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-Tangeman 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, Sibilia 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


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

Those who voted in the negative are:

- Ancel of Calais
- Bartholomew of Hartland
- Baser of Bristol
- Berry of Manchester
- Beyor of Highgate
- Bissonnette of Winooski
- Botzow of Pownal
- Branagan of Georgia
- Brigin of Thetford
- Browning of Arlington
- Burke of Brattleboro
- Buxton of Tunbridge
- Canfield of Fair Haven
- Carr of Brandon
- Chesnut-Tangerman of Middletown Springs
- Christie of Hartford
- Clarkson of Woodstock
- Cole of Burlington
- Connor of Fairfield
- Conquest of Newbury
- Copeland-Hanzas of Bradford
- Corcoran of Bennington
- Cupoli of Rutland City
- Dakin of Chester
- Davis of Washington
- Deen of Westminster
- Devereux of Mount Holly
- Donovan of Burlington
- Eastman of Orwell
- Emmons of Springfield
- Evans of Essex
- Fagan of Rutland City
- Fields of Bennington
- Fiske of Enosburgh
- Forguites of Springfield
- Franck of Underhill
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
Bartholomew of Hartland
Berry of Manchester
Briglin of Thetford
Browning of Arlington
Burke of Brattleboro
Chesnut-Tangerman of Middletown Springs
Dakin of Chester
Davis of Washington
Eastman of Orwell
Fields of Bennington
Gonzalez of Winooski
Haas of Rochester
Hooper of Montpelier
Lanpher of Vergennes
Lefebvre of Newark
Lucke of Hartford
Martin of Wolcott
Mrowicki of Putney
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<tr>
<th>Myers of Essex</th>
<th>Ram of Burlington</th>
<th>Woodward of Johnson</th>
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<tr>
<td>O'Sullivan of Burlington</td>
<td>Toll of Danville</td>
<td>Young of Glover</td>
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<td>Pearson of Burlington</td>
<td>Troiano of Stannard</td>
<td>Zagar of Barnard</td>
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<td>Potter of Clarendon</td>
<td>Walz of Barre City</td>
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Those who voted in the negative are:

- Bancroft of Westford
- Baser of Bristol
- Batchelor of Derby
- Beck of St. Johnsbury
- Beyor of Highgate
- Bissonnette of Winooski
- Botzow of Pownal
- Branagan of Georgia
- Brennan of Colchester
- Burditt of West Rutland
- Buxton of Tunbridge
- Canfield of Fair Haven
- Carr of Brandon
- Christie of Hartford
- Clarkson of Woodstock
- Cole of Burlington
- Condon of Colchester
- Connor of Fairfield
- Conquest of Newbury
- Copeland-Hanzas of Bradford
- Corcoran of Bennington
- Cupoli of Rutland City
- Dakin of Colchester
- Dame of Essex
- Deen of Westminster
- Devereux of Mount Holly
- Dickinson of St. Albans Town
- Donahue of Northfield
- Donovan of Burlington
- Emmons of Springfield
- Evans of Essex
- Fagan of Rutland City
- Feltus of Lyndon
- Fiske of Enosburgh
- Forgutes of Springfield
- Frank of Underhill
- French of Randolph
- Gamache of Swanton

- Grad of Moretown
- Graham of Williamstown
- Greshin of Warren
- Head of South Burlington
- Hebert of Vernon
- Helm of Fair Haven
- Higley of Lowell
- Hubert of Milton
- 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
- LaClair of Barre Town
- Lalande of South Burlington
- Law of Lyndon
- Lenes of Shelburne
- Lewis of Berlin
- Lippert of Hinesburg
- Long of Newfane
- Macaig of Williston
- Manwaring of Wilmington
- Marcotte of Coventry
- Martel of Waterford
- Masland of Thetford
- McCormack of Burlington
- McCoy of Poultney
- McCullough of Williston
- McFaun of Barre Town
- Miller of Shaftsbury
- Morris of Bennington
- Morrissey of Bennington
- Murphy of Fairfax
- Nuovo of Middlebury

- O'Brien of Richmond
- Olsen of Londonderry
- Parent of St. Albans Town
- Partridge of Windham
- Patt of Worcester
- Pearce of Richford
- Pugh of South Burlington
- Purvis of Colchester
- Quimby of Concord
- Rachelson of Burlington
- Russell of Rutland City
- Ryerson of Randolph
- Savage of Swanton
- Scheuermann of Stowe
- Sharpe of Bristol
- Shaw of Pittsford
- Shaw of Derby
- Sheldon of Middlebury
- Sibilia of Dover
- Smith of New Haven
- Stevens of Waterbury
- Strong of Albany
- Stuart of Brattleboro
- Sullivan of Burlington
- Sweaney of Windsor
- Tate of Mendon
- Terenzini of Rutland Town
- Till of Jericho
- Toledano of Brattleboro
- Townsend of South
- Burlington
- Triebner of Rockingham
- Turner of Milton
- Van Wyck of Ferrisburgh
- Viens of Newport City
- Webb of Shelburne
- Willhoit of St. Johnsbury
- Wood of Waterbury
- Wright of Burlington
- Yantachka of Charlotte
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:

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<th>Ancel of Calais</th>
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<td>Patt of Worcester</td>
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<td>Jerman of Essex *</td>
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<td>Botzow of Pownal</td>
<td>Jewett of Ripton</td>
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<td>Branagan of Georgia</td>
<td>Johnson of South Hero</td>
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<td>Lanphere of Vergennes *</td>
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<td>Lawrence of Lyndon</td>
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<td>O'Sullivan of Londonderry</td>
<td>Parent of St. Albans Town</td>
<td>Yantachka of Charlotte</td>
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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 Burlington
Chesnut-Tangeman 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
Donahue of Northfield  LaClair of Barre Town  Smith of New Haven
Fields of Bennington  Lefebvre of Newark  Tate of Mendon
Gamache of Swanton  Lewis of Berlin  Turner of Milton
Gonzalez of Winooski  Martel of Waterford  Walz of Barre City
Graham of Williamstown  Martin of Wolfcote  Willhoit of St. Johnsbury
Greshin of Warren  McCoy of Poultney  Woodward of Johnson
Burke of Brattleboro  Purvis of Colchester
Fields of Bennington  Ram of Burlington
Gamache of Swanton  Shaw of Pittsford
Gonzalez of Winooski  Savage of Swanton*
Graham of Williamstown  Shaw of Derby
Greshin of Warren  Smith of New Haven
Haas of Rochester  Tate of Mendon
Hebert of Vernon  Turner of Milton
Higley of Lowell  Vien of Newport City
Hooper of Montpelier  Walz of Barre City
LaClair of Barre Town  Willhoit of St. Johnsbury
Lefebvre of Newark  Woodward of Johnson
Lewis of Berlin  Zagar of Barnard
Mrowicki of Putney
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Tate of Mendon
Turner of Milton
Vien of Newport City
Walz of Barre City
Willhoit of St. Johnsbury
Woodward of Johnson
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

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.