

House Calendar

Friday, March 17, 2017

73rd DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 184

An act relating to evaluation of suicide profiles

H. 376

An act relating to occupational safety and workers' compensation

Favorable

S. 13

An act relating to fees and costs allowed at a tax sale

Rep. Kitzmiller of Montpelier, for the Committee on Government Operations, recommends that the bill ought to pass in concurrence.

(Committee Vote: 10-0-1)

(For text see Senate Journal February 14, 2017)

Rep. Lucke of Hartford, for the Committee on Ways and Means, recommends that the bill ought to pass in concurrence.

(Committee Vote: 8-0-3)

(For text see Senate Journal February 14, 2017)

NOTICE CALENDAR

Favorable with Amendment

H. 22

An act relating to the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council

Rep. Hubert of Milton, for the Committee on Government Operations, recommends the bill be amended as follows:

First: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), in § 2362a (potential hiring agency; duty to contact former agency), in subdivision (a)(1), following “Prior to hiring a law enforcement officer who” by striking out the words “has been employed at another” and inserting in lieu thereof the words “is no longer employed at his or her last”

Second: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), in § 2401 (definitions), in subdivision (1) (“Category A

conduct”), in subdivision (C) (misdemeanors committed off duty), in subdivision (ix), following “prostitution” by inserting the words “or soliciting prostitution”

Third: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), in § 2401 (definitions), in subdivision (4) (“effective internal affairs program”), in subdivision (E) (civilian review), following “which may be a selectboard or other elected” by inserting the words “or appointed”

Fourth: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), in § 2403 (law enforcement agencies; duty to report), by striking out subdivision (a)(1) in its entirety and inserting in lieu thereof a new subdivision (a)(1) to read as follows:

(a)(1) The executive officer of a law enforcement agency or the chair of the agency’s civilian review board shall report to the Council within 10 business days if any of the following occur in regard to a law enforcement officer of the agency:

(A) Category A.

(i) There is a finding of probable cause by a court that the officer committed Category A conduct.

(ii) There is any decision or findings of fact or verdict regarding allegations that the officer committed Category A conduct, including a judicial decision and any appeal therefrom.

(B) Category B.

(i) The agency receives a complaint against the officer that, if deemed credible by the executive officer of the agency as a result of a valid investigation, alleges that the officer committed Category B conduct.

(ii) The agency receives or issues any of the following:

(I) a report or findings of a valid investigation finding that the officer committed Category B conduct; or

(II) any decision or findings, including findings of fact or verdict, regarding allegations that the officer committed Category B conduct, including a hearing officer decision, arbitration, administrative decision, or judicial decision, and any appeal therefrom.

(C) Termination. The agency terminates the officer for Category A or Category B conduct.

(D) Resignation. The officer resigns from the agency while under investigation for unprofessional conduct.

Fifth: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), in § 2407 (limitation on Council sanctions; first offense of Category B conduct), by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Category B conduct; first offense. If a law enforcement agency conducts a valid investigation of a complaint alleging that a law enforcement officer committed a first offense of Category B conduct, the Council shall take no action.

Sixth: In Sec. 1, in 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council), in § 2409 (accessibility and confidentiality), in subdivision (c)(2)(A), following “the name and business address of the law enforcement officer” by striking out the words “and the complainant”

(Committee Vote: 8-0-3)

H. 29

An act relating to permitting Medicare supplemental plans to offer expense discounts

Rep. Jickling of Brookfield, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 8 V.S.A. § 4080e is amended to read:

§ 4080e. MEDICARE SUPPLEMENTAL HEALTH INSURANCE
POLICIES; COMMUNITY RATING; DISABILITY

(a) A health insurance company, hospital or medical service corporation, or health maintenance organization shall use a community rating method acceptable to the Commissioner for determining premiums for Medicare supplemental insurance policies.

(b)(1) The Commissioner shall adopt rules for standards and procedure for permitting health insurance companies, hospital or medical service organizations, or health maintenance organizations that issue Medicare supplemental insurance policies to use one or more risk classifications in their community rating method. The premium charged shall not deviate from the community rate and the rules shall not permit medical underwriting and screening, except that a health insurance company, hospital or medical service corporation, or health maintenance organization may set different community rates for persons eligible for Medicare by reason of age and persons eligible for Medicare by reason of disability.

(2)(A) A health insurance company, hospital or medical service

corporation, or health maintenance organization that issues Medicare supplemental insurance policies may offer expense discounts to encourage timely, full payment of premiums. Expense discounts may include premium reductions for advance payment of a full year's premiums, for paperless billing, for electronic funds transfer, and for other activities directly related to premium payment. The availability of one or more expense discounts shall not be considered a deviation from community rating.

(B) A health insurance company, hospital or medical service corporation, or health maintenance organization that issues Medicare supplemental insurance policies shall not offer reduced premiums or other discounts related to a person's age, gender, marital status, or other demographic criteria.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

(Committee Vote: 11-0-0)

H. 136

An act relating to accommodations for pregnant employees

Rep. Walz of Barre City, for the Committee on General; Housing and Military Affairs, recommends the bill be amended as follows:

First: In Sec. 1, 21 V.S.A. § 495k (accommodations for pregnancy related conditions), in subdivision (a)(4), following "an employee who the employer knows" by striking out ", or should know,"

Second: In Sec. 1, 21 V.S.A. § 495k (accommodations for pregnancy related conditions), following subsection (c), by inserting a new subsection to read as follows:

(d) An employer shall post notice of the provisions of this section in a form provided by the Commissioner in a place conspicuous to employees at the employer's place of business.

Third: In Sec. 2, Effective Date, by striking out the section in its entirety and inserting in lieu thereof the following:

Sec. 2. EFFECTIVE DATES

(a) This section and in Sec. 1, 21 V.S.A. § 495k subsections (a)–(c) shall take effect on July 1, 2017.

(b) In Sec. 1, 21 V.S.A. § 495k subsection (d) shall take effect on January 1, 2018.

(Committee Vote: 7-4-0)

H. 145

An act relating to establishing the Mental Health Crisis Response Commission

Rep. Donahue of Northfield, for the Committee on Health Care, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 7257a is added to read:

§ 7257a. MENTAL HEALTH CRISIS RESPONSE COMMISSION

(a) There is created the Mental Health Crisis Response Commission within the Office of the Attorney General for the following purposes:

(1) to conduct reviews of law enforcement interactions with persons acting in a manner that created reason to believe a mental health crisis was occurring and resulted in a fatality or serious bodily injury to any party to the interaction;

(2) to identify where increased or alternative supports or strategic investments within law enforcement, designated agencies, or other community service systems could improve outcomes;

(3) to educate the public, service providers, and policymakers about strategies for intervention in and prevention of mental health crises;

(4) to recommend policies, practices, and services that will encourage collaboration and increase successful interventions between law enforcement and persons acting in a manner that created reason to believe a mental health crisis was occurring;

(5) to recommend training strategies for public safety, emergency, or other crisis response personnel that will increase successful interventions; and

(6) to make recommendations based on the review of cases before the Commission.

(b)(1) Each incident involving an interaction between law enforcement and a person acting in a manner that created reason to believe a mental health crisis was occurring that results in a death or serious bodily injury to any party shall be referred to the Office of the Attorney General by the relevant law enforcement agency for review, analysis, and recommendations within 60 days of the incident. Interactions not resulting in death or serious bodily injury may

be referred for optional review to the Commission, including review of interactions with positive outcomes that could serve to provide guidance on effective strategies.

(2) The review process shall not commence until a final determination has been rendered regarding the appropriateness of the involved law enforcement officer's use of force by Attorney General, State's Attorney, or the internal review process of the law enforcement agency.

(c)(1) The Commission shall comprise the following members:

(A) the Attorney General or designee from a division other than that investigating the interaction;

(B) the Commissioner of Mental Health or designee;

(C) a member of the Vermont State Police, appointed by the Commissioner of Public Safety;

(D) a representative of frontline local law enforcement, appointed by the Vermont Association of Chiefs of Police;

(E) the Executive Director of the Vermont Criminal Justice Training Council or designee;

(F) a representative of the designated agencies, appointed by Vermont Care Partners;

(G) the director of Disability Rights Vermont or designee;

(H) an individual who has a personal experience of living with a mental illness or psychiatric disability, appointed by Vermont Psychiatric Survivors;

(I) a family member of an individual who experienced or is experiencing a mental condition or psychiatric disability, appointed by the Vermont chapter of the National Alliance on Mental Illness; and

(J) two regionally diverse at-large members, appointed by the Governor, who are not representative of subdivisions (A)–(G) of this subdivision (c)(1), such as an emergency dispatcher, specialist in interactions between law enforcement and individuals with a perceived mental condition, or a representative of the Vermont Human Rights Commission or Vermont Legal Aid.

(2) The members of the Commission specified in subdivision (1) of this subsection shall serve two-year terms. Any vacancy on the Commission shall be filled in the same manner as the original appointment. The replacement member shall serve for the remainder of the unexpired term.

(3) Members who are part of an organization involved in an interaction under review shall recuse themselves from that review and shall not access any information related to it. The Commission may appoint an interim replacement member to fill the category represented by the recused member for review of that interaction.

(d)(1) The Attorney General or designee shall call the first meeting of the Commission to occur on or before September 30, 2017.

(2) The Commission shall select a chair and vice chair from among its members at the first meeting, and annually thereafter.

(3) The Commission shall meet at such times as may reasonably be necessary to carry out its duties, but at least once in each calendar quarter.

(e) In any case under review by the Commission, upon written request of the Commission, a person who possesses information or records that are necessary and relevant to review an interaction shall, as soon as practicable, provide the Commission with the information and records. The Commission may subpoena information or records necessary and relevant to the review of an interaction from any person who does not provide information or records in his or her possession to the Commission upon receiving an initial written request. A person who provides information or records upon request of the Commission is not criminally or civilly liable for providing information or records in compliance with this section.

(f) The proceedings and records of the Commission are confidential and are not subject to subpoena, discovery, or introduction into evidence in a civil or criminal action. The Commission shall not use the information, records, or data for purposes other than those designated by subsections (a) and (i) of this section.

(g) To the extent permitted under federal law, the Commission may enter into agreements with nonprofit organizations and private agencies to obtain otherwise confidential information.

(h) Commission meetings are confidential and shall be exempt from 1 V.S.A. chapter 5, subchapter 2 (the Vermont Open Meeting Law). Commission records are exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

(i) Notwithstanding 2 V.S.A. § 20(d), the Commission shall report its conclusions and recommendations to the Governor, General Assembly, and Chief Justice of the Vermont Supreme Court on or before January 15 of the first year of the biennium. The report shall disclose individually identifiable health information only to the extent necessary to convey the Commission's conclusions and recommendations, and any such disclosures shall be limited to

information already known to the public. The report shall be available to the public through the Office of the Attorney General.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

(Committee Vote: 11-0-0)

H. 167

An act relating to establishing drug possession thresholds to distinguish misdemeanor and felony crimes

Reps. Burditt of West Rutland, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE FINDINGS

The General Assembly finds:

(1) According to Michael Botticelli, former Director of the Office of National Drug Control Policy, the National Drug Control Strategy recommends treating “addiction as a public health issue, not a crime.” Further, the strategy “rejects the notion that we can arrest and incarcerate our way out of the nation’s drug problem.”

(2) Vermont Chief Justice Paul Reiber has declared that “the classic approach of ‘tough on crime’ is not working in [the] area of drug policy” and that treatment-based models are proving to be a more effective approach for dealing with crime associated with substance abuse.

(3) A felony conviction record is a significant impediment to gaining and maintaining employment and housing, yet we know that stable employment and housing are an essential element to recovery from substance abuse and desistance of criminal activity that often accompanies addiction.

(4) In a 2014 study by the PEW Research Center, 67 percent of people polled said government should focus more on providing treatment to people who use illicit drugs and less on punishment. The Center later reported that states are leading the way in reforming drug laws to reflect this opinion: State-level actions have included lowering penalties for possession and use of illegal drugs, shortening mandatory minimums or curbing their applicability, removing automatic sentence enhancements, and establishing or extending the jurisdiction of drug courts and other alternatives to the regular criminal justice system.

(5) Vermont must look at alternative approaches to the traditional criminal justice model for addressing low-level illicit drug use if it is going to

reduce the effects of addiction and addiction-related crime in this State.

Sec. 2. STUDY

(a) The Office of Legislative Council shall examine the issue of a public health approach to low-level possession and use of illicit drugs in Vermont as an alternative to the traditional criminal justice model, looking to trends both nationally and internationally, with a goal of providing policymakers a range of approaches to consider during the 2018 legislative session.

(b) The Office of Legislative Council shall report its findings to the General Assembly on or before November 15, 2017.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

and that after passage the title of the bill be amended to read: “An act relating to alternative approaches to addressing low-level illicit drug use

(Committee Vote: 9-0-2)

H. 213

An act relating to establishing statewide access to drug and DUI treatment courts

Rep. Rachelson of Burlington, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE FINDINGS

The General Assembly finds that:

- (1) Alcohol is the most commonly abused addictive drug.
- (2) More than one-half of the motor vehicle operators in Vermont involved in fatal crashes in 2016 had an impairing substance in their system.
- (3) Every year, nearly 3,000 separate cases of drug- or alcohol-impaired driving are filed in Vermont, and nearly one-third of all DUI charges filed are against repeat offenders.
- (4) Impaired drivers with high blood alcohol content and repeat offense impaired drivers are disproportionately involved in fatal crashes.
- (5) According to a 2010 report from the National Highway Traffic Safety Association, the economic impact nationally of alcohol-impaired crashes is \$49 billion.
- (6) It costs roughly \$50,000.00 per year to incarcerate an offender in Vermont.

(7) With a near daily barrage of news about drug crime, arrests, prosecutions, convictions, and sentencing, we see there is little evidence that the traditional response is making any positive change in the lives of the substance abusing population.

(8) According to the National Institute of Justice, treatment courts save between \$3,000.00 and \$13,000.00 per individual participant as compared to the traditional criminal justice approach. These savings are largely achieved through fewer subsequent arrests and a lower recidivism rate.

(9) Treatment courts are intensive, judicially led programs, designed to address addiction and criminal thinking by high-risk, high-needs individuals.

(10) Treatment courts provide frequent and random drug testing, intensive probation supervision, close judicial monitoring, and swift sanctions while also using incentives to motivate offenders.

(11) Judges who preside over treatment dockets develop enhanced expertise in working with offenders with addictions and mental health issues, expertise that extends to the rest of the docket.

(12) Trial judges in Vermont who have presided over treatment dockets find the approach powerfully compelling and far more effective at altering behavior in a positive fashion than the traditional court model.

(13) Treatment courts motivate users to remain in treatment. The likelihood of recovery from a substance abuse disorder correlates positively with the duration of time in treatment.

(14) Vermont has only one DUI Treatment Docket presently in Windsor County. The DUI Treatment Docket is a variant of the adult treatment court model.

(15) Treatment courts in Vermont have been funded primarily with federal grant money. Expanding treatment dockets to all parts of the State will require a capital investment by Vermont.

(16) Closing Windsor Prison is expected to save \$3.5 million per year. Reallocating those savings to treatment courts would provide substantial resources to support treatment courts throughout the State.

(17) Opiate-related crime and addiction-related family issues have driven an increase in court cases that has overwhelmed Vermont's judicial system in recent years. Research shows that treatment courts are proven effective models for reducing instances of repeat offenses and for saving overall criminal justice costs. Nationally, some treatment courts reduce recidivism by up to 60 percent for graduates of the program as compared to nonparticipants.

(18) The General Assembly intends this act to be a continuation of justice reinvestment efforts initiated in 2007 by the Legislative, Judicial, and Executive Branches, and continued with the enactment of 2014 Acts and Resolves No. 195, a justice reinvestment effort instituting broad criminal justice reforms designed to give courts more information about people charged with crimes and more easily connect those people with substance abuse and mental health services. Justice reinvestment is a data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and strengthen communities.

Sec. 2. 4 V.S.A. § 40 is added to read:

§ 40. STATEWIDE ADULT TREATMENT COURTS

(a) Legislative intent. It is the intent of the General Assembly that Vermonters throughout the State have access to an Adult Treatment Docket within the Criminal Division of the Superior Court that operates in compliance with Adult Drug Court Best Practice Standards as issued by the National Association of Drug Court Professionals.

(b) Adult Treatment Courts Special Fund.

(1) The Adult Treatment Courts Special Fund is established pursuant to 32 V.S.A. chapter 7, subchapter 5 exclusively for the purpose of providing the financial means for the Vermont Supreme Court to expand geographic access to adult treatment courts across the State. The Commissioner of Health shall administer the Fund to the extent funds are available to support Vermont's adult treatment courts pursuant to this section. The Fund shall consist of:

(A) private gifts, bequests, grants, or donations of any amount made to the State from any public or private source for the purposes for which the Fund was established;

(B) net revenue from the surcharge imposed by 20 V.S.A. § 2063a; and

(C) other funds as appropriated by the General Assembly.

(2) In consultation with the Attorney General, the Executive Director of State's Attorneys and Sheriffs, the Defender General, the Commissioner of Corrections, and the Commissioner of Mental Health, the Chief Justice of the Vermont Supreme Court may submit requests for disbursements from the Fund to the Commissioner of Health solely for the purpose of supporting the expansion of treatment court dockets.

Sec. 3. ADULT TREATMENT COURTS; REPORT TO HOUSE AND
SENATE COMMITTEES ON JUDICIARY

Pursuant to 4 V.S.A. § 40, it is the intent of the General Assembly that adult treatment court programs are available to Vermonters statewide and operating in compliance with national best practice standards and policy standards for adult treatment courts developed by the Vermont Supreme Court. On or before January 15, 2019, the Commissioner of Health and the Chief Justice of the Vermont Supreme Court shall report to the House and Senate Committees on Judiciary on the progress toward achieving this goal, including a summary of the funds disbursed, the number of counties operating an adult treatment court program, and data about those operating programs, including the program model and level of compliance with national best practice and policy standards.

Sec. 4. SUPREME COURT OF VERMONT; RECOMMENDATIONS FOR STATEWIDE ROLLOUT; STANDARDS FOR ADULT TREATMENT COURTS

(a) On or before September 1, 2017, the Supreme Court of Vermont shall submit to the Joint Legislative Justice Oversight Committee a recommended plan to achieve statewide access to adult treatment courts within five years, including setting forth a rollout schedule and recommendations for maintaining statewide oversight to ensure each program operates in compliance with national best practice standards.

(b) On or before January 15, 2018, the Supreme Court of Vermont shall develop policy standards by which adult treatment courts in Vermont shall operate and report on those standards to the House and Senate Committees on Judiciary.

Sec. 5. 20 V.S.A. § 2063a is added to read:

§ 2063a. ADULT TREATMENT COURTS SPECIAL FUND; SURCHARGE

In addition to the fee imposed by the Vermont Crime Information Center pursuant to section 2063 of this title, the Center shall levy an additional surcharge of \$20.00 for each request for a criminal history record as defined in section 2056a of this title or for a criminal conviction record as defined in section 2056c of this title. The surcharge proceeds shall be deposited in the Adult Treatment Courts Special Fund, established pursuant to 4 V.S.A. § 40(b), in support of adult treatment courts throughout the State.

Sec. 6. MOBILE ADULT TREATMENT COURT PILOT PROGRAM

(a) Establishment. A pilot project creating a mobile adult treatment court program is established for the purpose of providing access to a treatment court docket in multiple counties across the State.

(b) Program implementation. The program shall be implemented by a

Judicial Master operating at 50 percent or greater FTE.

(c) Consultation with treatment organizations. The pilot program shall consult with and utilize local community mental health centers, substance abuse treatment provider organizations, and any other appropriate service providers serving those locations to coordinate services in counties served by the mobile treatment court program.

(d) Report. On or before January 15, 2018, the Chief Superior Judge shall report to the House and Senate Committees on Judiciary on the progress and outcomes of the pilot project.

Sec. 7. 2016 Acts and Resolves No. 167 Sec. 2 is amended to read:

Sec. 2. REPEAL

4 V.S.A. § 38 (Judicial Masters) shall be repealed on July 1, ~~2019~~ 2021.

Sec. 8. REPEAL

Sec. 6 of this Act, Mobile Adult Treatment Court Pilot Program, shall be repealed on July 1, 2021.

Sec. 9. EFFECTIVE DATE

(Committee Vote: 11-0-0)

H. 216

An act relating to establishment of the Vermont Lifeline program

Rep. Yantachka of Charlotte, for the Committee on Energy and Technology, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 30 V.S.A. § 218(c) is amended to read:

~~(c)(1) The Public Service Board shall take any action, including the setting of telephone rates, enabling necessary to enable the State of Vermont and telecommunications companies offering service in Vermont to participate in the Federal Communications Commission telephone federal Lifeline program administered by the Federal Communications Commission (FCC) or its agent and also the Vermont Lifeline program described in subdivision (2) of this subsection. The Board shall set one or more residential basic exchange Lifeline telephone service credits, for those persons eligible to participate in the Federal Communications Commission Lifeline program.~~

~~(2) A person shall be eligible for the Lifeline benefit who meets the Department for Children and Families means test of eligibility, which shall include all persons participating in public assistance programs administered by the Department. The Department for Children and Families shall verify this~~

~~eligibility, in compliance with Federal Communications Commission requirements.~~

~~(A) The benefit under this subdivision shall be equal to the full subscriber line charge, plus an amount equal to the larger of:~~

~~(i) 50 percent of the monthly basic service charge, including 50 percent of all mileage charges and, if the Board determines after notice and opportunity for hearing that their inclusion will make Lifeline benefits more comparable in different areas, 50 percent of the usage cost arising from a fixed amount of monthly local usage; and~~

~~(ii) \$7.00 per month;~~

~~(B) provided that in no event shall the amount of the monthly credit exceed the monthly basic service charge, including any standard usage and mileage charges household that qualifies for participation in the federal Lifeline program under criteria established by the FCC or other federal law or regulation shall also be eligible to receive a Vermont Lifeline benefit for wireline voice telephone service. The Vermont Lifeline benefit established under this subdivision shall be set at an amount not to exceed the benefit provided to a household as of October 31, 2017, or \$4.25, whichever is greater, and shall be applied as a supplement to any wireline voice benefit received through participation in the federal Lifeline program. However, in no event shall the aggregate amount of benefits received through the federal and State programs described in this subdivision exceed a household's monthly basic service charge for wireline services, including any standard usage and mileage charges.~~

~~(3) A person shall also be eligible for the Lifeline benefit who submits to the Commissioner for Children and Families an application containing any information and disclosure of information authorization necessary to process the Lifeline credit. Such application shall be filed with the Commissioner on or before June 15 of each year and shall be signed by the applicant under the pains and penalties of perjury. A person shall be eligible who is 65 years of age or older whose modified adjusted gross income as defined in 32 V.S.A. § 6061(5) for the preceding taxable year was less than 175 percent of the official poverty line established by the federal Department of Health and Human Services for a family of two published as of October 1 of the preceding taxable year. A person shall be eligible whose modified adjusted gross income as defined in 32 V.S.A. § 6061(5) for the preceding taxable year was less than 150 percent of the official poverty line established by the federal Department of Health and Human Services for a family of two published as of October 1 of the preceding taxable year. In the case of sickness, absence, disability, excusable neglect, or when, in the judgment of the Secretary of Human~~

~~Services good cause exists, the Secretary may extend the deadline for filing claims under this section. The provisions of 32 V.S.A. § 5901 shall apply to such application. The Secretary of Human Services shall perform income verification. Upon enrollment in the program, and for each period of renewal, such participant shall receive the credit for 12 ensuing months.~~

~~(A) The benefit under this subdivision shall be equal to the full subscriber line charge, plus an amount equal to the larger of:~~

~~(i) 50 percent of the monthly basic service charge, including 50 percent of all mileage charges and, if the Board determines after notice and opportunity for hearing that their inclusion will make Lifeline benefits more comparable in different areas, 50 percent of the usage cost arising from a fixed amount of monthly local usage; and~~

~~(ii) \$7.00 per month.~~

~~(B) The amount of the monthly credit pursuant to subdivision (A) of this subdivision (3) shall not exceed the monthly basic service charge, including any standard usage and mileage charges company designated as an eligible telecommunications carrier by the Board pursuant to 47 U.S.C. § 214(e) shall verify an applicant's eligibility for receipt of federal or State Lifeline benefits as required by federal law or regulation or as directed by the Vermont Agency of Human Services, as applicable. The Agency shall provide the FCC or its agent with categorical eligibility data regarding an applicant's status in qualifying programs administered by the Agency.~~

(4) Notwithstanding any provisions of this subsection to the contrary, a subscriber who is enrolled in the Lifeline program and has obtained a final relief from abuse order in accordance with the provisions of 15 V.S.A. chapter 21 or 33 V.S.A. chapter 69 shall qualify for a Lifeline benefit credit for the amount of the incremental charges imposed by the local telecommunications company for treating the number of the subscriber as nonpublished and any charges required to change from a published to a nonpublished number. ~~Such subscribers shall be deemed to have good cause by the Secretary of Human Services for the purpose of extending the application deadline in subdivision (3) of this subsection. For purposes of As used in this section, "nonpublished" means that the customer's telephone number is not listed in any published directories, is not listed on directory assistance records of the company, and is not made available on request by a member of the general public, notwithstanding any claim of emergency a requesting party may present. The Department for Children and Families shall develop an application form and certification process for obtaining this Lifeline benefit credit. Upon enrollment in the program, such participant shall receive the Lifeline benefit credit until the end of the calendar year. Renewals shall be for a period of one~~

year.

Sec. 2. LIFELINE ELIGIBILITY AND PARTICIPATION;REPORT

On or before January 1, 2019 and annually thereafter for the next three years, the Commissioner for Children and Families, in consultation with the Commissioner of Public Service, shall file a report with the General Assembly describing the eligibility and participation rates in Vermont with respect to both the federal and State Lifeline programs.

Sec. 3. EFFECTIVE DATE

This act shall take effect on November 1, 2017.

and that after passage the title of the bill be amended to read: “An act relating to Lifeline benefits”

(**Committee Vote: 7-1-0**)

H. 312

An act relating to retirement and pensions

Rep. Devereux of Mount Holly, for the Committee on Government Operations, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. VERMONT MUNICIPAL EMPLOYEES’ RETIREMENT SYSTEM

RATES FOR FISCAL YEAR 2018

Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period July 1, 2017 through June 30, 2018, contributions shall be made by:

(1) Group A members at the rate of 2.5 percent of earnable compensation;

(2) Group B members at the rate of 4.875 percent of earnable compensation;

(3) Group C members at the rate of 10 percent of earnable compensation; and

(4) Group D members at the rate of 11.350 percent of earnable compensation.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

(Committee Vote: 10-0-1)

H. 422

An act relating to confiscation of dangerous or deadly weapons from a person arrested or cited for domestic assault

Rep. Conquest of Newbury, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The General Assembly finds:

(1) The State of Vermont has a compelling interest in preventing domestic abuse.

(2) Domestic violence is often volatile, escalates rapidly, and possibly fatal. The victim has a substantial interest in obtaining immediate relief because any delay may result in further injury or death. The State's compelling interest in protecting domestic violence victims from actual or threatened harm and safeguarding children from the effects of exposure to domestic violence justifies providing law enforcement officers with the authority to undertake immediate measures to stop the violence. For these reasons the State has a special need to remove firearms from a home where law enforcement has probable cause to believe domestic violence has occurred.

(3) The General Assembly recognizes that it is current practice for law enforcement to remove firearms from a domestic violence scene if the firearms are contraband or evidence of the offense. However, given the potential harm of delay during a domestic violence incident, this legislation authorizes law enforcement officers to temporarily remove other dangerous firearms from persons arrested or cited for domestic violence, while protecting rights guaranteed by the Vermont and U.S. Constitutions, and insuring that those firearms are returned to the owner as soon as doing so would be safe and lawful.

Sec. 2. 13 V.S.A. § 1048 is added to read:

§ 1048. REMOVAL OF FIREARMS

(a) When a law enforcement officer arrests or cites a person for domestic assault in violation of this subchapter, the officer may remove any firearm obtained pursuant to a search warrant or a judicially recognized exception to the warrant requirement if the removal is necessary for the protection of the

officer or any other person.

(b)(1) The law enforcement agency in possession of a firearm removed pursuant to his section shall return it to the person from whom it was removed or to any other person whom the agency reasonably believes is an owner of the firearm within five days after removal if the person requests that the firearm be returned, unless:

(A) the firearm is being or may be used as evidence in a pending criminal or civil proceeding;

(B) a court orders relinquishment of the firearm pursuant to 15 V.S.A. chapter 21 (abuse prevention) or any other provision of law consistent with 18 U.S.C. § 922(g)(8), in which case the weapon shall be stored pursuant to 20 V.S.A. § 2307; or

(C) the person requesting the return is prohibited by law from possessing a firearm.

(2) A law enforcement officer who removes a firearm pursuant to this section shall provide notice of the procedure to obtain return of the firearm to the person from whom it was removed.

(c) This section shall not be construed to permit conduct by a law enforcement officer that violates the U.S. or Vermont Constitution.

(d)(1) A law enforcement officer shall not be subject to civil or criminal liability for acts or omissions made in reliance on the provisions of this section. This section shall not be construed to create a legal duty to a victim or to any other person, and no action may be filed based upon a claim that a law enforcement officer removed or did not remove a firearm as authorized by this section.

(2) A law enforcement agency shall be immune from civil or criminal liability for any damage or deterioration of firearms removed, stored, or transported pursuant to this section. This subdivision shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency.

(3) This section shall not be construed to limit the authority of a law enforcement agency to take any necessary and appropriate action, including disciplinary action, regarding an officer's performance in connection with this section.

Sec. 3. EFFECTIVE DATE

This act shall take effect on September 1, 2017.

and that after passage the title of the bill be amended to read: "An act relating

to removal of firearms from a person arrested or cited for domestic assault”

(Committee Vote: 7-4-0)

Favorable

H. 152

An act relating to the Vermont Revised Uniform Fiduciary Access to Digital Assets Act

Rep. LaLonde of South Burlington, for the Committee on Judiciary, recommends the bill ought to pass.

(Committee Vote: 10-0-1)

H. 347

An act relating to the State Telecommunications Plan

Rep. Sibia of Dover, for the Committee on Energy and Technology, recommends the bill ought to pass.

(Committee Vote: 8-0-0)

Consent Calendar

Concurrent Resolutions for Adoption Under Joint Rule 16a

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today’s adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary’s office and/or the House Clerk’s office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of March 16, 2017.

H.C.R. 66

House concurrent resolution honoring the green industry in Vermont and celebrating the 2017 Vermont Flower Show

H.C.R. 67

House concurrent resolution honoring Joe DeGray of Bridport

H.C.R. 68

House concurrent resolution honoring those who care for, educate, and advocate for the youngest Vermonters, and designating March 15, 2017 as Early Childhood Day at the State House

H.C.R. 69

House concurrent resolution in memory of former Craftsbury Assistant Fire Chief Randi Calderwood

H.C.R. 70

House concurrent resolution congratulating the 2017 Essex High School Hornets' 12th consecutive State championship gymnastics team

H.C.R. 71

House concurrent resolution in memory of Thomas C. Davis of Barre Town

H.C.R. 72

House concurrent resolution congratulating the Vermont Choral Union on its 50th anniversary

H.C.R. 73

House concurrent resolution designating July 2017 as Parks and Recreation Month in Vermont

H.C.R. 74

House concurrent resolution congratulating the 2017 St. Johnsbury Academy Hilltoppers Division I championship boys' indoor track and field team

H.C.R. 75

House concurrent resolution congratulating Florilla Ames on her 106th birthday

For Informational Purposes

CROSS OVER DATES

(1) All **House** bills should be reported out of the last committee of reference on or before **Friday, March 17, 2017**, and filed with the Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **House** bills referred pursuant to House Rule 35(a) to the Committees on Appropriations and Ways and Means should be reported out by the last of those committees on or before **Friday, March 24, 2017**, and filed with the Clerk so they may be placed on the Calendar for Notice the next legislative day.