

House Calendar

Tuesday, February 21, 2012

50th DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 A.M.

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ACTION CALENDAR

Committee Bill for Second Reading

H. 760

An act relating to lowering to 16 the age of consent for blood donation.

(Rep. Burditt of West Rutland will speak for the Committee on **Human Services**.)

Favorable with amendment

H. 634

An act relating to remedies for failure to pay municipal tickets

Rep. Reis of St. Johnsbury, for the Committee on **Judiciary**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

The Committee on Judiciary to which was referred House Bill No. 634 entitled "An act relating to remedies for failure to pay municipal tickets" respectfully reports that it has considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 24 V.S.A. § 1981 is amended to read:

§ 1981. ENFORCEMENT OF ORDER FROM JUDICIAL BUREAU

(a) Upon entry of a judgment after hearing or entry of default by the hearing officer, subject to any appeal pursuant to 4 V.S.A. § 1107, the person found in violation shall have up to 30 days to pay the penalty to the judicial bureau. Upon the expiration of the period to pay the penalty, the person found in violation shall be assessed a surcharge of \$10.00 for the benefit of the municipality. All the civil remedies for collection of judgments shall be available to enforce the final judgment of the judicial bureau.

(b) In addition to any other civil remedies available by law, a final judgment of the judicial bureau that has not been satisfied within 30 days shall, upon due recordation in the land records of the town in which any real or personal property of the defendant is located, constitute a lien upon that real or personal property, except for motor vehicles as defined by 23 V.S.A. § 4(21), and may be enforced within the time and in the manner provided for the collection of taxes pursuant to 32 V.S.A. chapter, subchapter 8, ~~chapter 133 of~~

Title 32.

~~(c) The supreme court shall establish rules which provide for an expedited process in small claims court for the collection of judgments to enforce the orders of the judicial bureau. The remedies of civil contempt and referral to a collections agency for failure to pay a judicial bureau judgment under this section shall be as provided in 4 V.S.A. § 1109(c) and (d).~~

~~(d) Upon motion of the municipal attorney, grand juror or other person designated by the legislative body of the municipality and proof by affidavit that the person found in violation has not paid the penalty, in the time set forth in subsection (a) of this section, the bureau shall send to the person found in violation a notice that the penalty must be paid within 20 days of receipt of notice. The notice shall include a warning that failure to pay the penalty within 20 days of the notice will result in a proceeding for contempt before the criminal division of the superior court, and a \$10.00 surcharge has been added to the penalty.~~

~~(e) If the penalty is not paid within the 20 days the bureau shall send a notice to the criminal division of the superior court in the county in which the violation occurred. The clerk of the criminal division of the superior court shall forthwith provide notice to the person of a hearing for civil contempt proceedings pursuant to 12 V.S.A. § 122 for the failure to pay the penalty imposed by the bureau. A finding of contempt for failure to pay the penalty shall include an order that a nonpayment surcharge of an additional \$10.00 shall be added to the penalty and surcharge set forth in subsection (a) of this section for the benefit of the municipality.~~

Sec. 2. TRANSITIONAL PROVISION

Any municipal ordinance violation that was transferred to the district court or the criminal division of the superior court prior to the effective date of this act shall be transferred by the criminal division to the judicial bureau for adjudication and collection pursuant to 24 V.S.A. § 1981.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 9-0-2)

H. 753

An act relating to encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures.

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

Rep. Heath of Westford, for the Committee on **Appropriations**, recommends the bill be amended as follows:

The Committee on Appropriations to which was referred House Bill No. 753 entitled “An act relating to encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures” respectfully reports that it has considered the same and recommends that the bill be amended as follows:

First: In Sec. 10, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read:

(c)(1) A RED receiving incentives pursuant to Sec. 4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010) as amended by this act (“Act 153”) is not eligible to receive a grant under this section.

(2) An interstate, union, or unified union school district, including a RED, that expands by merging with one or more additional school districts is not eligible to receive a grant under this section if the original merged district received a transition facilitation grant under this section, Act 153, or Sec. 168a of No. 122 of the Acts of the 2003 Adj. Sess. (2004), as amended by Sec. 23 of No. 66 of the Acts of 2007, as further amended by Sec. 5 of No. 153 of the Acts of the 2009 Adj. Sess. (2010), and as repealed by Sec. 9 of this act.

Second: After Sec. 10 and before the internal heading “* * * Incentives; Regional Education Districts * * *” by inserting a new section to be Sec. 10a to read:

Sec. 10a. APPLICABILITY; JOINT CONTRACT SCHOOL

A transition facilitation grant pursuant to Sec. 10 of this act shall be paid proportionally based on enrollment to any group of districts if in fiscal year 2012 or 2013 the voters of each district approve the issuance of bonds upon which establishment of a joint contract school is conditioned. The combined enrollment of the grades newly being offered jointly by the contracting districts shall be used to calculate the amount awarded.

Third: By adding a new section to be Sec. 19a to read:

Sec. 19a. APPROPRIATION

The sum of \$650,000.00 is appropriated from the education fund to be used for the purposes of this act in fiscal year 2013.

(Committee Vote 10-0-1)

Amendment to be offered by Rep. Davis of Washington to H. 753

Rep. Davis of Washington moves that the bill be amended by adding two new sections to be Secs. 19a and 19b to read:

Sec. 19a. AGREEMENTS BETWEEN DISTRICTS

It is the policy of the state of Vermont that:

(1) the consolidation of school districts, their assets, or their operations should result from the voluntary action of local communities; and

(2) school districts shall retain their authority to enter into interdistrict contracts to consolidate or share district assets or operations without the need to explore merger under Secs. 2–4 of No. 153 of the Acts of the 2009 Adj. Sess. (2010), relating to the formation of regional education districts, or under 16 V.S.A. chapter 11, relating to the formation of union school districts in general.

Sec. 19b. 16 V.S.A. § 261a(a) is amended to read:

(a) Duties. ~~The~~ Except if the board of a member school district votes to perform the action on its own behalf, the board of each supervisory union shall:

NOTICE CALENDAR

Committee Bill for Second Reading

H. 761

An act relating to executive branch fees, including motor vehicle and fish and wildlife fees.

(Rep. Ancel of Calais will speak for the Committee on Ways and Means.)

Public Hearings

February 22, 2012 - 9:00-11:00 AM - Tourism in Vermont - Committee on Commerce and Economic Development

February 28, 2012 - Room 11 - 7:00 PM - Judicial Retention of Justices Karen Carroll, Dennis Pearson, and Barry Peterson

Information Notice

Deadline for Introducing Bills

Pursuant to Rule 40(b) of the Rules and Orders of the Vermont House of Representatives, during the second year of the biennium, except with the prior consent of the Committee on Rules, no member may introduce a bill into the House drafted in standard form after the last day of January. Bills may be

introduced in Short Form until the second Friday after Town Meeting Day.

In order to meet this deadline all sign out sheets must be submitted to the Legislative Council no later than the close of business on Friday, January 27, 2012. Requests for short form bills may be made until Wednesday, February 15, 2012.

Pursuant to Rule 40(c) during the second year of the biennium, except with the prior consent of the Committee on Rules, no committee, except the Committees on Appropriations, Ways and Means or Government Operations, may introduce a bill drafted in standard form after the last day of March. The Committees on Appropriations, Ways and Means bills may be drafted in standard form at any time, and Government Operations bills, pertaining to city or town charter changes, may be drafted in standard form at any time.