

Journal of the House

Wednesday, January 27, 2016

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Janet Brown, Rector of Grace Church in Sheldon and Jericho, VT.

Rules Suspended; House Bills Introduced

Pending first reading of the bills, on motion of **Rep. Savage of Swanton**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 643

By Reps. Partridge of Windham and Trieber of Rockingham,

House bill, entitled

An act relating to the right to appeal the State Board of Education's determination of eligibility for a small schools support grant;

To the committee on Education.

H. 644

By Reps. Mrowicki of Putney and Deen of Westminster,

House bill, entitled

An act relating to nuisance suits against forestry operations;

To the committee on Fish, Wildlife & Water Resources.

H. 645

By Rep. Zagar of Barnard,

House bill, entitled

An act relating to the Municipal Equipment Loan Fund;

To the committee on Appropriations.

H. 646

By Reps. Davis of Washington, Bartholomew of Hartland, Burditt of West Rutland, Donovan of Burlington, Gonzalez of Winooski, Komline of Dorset,

McCormack of Burlington, Pearson of Burlington, Sullivan of Burlington, Till of Jericho, Woodward of Johnson and Zagar of Barnard,

House bill, entitled

An act relating to reclaiming a Vermont Employment Growth Incentive;

To the committee on Commerce & Economic Development.

H. 647

By Rep. Townsend of South Burlington,

House bill, entitled

An act relating to excluded from household income amounts earned by an adult child who lived in the household for less than six months;

To the committee on Ways & Means.

H. 648

By Reps. Tate of Mendon, Batchelor of Derby, Branagan of Georgia, Burditt of West Rutland, Canfield of Fair Haven, Dame of Essex, Fiske of Enosburgh, Gage of Rutland City, Morrissey of Bennington, Parent of St. Albans Town, Savage of Swanton, Viens of Newport City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to the Vermont National Guard Educational Assistance Program;

To the committee on General, Housing & Military Affairs.

H. 649

By Rep. Branagan of Georgia,

House bill, entitled

An act relating to exempting from the statewide education property tax a property owner who is 80 years of age or older, has owned and resided in the home for 50 years or more, and has an income of \$25,000.00 or less;

To the committee on Ways & Means.

H. 650

By Reps. Berry of Manchester, Branagan of Georgia, Beyor of Highgate, Botzow of Pownal, Browning of Arlington, Chesnut-Tangerman of Middletown Springs, Corcoran of Bennington, Donovan of Burlington, Eastman of Orwell, Fiske of Enosburgh, Gamache of Swanton, Hebert of

Vernon, Higley of Lowell, Lawrence of Lyndon, Lewis of Berlin, McFaun of Barre Town, Miller of Shaftsbury, Morris of Bennington, O'Sullivan of Burlington, Parent of St. Albans Town, Patt of Worcester, Potter of Clarendon, Russell of Rutland City, Scheuermann of Stowe, Shaw of Pittsford, Sibia of Dover, Strong of Albany, Troiano of Stannard, Walz of Barre City and Willhoit of St. Johnsbury,

House bill, entitled

An act relating to a General Fund appropriation to the Vermont Veterans' Home;

To the committee on Appropriations.

H. 651

By Rep. Branagan of Georgia,

House bill, entitled

An act relating to allowing pregnant individuals to enroll in Exchange plans at any time;

To the committee on Health Care.

H. 652

By Reps. Eastman of Orwell, Baser of Bristol, Branagan of Georgia, Burditt of West Rutland, Canfield of Fair Haven, Clarkson of Woodstock, Condon of Colchester, Fagan of Rutland City, Helm of Fair Haven, Komline of Dorset, Masland of Thetford, Parent of St. Albans Town, Purvis of Colchester and Till of Jericho,

House bill, entitled

An act relating to school district reporting to the Agency of Education;

To the committee on Education.

H. 653

By Rep. Buxton of Tunbridge,

House bill, entitled

An act relating to the regulation of vision insurance plans;

To the committee on Health Care.

H. 654

By Rep. Long of Newfane,

House bill, entitled

An act relating to intermunicipal health insurance agreements;

To the committee on Health Care.

H. 655

By Reps. Townsend of South Burlington and Poirier of Barre City,

House bill, entitled

An act relating to preserving Medicare benefits;

To the committee on Health Care.

H. 656

By Reps. Pearson of Burlington, Berry of Manchester, Browning of Arlington, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Christie of Hartford, Cole of Burlington, Connor of Fairfield, Conquest of Newbury, Davis of Washington, Deen of Westminster, Fields of Bennington, French of Randolph, Gonzalez of Winooski, Haas of Rochester, Hooper of Montpelier, Jerman of Essex, Jewett of Ripton, Macaig of Williston, Martin of Wolcott, McCormack of Burlington, McCullough of Williston, O'Sullivan of Burlington, Patt of Worcester, Poirier of Barre City, Potter of Clarendon, Ram of Burlington, Sheldon of Middlebury, Stevens of Waterbury, Sullivan of Burlington, Townsend of South Burlington, Troiano of Stannard, Woodward of Johnson, Yantachka of Charlotte and Zagar of Barnard,

House bill, entitled

An act relating to creating an education tax that is adjusted by income for all taxpayers;

To the committee on Ways & Means.

H. 657

By Reps. Sharpe of Bristol, Ancel of Calais, Botzow of Pownal, Marcotte of Coventry and Young of Glover,

House bill, entitled

An act relating to waiver of driver's license examinations;

To the committee on Transportation.

H. 658

By Reps. Clarkson of Woodstock, Bartholomew of Hartland, Burke of Brattleboro, Chesnut-Tangerman of Middletown Springs, Connor of Fairfield,

Feltus of Lyndon, Fields of Bennington, Hooper of Montpelier, Lalonde of South Burlington, Masland of Thetford, McCormack of Burlington, Patt of Worcester, Pearson of Burlington, Sheldon of Middlebury, Wood of Waterbury, Yantachka of Charlotte and Zagar of Barnard,

House bill, entitled

An act relating to reauthorizing the fuel gross receipts tax;

To the committee on Transportation.

H. 659

By Reps. French of Randolph, Berry of Manchester, Burditt of West Rutland, Clarkson of Woodstock, Cole of Burlington, Donahue of Northfield, Haas of Rochester, Jerman of Essex, Martin of Wolcott, Partridge of Windham, Pearson of Burlington, Ram of Burlington, Russell of Rutland City, Ryerson of Randolph and Trieber of Rockingham,

House bill, entitled

An act relating to the prohibition of conversion therapy on minors;

To the committee on Human Services.

H. 660

By Reps. Trieber of Rockingham, Devereux of Mount Holly, Dickinson of St. Albans Town, Evans of Essex, Hebert of Vernon, Higley of Lowell, Keenan of St. Albans City, Lewis of Berlin, Martin of Wolcott, Partridge of Windham, Townsend of South Burlington and Viens of Newport City,

House bill, entitled

An act relating to energy facility siting;

To the committee on Natural Resources & Energy.

H. 661

By Reps. Smith of New Haven and Eastman of Orwell,

House bill, entitled

An act relating to Agency of Natural Resources permits to be used in proceedings under 10 V.S.A. chapter 151;

To the committee on Natural Resources & Energy.

H. 662

By Rep. Deen of Westminster,

House bill, entitled

An act relating to Act 250 and slate quarries;

To the committee on Natural Resources & Energy.

H. 663

By Reps. Dickinson of St. Albans Town, Baser of Bristol, Condon of Colchester, Lewis of Berlin, Parent of St. Albans Town, Savage of Swanton and Van Wyck of Ferrisburgh,

House bill, entitled

An act relating to land use and environmental permit processing;

To the committee on Natural Resources & Energy.

H. 664

By Reps. Hubert of Milton, Brennan of Colchester, Burditt of West Rutland, Devereux of Mount Holly, Graham of Williamstown and Lewis of Berlin,

House bill, entitled

An act relating to entering into a statewide contract with public school teachers and capping teachers' salaries;

To the committee on Education.

H. 665

By Rep. Keenan of St. Albans City,

House bill, entitled

An act relating to the confidentiality of archeological site location information;

To the committee on General, Housing & Military Affairs.

H. 666

By Rep. McCormack of Burlington,

House bill, entitled

An act relating to signage on State property regarding unlawful idling of motor vehicle engines;

To the committee on Transportation.

H. 667

By Reps. Strong of Albany, Batchelor of Derby, Gamache of Swanton and Morrissey of Bennington,

House bill, entitled

An act relating to safe disposal of certain unused medications;

To the committee on Human Services.

H. 668

By Rep. Strong of Albany,

House bill, entitled

An act relating to an Adult Protective Services consultation prior to issuing certain prescriptions;

To the committee on Human Services.

H. 669

By Reps. Botzow of Pownal and Marcotte of Coventry,

House bill, entitled

An act relating to a Department of Labor study and report concerning workers' compensation and opiate abuse;

To the committee on Commerce & Economic Development.

H. 670

By Reps. Kitzmiller of Montpelier, Botzow of Pownal, Carr of Brandon, Dakin of Colchester, Marcotte of Coventry, O'Sullivan of Burlington, Parent of St. Albans Town, Sibia of Dover and Stuart of Brattleboro,

House bill, entitled

An act relating to electronic voting for cooperative members;

To the committee on Commerce & Economic Development.

H. 671

By Reps. Clarkson of Woodstock, Ram of Burlington, Stevens of Waterbury, Bartholomew of Hartland, Beck of St. Johnsbury, Berry of Manchester, Beyor of Highgate, Branagan of Georgia, Brennan of Colchester, Canfield of Fair Haven, Christie of Hartford, Cupoli of Rutland City, Donovan of Burlington, Fagan of Rutland City, Fiske of Enosburgh, Forguites of Springfield, Hebert of Vernon, Helm of Fair Haven, Higley of Lowell, Hubert

of Milton, LaClair of Barre Town, Lewis of Berlin, McCoy of Poultney, Morrissey of Bennington, Potter of Clarendon, Strong of Albany, Tate of Mendon and Troiano of Stannard,

House bill, entitled

An act relating to creating the Veterans Entrepreneurship Program;
To the committee on General, Housing & Military Affairs.

H. 672

By Rep. Hubert of Milton,

House bill, entitled

An act relating to repealing the Position Pilot Program;
To the committee on Government Operations.

H. 673

By Rep. Buxton of Tunbridge,

House bill, entitled

An act relating to alternative work arrangements;
To the committee on Commerce & Economic Development.

H. 674

By Reps. Lanpher of Vergennes, Keenan of St. Albans City, Connor of Fairfield and Ram of Burlington,

House bill, entitled

An act relating to public notice of wastewater discharges;
To the committee on Fish, Wildlife & Water Resources.

H. 675

By Reps. Grad of Moretown and Morris of Bennington,

House bill, entitled

An act relating to victims' right to be heard at change of plea hearings;
To the committee on Judiciary.

H. 676

By Reps. Grad of Moretown and Morris of Bennington,

House bill, entitled

An act relating to Victims Compensation Board access to law enforcement records;

To the committee on Judiciary.

H. 677

By Reps. Grad of Moretown and Morris of Bennington,

House bill, entitled

An act relating to the Restitution Unit;

To the committee on Judiciary.

H. 678

By Reps. Fagan of Rutland City, Clarkson of Woodstock and Keenan of St. Albans City,

House bill, entitled

An act relating to the manner in which average daily membership is computed for public high school students exercising school choice;

To the committee on Education.

H. 679

By Reps. Fagan of Rutland City, Clarkson of Woodstock and Keenan of St. Albans City,

House bill, entitled

An act relating to the manner in which average daily membership is computed for public high school students exercising school choice;

To the committee on Education.

H. 680

By Reps. Dickinson of St. Albans Town, Batchelor of Derby, Branagan of Georgia, Browning of Arlington, LaClair of Barre Town and Savage of Swanton,

House bill, entitled

An act relating to the assignment of payment for dental benefits;

To the committee on Health Care.

H. 681

By Rep. Grad of Moretown,

House bill, entitled

An act relating to access to employee restrooms for individuals living with an inflammatory bowel disease;

To the committee on Commerce & Economic Development.

H. 682

By Reps. Dame of Essex and Fagan of Rutland City,

House bill, entitled

An act relating to Medicare supplemental plans for dual eligible Medicaid beneficiaries;

To the committee on Health Care.

H. 683

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to revenues designated for the Vermont Housing and Conservation Trust Fund;

To the committee on Appropriations.

H. 684

By Rep. Walz of Barre City,

House bill, entitled

An act relating to residential treatment units within the Department of Corrections;

To the committee on Corrections & Institutions.

H. 685

By Rep. Sibilio of Dover,

House bill, entitled

An act relating to nonresidential improvement fraud;

To the committee on Judiciary.

H. 686

By Rep. Stevens of Waterbury,

House bill, entitled

An act relating to prohibiting smoking in multi-unit housing;

To the committee on General, Housing & Military Affairs.

H. 687

By Reps. Zagar of Barnard and Buxton of Tunbridge,

House bill, entitled

An act relating to miscellaneous provisions to combat opioid abuse;

To the committee on Human Services.

H. 688

By Reps. Deen of Westminster, Carr of Brandon, Chesnut-Tangerman of Middletown Springs, Connor of Fairfield, Davis of Washington, Donovan of Burlington, Fields of Bennington, Gonzalez of Winooski, Jewett of Ripton, Lenes of Shelburne, Macaig of Williston, O'Sullivan of Burlington, Pearson of Burlington, Poirier of Barre City and Sullivan of Burlington,

House bill, entitled

An act relating to good cause employment;

To the committee on General, Housing & Military Affairs.

H. 689

By Rep. Davis of Washington,

House bill, entitled

An act relating to a Universal Basic Income study;

To the committee on General, Housing & Military Affairs.

H. 690

By Rep. Klein of East Montpelier,

House bill, entitled

An act relating to the practice of acupuncture by physicians and osteopaths;

To the committee on Health Care.

H. 691

By Reps. Marcotte of Coventry and Viens of Newport City,

House bill, entitled

An act relating to leasing State property to a private entity;

To the committee on Corrections & Institutions.

H. 692

By Reps. Botzow of Pownal, Marcotte of Coventry, Baser of Bristol, Carr of Brandon, Dakin of Colchester, Kitzmiller of Montpelier, O'Sullivan of Burlington, Parent of St. Albans Town, Scheuermann of Stowe, Sibilia of Dover and Stuart of Brattleboro,

House bill, entitled

An act relating to miscellaneous changes to economic development programs;

To the committee on Commerce & Economic Development.

H. 693

By Rep. Conquest of Newbury,

House bill, entitled

An act relating to creating an economic development specialist;

To the committee on Commerce & Economic Development.

H. 694

By Reps. Botzow of Pownal and Marcotte of Coventry,

House bill, entitled

An act relating to responsibility for providing transportation services;

To the committee on Education.

H. 695

By Reps. Cupoli of Rutland City, Fiske of Enosburgh, Berry of Manchester, Beyor of Highgate, Canfield of Fair Haven, Christie of Hartford, Devereux of Mount Holly, Fagan of Rutland City, Gage of Rutland City, Higley of Lowell, Hubert of Milton, Komline of Dorset, LaClair of Barre Town, Lawrence of Lyndon, Lewis of Berlin, Martel of Waterford, Parent of St. Albans Town, Pearce of Richford, Quimby of Concord, Russell of Rutland City, Savage of Swanton, Shaw of Pittsford, Strong of Albany, Tate of Mendon, Terenzini of Rutland Town, Van Wyck of Ferrisburgh, Viens of Newport City and Walz of Barre City,

House bill, entitled

An act relating to suspicion-based substance abuse testing and treatment for recipients of TANF;

To the committee on Human Services.

H. 696

By Reps. Lucke of Hartford, Cole of Burlington, Deen of Westminster, Dickinson of St. Albans Town, Martel of Waterford, Murphy of Fairfax, Nuovo of Middlebury, Parent of St. Albans Town, Ryerson of Randolph, Savage of Swanton, Sullivan of Burlington, Tate of Mendon, Till of Jericho, Troiano of Stannard, Viens of Newport City and Walz of Barre City,

House bill, entitled

An act relating to patient testing for bloodborne pathogen-related illnesses after possible transmission to health care, safety, or emergency personnel;

To the committee on Human Services.

H. 697

By Rep. Buxton of Tunbridge,

House bill, entitled

An act relating to the shelter of animals;

To the committee on Agriculture & Forest Products.

H. 698

By Reps. LaClair of Barre Town, Bancroft of Westford, Devereux of Mount Holly, Higley of Lowell, Purvis of Colchester, Shaw of Pittsford, Smith of New Haven and Van Wyck of Ferrisburgh,

House bill, entitled

An act relating to centralized permitting of overweight vehicles;

To the committee on Transportation.

H. 699

By Reps. Sharpe of Bristol and Baser of Bristol,

House bill, entitled

An act relating to the registration of bicycles;

To the committee on Transportation.

H. 700

By Reps. Clarkson of Woodstock and Pugh of South Burlington,

House bill, entitled

An act relating to establishing a Vermont Crafts Crawl;

To the committee on General, Housing & Military Affairs.

Joint Resolution Adopted in Concurrence**J.R.S. 37**

By Senators Baruth and Benning,

J.R.S. 37. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 29, 2016, it be to meet again no later than Tuesday, February 2, 2016.

Was taken up read and adopted in concurrence.

Third Reading; Bill Passed**H. 505**

House bill, entitled

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

Was taken up, read the third time and passed.

Consideration Interrupted by Recess**H. 611**

House bill, entitled

An act relating to fiscal year 2016 budget adjustments

Was taken up and pending third reading of the bill, **Rep. Hubert of Milton** moved to amend the bill as follows:

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.

Recess

At ten o'clock and thirty-one minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At ten o'clock and fifty-six minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed; Bill Read the Third Time and Passed**H. 611**

Consideration resumed on House bill, entitled

An act relating to fiscal year 2016 budget adjustments;

Thereupon, **Rep. Hubert of Milton** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Rep. Willhoit of St. Johnsbury** moved to amend the bill as follows:

First: In Sec. 7 (Defender General), by striking out the number "9,875,845" and inserting in lieu thereof the number "9,970,441", by striking out the number "10,290,292" and inserting in lieu thereof the number "10,384,888", and by striking out both instances of the number "10,903,844" and inserting in lieu thereof the number "10,998,440"

Second: In Sec. 26 (Department for Children and Families), by striking out the number "27,535,028" and inserting in lieu thereof the number "27,440,432", by striking out the number "30,956,902" and inserting in lieu thereof the number "30,862,306", and by striking out both instances of the number "106,102,899" and inserting in lieu thereof the number "106,008,303"

Thereupon, **Rep. Wilhoit of St. Johnsbury** asked and was granted leave of the House to withdraw his amendment.

Thereupon, the bill was read the third time and passed.

Consideration Interrupted by Recess**S. 233**

Rep. Sharpe of Bristol, for the committee on Education, to which had been referred Senate bill, entitled

An act relating to amending Act 46

Reported in favor of its passage when 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.

Rep. Komline of Dorset, for the committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the committee on Education.

Thereupon, the bill was read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Education? **Rep. Dame of Essex** moved to amend the recommendation of proposal of amendment as follows:

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.

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Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the report of the committee on Education be amended as recommended by Rep. Dame of Essex? **Rep. Dame of Essex** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Pending the call of the roll the Speaker declared a recess.

Recess

At eleven o'clock and twenty-five minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At one o'clock and twenty-six minutes in the afternoon, the Speaker called the House to order.

**Consideration Resumed; Proposal of Amendment Agreed to;
Third Reading Ordered; Rules Suspended; Bill Read Third Time and
Passed in Concurrence with Proposal of Amendment; Rules Suspended
and the Bill was Ordered Messaged to the Senate Forthwith**

S. 233

Consideration resumed on Senate bill, entitled

An act relating to amending Act 46

Pending the call of the roll, **Rep. Dame of Essex** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Education? **Rep. Dame of Essex** moved to amend the recommendation of proposal of amendment as offered by the committee on Education, as follows:

In Sec. 1 by striking out subsection Sec. 37(c) in its entirety.

Pending the question, Shall the proposal of amendment recommended by the Committee on Education be amended as offered by Rep. Dame of Essex? **Rep. Dame of Essex** 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 proposal of amendment recommended by the Committee on Education be amended as offered by Rep. Dame of Essex? was decided in the negative. Yeas, 36. Nays, 110.

Those who voted in the affirmative are:

Bancroft of Westford	Hebert of Vernon	Purvis of Colchester
Batchelor of Derby	Higley of Lowell	Quimby of Concord
Beck of St. Johnsbury	Hubert of Milton	Savage of Swanton
Brennan of Colchester	LaClair of Barre Town	Shaw of Pittsford
Burditt of West Rutland	Lawrence of Lyndon	Shaw of Derby
Condon of Colchester	Lefebvre of Newark	Smith of New Haven
Dame of Essex	Lewis of Berlin	Strong of Albany
Dickinson of St. Albans Town	Marcotte of Coventry	Tate of Mendon
Donahue of Northfield	Martel of Waterford	Turner of Milton
Feltus of Lyndon	McCoy of Poultney	Viens of Newport City
Gamache of Swanton	McFaun of Barre Town	Willhoit of St. Johnsbury
Graham of Williamstown	Morrissey of Bennington	
	Parent of St. Albans Town	

Those who voted in the negative are:

Ancel of Calais	Carr of Brandon	Dakin of Colchester
Bartholomew of Hartland	Chesnut-Tangerman of Middletown Springs	Davis of Washington
Baser of Bristol	Christie of Hartford	Deen of Westminster
Berry of Manchester	Clarkson of Woodstock	Devereux of Mount Holly
Beyor of Highgate	Cole of Burlington	Donovan of Burlington
Bissonnette of Winooski	Connor of Fairfield	Eastman of Orwell
Botzow of Pownal	Conquest of Newbury	Emmons of Springfield
Branagan of Georgia	Copeland-Hanzas of Bradford	Evans of Essex
Briglin of Thetford	Corcoran of Bennington	Fagan of Rutland City
Browning of Arlington	Cupoli of Rutland City	Fields of Bennington
Burke of Brattleboro	Dakin of Chester	Fiske of Enosburgh
Buxton of Tunbridge		Forguites of Springfield
Canfield of Fair Haven		Frank of Underhill

French of Randolph	Manwaring of Wilmington	Sharpe of Bristol
Gonzalez of Winooski	Martin of Wolcott	Sheldon of Middlebury
Grad of Moretown	Masland of Thetford	Sibilia of Dover
Greshin of Warren	McCormack of Burlington	Stevens of Waterbury
Haas of Rochester	McCullough of Williston	Stuart of Brattleboro
Head of South Burlington	Miller of Shaftsbury	Sullivan of Burlington
Helm of Fair Haven	Morris of Bennington	Sweaney of Windsor
Hooper of Montpelier	Mrowicki of Putney	Terenzini of Rutland Town
Huntley of Cavendish	Murphy of Fairfax	Till of Jericho
Jerman of Essex	Myers of Essex	Toleno of Brattleboro
Jewett of Ripton	Nuovo of Middlebury	Toll of Danville
Johnson of South Hero	O'Brien of Richmond	Townsend of South Burlington
Juskiewicz of Cambridge	Olsen of Londonderry	Trieber of Rockingham
Kitzmiller of Montpelier	O'Sullivan of Burlington	Troiano of Stannard
Klein of East Montpelier	Partridge of Windham	Van Wyck of Ferrisburgh
Komline of Dorset	Patt of Worcester	Walz of Barre City
Krebs of South Hero	Pearce of Richford	Webb of Shelburne
Krowinski of Burlington	Pearson of Burlington	Wood of Waterbury
Lalonde of South Burlington	Potter of Clarendon	Woodward of Johnson
Lanpher of Vergennes	Pugh of South Burlington	Wright of Burlington
Lenes of Shelburne	Rachelson of Burlington	Yantachka of Charlotte
Lippert of Hinesburg	Ram of Burlington	Young of Glover
Long of Newfane	Russell of Rutland City	Zagar of Barnard
Lucke of Hartford	Ryerson of Randolph	
Macaig of Williston	Scheuermann of Stowe	

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

Gage of Rutland City Keenan of St. Albans City Poirier of Barre City

Pending the recurring question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Education? **Rep. Manwaring of Wilmington** moved to amend the recommendation of proposal of amendment offered by the committee on Education as follows:

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.

Thereupon, **Rep Manwaring of Wilmington** asked and was granted leave of the House to withdraw her amendment.

Pending the recurring question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Education? **Rep. Lanpher of Vergennes** moved to amend the recommendation of proposal of amendment 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.

Thereupon, **Rep. Lanpher of Vergennes** asked and was granted leave of the House to withdraw her amendment.

Pending the recurring question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Education? **Reps. Tate of Mendon and Zagar of Barnard** moved to amend the recommendation of proposal of amendment as offered by the committee on Education as follows:

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.

Which was disagreed to on a Division vote: Yeas, 62. Nays, 80.

Pending the recurring question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Education? **Rep. Shaw of Pittsford** moved to amend the recommendation of proposal of amendment as follows:

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 subsection (c) of 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.

Which was disagreed to.

Pending the recurring question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Education? **Reps. Troiano of Stannard and Ram of Burlington** moved to amend the recommendation of proposal of amendment as follows:

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

Sec. 1. REPEAL

2015 Acts and Resolves No. 46, Sec. 37 is repealed.

Sec. 2. REPEAL

2015 Acts and Resolves No. 46, Sec. 38 is repealed.

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

Sec. 52. EFFECTIVE DATES

* * *

(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. [Repealed.]~~

* * *

Sec. 4. EXCESS SPENDING IN FISCAL YEAR 2017

Notwithstanding any other provision of law, for fiscal year 2017 only, 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 for each district with no addition for excess spending.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage,

Pending the question, Shall the proposal of amendment recommended by the Committee on Education be amended as offered by Rep. Troiano of Stannard and Ram of Burlington? **Rep. Wright of Burlington** 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 proposal of amendment recommended by the Committee on Education be amended as offered by Rep. Troiano of Stannard and Ram of Burlington? was decided in the negative. Yeas, 30. Nays, 117.

Those who voted in the affirmative are:

Ancel of Calais	Chesnut-Tangerman of	Haas of Rochester
Bartholomew of Hartland	Middletown Springs	Hooper of Montpelier
Berry of Manchester	Dakin of Chester	Lanpher of Vergennes
Briglin of Thetford	Davis of Washington	Lefebvre of Newark
Browning of Arlington	Eastman of Orwell	Lucke of Hartford
Burke of Brattleboro	Fields of Bennington	Martin of Wolcott
	Gonzalez of Winooski	Mrowicki of Putney

Myers of Essex	Ram of Burlington	Woodward of Johnson
O'Sullivan of Burlington	Toll of Danville	Young of Glover
Pearson of Burlington	Troiano of Stannard	Zagar of Barnard
Potter of Clarendon	Walz of Barre City	

Those who voted in the negative are:

Bancroft of Westford	Grad of Moretown	O'Brien of Richmond
Baser of Bristol	Graham of Williamstown	Olsen of Londonderry
Batchelor of Derby	Greshin of Warren	Parent of St. Albans Town
Beck of St. Johnsbury	Head of South Burlington	Partridge of Windham
Beyor of Highgate	Hebert of Vernon	Patt of Worcester
Bissonnette of Winooski	Helm of Fair Haven	Pearce of Richford
Botzow of Pownal	Higley of Lowell	Pugh of South Burlington
Branagan of Georgia	Hubert of Milton	Purvis of Colchester
Brennan of Colchester	Huntley of Cavendish	Quimby of Concord
Burditt of West Rutland	Jerman of Essex	Rachelson of Burlington
Buxton of Tunbridge	Jewett of Ripton	Russell of Rutland City
Canfield of Fair Haven	Johnson of South Hero	Ryerson of Randolph
Carr of Brandon	Juskiewicz of Cambridge	Savage of Swanton
Christie of Hartford	Keenan of St. Albans City	Scheuermann of Stowe
Clarkson of Woodstock	Kitzmiller of Montpelier	Sharpe of Bristol
Cole of Burlington	Klein of East Montpelier	Shaw of Pittsford
Condon of Colchester	Komline of Dorset	Shaw of Derby
Connor of Fairfield	Krebs of South Hero	Sheldon of Middlebury
Conquest of Newbury	Krowinski of Burlington	Sibilia of Dover
Copeland-Hanzas of Bradford	LaClair of Barre Town	Smith of New Haven
Corcoran of Bennington	Lalonde of South Burlington	Stevens of Waterbury
Cupoli of Rutland City	Lawrence of Lyndon	Strong of Albany
Dakin of Colchester	Lenes of Shelburne	Stuart of Brattleboro
Dame of Essex	Lewis of Berlin	Sullivan of Burlington
Deen of Westminster	Lippert of Hinesburg	Sweaney of Windsor
Devereux of Mount Holly	Long of Newfane	Tate of Mendon
Dickinson of St. Albans Town	Macaig of Williston	Terenzini of Rutland Town
Donahue of Northfield	Manwaring of Wilmington	Till of Jericho
Donovan of Burlington	Marcotte of Coventry	Toleno of Brattleboro
Emmons of Springfield	Martel of Waterford	Townsend of South Burlington
Evans of Essex	Masland of Thetford	Trieber of Rockingham
Fagan of Rutland City	McCormack of Burlington	Turner of Milton
Feltus of Lyndon	McCoy of Poultney	Van Wyck of Ferrisburgh
Fiske of Enosburgh	McCullough of Williston	Viens of Newport City
Forguites of Springfield	McFaun of Barre Town	Webb of Shelburne
Frank of Underhill	Miller of Shaftsbury	Willhoit of St. Johnsbury
French of Randolph	Morris of Bennington	Wood of Waterbury
Gamache of Swanton	Morrissey of Bennington	Wright of Burlington
	Murphy of Fairfax	Yantachka of Charlotte
	Nuovo of Middlebury	

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

Gage of Rutland City

Poirier of Barre City

Pending the question, Shall the proposal of amendment recommended by the Committee on Education be agreed to? **Rep. Savage of Swanton** 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 proposal of amendment recommended by the Committee on Education be agreed to? was decided in the affirmative. Yeas, 94. Nays, 52.

Those who voted in the affirmative are:

Ancel of Calais

Bartholomew of Hartland

Baser of Bristol

Berry of Manchester

Beyor of Highgate

Botzow of Pownal

Branagan of Georgia

Brennan of Colchester

Briglin of Thetford

Browning of Arlington

Buxton of Tunbridge

Canfield of Fair Haven

Carr of Brandon

Christie of Hartford

Clarkson of Woodstock

Cole of Burlington

Connor of Fairfield

Conquest of Newbury

Copeland-Hanzas of

Bradford *

Corcoran of Bennington

Dakin of Colchester

Deen of Westminster

Donovan of Burlington

Eastman of Orwell

Emmons of Springfield

Evans of Essex

Feltus of Lyndon

Fiske of Enosburgh

Forguites of Springfield

Frank of Underhill

French of Randolph

Grad of Moretown

Head of South Burlington

Helm of Fair Haven

Huntley of Cavendish

Jerman of Essex *

Jewett of Ripton

Johnson of South Hero

Juskiewicz of Cambridge

Keenan of St. Albans City

Kitzmiller of Montpelier

Klein of East Montpelier

Komline of Dorset

Krebs of South Hero

Krowinski of Burlington

Lalonde of South Burlington

Lanpher of Vergennes *

Lawrence of Lyndon

Lenes of Shelburne

Lippert of Hinesburg

Long of Newfane

Lucke of Hartford

Macaig of Williston

Manwaring of Wilmington

Masland of Thetford

McCormack of Burlington

McCullough of Williston

Miller of Shaftsbury

Morris of Bennington

Murphy of Fairfax

Nuovo of Middlebury

O'Brien of Richmond

Olsen of Londonderry

O'Sullivan of Burlington

Parent of St. Albans Town

Partridge of Windham

Patt of Worcester

Pearce of Richford

Potter of Clarendon

Pugh of South Burlington

Rachelson of Burlington

Russell of Rutland City

Ryerson of Randolph

Scheuermann of Stowe

Sharpe of Bristol *

Sheldon of Middlebury

Sibilia of Dover

Stevens of Waterbury

Stuart of Brattleboro

Sullivan of Burlington

Sweaney of Windsor

Terenzini of Rutland Town

Till of Jericho

Toleno of Brattleboro

Toll of Danville

Townsend of South

Burlington

Trieber of Rockingham

Troiano of Stannard

Van Wyck of Ferrisburgh

Webb of Shelburne

Wood of Waterbury

Wright of Burlington

Yantachka of Charlotte

Young of Glover

Those who voted in the negative are:

Bancroft of Westford	Fields of Bennington	Morrissey of Bennington
Batchelor of Derby	Gamache of Swanton	Mrowicki of Putney
Beck of St. Johnsbury	Gonzalez of Winooski	Myers of Essex
Bissonnette of Winooski	Graham of Williamstown	Pearson of Burlington
Burditt of West Rutland	Greshin of Warren	Purvis of Colchester
Burke of Brattleboro	Haas of Rochester	Quimby of Concord
Chesnut-Tangerman of Middletown Springs	Hebert of Vernon	Ram of Burlington
Condon of Colchester	Higley of Lowell	Savage of Swanton *
Cupoli of Rutland City	Hooper of Montpelier	Shaw of Pittsford
Dakin of Chester	Hubert of Milton	Shaw of Derby
Dame of Essex	LaClair of Barre Town	Smith of New Haven
Davis of Washington	Lefebvre of Newark	Tate of Mendon
Devereux of Mount Holly	Lewis of Berlin	Turner of Milton
Dickinson of St. Albans Town	Marcotte of Coventry	Viens of Newport City
Donahue of Northfield	Martel of Waterford	Walz of Barre City
Fagan of Rutland City	Martin of Wolcott	Willhoit of St. Johnsbury
	McCoy of Poultney	Woodward of Johnson
	McFaun of Barre Town	Zagar of Barnard

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

Gage of Rutland City	Poirier of Barre City	Strong of Albany
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Rep. Copeland Hanzas of Bradford explained her vote as follows:

“Mr. Speaker:

Over the past weeks and months we all have been listening to many voices on the question of education thresholds. The House committees who worked on this bill went through an extensive process of discernment in pointing us toward a way to move forward.

What we have passed here today strikes an important balance from among those many voices from across Vermont.

This balance honors our school boards who are working hard to put together budgets to support their schools. This balance responds to property tax payers who value fiscal restraint. And this balance protects Vermont’s school children now and in future as our schools move on to the deeper work of collaborating with their neighbors as laid out in Act 46.”

Rep. Jerman of Essex explained his vote as follows:

“Mr. Speaker:

A state representative has to consider the needs of the entire state, not just his/her individual district. While approval of this amendment might have the

effect of slightly affecting taxes in my district, it will provide dramatic relief to other smaller districts who have also worked hard to control costs. It preserves the important focus on cost controls in Act 46 while responding to serious concerns about the effects of implementation of the new threshold penalties. It is balanced and fair. Act 46 has sparked positive changes all over the state, and this and future legislatures will be called upon to make necessary changes when equity issues arise.”

Rep. Lanpher of Vergennes explained her vote as follows:

“Mr. Speaker:

I have pursued today every possible tax relief to help the taxpayers of my district. I supported this final bill adjustment to Act 46 because it brings limited relief and supports the excellent work of my school boards. A half a loaf today is better than no loaf.”

Rep. Savage of Swanton explained his vote as follows:

“Mr. Speaker:

School spending is down proving Act 46 is working. Passing this bill today modifying Act 46 raises the education spending limit, reduces the penalty for districts that did not comply with the law and will raise property taxes on hard working Vermonters. Thank you.”

Rep. Sharpe of Bristol explained his vote as follows:

“Mr. Speaker:

I want to recognize the hard work of the House Education and House Ways and Means Committees and members of this body that have supported our work to improve education for our children at a cost taxpayers can afford.”

Thereupon, third reading was ordered.

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Adjournment

At four o'clock and thirty-one minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.