

Journal of the Senate

THURSDAY, JANUARY 28, 2016

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 10

A message was received from the House of Representatives by Mr. Jeremy Weiss, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

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

S. 233. An act relating to amending Act 46.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the Senate is requested.

The House has considered joint resolution originating in the Senate of the following title:

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

And has adopted the same in concurrence.

Recess

On motion of Senator Rodgers the Senate recessed until three o'clock in the afternoon.

Called to Order

The Senate was called to order by the President *pro tempore*.

Recess

On motion of Senator Mazza the Senate recessed until three o'clock and thirty minutes.

Called to Order

The Senate was called to order by the President *pro tempore*.

Recess

On motion of Senator Mazza the Senate recessed until four o'clock and fifteen minutes in the afternoon.

Called to Order

The Senate was called to order by the President *pro tempore*.

Recess

On motion of Senator Mazza the Senate recessed until four o'clock and thirty minutes.

Called to Order

The Senate was called to order by the President *pro tempore*.

Message from the House No. 11

A message was received from the House of Representatives by Mr. Jeremy Weiss, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 505. An act relating to approval of amendments to the charter of the Village of North Bennington.

H. 611. An act relating to fiscal year 2016 budget adjustments.

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

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 505.

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

To the Committee on Government Operations.

H. 611.

An act relating to fiscal year 2016 budget adjustments.

To the Committee on Appropriations.

Joint Resolution Adopted in Concurrence**J.R.H. 18.**

Joint House resolution entitled:

Joint resolution expressing gratitude for the outstanding service of social workers employed at the Department for Children and Families.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

Rules Suspended; House Proposal of Amendment Concurred in With an Amendment; Rules Suspended; Bill Messaged**S. 233.**

Pending entry on the Calendar for notice, on motion of Senator Cummings, the rules were suspended and House proposal of amendment to Senate bill entitled:

An act relating to amending Act 46.

Was taken up for immediate consideration.

The House proposes to the Senate to amend the bill 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.

* * *

(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.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment? Senators Cummings and Campbell moved that the Senate concur in the House proposal of amendment with further proposal of amendment 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 was agreed to.

Thereupon, on motion of Senator Cummings, the rules were suspended, and the bill was ordered messaged to the House forthwith.

Adjournment

On motion of Senator Baruth, the Senate adjourned until eleven o'clock and thirty minutes in the morning.