

Journal of the House

Saturday, January 30, 2016

At twelve o'clock and one minute in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Senate Proposal of Amendment to House Proposal of Amendment Concurred in; Rules Suspended; Bill Messaged to Senate Forthwith

S. 233

The Senate proposed to the House to amend Senate bill, entitled

An act relating to amending Act 46

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

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

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

(a) Notwithstanding any other provision of law, for ~~fiscal years 2017 and 2018~~ fiscal year 2017 only, “excess spending” under 32 V.S.A. § 5401(12) ~~means the per-equalized-pupil amount of the district’s education spending, as defined in 16 V.S.A. § 4001(6), plus any amount required to be added from a Capital Construction Reserve Fund under 24 V.S.A. § 2804(b), that is in excess of the district’s per-equalized-pupil amount of education spending in the prior fiscal year, plus the district’s allowable growth.~~ shall be calculated as follows:

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

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

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

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

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

(2) The education property tax spending adjustment under 32 V.S.A. § 5401(13)(A) and the education income tax spending adjustment under 32 V.S.A. § 5401(13)(B) shall be calculated by using only 40 percent of the district’s excess spending.

(3) Notwithstanding subdivision (c)(2) of this section, for any district where the actual per-equalized-pupil amount of education spending in fiscal year 2016 is below the statewide average per-equalized-pupil amount of education spending in fiscal year 2016, 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 without any addition for excess spending. As used in this subdivision, “the statewide average per-equalized-pupil amount of education spending in fiscal year 2016” means the total statewide per-equalized-pupil amount of education

spending in 2016 divided by the total number of equalized pupils. As used in this subdivision, “education spending” shall have the same meaning as in 16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

Sec. 2. REPEALS

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

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered.

Pending the question, Shall the House concur in the Senate proposal of amendment to the House proposal of amendment? **Rep. Branagan of Georgia** moved to concur in the Senate Proposal of amendment to the House proposal of amendment with the following amendment thereto, as follows:

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

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

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

(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.

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

(c) Notwithstanding any other provision of law, for fiscal years 2017 and 2018 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 40 percent of the district's excess spending.

(3) Notwithstanding subdivision (c)(2) of this section, for any district where the actual per-equalized-pupil amount of education spending in the prior fiscal year is below the statewide average per-equalized-pupil amount of

education spending in the prior fiscal year, 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 without any addition for excess spending. As used in this subdivision, “the statewide average per-equalized-pupil amount of education spending in the prior fiscal year” means the total statewide per-equalized-pupil amount of education spending in the prior fiscal year divided by the total number of equalized pupils for that year. As used in this subdivision, “education spending” shall have the same meaning as in 16 V.S.A. § 4001(6) after the exclusions in 16 V.S.A. § 4001(6)(B) are subtracted.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Shall the house concur to the Senate proposal to House proposal with further proposal of amendment as offered by Rep. Branagan of Georgia? **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 house concur to the Senate proposal to House proposal with further proposal of amendment as offered by Rep. Branagan of Georgia? was decided in the negative. Yeas, 37. Nays, 87.

Those who voted in the affirmative are:

Bancroft of Westford	Hebert of Vernon	Quimby of Concord
Baser of Bristol	Higley of Lowell	Savage of Swanton
Beck of St. Johnsbury	Hubert of Milton	Shaw of Pittsford
Branagan of Georgia	Juskiewicz of Cambridge	Strong of Albany
Burditt of West Rutland	LaClair of Barre Town	Tate of Mendon
Cupoli of Rutland City	Lewis of Berlin	Terenzini of Rutland Town
Dame of Essex	Lucke of Hartford	Trieber of Rockingham
Donahue of Northfield	Martel of Waterford	Turner of Milton
Fagan of Rutland City	McCoy of Poultney	Van Wyck of Ferrisburgh
Feltus of Lyndon	McFaun of Barre Town	Willhoit of St. Johnsbury
Fiske of Enosburgh	Myers of Essex	Wright of Burlington
Gamache of Swanton	Parent of St. Albans Town	
Graham of Williamstown	Purvis of Colchester	

Those who voted in the negative are:

Ancel of Calais	Carr of Brandon	Copeland-Hanzas of
Bartholomew of Hartland	Chesnut-Tangerman of	Bradford
Bissonnette of Winooski	Middletown Springs	Dakin of Chester
Botzow of Pownal	Christie of Hartford	Dakin of Colchester
Briglin of Thetford	Clarkson of Woodstock	Davis of Washington
Burke of Brattleboro	Connor of Fairfield	Eastman of Orwell
Buxton of Tunbridge	Conquest of Newbury	Emmons of Springfield

Evans of Essex	Lenes of Shelburne	Ram of Burlington
Fields of Bennington	Lippert of Hinesburg	Russell of Rutland City
Forguites of Springfield	Long of Newfane	Ryerson of Randolph
Frank of Underhill	Macaig of Williston	Scheuermann of Stowe
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
Hooper of Montpelier	Morris of Bennington	Sweaney of Windsor
Huntley of Cavendish	Mrowicki of Putney	Toleno of Brattleboro
Jerman of Essex	Murphy of Fairfax	Toll of Danville
Jewett of Ripton	Nuovo of Middlebury	Townsend of South Burlington
Johnson of South Hero	O'Brien of Richmond	Troiano of Stannard
Keenan of St. Albans City	Olsen of Londonderry	Walz of Barre City
Kitzmiller of Montpelier	O'Sullivan of Burlington	Webb of Shelburne
Klein of East Montpelier	Partridge of Windham	Wood of Waterbury
Komline of Dorset	Patt of Worcester	Woodward of Johnson
Krebs of South Hero	Pearson of Burlington	Yantachka of Charlotte
Krowinski of Burlington	Potter of Clarendon	Young of Glover
Lalonde of South Burlington	Pugh of South Burlington	Zagar of Barnard
Lanpher of Vergennes	Rachelson of Burlington	

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

Batchelor of Derby	Deen of Westminster	Marcotte of Coventry
Berry of Manchester	Devereux of Mount Holly	Morrissey of Bennington
Beyor of Highgate	Dickinson of St. Albans Town	Pearce of Richford
Brennan of Colchester	Donovan of Burlington	Poirier of Barre City
Browning of Arlington	Gage of Rutland City	Shaw of Derby
Canfield of Fair Haven	Helm of Fair Haven	Smith of New Haven
Cole of Burlington	Lawrence of Lyndon	Till of Jericho
Condon of Colchester	Lefebvre of Newark	Viens of Newport City
Corcoran of Bennington		

Pending the question, Shall the House concur in Senate proposal of amendment to House proposal of amendment? **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 House concur in the Senate proposal of amendment to the House proposal of amendment? was decided in the affirmative. Yeas, 92. Nays, 32.

Those who voted in the affirmative are:

Ancel of Calais	Botzow of Pownal	Carr of Brandon
Bartholomew of Hartland	Briglin of Thetford	Chesnut-Tangerman of Middletown Springs
Baser of Bristol	Burke of Brattleboro	Christie of Hartford
Bissonnette of Winooski	Buxton of Tunbridge *	

Clarkson of Woodstock	Klein of East Montpelier	Rachelson of Burlington
Connor of Fairfield	Krebs of South Hero	Ram of Burlington
Conquest of Newbury	Krowinski of Burlington	Russell of Rutland City
Copeland-Hanzas of Bradford	Lalonde of South Burlington	Ryerson of Randolph
Dakin of Chester	Lanpher of Vergennes	Scheuermann of Stowe
Dakin of Colchester	Lenes of Shelburne	Sharpe of Bristol
Davis of Washington	Lippert of Hinesburg	Sheldon of Middlebury
Eastman of Orwell	Long of Newfane	Sibilia of Dover
Emmons of Springfield	Lucke of Hartford	Stevens of Waterbury
Evans of Essex	Macaig of Williston	Stuart of Brattleboro
Feltus of Lyndon	Manwaring of Wilmington	Sullivan of Burlington
Fields of Bennington	Martin of Wolcott	Sweaney of Windsor
Forguites of Springfield	Masland of Thetford	Terenzini of Rutland Town
Frank of Underhill	McCormack of Burlington	Toleno of Brattleboro
French of Randolph	McCullough of Williston	Toll of Danville
Gonzalez of Winooski	Miller of Shaftsbury	Townsend of South Burlington
Grad of Moretown	Morris of Bennington	Trieber of Rockingham
Haas of Rochester	Mrowicki of Putney	Troiano of Stannard
Head of South Burlington	Murphy of Fairfax	Van Wyck of Ferrisburgh
Hoopier of Montpelier	Nuovo of Middlebury	Walz of Barre City
Huntley of Cavendish	O'Brien of Richmond	Webb of Shelburne
Jerman of Essex	Olsen of Londonderry	Wood of Waterbury
Jewett of Ripton	O'Sullivan of Burlington	Woodward of Johnson
Johnson of South Hero	Partridge of Windham	Yantachka of Charlotte
Juskiewicz of Cambridge	Patt of Worcester	Young of Glover
Keenan of St. Albans City	Pearson of Burlington	Zagar of Barnard
Kitzmiller of Montpelier	Potter of Clarendon	
	Pugh of South Burlington	

Those who voted in the negative are:

Bancroft of Westford	Greshin of Warren	Parent of St. Albans Town
Beck of St. Johnsbury	Hebert of Vernon	Purvis of Colchester
Branagan of Georgia	Higley of Lowell	Quimby of Concord
Burditt of West Rutland	Hubert of Milton	Savage of Swanton
Cupoli of Rutland City	Komline of Dorset	Shaw of Pittsford
Dame of Essex	LaClair of Barre Town	Strong of Albany
Donahue of Northfield	Lewis of Berlin	Tate of Mendon
Fagan of Rutland City	Martel of Waterford	Turner of Milton
Fiske of Enosburgh	McCoy of Poultney	Willhoit of St. Johnsbury
Gamache of Swanton	McFaun of Barre Town	Wright of Burlington *
Graham of Williamstown	Myers of Essex	

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

Batchelor of Derby	Canfield of Fair Haven	Devereux of Mount Holly
Berry of Manchester	Cole of Burlington	Dickinson of St. Albans Town
Beyor of Highgate	Condon of Colchester	Donovan of Burlington
Brennan of Colchester	Corcoran of Bennington	Gage of Rutland City
Browning of Arlington	Deen of Westminster	

Helm of Fair Haven
Lawrence of Lyndon
Lefebvre of Newark
Marcotte of Coventry

Morrissey of Bennington
Pearce of Richford
Poirier of Barre City
Shaw of Derby

Smith of New Haven
Till of Jericho
Viens of Newport City

Rep. Buxton of Tunbridge explained her vote as follows:

“Mr. Speaker:

I’m proud of the bill we just voted to support. It represents a compromise beyond parties, extending across legislative bodies. Members representing districts of all shapes, sizes and experience were able to support a thoughtful, responsible, and timely act to help our taxpayers and our students. Our work couldn’t be more different from the paralyzing dysfunction of Washington, DC.”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

Concurring with the Senate on their proposal of amendment leaves property taxpayers at the mercy of the ‘other body’, and they have showed little interest in containing property taxes. I fear this vote will result in more ‘For Sale’ signs going up in my district and across the state.”

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Adjournment

At one o'clock and twelve minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, February 2, 2016, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 37.