportunity for all students throughout Vermont.

(F) The proposed system shall eliminate the common level of appraisal and replace it with a rolling reappraisal conducted within each ED.

(b) Advisory panel. In order to facilitate its study of the education systems in subsection (a) of this section, the commission may appoint an advisory panel of individuals who have a familiarity with education assessment, education governance, or education finance and have a demonstrated commitment to supporting a high-quality and efficient public education system with high outcomes and have demonstrated an understanding of both the state and local aspects of public education in Vermont. The advisory panel may include professionals in education and in taxation; representatives of municipal government, of the education community, of taxpayers, or of other interests; civic-minded Vermonters; or others as the commission may determine, but shall not include current members of the general assembly. The commission may delegate fact-finding and other supporting tasks to the advisory panel and may request the panel to participate in any meetings or hearings of the commission; and the panel may itself convene meetings, including public hearings.

(c) Reports. All reports, recommendations, ~~or~~ and proposals required in this section shall be submitted to the house committees on education and on ways and means and to the senate committees on education and on finance and to the house clerk and the senate secretary.

~~(e)~~(d) The house committees on education and on ways and means and the senate committees on education and on finance may meet in October, November, and December 2011 to consider and propose legislation based upon the reports of the commission under this section for the 2012 session.

~~(d)~~(e) To advance the purpose for which it was formed and any education-related purpose with which it is charged during the 2009–2010 biennium, the

commission shall also examine and propose an appropriate balance between education funding from education property taxes and education funding from the general fund and other source and analyze and recommend alternative means of maintaining the balance. In fiscal year 2011, the balance will be 68.2 percent of education funding from education property tax revenues and 31.8 percent of education funding from the general fund and other education funding sources. In comparison, in fiscal year 2005, that balance was 60.8 percent and 39.2 percent, respectively. The commission shall report its analysis and recommendations to the house and senate committees on education and on appropriations, the house committee on ways and means, and the senate committee on finance on or before December 15, 2011.

Sec. 5. EFFECTIVE DATE; APPLICATION

This act shall take effect on passage. Secs. 1 through 3 of this act shall apply to budgets for fiscal year 2013 and after.

Favorable with amendment

H. 275

An act relating to the recently deployed veteran tax credit.

(Rep. Kitzmiller of Montpelier will speak for the Committee on Commerce and Economic Development.)

Rep. Weston of Burlington, for the Committee on Ways and Means, recommends the bill be amended as follows::

First: In Sec. 1, 32 V.S.A. § 5930nn, by adding a new subsection (b) to read:

(b) A recently deployed veteran shall be eligible for a credit against the income tax liability imposed under this chapter in an amount equal to \$2,000.00 for expenses associated with one start-up business. A credit under this subsection may only be taken for a business started on or before December 31, 2012, that is located within Vermont, and that shows a net profit for the year in which the credit is taken.

and by redesignating the current subsections (b)–(d) as (c)–(e)

Second: In Sec. 1, 32 V.S.A. § 5930nn, in redesignated (c), after the word “hire,” by adding , or in the tax year following the date that the start-up business was created,

Third: In Sec. 1, 32 V.S.A. § 5930nn, in redesignated (d)(3), by adding (C) to read:

(C) for the purposes of the credit in subsection (b) of this section, a person who at the time of starting up a new business:

(i) is collecting or eligible to collect unemployment benefits; or

(ii) has exhausted his or her unemployment benefits.

Fourth: In Sec. 1, 32 V.S.A. § 5930nn, in redesignated (d), by adding a (4) to read:

(4) “Expense associated with a start-up business” means the following expenses:

(i) Expenses associated with the development of a business plan;

(ii) Professional services associated with the formation of the business (e.g., attorney and accounting services);

(iii) An analysis or survey of potential markets, products, labor supply, or transportation facilities;

(iv) Advertisements for the opening of the business;

(v) Salaries and wages for employees who are being trained and their instructors;

(vi) Travel and other necessary costs for securing prospective distributors, suppliers, or customers;

(vii) Salaries and fees for executives and consultants, or for similar professional services.

Fifth: Sec. 1, 32 V.S.A. § 5930nn, in redesignated (e)(3), after the word “compliance,” by inserting , or in the case of a credit under subsection (b) of this section, a recently deployed veteran’s compliance,

(Committee Vote 9-1-1)

NOTICE CALENDAR

Favorable with Amendment

H. 120

An act relating to commemorative Boy Scout motor vehicle plates

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

Sec. 1. 23 V.S.A. § 304d is added to read:

§ 304d. COMMEMORATIVE REGISTRATION PLATES

(a) Application; organization limit. A safety or service organization, as defined in subsection 304(b) of this title, with at least 100 in-state members in good standing may apply to the commissioner for authorization to design, produce, purchase, and sell motor vehicle plates commemorating significant organization anniversaries, milestones, or events. The commissioner shall not authorize an organization or its successor to design, produce, purchase, or sell commemorative plates more than two times in any 100-year period.

(b) Statewide limit. No more than two organization commemorative plates shall be authorized for display at any given time pursuant to this section. The commissioner shall authorize or deny applications for commemorative plates in the order in which they are received.

(c) Approval of design; display period. The design of a commemorative plate shall be subject to prior approval by the commissioner. In exercising his or her discretion over plate design, the commissioner shall not approve a design with any combination of numerals or letters or both that might be confused with such combinations on regular registration plates. The commissioner shall specify the period during which an approved plate may be displayed, which shall not exceed two years.

(d) Display. Residents of the state of Vermont may display an approved commemorative plate on the front of a motor vehicle registered as a pleasure car and on motor trucks registered for less than 26,001 pounds and excluding vehicles registered under the International Registration Plan by covering the front registration plate with the commemorative plate for the period specified by the commissioner, which shall not exceed two years. The regular front registration plate shall not be removed. The regular rear registration plate shall be in place and clearly visible at all times.

(e) Price; proceeds. The organization shall establish the price and retain the proceeds from its sales of approved commemorative plates.

Sec. 2. REPEAL

23 V.S.A. §§ 515a (commemorative Vermont bicentennial plates), 515b (commemorative Masonic organization plates), and 515c (commemorative Lake Champlain quadricentennial plates) are repealed.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to a process for authorizing commemorative motor vehicle registration plates”

(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. 70

House concurrent resolution in celebration of the 100th anniversary of Lyndon State College

H.C.R. 71

House concurrent resolution honoring the life of Rutland native John Deere on his 207th birthday

H.C.R. 72

House concurrent resolution congratulating Miles Yucht of Shaftsbury on his scholastic achievement as a 2010 Siemens Award winner

H.C.R. 73

House concurrent resolution recognizing the importance of after-school programs for the youth of Vermont

H.C.R. 74

House concurrent resolution congratulating the Weston Playhouse Theater Company in celebration of its 75th (diamond) anniversary

H.C.R. 75

House concurrent resolution honoring Clyde Prouty for his exemplary public service on behalf of the town of Londonderry

H.C.R. 76

House concurrent resolution honoring the national and community service of Carlisle Coates of Williston

H.C.R. 77

House concurrent resolution honoring Ted's Barber Shop in Manchester

H.C.R. 78

House concurrent resolution congratulating the Lawrence Memorial Library in Bristol on its centennial anniversary

H.C.R. 79

House concurrent resolution congratulating Northeast Slopes of East Corinth on its silver anniversary

H.C.R. 80

House concurrent resolution congratulating Elizabeth Cushman Titus Putnam of Shaftsbury on being the first conservationist awarded the Presidential Citizens Medal

H.C.R. 81

House concurrent resolution congratulating the 2011 Vermont winners of Prudential Spirit of Community Awards

Public Hearings

Thursday, February 24, 2011 - Room 11 - 7:00 P.M. - Joint Judicial Retention Committee - Retention of Judges

March 9, 2011, 5:30 - 7:30 p.m. - Room 11 - Gubernatorial appointment of the Secretary of Education and the structure of the State Board of Education

Information Notice

HOUSE BILL INTRODUCTION DEADLINES

To All House Members:

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. All sign out sheets should be to the Legislative Council by Thursday, February 24, 2011.

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