

House Calendar

Wednesday, January 27, 2016

23rd DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 A.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

Third Reading

H. 505 Approval of amendments to the charter of the Village of North Bennington	30
H. 611 Fiscal year 2016 budget adjustments.....	30
Rep. Hubert Amendment.....	30

Favorable with Amendment

S. 233 An act relating to amending Act 46	30
Rep. Sharpe for Education	
Rep. Komline for Ways and Means	32
Rep. Dame Amendment	32
Rep. Manwaring Amendment	33
Rep. Lanpher Amendment.....	33
Reps. Tate and Zagar Amendment	34
Rep. Shaw of Pittsford Amendment.....	34
Rep. Ram Amendment	35
Rep. Troiano Amendment	36

NOTICE CALENDAR

Favorable

H. 565 United Methodist Church property.....	38
Rep. Tate for General, Housing and Military Affairs	

ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 505

An act relating to approval of amendments to the charter of the Village of North Bennington

H. 611

An act relating to fiscal year 2016 budget adjustments

Amendment to be offered by Rep. Hubert of Milton to H. 611

By adding a new section to be Sec. 58a to read:

Sec. 58a. CAP ON STATE EMPLOYEE POSITIONS

Notwithstanding any provision of law to the contrary and until otherwise provided by legislative act, the number of filled exempt and classified full-time State employee positions in the Executive, Legislative, and Judicial Branches shall not exceed 8,900.

Favorable with Amendment

S. 233

An act relating to amending Act 46

Rep. Sharpe of Bristol, for the Committee on **Education**, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2015 Acts and Resolves No. 46, Sec. 37 is amended to read:

Sec. 37. ALLOWABLE GROWTH IN EDUCATION SPENDING FOR
FISCAL YEARS 2017 AND 2018

(a)(1) Notwithstanding any other provision of law, for fiscal year 2017 only, “excess spending” under 32 V.S.A. § 5401(12) shall be calculated as follows:

(A) For districts where the total amount of exclusions in 16 V.S.A. § 4001(6)(B) either stays the same or increases from the prior fiscal year to the current fiscal year, “excess spending” means the per-equalized-pupil amount of the district’s education spending, plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b) that is in excess of the district’s per-equalized-pupil amount of education spending in the prior

fiscal year, plus the district's allowable growth. As used in this subdivision, "education spending" means education spending as defined in 16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

(B) For districts where the total amount of exclusions in 16 V.S.A. § 4001(6)(B) decreases from the prior fiscal year to the current fiscal year, "excess spending" means the per-equalized-pupil amount of the district's education spending, plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b) that is in excess of the district's per-equalized-pupil amount of total education spending in the prior fiscal year, plus the district's allowable growth. As used in this subdivision, "education spending" means education spending as defined in 16 V.S.A. § 4001(6) before the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

(2) Notwithstanding any other provision of law, for ~~fiscal years 2017 and 2018~~ fiscal year 2018 only, "excess spending" under 32 V.S.A. § 5401(12) means the per-equalized-pupil amount of 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), that is in excess of the district's per-equalized-pupil amount of education spending in the prior fiscal year, plus the district's allowable growth. As used in this subdivision, "education spending" means education spending as defined in 16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

* * *

(c) Notwithstanding any other provision of law, for fiscal year 2017 only:

(1) The allowable growth percentage calculated in subsection (b) of this section shall be increased by adding 0.9 percentage points to the allowable growth percentage for each district.

(2) The education property tax spending adjustment under 32 V.S.A. § 5401(13)(A) and the education income tax spending adjustment under 32 V.S.A. § 5401(13)(B) shall be calculated by using only 25 percent of the district's excess spending.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 8-2-1)

(No Senate Amendments)

Rep. Komline of Dorset, for the Committee on **Ways & Means**, recommends the bill ought to pass when amended as recommended by the Committee on **Education**.

(Committee Vote: 9-2-0)

Amendment to be offered by Rep. Dame of Essex to the recommendation of amendment of the Committee on Education to S. 233

Sec. 1. 2015 Acts and Resolves No. 46, Sec. 37 is amended to read:

Sec. 37. ALLOWABLE GROWTH IN EDUCATION SPENDING FOR
FISCAL YEARS 2017 AND 2018

(a)(1) Notwithstanding any other provision of law, for fiscal year 2017 only, “excess spending” under 32 V.S.A. § 5401(12) shall be calculated as follows:

(A) For districts where the total amount of exclusions in 16 V.S.A. § 4001(6)(B) either stays the same or increases from the prior fiscal year to the current fiscal year, “excess spending” means the per-equalized-pupil amount of the district’s education spending, plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b) that is in excess of the district’s per-equalized-pupil amount of education spending in the prior fiscal year, plus the district’s allowable growth. As used in this subdivision, “education spending” means education spending as defined in 16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

(B) For districts where the total amount of exclusions in 16 V.S.A. § 4001(6)(B) decreases from the prior fiscal year to the current fiscal year, “excess spending” means the per-equalized-pupil amount of the district’s education spending, plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b) that is in excess of the district’s per-equalized-pupil amount of total education spending in the prior fiscal year, plus the district’s allowable growth. As used in this subdivision, “education spending” means education spending as defined in 16 V.S.A. § 4001(6) before the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

(2) Notwithstanding any other provision of law, for ~~fiscal years 2017 and 2018~~ fiscal year 2018 only, “excess spending” under 32 V.S.A. § 5401(12) means the per-equalized-pupil amount of 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), that is in excess of the district’s per-equalized-pupil amount of education spending in the prior fiscal year, plus the district’s allowable growth. As used in this subdivision, “education spending” means education spending as defined in

16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Amendment to be offered by Rep. Manwaring of Wilmington to the recommendation of amendment of the Committee on Education to S. 233

By adding a Sec. 1a to read:

Sec. 1a. 16 V.S.A. § 4028(e) is added to read:

(e) On or before June 30 of each year, the Joint Fiscal Office shall determine the total dollar amount required for supervisory unions and school districts to perform all new unfunded mandates imposed upon them in the fiscal year beginning on July 1. The amount shall be added to the General Fund transfer in subdivision 4025(a)(2) of this title in the next fiscal year and in each subsequent fiscal year unless the General Assembly repeals the mandate. For each year that an increase is required under this subsection, the Administration shall explicitly identify the amount in the report required by 32 V.S.A. § 306. As used in this subsection, an “unfunded mandate” means a State statute or rule that requires a supervisory union or school district to perform certain actions for which no new source of funding or funding mechanism is provided, except for any new source of funding or funding mechanism that is required by State statute or rule to protect the health and safety of children.

Amendment to be offered by Rep. Lanpher of Vergennes to the recommendation of amendment of the Committee on Education to S. 233

Be amended as follows:

First: In Sec. 1, 2015 Acts and Resolves No. 46, Sec. 37, by adding subsections (d) and (e) to read:

(d) A school district which has proposed a plan of merger pursuant to this act and had its merger plan approved by the State Board pursuant to Sec. 8 of this act shall be exempt from this section.

(e) A school district which has proposed a plan of merger pursuant to this act and had its merger plan approved by the electorate of the school district shall be exempt from this section.

Second: In Sec. 2, Effective Date, by striking out Sec. 2 and inserting a new Sec. 2 to read:

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage, and the exemptions from 2015 Acts and Resolves No. 46, Sec. 37, as set forth in Sec. 1(d) and (e) shall apply to school districts which had their merger plans approved by the State Board or by the electorate of the school district on or before the date on which this act shall take effect.

Amendment to be offered by Reps. Tate of Mendon and Zagar of Barnard to the recommendation of amendment of the Committee on Education to S. 233

By adding a Sec. 1a to read:

Sec. 1a. 2015 Acts and Resolves No. 46, Sec. 38 is amended to read:

Sec. 38. TRANSITION

(a) For fiscal years 2017 and 2018 only, if a district's equalized pupils in fiscal year 2016 reflect an adjustment pursuant to 16 V.S.A. § 4010(f) that results in an equalized pupil count that is 110 percent or greater than the actual equalized pupil count for that year, then notwithstanding any other provision of law, the district's spending adjustment under 32 V.S.A. § 5401(13) shall be calculated without any addition for excess spending.

(b) For fiscal years 2017 and 2018 only, if a joint school is formed under 16 V.S.A. chapter 11 and became operational after January 1, 2014 but before January 1, 2016, then notwithstanding any other provision of law, any district that is a part of that joint school shall have its district spending adjustment under 32 V.S.A. § 5401(13) calculated without any addition for excess spending.

Amendment to be offered by Rep. Shaw of Pittsford to the recommendation of amendment of the Committee on Education to S. 233

Be amended in Sec. 1 by adding a subsection (d) to read:

(d) Notwithstanding any other provision of law, for districts whose education spending in fiscal year 2017 is less than their education spending in fiscal year 2016, plus their allowable growth, as defined in 2015 Acts and Resolves No. 46, Sec. 37, the spending-adjusted education property tax rates and spending-adjusted income percentages for that district shall not increase due to the change in the allowable growth percentage in this section. As used in this section, "education spending" means the same amount used for education spending to make the calculations in 2015 Acts and Resolves No. 46, Sec. 37.

Amendment to be offered by Rep. Ram of Burlington to the recommendation of amendment of the Committee on Education to S. 233

By striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2015 Acts and Resolves No. 46, Sec. 37 is amended to read:

Sec. 37. ALLOWABLE GROWTH IN EDUCATION SPENDING FOR
FISCAL YEARS 2017 AND 2018 YEAR 2017

(a) ~~Notwithstanding any other provision of law, for fiscal years 2017 and 2018 fiscal year 2017 only, “excess spending” under 32 V.S.A. § 5401(12) means the per-equalized pupil amount of 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), that is in excess of the district’s per-equalized pupil amount of education spending in the prior fiscal year, plus the district’s allowable growth. shall be calculated as follows:~~

(1) For districts where the total amount of exclusions in 16 V.S.A. § 4001(6)(B) either stays the same or increases from the prior fiscal year to the current fiscal year, “excess spending” means the per-equalized-pupil amount of the district’s education spending, plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b) that is in excess of the district’s per-equalized-pupil amount of education spending in the prior fiscal year, plus the district’s allowable growth. As used in this subdivision, “education spending” means education spending as defined in 16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

(2) For districts where the total amount of exclusions in 16 V.S.A. § 4001(6)(B) decreases from the prior fiscal year to the current fiscal year, “excess spending” means the per-equalized-pupil amount of the district’s education spending, plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b) that is in excess of the district’s per-equalized-pupil amount of total education spending in the prior fiscal year, plus the district’s allowable growth. As used in this subdivision, “education spending” means education spending as defined in 16 V.S.A. § 4001(6) before the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

(b) ~~For fiscal years 2017 and 2018 fiscal year 2017 only, the “allowable growth” for any individual school district is an amount equal to the actual amount of per-equalized-pupil education spending in the district in the prior fiscal year, multiplied by the district’s “allowable growth percentage.” A district’s “allowable growth percentage” means a percentage that results from~~

the following equation: the highest per-equalized-pupil amount of the education spending in any district in the State in the prior fiscal year, divided by the actual amount of per-equalized-pupil education spending in the district in the prior fiscal year, minus one, multiplied by five and one-half percent. For the purpose of the calculations made under this subsection, the term “education spending” refers to education spending as used to calculate excess spending under 16 V.S.A. § 4001(6), including all the adjustments under 16 V.S.A. § 4001(6)(B).

(c) Notwithstanding any other provision of law, for fiscal year 2017 only:

(1) The allowable growth percentage calculated in subsection (b) of this section shall be increased by adding 0.9 percentage points to the allowable growth percentage for each district.

(2) The education property tax spending adjustment under 32 V.S.A. § 5401(13)(A) and the education income tax spending adjustment under 32 V.S.A. § 5401(13)(B) shall be calculated by using only 25 percent of the district’s excess spending.

Sec. 2. REPEALS

2015 Acts and Resolves No. 46, Secs. 37, 38, and 52(k) are repealed on July 1, 2017, and shall not apply to fiscal year 2018 or after.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Amendment to be offered by Rep. Troiano of Stannard to the recommendation of amendment of the Committee on Education to S. 233

Be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2015 Acts and Resolves No. 46, Sec. 37 is amended to read:

Sec. 37. ALLOWABLE GROWTH IN EDUCATION SPENDING FOR FISCAL ~~YEARS 2017 AND 2018~~ YEAR 2018

(a) Notwithstanding any other provision of law, for fiscal ~~years 2017 and 2018~~ year 2018 only, “excess spending” under 32 V.S.A. § 5401(12) means the per-equalized-pupil amount of 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), that is in excess of the district’s per-equalized-pupil amount of education spending in the prior fiscal year, plus the district’s allowable growth.

(b) For fiscal ~~years 2017 and 2018~~ year 2018 the “allowable growth” for any individual school district is an amount equal to the actual amount of per-equalized-pupil education spending in the district in the prior fiscal year, multiplied by the district’s “allowable growth percentage.” A district’s “allowable growth percentage” means a percentage that results from the following equation: the highest per-equalized-pupil amount of the education spending in any district in the State in the prior fiscal year, divided by the actual amount of per-equalized-pupil education spending in the district in the prior fiscal year, minus one, multiplied by five and one-half percent. For the purpose of the calculations made under this subsection, the term “education spending” refers to education spending as used to calculate excess spending under 16 V.S.A. § 4001(6), including all the adjustments under 16 V.S.A. § 4001(6)(B).

Sec. 2. 2015 Acts and Resolves No. 46, Sec. 38 is amended to read:

Sec. 38. TRANSITION

For fiscal ~~years 2017 and 2018~~ year 2018 only, if a district’s equalized pupils in fiscal year ~~2016~~ 2017 reflect an adjustment pursuant to 16 V.S.A. § 4010(f) that results in an equalized pupil count that is 110 percent or greater than the actual equalized pupil count for that year, then notwithstanding any other provision of law, the district’s spending adjustment under 32 V.S.A. § 5401(13) shall be calculated without any addition for excess spending.

Sec. 3. 2015 Acts and Resolves No. 46, Sec. 52 is amended to read:

Sec. 52. EFFECTIVE DATES

(a) This section (effective dates) and Secs. 1 through 11 shall take effect on passage.

* * *

(k) Secs. 37 and 38 (cost containment; education spending; allowable growth) shall take effect on July 1, 2015, and shall apply to fiscal ~~years 2017 and 2018~~ year 2018.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

NOTICE CALENDAR

Favorable

H. 565

An act relating to United Methodist Church property

Rep. Tate of Mendon, for the Committee on **General, Housing & Military Affairs**, recommends the bill ought to pass.

(**Committee Vote: 8-0-0**)

Information Notice

House Committee on Appropriations Members' Amendments to Fiscal Year 2016 Budget Adjustment Bill

The House Appropriations Committee asks all members of the House who intend to introduce amendments to the FY 2016 budget adjustment bill to meet with the committee on Tuesday, January 26, at 9:30 a.m. prior to second reading, OR

Wednesday, January 27, at 8:45 a.m. prior to third reading, in Room 42. If possible, please talk to Theresa Utton-Jerman in Room 40 (ext. 5767) to schedule a time.