

# Journal of the House

---

**Tuesday, March 29, 2016**

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

## **Devotional Exercises**

Devotional exercises were conducted by Anna Van Dine, 2016 Vermont Poetry Out Loud runner-up from Harwood Union High School.

## **Pledge of Allegiance**

**Page Ryan McSweeney of Montpelier** led the House in the Pledge of Allegiance.

## **Message from the Senate No. 34**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

**S. 107.** An act relating to the Agency of Health Care Administration.

**S. 245.** An act relating to notice to patients of new health care provider affiliations.

In the passage of which the concurrence of the House is requested.

The Senate has considered a bill originating in the House of the following title:

**H. 565.** An act relating to United Methodist Church property.

And has passed the same in concurrence.

The Senate has on its part adopted Senate concurrent resolution of the following title:

**S.C.R. 40.** Senate concurrent resolution designating July 2016 as Park and Recreation Month in Vermont.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

---

**H.C.R. 287.** House concurrent resolution congratulating the 2016 Proctor High School Phantoms Division IV boys' basketball championship team.

**H.C.R. 288.** House concurrent resolution honoring the federal TRIO programs in Vermont.

**H.C.R. 289.** House concurrent resolution congratulating the 2016 Enosburg High School Hornets Division III girls' basketball championship team.

**H.C.R. 290.** House concurrent resolution designating April 2016 as the Month of the Military Child in Vermont.

**H.C.R. 291.** House concurrent resolution congratulating the 2016 Lyndon Institute Vikings Division II championship boys' basketball team.

**H.C.R. 292.** House concurrent resolution congratulating the 2016 Lyndon Institute Vikings Division II boys' indoor track and field championship team.

**H.C.R. 293.** House concurrent resolution commemorating the founding of the Reserve Officers' Training Corps at Norwich University on its centennial anniversary .

**H.C.R. 294.** House concurrent resolution congratulating the 2016 Windsor High School Yellow Jackets State championship bowling team.

**H.C.R. 295.** House concurrent resolution congratulating the Rutland Area Visiting Nurse Association & Hospice on its 60th anniversary.

**H.C.R. 296.** House concurrent resolution congratulating the 2016 Hazen Union High School Wildcats Division III championship boys' basketball team.

**H.C.R. 297.** House concurrent resolution congratulating the 2016 Fair Haven Union High School Slaters Division II championship girls' basketball team.

**H.C.R. 298.** House concurrent resolution designating March 23, 2016 as Disability Awareness Day at the State House.

**H.C.R. 299.** House concurrent resolution recognizing the important health care value of the new five-year 2020 Vermont Cancer Plan.

**H.C.R. 300.** House concurrent resolution honoring Griffin MacFadyen of Dover on his outstanding achievements on the slopes, in the classroom, and in the community.

**H.C.R. 301.** House concurrent resolution congratulating Bethany Berger as the runner-up in the 2016 National Best Bagger competition.

**House Bills Introduced**

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

**H. 880**

By Rep. Smith of New Haven,

House bill, entitled

An act relating to approval of the adoption and codification of the charter of the Town of Bridport;

To the committee on Government Operations.

**H. 881**

By Rep. Yantachka of Charlotte,

House bill, entitled

An act relating to approval of the adoption and codification of the charter of the Town of Charlotte;

To the committee on Government Operations.

**H. 882**

By Reps. Donovan of Burlington, Bissonnette of Winooski, Cole of Burlington, Gonzalez of Winooski, Krowinski of Burlington, McCormack of Burlington, O'Sullivan of Burlington, Pearson of Burlington, Rachelson of Burlington, Ram of Burlington, Sullivan of Burlington and Wright of Burlington,

House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington;

To the committee on Government Operations.

**Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

**S. 107**

Senate bill, entitled

An act relating to the Agency of Health Care Administration;

To the committee on Human Services.

**S. 245**

Senate bill, entitled

An act relating to notice to patients of new health care provider affiliations;

To the committee on Health Care.

**Bills Referred to Committee on Appropriations**

House bills of the following titles, appearing on the Calendar, carrying appropriations, under the rule, were referred to the committee on Appropriations:

**H. 865**

House bill, entitled

An act relating to promoting workforce housing

**H. 870**

House bill, entitled

An act relating to telecommunications

**Message from the Senate No. 35**

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

**S. 220.** An act relating to the public financing of campaigns.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

**J.R.S. 49.** Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

**Consideration Interrupted by Recess****H. 853**

**Rep. Greshin of Warren** spoke for the committee on Ways and Means

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

An act relating to setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes

Reported in favor of its passage when amended as follows:

First: In Sec. 4, in the second sentence before the words “direct cost” by striking out the word “associated” and inserting in lieu thereof the word “related”

Second: In Sec. 5, in subsection (e), in the first sentence before the words “direct cost” by striking out the word “associated” and inserting in lieu thereof the word “related”

Third: In Sec. 6, in subsection (d), in the first sentence before the words “direct cost” by striking out the word “associated” and inserting in lieu thereof the word “related”

Fourth: By inserting a Sec. 6a to read as follows:

Sec. 6a. 32 V.S.A. § 5402b is amended to read:

§ 5402b. STATEWIDE EDUCATION TAX YIELDS;

#### RECOMMENDATION OF THE COMMISSIONER

(a) Annually, no later than December 1, the Commissioner of Taxes, after consultation with the Secretary of Education, the Secretary of Administration, and the Joint Fiscal Office, shall calculate and recommend a property dollar equivalent yield, an income dollar equivalent yield, and a nonresidential property tax rate for the following fiscal year. In making these calculations, the Commissioner shall reference the Education Fund Outlook, described in subsection (c) of this section, and shall assume:

(1) the homestead base tax rate in subdivision 5402(a)(2) of this title is \$1.00 per \$100.00 of equalized education property value;

(2) the applicable percentage in subdivision 6066(a)(2) of this title is 2.0;

(3) the statutory reserves under 16 V.S.A. § 4026 and this section were maintained at five percent; and

(4) the percentage change in the median education tax bill applied to nonresidential property, the percentage change in the median education tax bill of homestead property, and the percentage change in the median education tax bill for taxpayers who claim an adjustment under subsection 6066(a) of this title are equal.

(b) For each fiscal year, the General Assembly shall set a property dollar equivalent yield and an income dollar equivalent yield, consistent with the definitions in this chapter.

(c) Annually, on or before December 1, the Joint Fiscal Office shall prepare and publish an official, annotated copy of the Education Fund Outlook. The Emergency Board shall review the Outlook at its meetings. As used in this section, "Education Fund Outlook" means the projected revenues and expenses associated with the Education Fund for the following fiscal year, including projections of the unfunded education mandate amount, both as estimated in section 305b of this title, and as appropriated under section 4025 of this title.

Fifth: By striking out Sec. 7 in its entirety and inserting in lieu thereof the following:

#### Sec. 7. TRANSFER OF DEBT OF MERGED DISTRICTS

(a) Notwithstanding any other provision of law, in the process of forming a union school district under 16 V.S.A. chapter 11, a study committee report under 16 V.S.A. § 706b may provide terms for transferring, either in whole or part, the liability for any indebtedness held by a merging district, from the merging district to the town or towns within the merging district.

(b) As used in this section, a union school district established under 16 V.S.A. chapter 11 includes a school district voluntarily created pursuant to 2015 Acts and Resolves No. 46, Sec. 6 or 7, or a regional education district, or any other district eligible to receive incentives pursuant to 2010 Acts and Resolves No. 153, as amended by 2012 Acts and Resolves No. 156 and 2013 Acts and Resolves No. 56.

Sixth: By adding a Sec. 9a to read as follows:

#### Sec. 9a. REPORT ON THE IMPACT OF H.846 OF 2016

(a) On or before November 15, 2016, the Joint Fiscal Office, with the assistance of the Office of Legislative Council and the Department of Taxes, shall issue a report analyzing the impact of H.846 of 2016, an act related to making changes to the calculation of the statewide education property tax. The analysis shall be based on the statutory language presented to the House Committee on Education on March 11, 2016. The report shall be delivered to the Senate Committees on Finance and on Education and the House Committees on Ways and Means and on Education.

(b) The report shall address:

(1) the impact of the proposed changes on education spending growth, both at the district level and the State level;

(2) the impact of the proposed changes on school districts by spending levels, size, location, and operating structure;

(3) the impact on homestead tax rates, income sensitivity percentages, and nonresidential tax rates across the State;

(4) the impact of the proposed changes on the Education Fund balance;

(5) the funding stability of the proposed changes based on variable economic conditions;

(6) any transition issues created by the proposed changes; and

(7) any related issues identified by the Joint Fiscal Office.

Seventh: By adding a Sec. 9b to read as follows:

Sec. 9b. REPORT ON THE IMPACT OF H.656 OF 2016

(a) On or before November 15, 2016, the Joint Fiscal Office, with the assistance of the Office of Legislative Council and the Department of Taxes, shall issue a report analyzing the impact of H.656 of 2016, an act relating to creating an education tax that is adjusted by income for all taxpayers. The report shall be delivered to the Senate Committees on Finance and on Education and the House Committees on Ways and Means and on Education.

(b) The report shall address:

(1) the impact of the proposed changes on current groups of taxpayers, including taxpayers who pay an education property tax based on property value, those who pay based on income, and renters;

(2) the impact of imposing a cap, of various amounts, on the total amount of taxes paid by a taxpayer under the proposal, but at least including an analysis of a cap of \$25,000.00;

(3) the impact of the proposed changes on towns and the State, including administrative issues resulting from the proposed changes;

(4) how the proposed changes to current definition of housesite impact taxpayers at different levels of income and different levels of property values and how the changes would affect property owners with different configurations of property ownership;

(5) any transition issues created by the proposed changes;

(6) the impact of the proposed changes on taxpayer confidentiality; and

(7) any related issues identified by the Joint Fiscal Office.

Eighth: By striking out Sec. 10 (effective dates) in its entirety and inserting in lieu thereof the following:

Sec. 10. EFFECTIVE DATES

This act shall take effect on July 1, 2016, except for:

(1) Sec. 3 (excess spending) which shall take effect on July 1, 2019 and apply to excess spending calculations for fiscal year 2020 and after; and

(2) Sec. 8 (data collection) which shall take effect on July 1, 2019.

**Rep. Fagan of Rutland City** for the committee in Appropriations recommended that the bill ought to pass when amended, as recommended, by the committee on Education and when further amended as follows:

First: By striking out Sec. 6 in its entirety and inserting in lieu thereof the following:

Sec. 6. 16 V.S.A. § 4028(d) is amended to read:

(d) Notwithstanding 2 V.S.A. § 502(b)(2), the Joint Fiscal Office shall prepare a fiscal note for any legislation that requires a supervisory union or school district to perform any action with an ~~associated~~ related direct cost, but does not ~~provide money or a funding mechanism~~ have a specifically identified appropriation for fulfilling that obligation. Any fiscal note prepared under this subsection shall identify whether or not the estimated costs would be considered part of the “unfunded education mandate amount” under 32 V.S.A. § 305b for the next fiscal year. Any fiscal note prepared under this subsection shall be completed no later than the date that the legislation is considered for a vote in the first committee to which it is referred.

Second: In Sec. 9, by adding a new subsection (g) to read as follows:

(g) Nonlegislative members of the Committee shall be entitled to compensation as provided under 32 V.S.A. § 1010

Thereupon, the bill was read the second time.

Pending the question, Shall the bill be amended, as recommended by the committee on Education?

**Recess**

At ten o'clock and forty-seven minutes in the forenoon, the Speaker declared a recess until one o'clock in the afternoon.

At one o'clock in the afternoon, the Speaker called the House to order.



**Consideration Resumed; Bill Amended and Third Reading Ordered****H. 853**

Consideration resumed on House bill, entitled

An act relating to setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes;

Thereupon, the report of the committee on Education was amended as recommended by the committee on Appropriations.

Thereupon, the recommendation of amendment offered by the committee on Education, as amended, was agreed to.

Pending third reading of the bill, **Rep. Sibilia of Dover** moved to amend the bill as follows:

First: By adding a Sec. 8a to read as follows:

Sec. 8a. 16 V.S.A. § 212a is added to read:

§ 212a. DATA COLLECTION

In addition to the requirements of subdivision 212(9) of this title, the Secretary shall require school districts to report annually a recommended funding level for any reserve funds held by the district for the upcoming fiscal year.

Second: In Sec 10 (effective dates), in subdivision (2), by striking out “Sec.” and inserting in lieu thereof “Secs.” and after “8 (data collection)” by inserting “and 8a (additional data)”

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

Pending third reading of the bill, **Rep. Browning of Arlington** moved to amend the bill as follows:

First: By adding a reader assistance heading and Sec. 9c to read as follows:

\* \* \* Tax Incentives \* \* \*

Sec. 9c. VALUE OF MERGER INCENTIVES AND GRANTS

On or before September 1 of each year, the Joint Fiscal Office shall determine the total value of the merger incentives or grants, described in 2015 Acts and Resolves No. 46, Secs. 6 and 7, received by each eligible school district in the prior fiscal year, and that amount shall be transferred from the

General Fund to the Education Fund in the following fiscal year, in addition to any amount transferred pursuant to 16 V.S.A. § 4025(a)(2).

Second: In Sec. 10, by adding a subdivision (3) to read as follows:

(3) Notwithstanding 1 V.S.A. § 214, Sec. 9c (value of merger incentives and grants) shall take effect retroactively on January 1, 2016.

Pending the question, Shall the bill be amended as proposed by Browning of Arlington? **Rep. Browning of Arlington** 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 bill be amended as proposed by Browning of Arlington? was decided in the negative. Yeas, 45. Nays, 94.

Those who voted in the affirmative are:

Berry of Manchester	Hebert of Vernon	Morrissey of Bennington
Beyor of Highgate	Higley of Lowell	Myers of Essex
Brennan of Colchester	Hooper of Montpelier	Pearce of Richford
Browning of Arlington *	Hubert of Milton	Pearson of Burlington
Burditt of West Rutland	Krebs of South Hero	Quimby of Concord
Condon of Colchester	LaClair of Barre Town	Savage of Swanton
Dakin of Colchester	Lefebvre of Newark	Scheuermann of Stowe
Dame of Essex	Lewis of Berlin	Shaw of Derby
Davis of Washington	Manwaring of Wilmington	Sibilia of Dover
Devereux of Mount Holly	Marcotte of Coventry	Smith of New Haven
Donahue of Northfield	Martel of Waterford	Strong of Albany
Eastman of Orwell	Martin of Wolcott	Tate of Mendon
Fiske of Enosburgh	Masland of Thetford	Terenzini of Rutland Town
Gamache of Swanton	McCoy of Poultney	Viens of Newport City
Graham of Williamstown	McFaun of Barre Town	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Chesnut-Tangerman of	Evans of Essex
Bancroft of Westford	Middletown Springs	Fagan of Rutland City
Bartholomew of Hartland	Clarkson of Woodstock	Feltus of Lyndon
Baser of Bristol	Cole of Burlington	Fields of Bennington
Batchelor of Derby	Conquest of Newbury	Forguites of Springfield
Beck of St. Johnsbury	Copeland-Hanzas of	Frank of Underhill
Bissonnette of Winooski	Bradford	French of Randolph
Botzow of Pownal	Corcoran of Bennington	Gage of Rutland City
Branagan of Georgia	Cupoli of Rutland City	Gonzalez of Winooski
Briglin of Thetford	Dakin of Chester	Greshin of Warren
Burke of Brattleboro	Deen of Westminster	Haas of Rochester
Buxton of Tunbridge	Dickinson of St. Albans	Head of South Burlington
Canfield of Fair Haven	Town	Helm of Fair Haven
Carr of Brandon	Donovan of Burlington	Huntley of Cavendish
	Emmons of Springfield	Jerman of Essex

Jewett of Ripton	Murphy of Fairfax	Stuart of Brattleboro
Johnson of South Hero	Nuovo of Middlebury	Sullivan of Burlington
Juskiewicz of Cambridge	O'Brien of Richmond	Sweaney of Windsor
Keenan of St. Albans City	Olsen of Londonderry	Till of Jericho
Kitzmiller of Montpelier	O'Sullivan of Burlington	Toleno of Brattleboro
Klein of East Montpelier	Parent of St. Albans Town	Toll of Danville
Krowinski of Burlington	Partridge of Windham	Townsend of South Burlington
Lalonde of South Burlington	Patt of Worcester	Trieber of Rockingham
Lanpher of Vergennes	Poirier of Barre City	Troiano of Stannard
Lawrence of Lyndon	Potter of Clarendon	Turner of Milton
Lenes of Shelburne	Pugh of South Burlington	Van Wyck of Ferrisburgh
Lippert of Hinesburg	Rachelson of Burlington	Walz of Barre City
Long of Newfane	Russell of Rutland City	Webb of Shelburne
Macaig of Williston	Ryerson of Randolph	Willhoit of St. Johnsbury
McCormack of Burlington	Sharpe of Bristol	Wood of Waterbury
McCullough of Williston	Shaw of Pittsford	Yantachka of Charlotte
Miller of Shaftsbury	Sheldon of Middlebury	Zagar of Barnard
Mrowicki of Putney	Stevens of Waterbury	

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

Christie of Hartford	Lucke of Hartford	Woodward of Johnson
Connor of Fairfield	Morris of Bennington	Young of Glover
Grad of Moretown	Purvis of Colchester	
Komline of Dorset	Ram of Burlington	

**Rep. Browning of Arlington** explained her vote as follows:

“Mr. Speaker:

I vote yes to require the State to take responsibility for paying the costs of the merger incentives. It is not right to impose those costs on non-merging districts, so that they pay higher property taxes than they otherwise would.”

Pending third reading of the bill, **Rep. Browning of Arlington** moved to amend the bill as follows:

By adding a new Sec. 10 to read:

Sec. 10. 2015 Acts and Resolves No. 46, Sec. 10 is amended to read:

Sec. 10. TRANSITION TO SUSTAINABLE GOVERNANCE  
STRUCTURES; PROPOSAL; FINAL PLAN

(a) Secretary of Education’s proposal. In order to provide educational opportunities through sustainable governance structures designed to meet the goals set forth in Sec. 2 of this act pursuant to one of the models described in Sec. 5, the Secretary shall:

(1) Review the governance structures of the school districts and supervisory unions of the State as they will exist, or are anticipated to exist, on July 1, 2019. This review shall include consideration of any proposals submitted by districts or groups of districts pursuant to Sec. 9 of this act and conversations with those and other districts.

(2) On or before July 1, 2018, shall develop, publish on the Agency of Education's website, and present to the State Board of Education a proposed plan that, to the extent necessary to promote the purpose stated at the beginning of this subsection (a), would move districts into the more sustainable, preferred model of governance set forth in Sec. 5(b) of this act (Education District). If it is not possible or practicable to develop a proposal that realigns some districts, where necessary, into an Education District in a manner that adheres to the protections of Sec. 4 of this act (protection for tuition-paying and operating districts) or that otherwise meets all aspects of Sec. 5(b), then the proposal may also include alternative governance structures as necessary, such as a supervisory union with member districts or a unified union school district with a smaller average daily membership; provided, however, that any proposed alternative governance structure shall be designed to:

(A) ensure adherence to the protections of Sec. 4 of this act; and

(B) promote the purpose stated at the beginning of this subsection (a).

(b) State Board's plan. On or before November 30, 2018, the State Board shall review and analyze the Secretary's proposal under the provisions in subsection (a) of this section, may take testimony or ask for additional information from districts and supervisory unions, ~~shall approve~~ may recommend the proposal either in its original form or in an amended form that adheres to the provisions of subsection (a) of this section, and shall publish on the Agency's website its ~~order~~ recommendations for merging and realigning districts and supervisory unions where necessary. The State Board's recommendations shall not be binding on any district.

(c) Applicability. This section shall not apply to:

(1) an interstate school district;

(2) a regional career technical center school district formed under 16 V.S.A. chapter 37, subchapter 5A; or

(3) a district that, between June 30, 2013 and July 2, 2019, began to operate as a unified union school district and:

(A) voluntarily merged into the preferred education governance structure, an Education District, as set forth Sec. 5(b) of this act; or

(B) is a regional education district or any other district eligible to receive incentives pursuant to 2010 Acts and Resolves No. 153, as amended by 2012 Acts and Resolves No. 156.

and by renumbering the remaining section sequentially

Thereupon, **Rep. Jewett of Ripton** raised a Point of Order that the amendment was not germane, which Point of Order the Speaker ruled well taken.

Thereupon, **Rep. Browning of Arlington** moved to suspend the rules to permit consideration of a non-germane issue.

Pending the question, Shall the rules be suspended to permit consideration of a non-germane amendment? **Rep. Browning of Arlington** 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 rules be suspended to permit consideration of a non-germane amendment? was decided in the negative. Yeas, 35. Nays, 103. A 3/4 vote of 104 needed.

Those who voted in the affirmative are:

Bancroft of Westford	Fiske of Enosburgh	Myers of Essex
Batchelor of Derby	Gage of Rutland City	Pearce of Richford
Berry of Manchester	Gamache of Swanton	Quimby of Concord
Beyor of Highgate	Graham of Williamstown	Savage of Swanton
Browning of Arlington *	Hebert of Vernon	Scheuermann of Stowe
Chesnut-Tangerman of	Helm of Fair Haven	Shaw of Derby
Middletown Springs	Higley of Lowell	Smith of New Haven
Dakin of Chester	Lefebvre of Newark	Strong of Albany
Dame of Essex	Lewis of Berlin	Tate of Mendon
Devereux of Mount Holly	Martel of Waterford	Terenzini of Rutland Town
Eastman of Orwell	McCoy of Poultney	Van Wyck of Ferrisburgh
Fields of Bennington	McFaun of Barre Town	Viens of Newport City

Those who voted in the negative are:

Ancel of Calais	Burke of Brattleboro	Corcoran of Bennington
Bartholomew of Hartland	Buxton of Tunbridge	Cupoli of Rutland City
Baser of Bristol	Canfield of Fair Haven	Dakin of Colchester
Beck of St. Johnsbury	Carr of Brandon	Davis of Washington
Bissonnette of Winooski	Clarkson of Woodstock	Deen of Westminster
Botzow of Pownal	Cole of Burlington	Dickinson of St. Albans
Branagan of Georgia	Condon of Colchester	Town
Brennan of Colchester	Conquest of Newbury	Donahue of Northfield
Briglin of Thetford	Copeland-Hanzas of	Donovan of Burlington
Burditt of West Rutland	Bradford	Emmons of Springfield

---

Evans of Essex	Lenes of Shelburne	Ryerson of Randolph
Fagan of Rutland City	Lippert of Hinesburg	Sharpe of Bristol
Feltus of Lyndon	Long of Newfane	Shaw of Pittsford
Forguites of Springfield	Macaig of Williston	Sheldon of Middlebury
Frank of Underhill	Manwaring of Wilmington	Sibilia of Dover
French of Randolph	Marcotte of Coventry	Stevens of Waterbury
Gonzalez of Winooski	Martin of Wolcott	Stuart of Brattleboro
Greshin of Warren	Masland of Thetford	Sullivan of Burlington
Haas of Rochester	McCormack of Burlington	Sweaney of Windsor
Head of South Burlington	McCullough of Williston	Till of Jericho
Hooper of Montpelier	Miller of Shaftsbury	Toleno of Brattleboro
Hubert of Milton	Mrowicki of Putney	Toll of Danville
Huntley of Cavendish	Murphy of Fairfax	Townsend of South Burlington
Jerman of Essex	Nuovo of Middlebury	Trieber of Rockingham
Jewett of Ripton	O'Brien of Richmond	Troiano of Stannard
Johnson of South Hero	Olsen of Londonderry	Turner of Milton
Juskiewicz of Cambridge	O'Sullivan of Burlington	Walz of Barre City
Keenan of St. Albans City	Parent of St. Albans Town	Webb of Shelburne
Kitzmiller of Montpelier	Partridge of Windham	Willhoit of St. Johnsbury
Klein of East Montpelier	Patt of Worcester	Wood of Waterbury
Krebs of South Hero	Pearson of Burlington	Wright of Burlington
Krowinski of Burlington	Poirier of Barre City	Yantachka of Charlotte
LaClair of Barre Town	Potter of Clarendon	Zagar of Barnard
Lalonde of South Burlington	Pugh of South Burlington	
Lanpher of Vergennes	Rachelson of Burlington	
Lawrence of Lyndon	Russell of Rutland City	

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

Christie of Hartford	Lucke of Hartford	Ram of Burlington
Connor of Fairfield	Morris of Bennington	Woodward of Johnson
Grad of Moretown	Morrissey of Bennington	Young of Glover
Komline of Dorset	Purvis of Colchester	

**Rep. Browning of Arlington** explained her vote as follows:

“Mr. Speaker:

I vote yes to allow the House to just consider whether or not the State Board of Education should have the power to dissolve local school boards and force mergers without a vote of the community as Act 46 currently allows.”

Pending third reading of the bill, **Rep. Olsen of Londonderry** moved to amend the bill as follows:

First: By striking out Sec. 3 (excess spending) in its entirety, and inserting in lieu thereof the following:

Sec. 3. INTENT FOR EXCESS SPENDING PENALTY

It is the intent of the General Assembly to lower the threshold for the excess spending penalty in 32 V.S.A. § 5401(12)(B) from 121 percent of the statewide average district education spending per pupil to 119 percent, but only after a study has been completed, and the General Assembly has evaluated, potential changes to the equalized pupil weighting formulas.

Second: In Sec. 9a, by adding a subsection (c) to read:

(c) In addition to the requirements of subsections (a) and (b) of this section, the report required by this section shall also analyze the weighting factors that are used to determine equalized pupil counts and the effect of those weighting factors on educational opportunities, and including a specific assessment of how educational opportunities could be further equalized based on economies of scale and population densities.

Pending the question, Shall the bill be amended as proposed by Rep. Olsen of Londonderry? **Rep. Sibilias of Dover** 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 bill be amended as proposed by Rep. Olsen of Londonderry? was decided in the negative. Yeas, 38. Nays, 100.

Those who voted in the affirmative are:

Bancroft of Westford	Gonzalez of Winooski	McCoy of Poultney
Batchelor of Derby	Haas of Rochester	McFaun of Barre Town
Browning of Arlington	Hebert of Vernon	Murphy of Fairfax
Burke of Brattleboro	Helm of Fair Haven	Olsen of Londonderry
Chesnut-Tangerman of Middletown Springs	Higley of Lowell	Pearson of Burlington
Conquest of Newbury	Krebs of South Hero	Quimby of Concord
Dakin of Chester	LaClair of Barre Town	Sibilias of Dover
Davis of Washington	Lefebvre of Newark	Strong of Albany
Devereux of Mount Holly	Lewis of Berlin	Toll of Danville
Eastman of Orwell	Manwaring of Wilmington	Troiano of Stannard
Feltus of Lyndon	Marcotte of Coventry	Viens of Newport City
Fields of Bennington	Martel of Waterford	Wright of Burlington
	Martin of Wolcott	Zagar of Barnard

Those who voted in the negative are:

Ancel of Calais	Briglin of Thetford	Corcoran of Bennington
Bartholomew of Hartland	Burditt of West Rutland	Cupoli of Rutland City
Baser of Bristol	Buxton of Tunbridge	Dakin of Colchester
Beck of St. Johnsbury	Canfield of Fair Haven	Dame of Essex
Berry of Manchester	Carr of Brandon	Deen of Westminster
Beyor of Highgate	Clarkson of Woodstock	Dickinson of St. Albans Town
Bissonnette of Winooski	Cole of Burlington	Donahue of Northfield
Botzow of Pownal	Condon of Colchester	Donovan of Burlington
Branagan of Georgia	Copeland-Hanzas of Bradford	Emmons of Springfield
Brennan of Colchester		

---

Evans of Essex	Lippert of Hinesburg	Sharpe of Bristol
Fagan of Rutland City	Long of Newfane	Shaw of Pittsford
Fiske of Enosburgh	Macaig of Williston	Shaw of Derby
Forguites of Springfield	Masland of Thetford	Sheldon of Middlebury
Frank of Underhill	McCormack of Burlington	Smith of New Haven
French of Randolph	McCullough of Williston	Stevens of Waterbury
Gage of Rutland City	Miller of Shaftsbury	Stuart of Brattleboro
Gamache of Swanton	Morrissey of Bennington	Sullivan of Burlington
Graham of Williamstown	Mrowicki of Putney	Sweaney of Windsor
Greshin of Warren	Myers of Essex	Tate of Mendon
Head of South Burlington	Nuovo of Middlebury	Terenzini of Rutland Town
Hoopier of Montpelier	O'Sullivan of Burlington	Till of Jericho
Hubert of Milton	Parent of St. Albans Town	Toleno of Brattleboro
Huntley of Cavendish	Partridge of Windham	Townsend of South Burlington
Jerman of Essex *	Patt of Worcester	Trieber of Rockingham
Jewett of Ripton	Pearce of Richford	Turner of Milton
Johnson of South Hero	Poirier of Barre City	Van Wyck of Ferrisburgh
Juskiewicz of Cambridge	Potter of Clarendon	Walz of Barre City
Keenan of St. Albans City	Pugh of South Burlington	Webb of Shelburne
Kitzmiller of Montpelier	Rachelson of Burlington	Willhoit of St. Johnsbury
Krowinski of Burlington	Ram of Burlington	Wood of Waterbury
Lalonde of South Burlington	Russell of Rutland City	Yantachka of Charlotte
Lanpher of Vergennes	Ryerson of Randolph	
Lawrence of Lyndon	Savage of Swanton	
Lenes of Shelburne	Scheuermann of Stowe *	

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

Christie of Hartford	Komline of Dorset	Purvis of Colchester
Connor of Fairfield	Lucke of Hartford	Woodward of Johnson
Grad of Moretown	Morris of Bennington	Young of Glover
Klein of East Montpelier	O'Brien of Richmond	

**Rep. Jerman of Essex** explained his vote as follows:

“Mr. Speaker:

The House has consistently defended education cost controls to keep pressure in place to lower property taxes for Vermonters, even going past midnight to defend our position for 2017. This amendment would remove all cost controls with no promise of a replacement, so I vote no.”

**Rep. Scheuermann of Stowe** explained her vote as follows:

“Mr. Speaker:

If only this biennium we had done what Vermonters have begged us to do for so many years – conform comprehensively and meaningfully the education funding system.



For, if we had, maybe – just maybe – we wouldn't be in the desperate search for equity in outcomes. Which will, undoubtedly, lead to a race to mediocrity.”

Thereupon, third reading was ordered.

**Bill Referred to Committee on Ways and Means**

**H. 93**

House bill, entitled

An act relating to increasing the smoking age from 18 to 21 years of age

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

**Action on Bill Postponed**

**H. 863**

House bill, entitled

An act relating to making miscellaneous amendments to Vermont's retirement laws

Was taken up and on motion of **Rep. Devereux of Mount Holly**, action on the bill was postponed until Friday, April 1, 2016.

**Rules Suspended; Favorable Report; Third Reading Ordered**

**H. 876**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to the transportation capital program and miscellaneous changes to transportation-related law

Appearing on the Calendar for notice, was taken up for immediate consideration.

**Rep. Brennan of Colchester** spoke for the committee on Transportation.

**Rep. Helm of Fair Haven**, for the committee on Appropriations, to which the bill had been referred reported in favor of its passage.

Thereupon, the bill was read the second time and third reading was ordered.

**Bill Read Second Time; Third Reading Ordered**

**H. 877**

**Rep. Masland of Thetford** spoke for the committee on Ways & Means.

House bill entitled

An act relating to transportation funding

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

### **Adjournment**

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