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

(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-equaled-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-equaled-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-equaled-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-equaled-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-equaled 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-equaled 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-equaled 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-equaled 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-equaled pupil amount of the education spending in any district in the State in the prior fiscal year, divided by the actual amount of per-equaled 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-equaled pupil amount of education spending in the prior fiscal year is below the statewide average per-equaled 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

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 Bradford
Bartholomew of Hartland Chesnut-Tangerman of Middletown Springs Dakin of Chester
Bissonnette of Winooski 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
The members absent with leave of the House and not voting are:

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<thead>
<tr>
<th>Name</th>
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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:

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

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Beyor of Highgate | Condon of Colchester | Town
Brennan of Colchester | Corcoran of Bennington | Donovan of Burlington
Browning of Arlington | Deen of Westminster | Gage of Rutland 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.