

Journal of the House

Special Session

Friday, June 1, 2018

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

Recess

At ten o'clock and six minutes in the forenoon, the Speaker declared a recess until ten o'clock and thirty minutes in the forenoon.

At twelve o'clock and forty-eight minutes in the afternoon, the Speaker called the House to order.

Devotional Exercises

In lieu of a devotional exercise a moment of silence was observed.

House Bill Introduced

H. 15

By Rep. Till of Jericho,

House bill, entitled

An act relating to raising revenue and providing tax credits;

To the committee on Ways and Means.

Second Reading; Consideration Interrupted

H. 13

House bill, entitled

An act relating to making appropriations for the support of government

The bill was taken up. Thereupon, **Rep Toll of Danville** spoke for the committee on Appropriations and the bill was read the second time.

Recess

At one o'clock and two minutes in the afternoon, the Speaker declared a recess until one o'clock and thirty minutes in the afternoon.

At one o'clock and forty-one minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Bill Amended; Consideration Interrupted**H. 13**

Consideration resumed on House bill, entitled

An act relating to making appropriations for the support of government

Pending the question, Shall the bill be read a third time? **Rep. Toll of Danville** moved to amend the bill as follows:

In Sec. C.1000(d) by inserting a new subdivision (2) to read as follows:

(2) \$34,500,000 shall be reserved in the General Fund to carry forward to be available in fiscal year 2019.

Which was agreed to.

Pending the question, Shall the bill be read a third time? **Reps. Browning of Arlington, Baser of Bristol, Sullivan of Dorset and Wright of Burlington** moved to amend the bill as follows:

First: In Sec. C.1000 (one-time appropriations, transfers, and reversions), subsection (b), by inserting subdivisions (5) and (6) to read as follows:

(5) \$24,550,000 is transferred to the Education Fund to reimburse the Education Fund for revenue forgone as a result of the statewide property tax incentives permitted to school districts in fiscal years 2017, 2018, and 2019 under Secs. 6 and 7 of 2015 Acts and Resolves No. 46.

(6) \$9,950,000 is transferred to the Vermont Teachers' Retirement Fund established pursuant to 16 V.S.A. § 1944.

Second: In Sec. C.1000, by striking out subsection (e) in its entirety and inserting in lieu thereof the following:

(e) Contingent Reserves: In fiscal year 2018, to the extent any remaining unreserved and undesignated end-of-fiscal-year General Fund surplus remains after satisfying the requirements of 32 V.S.A. § 308 and prior to the provisions of 2017 Acts and Resolves No. 85, Sec. C.120 as amended by this act:

(1) the first \$12,000,000 shall be reserved in the General Fund and shall be carried forward to be available in fiscal year 2019 to offset any one-time personal income tax or corporate tax refund liabilities;

(2) the next \$15,100,000 shall be reserved in the General Fund and transferred to the Vermont Teachers' Retirement Fund established pursuant to 16 V.S.A. § 1944;

(3) the next \$9,450,000 shall be reserved in the General Fund and transferred to the Education Fund; and

(4) any remaining unreserved and undesignated end-of-fiscal-year General Fund surplus shall be transferred as follows:

(A) 50 percent to the Vermont Teachers' Retirement Fund established pursuant to 16 V.S.A. § 1944;

(B) 50 percent to the Education Fund; provided, however, that when the total transferred to the Education Fund under this subdivision (B) reaches \$13,000,000, then any additional surplus under this subdivision shall be transferred instead to the Vermont Teachers' Retirement Fund established pursuant to 16 V.S.A. § 1944.

Third: In Sec. D.101 (fund transfers, reversions, and reserves), in subsection (d), by adding a subdivision (2) to read as follows:

(2) Any additional funds in excess of the July 2018 General Fund forecast shall be used to fund the priorities listed in Sec. C.1000(e)(2)-(4), in that order, to the extent fiscal year 2018 funds were insufficient to do so.

Fourth: By inserting a reader assistance heading and a Sec. H.11a to read as follows:

* * * Nonresidential Rate for Fiscal Year 2019 * * *

Sec. H.11a NONRESIDENTIAL PROPERTY TAX RATE FOR FISCAL
YEAR 2019

Notwithstanding any other provision of law, for fiscal year 2019 only, the nonresidential education property tax imposed under 32 V.S.A. § 5402(a)(1) shall be \$1.535 per \$100.

Pending the question, Shall the bill be amended as offered by Rep. Browning of Arlington and others? **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 offered by Rep. Browning of Arlington and others? was decided in the negative. Yeas, 46. Nays, 84.

Those who voted in the affirmative are:

Ainsworth of Royalton
Bancroft of Westford
Baser of Bristol
Batchelor of Derby
Beyor of Highgate
Brennan of Colchester
Browning of Arlington *
Burditt of West Rutland
Canfield of Fair Haven
Cupoli of Rutland City

Harrison of Chittenden
Higley of Lowell
Keefe of Manchester
LaClair of Barre Town
Lawrence of Lyndon
Lefebvre of Newark
Lewis of Berlin
Marcotte of Coventry
Martel of Waterford
Mattos of Milton

Parent of St. Albans Town
Quimby of Concord
Read of Fayston
Rosenquist of Georgia
Savage of Swanton
Scheuermann of Stowe
Smith of Derby
Smith of New Haven
Strong of Albany
Terenzini of Rutland Town

Devereux of Mount Holly	McCoy of Poultney	Turner of Milton
Donahue of Northfield	McFaun of Barre Town	Van Wyck of Ferrisburgh
Feltus of Lyndon	Morrissey of Bennington	Willhoit of St. Johnsbury
Frenier of Chelsea	Murphy of Fairfax	Wright of Burlington
Gage of Rutland City	Nolan of Morristown	
Gamache of Swanton	Norris of Shoreham	

Those who voted in the negative are:

Ancel of Calais	Giambatista of Essex	Noyes of Wolcott
Bartholomew of Hartland	Gonzalez of Winooski	Ode of Burlington
Beck of St. Johnsbury	Grad of Moretown	O'Sullivan of Burlington
Belaski of Windsor	Haas of Rochester	Pajala of Londonderry
Bissonnette of Winooski	Head of South Burlington	Partridge of Windham
Bock of Chester	Helm of Fair Haven	Poirier of Barre City
Botzow of Pownal	Hill of Wolcott	Potter of Clarendon
Briglin of Thetford	Hooper of Montpelier	Pugh of South Burlington
Brumsted of Shelburne	Hooper of Randolph	Rachelson of Burlington
Burke of Brattleboro	Houghton of Essex	Scheu of Middlebury
Carr of Brandon	Jessup of Middlesex	Sharpe of Bristol *
Chesnut-Tangerman of Middletown Springs	Jickling of Randolph	Sheldon of Middlebury
Christie of Hartford	Joseph of North Hero	Sibilia of Dover
Cina of Burlington	Juskiewicz of Cambridge	Squirrell of Underhill
Colburn of Burlington	Keenan of St. Albans City	Stevens of Waterbury
Conlon of Cornwall	Kitzmiller of Montpelier	Stuart of Brattleboro
Connor of Fairfield	Krowinski of Burlington	Taylor of Colchester
Conquest of Newbury	Lalonde of South Burlington	Toll of Danville
Copeland-Hanzas of Bradford	Lanpher of Vergennes	Townsend of South Burlington
Corcoran of Bennington	Lippert of Hinesburg	Trieber of Rockingham
Dakin of Colchester	Long of Newfane	Troiano of Stannard
Deen of Westminster	Lucke of Hartford	Walz of Barre City
Donovan of Burlington	Macaig of Williston	Webb of Shelburne
Emmons of Springfield	Masland of Thetford	Weed of Enosburgh
Fagan of Rutland City	McCormack of Burlington	Wood of Waterbury
Forguites of Springfield	McCullough of Williston	Yacovone of Morristown
Gannon of Wilmington	Miller of Shaftsbury	Yantachka of Charlotte
	Morris of Bennington	Young of Glover
	Mrowicki of Putney	

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

Buckholz of Hartford	Gardner of Richmond	Shaw of Pittsford
Christensen of Weathersfield	Graham of Williamstown	Sullivan of Dorset
Condon of Colchester	Hebert of Vernon	Sullivan of Burlington
Dickinson of St. Albans Town	Howard of Rutland City	Till of Jericho
Dunn of Essex	Kimbell of Woodstock	Toleno of Brattleboro
Fields of Bennington	Myers of Essex	Viens of Newport City
	Pearce of Richford	

Rep. Browning of Arlington explained her vote as follows:

“Madam Speaker:

I vote yes to avoid an autopilot increase in the nonresident property tax rates and to increase our chance of avoiding a shutdown of state government. Vermonters deserve a functioning state government and Vermont's property tax payers do not deserve a tax increase when the state holds extra revenue.”

Rep. Sharpe of Bristol explained his vote as follows:

“Madam Speaker:

This vote to use significantly more one time money from the General Fund to cut tax rates in the education fund is fiscally irresponsible, leaves a bigger problem in next years property tax rates and violates the principles of many conservatives to spend one time money on on-going expenses.”

Pending the question, Shall the bill be read a third time? **Reps. Helm of Fair Haven, Dakin of Colchester, Fagan of Rutland City, Feltus of Lyndon, Hooper of Montpelier, Juskiewicz of Cambridge, Keenan of St. Albans City, Lanpher of Vergennes, Toll of Danville, Trieber of Rockingham and Yacovone of Morristown** moved to amend the bill as follows by inserting a reader assistance heading and a Sec. H.11a to read as follows:

* * * Intent * * *

Sec. H.11a INTENT

(a) The General Assembly recognizes that this act does not address all Education Fund issues for fiscal year 2019 and it is the intent of the General Assembly to address these issues in a subsequent bill.

Which was agreed to.

Pending the question, Shall the bill be read a third time? **Reps. McCoy of Poultney and Canfield of Fair Haven** moved to amend the bill as follows:

* * * Nonresidential Rate * * *

Sec. H.11a 32 V.S.A. § 5402(a)(1) is amended to read:

(1) The tax rate for nonresidential property shall be \$1.59 per \$100.00 set each year by the General Assembly.

Recess

At two o'clock and fifty-eight minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At three o'clock and twelve minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Third Reading Ordered

H. 13

Consideration resumed on House bill, entitled

An act relating to making appropriations for the support of government

Thereupon, the amendment offered by **Reps. McCoy of Poultney and Canfield of Fair Haven** was disagreed to.

Pending the question, Shall the bill be read a third time? **Rep. Krowinski 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 bill be read a third time? was decided in the affirmative. Yeas, 86. Nays, 44.

Those who voted in the affirmative are:

Ancel of Calais *	Gannon of Wilmington	Mrowicki of Putney
Bartholomew of Hartland	Giambatista of Essex *	Murphy of Fairfax
Belaski of Windsor	Gonzalez of Winooski	Noyes of Wolcott
Bissonnette of Winooski	Grad of Moretown	Ode of Burlington
Bock of Chester	Haas of Rochester	O'Sullivan of Burlington
Botzow of Pownal *	Head of South Burlington	Pajala of Londonderry
Brennan of Colchester	Helm of Fair Haven	Partridge of Windham
Briglin of Thetford	Hill of Wolcott	Poirier of Barre City
Browning of Arlington	Hooper of Montpelier	Potter of Clarendon
Brumsted of Shelburne	Hooper of Randolph	Pugh of South Burlington
Burke of Brattleboro	Houghton of Essex	Rachelson of Burlington
Carr of Brandon	Howard of Rutland City	Sharpe of Bristol *
Chesnut-Tangerman of Middletown Springs	Jessup of Middlesex	Sheldon of Middlebury
Christie of Hartford	Jickling of Randolph	Squirrell of Underhill
Cina of Burlington	Joseph of North Hero	Stevens of Waterbury
Colburn of Burlington	Juskiewicz of Cambridge	Stuart of Brattleboro *
Conlon of Cornwall	Keenan of St. Albans City	Taylor of Colchester
Connor of Fairfield	Kitzmiller of Montpelier	Toll of Danville
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Deen of Westminster	Long of Newfane	Webb of Shelburne
Donovan of Burlington	Lucke of Hartford	Weed of Enosburgh
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Feltus of Lyndon	McCormack of Burlington	Yantachka of Charlotte
Forguites of Springfield	McCullough of Williston	Young of Glover
	Miller of Shaftsbury	
	Morris of Bennington	

Those who voted in the negative are:

Ainsworth of Royalton	Higley of Lowell	Quimby of Concord
Bancroft of Westford	Keefe of Manchester	Read of Fayston

Baser of Bristol	LaClair of Barre Town	Rosenquist of Georgia
Batchelor of Derby	Lawrence of Lyndon	Savage of Swanton
Beck of St. Johnsbury	Lefebvre of Newark	Scheuermann of Stowe
Beyor of Highgate	Lewis of Berlin	Sibilia of Dover *
Burditt of West Rutland	Marcotte of Coventry	Smith of Derby *
Canfield of Fair Haven	Martel of Waterford	Smith of New Haven
Cupoli of Rutland City	Mattos of Milton	Strong of Albany
Devereux of Mount Holly	McCoy of Poultney	Terenzini of Rutland Town
Donahue of Northfield *	McFaun of Barre Town	Turner of Milton
Frenier of Chelsea	Morrissey of Bennington	Van Wyck of Ferrisburgh
Gage of Rutland City	Nolan of Morristown	Willhoit of St. Johnsbury
Gamache of Swanton *	Norris of Shoreham	Wright of Burlington *
Harrison of Chittenden	Parent of St. Albans Town	

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Dickinson of St. Albans Town	Kimbell of Woodstock	Till of Jericho
Dunn of Essex	Myers of Essex	Toleno of Brattleboro
Fields of Bennington	Pearce of Richford	Viens of Newport City
	Scheu of Middlebury	

Rep. Ancel of Calais explained her vote as follows:

“Madam Speaker:

This bill reduces Vermonters' taxes by 30 million. It leaves the decision about FY 19 property tax rates for another day. And it takes the specter of a government shutdown off the table.”

Rep. Botzow of Pownal explained his vote as follows:

“Madam Speaker:

My vote supports the work we have done and must do to resource workforce development. My vote also supports continuity of government. Financial markets consider risk and grant access to capital accordingly. Better work-force, lower risk. Our economy needs both.”

Rep. Donahue of Northfield explained her vote as follows:

“Madam Speaker:

What a waste of time. Who are we kidding?”

Rep. Gamache of Swanton explained her vote as follows:

“Madam Speaker:

H. 13 results in an increase in non-residential property taxes, which the Browning amendment did not. H. 13 does not address the education deficit,

nor did the Browning amendment, but the major difference is that the Browning amendment would not have raised non-residential property taxes and H. 13 does. The defeat of the Browning amendment and passage of H. 13 defies logic.”

Rep. Giambatista of Essex explained his vote as follows:

“Madam Speaker:

We must put in place this budget and keep our government open for business. By voting yes, we support a number of important investments, including a critical appropriation to create a national guard tuition benefit program. My neighbors have asked that we invest in our guard personnel. I vote yes to create a program that is long overdue, and for Vermont's guard members who will soon be able to access postsecondary training and education because of this budget.”

Rep. Krowinski of Burlington explained her vote as follows:

“Madam Speaker:

I vote yes. It is important that we move quickly to pass a budget that ensures we keep government open. Vermonters deserve stability, access to critical services, that we keep schools open and protect our bond rating. Let's not put an unnecessary risk on Vermonters and keep government open.”

Rep. Sharpe of Bristol explained his vote as follows:

“Madam Speaker:

I have learned as you have that this governor will only negotiate after bills are passed by the legislature. This bill represents a significant move on the legislature's part to compromise with the Governor. We will want to see if he is willing to compromise.”

Rep. Sibilia of Dover explained her vote as follows:

“Madam Speaker:

I voted no because we are not done. Our school districts are waiting.”

Rep. Smith of Derby explained his vote as follows:

“Madam Speaker:

Voting to raise Vermonters' taxes is not why we are here! Of the nonresidential properties in Vermont, 57% are owned by Vermonters. This Assembly just raised those Vermonters' taxes when that could have been avoided! Shame on you and I hope your constituents remember what you did to them.”

Rep. Stuart of Brattleboro explained her vote as follows:

“Madam Speaker:

By drawing a line in the sand, late in the game, the Scott Administration is wasting Vermont taxpayers’ time and money. This a game of chicken and political brinkmanship waiting for the other side to blink.

Madam Speaker, We need to honor the General Assembly’s money committees’ hard work on the budget that passed by a nearly tri-partisan majority several weeks ago. Vermont needs to maintain its triple bond rating on Wall Street. Vermonters deserve no less.”

Rep. Wright of Burlington explained his vote as follows:

“Madam Speaker:

Bills supporting the National Guard and Social Security will survive this Special Session, but after 2 weeks of a Special Session we have done nothing to work toward a compromise with the Governor. We have now passed a bill that does nothing to prevent a government shutdown. In fact passage of this bill continues the 2 week trend of spinning our wheels and accomplishing little other than an expected veto. When will we get down to the real business required of us in this Special Session that is costing Vermonters tens of thousands of dollars.”

Adjournment

At three o'clock and fifty-one minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Monday June 4, 2018 at ten o'clock in the forenoon.

Concurrent Resolutions Adopted

The following concurrent resolution, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 1

House concurrent resolution in memory of Valley Voice publisher Cheryl N. White of Bridport;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2018, seventy-fourth Biennial session.]