

# House Calendar

Wednesday, March 19, 2014

72nd DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 A.M.

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**ACTION CALENDAR**

**Third Reading**

**H. 225**

An act relating to a statewide policy on the use of and training requirements for electronic control devices

**Amendment to be offered by Reps. Donahue of Northfield and Masland of Thetford to H. 225**

That the bill be amended in Sec. 1, 20 V.S.A. § 2367, by inserting a new subsection (c) to read:

(c) On or before June 30, 2017, every State, local, county, and municipal law enforcement agency that employs one or more certified law enforcement officers shall ensure that all officers have completed the training established in 2004 Acts and Resolves No. 80, Sec. 13(a).

and by relettering the remaining subsections to be alphabetically correct.

**Amendment to be offered by Reps. Hooper of Montpelier, Donahue of Northfield, and Masland of Thetford to H. 225**

that the bill be amended in Sec. 1, 20 V.S.A. § 2367, in subsection (a), by striking out subdivision (2)(A) and inserting in lieu thereof:

(2)(A) Officers may deploy an electronic control device if necessary to reduce an immediate risk of serious injury to the subject, officer, or others.

**H. 575**

An act relating to lottery ticket sales

**H. 645**

An act relating to workers' compensation

**Amendment to be offered by Rep. Masland of Thetford to H. 645**

First: In Sec. 1, by striking out Sec. 1 in its entirety and inserting in lieu thereof a new Sec. 1 to read:

Sec. 1. 21 V.S.A. § 632 is amended to read:

§ 632. COMPENSATION TO DEPENDENTS; ~~DEATH BENEFITS~~  
BURIAL AND FUNERAL EXPENSES

If death results from the injury, the employer shall pay to the persons

entitled to compensation or, if there is none, then to the personal representative of the deceased employee, ~~the actual~~ burial and funeral expenses ~~in the amount of \$5,500.00~~ not to exceed \$15,000.00 and ~~the actual~~ expenses for out-of-state transportation of the decedent to the place of burial not to exceed ~~\$1,000.00~~ \$5,000.00. The employer shall also pay to or for the benefit of the following persons, for the periods prescribed in section 635 of this title, a weekly compensation equal to the following percentages of the deceased employee's average weekly wages. The weekly compensation payment herein allowed shall not exceed the maximum weekly compensation or be lower than the minimum weekly compensation:

\* \* \*

Second: In Sec. 2, by striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read:

Sec. 2. 21 V.S.A. § 639 is amended to read:

§ 639. DEATH, PAYMENT TO DEPENDENTS

In cases of the death of a person from any cause other than the accident during the period of payments for disability or for the permanent injury, the remaining payments for disability then due or for the permanent injury shall be made to the person's dependents according to the provisions of sections 635 and 636 of this title, or if there are none, the remaining amount due, but ~~not exceeding \$5,500.00 for burial and funeral expenses~~ no more than the actual burial and funeral expenses not to exceed \$15,000.00 and the actual expenses for out-of-state transportation of the decedent to the place of burial not to exceed ~~\$1,000.00~~ \$5,000.00, shall be paid in a lump sum to the proper person.

**Amendment to be offered by Reps. Shaw of Pittsford and McCormack of Burlington to H. 645**

Sec. 9. ROBERT H. WOOD CRIMINAL JUSTICE AND FIRE SERVICE TRAINING CENTER STUDY

The Department of Labor and the Office of Risk Management, in consultation with the Vermont League of Cities and Towns and any other interested parties, shall conduct a study, to be submitted to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on or before January 15, 2015, to:

(1) analyze existing and frequently occurring injuries suffered by individuals while attending the Robert H. Wood Criminal Justice and Fire Service Training Center;

(2) analyze preventative measures to avoid injuries;

(3) recommend who should bear the financial burden of the workers' compensation premiums; and

(4) recommend preventative measures necessary to reduce injuries.

**Amendment to be offered by Rep. Kitzmiller of Montpelier to H. 645**

by striking out Sec. 10 in its entirety and inserting in lieu thereof a new Sec. 10 to read:

Sec. 10. WORKPLACE SAFETY RANKING STUDY

The Department of Labor and the Department of Financial Regulation, in consultation with the *National Council on Compensation Insurance*, shall study whether information may be made available to employers to allow an employer to compare its workplace safety and workers' compensation experience with that of employers in similar industries or *North American Industry Classification System* codes.

**H. 656**

An act relating to professions and occupations regulated by the Office of Professional Regulation

**H. 765**

An act relating to eliminating the part-time certification of law enforcement officers

**H. 872**

An act relating to the State's Transportation Program and miscellaneous changes to the State's transportation laws

**H. 873**

An act relating to making technical amendments to tax increment financing laws

**Committee Bill for Second Reading**

**H. 874**

An act relating to consent for admission to hospice care and for DNR/COLST orders.

**(Rep. Donahue of Northfield will speak for the Committee on Human Services.)**

**H. 875**

An act relating to the elimination of a defendant's right to a trial by jury in traffic appeals and fines for driving with license suspended.

**(Rep. Conquest of Newbury will speak for the Committee on Judiciary.)**

## Favorable with Amendment

### H. 325

An act relating to a bill of rights for children of arrested and incarcerated parents

**Rep. Lenes of Shelburne**, for the Committee on **Corrections and Institutions**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. LEGISLATIVE FINDINGS

(a) Children of incarcerated parents have committed no crime, yet they pay a steep penalty. They often forfeit their homes, their safety, their public status and private self-image, and their primary source of comfort and affection.

(b) The General Assembly and the State have a strong interest in assuring that children of incarcerated parents are provided with the services and support necessary to thrive despite the hardship they face due to their parent's status.

#### Sec. 2. REPORT

(a) The Secretary of Human Services shall study and develop recommendations, within the Integrated Family Services Initiative (IFS), on the following issues:

(1) the capacity needed to serve children and their families or caregivers within the Integrated Family Services Initiative;

(2) existing services available to children with incarcerated parents and the need for additional services to:

(A) build and maintain healthy relationships between children and incarcerated parents, including parent-child visits, parenting classes, and supervised visits;

(B) develop child- and family-centered tools or strategies that can be used throughout the criminal justice system to mitigate unintended consequences on children; and

(C) support children and their families or caregivers by including the use of Family Impact Statements in the Court process;

(3) appropriate physical settings for children to visit incarcerated parents and services while the parent is incarcerated;

(4) a mechanism to ensure that coordinated services are provided to children of incarcerated parents by the Department for Children and Families and the Department of Corrections;

(5) agency data systems to track and coordinate services for children of incarcerated parents; and

(6) the cost of services necessary to implement a comprehensive system of care addressing the unique needs of children of incarcerated parents.

(b) In developing recommendations as required by this act, the Secretary shall consult stakeholders, including:

(1) the Department of Corrections;

(2) the Department for Children and Families;

(3) the Department of Mental Health;

(4) the Prisoners' Rights Office;

(5) the LUND Family Center; and

(6) the Parent Child Center Network.

(c) The Secretary shall consider the Inmate Family Survey Project and its recommendations for best practices.

(d) On or before January 15, 2015, the Secretary shall submit a report and recommendations to the Senate Committee on Health and Welfare, Senate Committee on Institutions, House Committee on Human Services, and House Committee on Corrections and Institutions.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

**( Committee Vote: 9-0-2)**

### **H. 646**

An act relating to unemployment insurance

**Rep. Young of Glover**, for the Committee on **Commerce and Economic Development**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 342a is amended to read:

#### § 342a. INVESTIGATION OF COMPLAINTS OF UNPAID WAGES

(a) An employee or the Department on its own motion may file a complaint that wages have not been paid to an employee, not later than two years from the date the wages were due. The Commissioner shall provide notice and a copy of the complaint to the employer by service, or by certified mail sent to the employer's last known address, together with an order to file a response with the Department within 10 calendar days of receipt.

\* \* \*

Sec. 2. 21 V.S.A. § 1314a is amended to read:

§ 1314a. QUARTERLY WAGE REPORTING; MISCLASSIFICATION;  
PENALTIES

\* \* \*

(g) Notwithstanding any other provisions of this section, the Commissioner may where practicable require of any employing ~~units with 25 or more employees~~ unit that the reports required to be filed pursuant to subsections (a) through (d) of this section be filed in an electronic media form.

Sec. 3. 21 V.S.A. § 1338 is amended to read:

§ 1338. WEEKLY BENEFITS

\* \* \*

(d)(1) For benefit years beginning on January 3, 1988 and subsequent thereto, to qualify for benefits an individual must:

~~(1)~~(A) have been paid in one quarter of his or her base period wages in employment with an employer or employers subject to this chapter which equal at least ~~\$1000.00~~ \$1,000.00; and

~~(2)~~(B) have been paid in his or her base period additional wages in employment with an employer or employers subject to this chapter which equal or exceed 40 percent of the total wages paid in the highest quarter of his or her base period; and

~~(3)~~(C) have earned subsequent to the beginning of his or her most recent benefit year wages in employment with an employer or employers subject to this chapter which equal or exceed four times his or her weekly benefit amount as determined under subsection (e) of this section for that prior benefit year.

(2) The base period wages shall not include any wages paid by an employing unit based on a separation for gross misconduct under subdivision 1344(a)(2)(B) of this title.

(e) For benefit years beginning on January 3, 1988 and subsequent thereto, an individual's weekly benefit amount shall be determined by dividing the individual's two high quarter total subject wages required under subdivision (d)(1) of this section by 45; provided that the weekly benefit amount so determined shall not exceed the maximum weekly benefit amount computed as provided in this section. ~~The base period wages shall not include any wages paid by an employing unit based on a separation for gross misconduct under subdivision 1344(a)(2)(B) of this title.~~



\* \* \*

Sec. 4. 21 V.S.A. § 1340a is added to read:

§ 1340a. SELF-EMPLOYMENT ASSISTANCE PROGRAM

(a) As used in this section:

(1) “Full-time basis” means that the individual is devoting the necessary time as determined by the Commissioner to establish a business that will serve as a full-time occupation for that individual.

(2) “Regular benefits” shall have the same meaning as in subdivision 1421(5) of this title.

(3) “Self-employment assistance activities” means activities approved by the Commissioner in which an individual participates for the purpose of establishing a business and becoming self-employed, including entrepreneurial training, business counseling, and technical assistance.

(4) “Self-employment assistance allowance” means an allowance payable in lieu of regular benefits from the Unemployment Compensation Fund to an individual who meets the requirements of this section.

(5) “Self-Employment Assistance Program” means a program under which an individual who meets the requirements of subsection (d) of this section is eligible to receive an allowance in lieu of regular benefits for the purpose of assisting that individual in establishing a business and becoming self-employed.

(b) The weekly amount of the self-employment assistance allowance payable to an individual shall be equal to the weekly benefit amount for regular benefits otherwise payable under this title.

(c) The maximum amount of the self-employment assistance allowance paid under this section shall not exceed the maximum amount of benefits established under section 1340 of this title with respect to any benefit year.

(d)(1) An individual may receive a self-employment assistance allowance if that individual:

(A) is eligible to receive regular benefits or would be eligible to receive regular benefits except for the requirements described in subdivisions (2)(A) and (B) of this subsection;

(B) is identified by a worker profiling system as an individual likely to exhaust regular benefits;

(C) has received the approval of the Commissioner to participate in a program providing self-employment assistance activities;

(D) is actively engaged on a full-time basis in activities, which may include training related to establishing a business and becoming self-employed; and

(E) has filed a weekly claim for the self-employment assistance allowance and provided the information the Commissioner prescribes.

(2) A self-employment allowance shall be payable to an individual at the same interval, on the same terms, and subject to the same conditions as regular benefits under this chapter, except:

(A) the requirements of section 1343 of this title, relating to availability for work, efforts to secure work, and refusal to accept work, are not applicable to the individual; and

(B)(i) the individual is not considered to be self-employed pursuant to subdivision 1301(24) of this title;

(ii) an individual who meets the requirements of this section shall be considered to be unemployed under section 1338 of this title; and

(iii) an individual who fails to participate in self-employment assistance activities or who fails to actively engage on a full-time basis in activities, including training, relating to the establishment of a business and becoming self-employed shall be disqualified from receiving an allowance for the week the failure occurs.

(e) The self-employment assistance allowance may be paid to up to 35 qualified individuals at any time.

(f)(1) The self-employment assistance allowance shall be charged to the Unemployment Trust Fund.

(2) In the event that the self-employment assistance allowance cannot be charged to the Unemployment Trust Fund pursuant to subdivision (1) of this subsection, the allowance shall be charged in accordance with section 1325 of this title.

(g) The Commissioner shall approve any program that will provide self-employment assistance activities to qualified individuals.

(h) The Commissioner shall adopt rules to implement this section.

(i) The Commissioner may suspend the Self-Employment Assistance Program with approval of the Secretary of Administration and notice to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs in the event that it presents unintended adverse consequences to the Unemployment Trust Fund.

Sec. 5. 21 V.S.A. § 1343 is amended to read:

§ 1343. CONDITIONS

(a) An unemployed individual shall be eligible to receive benefits with respect to any week only if the ~~commissioner~~ Commissioner finds that all of the following requirements are met and the individual:

\* \* \*

(8) Has given written notice of resignation to his or her employer and the employer subsequently made the termination of employment effective prior to the date of termination as given in the notice. Provided that the claimant could not establish good cause for leaving work pursuant to subdivision 1344(a)(2)(A) of this title and was not discharged for misconduct as provided in subdivision 1344(a)(1)(A) or for gross misconduct as provided in subdivision 1344(a)(2)(B), in no case shall unemployment benefits awarded under this subdivision exceed four weeks.

\* \* \*

Sec. 6. 21 V.S.A. § 1459 is amended to read:

§ 1459. CHARGING BENEFITS

STC benefits paid to an employee shall be charged to ~~his or her STC employer's experience rating records~~ the employer in the base period. Reimbursable employers participating in the STC ~~program~~ Program shall be assessed for the STC benefits paid their employees.

Sec. 7. REPEAL

21 V.S.A. § 1340a (Self-Employment Assistance Program) is repealed.

Sec. 8. 21 V.S.A. § 1338a is amended to read:

§ 1338a. DISREGARDED EARNINGS

(a) An individual shall be deemed "partially unemployed" in any week of less than full-time work if the wages earned by the individual with respect to such week are less than the weekly benefit amount the individual would be entitled to receive if totally unemployed and eligible. As used in this section, "wages" in any one week includes only that amount of remuneration to the nearest dollar ~~which~~ that is in excess of ~~30~~ 50 percent of the individual's weekly wage, ~~or \$40.00, whichever amount is greater.~~

\* \* \*

Sec. 9. EFFECTIVE DATES

(a) This section, Secs. 1-3, 4(h) (rulemaking for self-employment

assistance program), and 5–7 shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 4(a)–(g) and (i) shall apply retroactively on January 1, 2014.

(c) Sec. 8 shall take effect on July 1, 2014.

**( Committee Vote: 11-0-0)**

### **H. 699**

An act relating to temporary housing

**Rep. Mrowicki of Putney**, for the Committee on **Human Services**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 2103 is amended to read:

§ 2103. ELIGIBILITY

\* \* \*

(f) An eligible participant for temporary housing shall not be required to furnish more than 30 percent of his or her income toward the cost of temporary housing. The Secretary of Human Services may adopt rules as necessary, pursuant to 3 V.S.A. chapter 25, to implement this subsection.

Sec. 2. EFFECTIVE DATE

(a) This act shall take effect on passage.

(b) Sec. 1(f) shall be repealed on July 1, 2016.

**( Committee Vote: 9-1-1)**

### **H. 758**

An act relating to Worker Adjustment and Retraining Notification

**Rep. Marcotte of Coventry**, for the Committee on **Commerce and Economic Development**, 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 21st century workplace is fundamentally different from the 20th century workplace. Along with a changing workplace comes a different workforce. Policies and resources must be updated to reflect the changing workplace and workforce.

(2) Businesses retain sensitive information for proprietary and

competitive reasons.

(3) When the State requires this information, the sensitivity of this information must be respected.

(4) The Department, as well as other agencies, are able to access federal and State resources to mitigate adverse employment impacts affecting employers, employees, communities, and the Unemployment Insurance Trust Fund.

(5) The Department and the Agency of Commerce and Community Development, as well as other agencies, must be able to respond to and assist with economic and workforce training and retention initiatives in a timely fashion.

(6) Municipalities, school districts, and local for-profit and nonprofit businesses are all affected by plant closings and mass layoffs. In order to mitigate adverse impacts, communities and stakeholders need timely information pertaining to plant closings and mass layoffs. Private and public sectors need to work together to reduce the volatility and disruptions that come with layoffs.

Sec. 2. 21 V.S.A. chapter 5, subchapter 3A is added to read:

Subchapter 3A. Notice of Potential Layoffs Act

§ 411. DEFINITIONS

As used in this subchapter:

(1) “Affected employees” means employees who may be expected to experience an employment loss as a consequence of a proposed or actual business closing or mass layoff by their employer.

(2) “Business closing” means the permanent shutdown of a facility or operations, or the cessation of work or operations not scheduled to resume within 90 days. A temporary shutdown of a seasonal employer that does not extend beyond 20 weeks is not a business closing.

(3) “Commissioner” means the Commissioner of Labor.

(4) “Department” means the Department of Labor.

(5) “Employer” means any business enterprise that employs 50 or more full-time employees or 50 or more part-time employees that work at least 1,040 hours per employee per year.

(6) “Employment loss” means the result of a business closing or mass layoff. An employee will not be considered to have suffered an employment loss if the employee is offered a transfer to a different site of employment

within 35 miles.

(7) “Mass layoff” means the permanent employment reduction at a single site of at least 50 employees over a 90-day period.

(8) “Representative” means an exclusive bargaining agent as legally recognized under State or federal labor laws.

#### § 412. EDUCATION AND OUTREACH

The Department and the Agency of Commerce and Community Development shall prepare information and materials for the purpose of informing and educating Vermont employers with regard to programs and resources that are available to assist with economic and workforce retention initiatives in order to avoid business closings and mass layoffs. The Department and the Agency of Commerce and Community Development shall also inform Vermont employers of the employers’ obligations that will be required for proper notice under the provisions of this Act.

#### § 413. NOTICE AND WAGE PAYMENT OBLIGATIONS

(a) An employer who will engage in a closing or mass layoff shall provide notice to the Secretary of Commerce and Community Development and the Commissioner as soon as practical to enable the State to present information on potential support and alternatives to the proposed closing or mass layoff.

(b) Notwithstanding subsection (a) of this section, an employer who will engage in a closing or mass layoff shall provide notice to the Secretary of Commerce and Community Development and the Commissioner 60 days prior to the effective date of the closing or layoffs, and shall provide 45-days’ notice to the local chief elected official or administrative officer of the municipality, affected employees, and bargaining agent, if any. If the employer is actively attempting to secure capital or investments in order to avoid closing or mass layoffs, the notice to the Secretary of Commerce and Community Development the Commissioner may be delayed to 45 days prior to the effective date of closing or layoff and 30-days’ notice to the local chief elected official or administrative officer of the municipality, affected employees, and bargaining agent, if any.

(c) The employer shall send to the Commissioner such information as the Commissioner deems necessary for the purposes of unemployment insurance benefit processing and for accessing federal and State resources to mitigate adverse employment impacts affecting employers, employees, and communities within the time allotted for notice to the Commissioner under subsection 413(b) or 414(b) of this subchapter.

(d) In the case of a sale of part or all of an employer’s business where mass

layoffs will occur, the seller and the purchaser are still required to comply with the notice requirements under subsection (b) of this section.

(e) Nothing in this subchapter shall abridge, abrogate, or restrict the right of the State to require an employer that is receiving State economic development funds or incentives from being required to provide additional or earlier notice as a condition for the receipt of such funds or incentives.

(f) An employer is required to pay all unpaid wage and compensation owed to any laid-off worker, as required under this title.

#### § 414. EXCEPTIONS

(a) In the case of a business closing or mass layoff, an employer is not required to comply with the notice requirement in subsection 413(a) of this subchapter and may delay notification to the Department if:

(1) the business closing or the mass layoff is the result of the completion of a particular project or undertaking, and the affected employees were hired with the understanding that their employment was limited to the duration of the facility or project or undertaking;

(2) the business closing or mass layoff is due to a disaster beyond the control of the employer;

(3) the business closing or mass layoff results from a strike or a lockout;  
or

(4) the business closing or mass layoff is caused by business circumstances that were not reasonably foreseeable at the time the 60-day notice would have been required.

(b) An employer that is unable to provide the notice otherwise required by this subchapter as a result of circumstances described in subsection (a) of this section shall provide as much notice as is practicable and at that time shall provide a brief statement to the Commissioner regarding the basis for failure to meet the notification period. In such situations, the mailing of the notice by certified mail or other method approved by the Commissioner shall be considered acceptable in the fulfillment of the employer's obligation to give notice to each affected employee under this subchapter. At the time of notice to the Commissioner, the employer shall provide the required information under subdivisions 413(c) of this subchapter.

#### § 415. VIOLATIONS

(a) An employer who violates subsection 413(b) or 414(b) of this subchapter is liable to each employee who lost his or her employment for:

(1) ten days severance pay; and

(2) the health care premium costs or the cost of any medical or dental expenses that would have been covered under an employee benefit plan for one month after the employment loss.

(b) The amount of an employer's liability under subsection (a) of this section shall be reduced by the following:

(1) any voluntary and unconditional payments made by the employer to the employee that were not required to satisfy any legal obligation;

(2) any payments by the employer to a third party or trustee, such as premiums for health benefits or payments to a defined contribution pension plan, on behalf of and attributable to the employee for the period of the violation; and

(3) any liability paid by the employer under any applicable federal law governing notification of mass layoffs, business closings, or relocations.

(c) If an employer proves to the satisfaction of the Commissioner that the act or omission that violated this subchapter was in good faith, the Commissioner may reduce the amount of liability provided for in this section. In determining the amount of such a reduction, the Commissioner shall consider any efforts by the employer to mitigate the violation.

(d) If, after an administrative hearing, the Commissioner determines that an employer has violated any of the requirements of this subchapter, the Commissioner shall issue an order including any penalties assessed by the Commissioner under sections 415 and 417 of this subchapter. The employer may appeal a decision of the Commissioner to the Superior Court within 30 days of the date of the Commissioner's order.

#### § 416. POWERS OF THE COMMISSIONER

(a) The Commissioner may adopt rules as necessary, pursuant to 3 V.S.A. chapter 25, to carry out this subchapter. The rules shall include provisions that allow the parties access to administrative hearings for any actions of the Department under this subchapter.

(b) In any investigation or proceeding under this subchapter, the Commissioner has, in addition to all other powers granted by law, the authority to subpoena and examine any information of an employer necessary to determine whether a violation of this subchapter has occurred, including to determine the validity of any defense.

(c) Information obtained through administration of this subchapter by the Commissioner shall be confidential, except for the number of layoffs, job titles, and workstation locations affected. The Department may provide the information collected pursuant to subsection 413(c) of this title to the



U.S. Department of Labor and any other governmental entities for the purposes of securing benefits for the affected employees.

(d) Neither the Commissioner nor any court shall have the authority to enjoin a business closing, relocation, or mass layoff under this subchapter.

#### § 417. ADMINISTRATIVE PENALTY

An employer who fails to give notice as required by subsection 413(b) or 414(b) of this subchapter shall be subject to an administrative penalty of \$500.00 for each day that the employer was deficient in the notice to the Department. The Commissioner may waive the administrative penalty if the employer:

(1) demonstrates good cause under subsection 414(b) of this subchapter;

(2) pays to all affected employees the amounts for which the employer is liable under section 415 of this title within 30 days from the date the employer enacts the business closing or mass layoff; and

(3) pays to all affected employees any unpaid wage and compensation owed to any laid-off worker, as required under this title.

#### § 418. OTHER RIGHTS

The rights and remedies provided to employees by this subchapter do not infringe upon or alter any other contractual or statutory rights and remedies of the employees.

#### Sec. 3. EFFECTIVE DATES

(a) This section and in Sec. 2, 21 V.S.A. §§ 412 (education and outreach) and 416(a) shall take effect on passage.

(b) Secs. 1 and 2, except for 21 V.S.A. §§ 412 and 416(a), shall take effect on January 15, 2015.

and that after passage the title of the bill be amended to read: “An act relating to notice of potential layoffs”.

**( Committee Vote: 11-0-0)**

### **H. 866**

An act relating to qualifications of judicial officers and judicial selection and retention

**Rep. Lippert of Hinesburg**, 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. 4 V.S.A. § 601 is amended to read:

§ 601. JUDICIAL NOMINATING BOARD CREATED; COMPOSITION

\* \* \*

(b) The Board shall consist of 11 members who shall be selected as follows:

\* \* \*

(5) The members of the Board appointed by the Governor shall serve for terms of two years and may serve for no more than three consecutive terms. The members of the Board elected by the House and Senate shall serve for terms of two years and may serve for no more than three consecutive terms. The members of the Board elected by the attorneys at law shall serve for terms of two years and may serve for no more than three consecutive terms. All appointments or elections shall be between January 1 and February 1 of each odd-numbered year, except to fill a vacancy. Members shall serve until their successors are elected or appointed.

\* \* \*

(d) The Judicial Nominating Board shall adopt rules under 3 V.S.A. chapter 25 which shall establish criteria and standards for the nomination of ~~qualified~~ candidates for ~~justices~~ Justices of the ~~Supreme court, superior Court, Superior~~ judges, magistrates, the Chair of the Public Service Board, and members of the Public Service Board. The criteria and standards shall include such factors as integrity, legal knowledge and ability, judicial temperament, impartiality, health, experience, diligence, administrative and communicative skills, social consciousness, and public service. The application form shall not be included in the rules and may be developed and periodically revised at the discretion of the Board.

(e) A quorum of the Board shall consist of eight members.

(f) The ~~board~~ Board is authorized to use the staff and services of appropriate ~~state~~ State agencies and departments as necessary to conduct investigations of applicants. The Office of Legislative Council shall assist the Board for the purpose of rulemaking.

Sec. 2. 4 V.S.A. § 602 is amended to read:

§ 602. DUTIES

(a)(1) Prior to ~~submission of~~ submitting to the Governor the names of ~~qualified~~ candidates for ~~justices~~ Justices of the ~~supreme court~~ Supreme Court, ~~superior~~ Superior Court judges, magistrates, the ~~chair of the public service board~~ Chair of the Public Service Board, and members of the ~~public service board to the governor~~ Public Service Board, the ~~board~~ Board shall submit to

~~the court administrator~~ Court Administrator of the ~~supreme court~~ Supreme Court a list of all candidates, and the administrator shall disclose to the ~~board~~ Board information solely about professional disciplinary action taken or pending concerning any candidate. If candidates for the Public Service Board are admitted to practice law in Vermont, the Nominating Board shall submit to the Court Administrator a list of those candidates, and he or she shall disclose to the Board information solely about professional disciplinary action taken or pending concerning such candidates.

(2) From the list of candidates ~~presented~~, the ~~judicial nominating board~~ Judicial Nominating Board shall select by majority vote, provided that a quorum is present, ~~qualified~~ well-qualified candidates for the position to be filled.

(b) Whenever a vacancy occurs in the office of a ~~supreme court justice or~~ Supreme Court Justice, a ~~superior judge~~ Superior judge, a magistrate, or the Chair of the Public Service Board, or when an incumbent does not declare that he or she will be a candidate to succeed himself or herself, the ~~judicial nominating board~~ Judicial Nominating Board shall submit to the ~~governor~~ Governor the names of as many persons as it deems ~~qualified~~ well qualified to be appointed to the office. ~~There shall be included in the qualifications for appointment that the person shall be an attorney at law who has been engaged in the practice of law or a judge in the state of Vermont for a period of at least five out of the ten years preceding appointment, and with respect to a candidate for superior judge particular consideration shall be given to the nature and extent of the candidate's trial practice.~~ In accordance with 30 V.S.A. § 3, whenever a vacancy occurs for a member position on the Public Service Board, the Governor shall submit at least five names of potential nominees to the Judicial Nominating Board for review. The Judicial Nominating Board shall submit to the Governor the names of candidates it deems well qualified. The Judicial Nominating Board shall submit to the Governor a summary of the qualifications and experience of each candidate whose name is submitted to the Governor, together with any further information relevant to the matter.

(c) ~~All~~ Except as provided in subsection (d) of this section, proceedings of the ~~board~~ Board, including the names of candidates considered by the ~~board~~ Board and information about any candidate submitted by the ~~court administrator~~ Court Administrator or by any other source, shall be confidential.

(d) The following shall be public:

(1) operating procedures of the Board;

(2) standard application forms and any other forms used by the Board, provided they do not contain personal information about a candidate or

confidential proceedings;

(3) all proceedings of the Board prior to the Board's receipt of the first candidate's completed application form; and

(4) at the time the Board sends the names of the candidates to the Governor, the total number of applicants for the vacancy and the total number of candidates sent to the Governor.

(e) A person shall be eligible as a candidate if, upon application:

(1) The person is a Vermont resident and admitted to practice law in Vermont.

(2) Except as otherwise provided by this subdivision, the person is an experienced lawyer who has practiced law for at least ten years, and has practiced law in Vermont for at least five out of the ten years preceding his or her application to the Board. However:

(A) A candidate for magistrate need only have practiced law for five years, but shall have practiced law in Vermont for at least five out of the ten years immediately preceding his or her application to the Board.

(B) A candidate for the position of Chair or member of the Public Service Board shall not be required to be an attorney.

(f) A candidate shall possess the following attributes:

(1) Integrity. A candidate shall possess demonstrated integrity.

(2) Legal knowledge and ability. A candidate shall possess a high degree of knowledge of established legal principles and procedures, and have demonstrated a high degree of ability to interpret and apply the law to specific factual situations.

(3) Judicial temperament. A candidate shall possess a judicial temperament, which includes common sense, compassion, decisiveness, firmness, humility, open-mindedness, tact, and patience.

(4) Impartiality. A candidate shall exhibit an ability to make judicial determinations in a manner free of bias.

(5) Communication capability. A candidate shall possess demonstrated oral and written capacities, with reasonable accommodations, required by the position.

(6) Financial integrity. A candidate shall possess demonstrated financial probity.

(7) Work ethic. A candidate shall demonstrate diligence.

(8) Administrative capabilities. A candidate shall demonstrate management and organizational skills or experience required by the position.

(g) Factors that should be given due consideration by the Board, but are not required of a candidate, include:

(1) public and community service;

(2) judicial experience in Vermont;

(3) for Superior Court, the nature and extent of the candidate's courtroom experience; and

(4) for judge of the Environmental Division of the Superior Court, experience and expertise in environmental and zoning law.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to qualifications of judicial officers and judicial selection".

**( Committee Vote: 11-0-0)**

## NOTICE CALENDAR

### Committee Bill for Second Reading

#### H. 876

An act relating to making miscellaneous amendments and technical corrections to education laws.

**(Rep. Rachelson of Burlington will speak for the Committee on Education.)**

#### H. 877

An act relating to repeal of report requirements that are at least five years old.

**(Rep. Consejo of Sheldon will speak for the Committee on Government Operations.)**

#### H. 878

An act relating to prevailing wages.

**(Rep. Moran of Wardsboro will speak for the Committee on General, Housing and Military Affairs.)**

### H. 879

An act relating to administrative hearing officers.

(Rep. Lippert of Hinesburg will speak for the Committee on Judiciary.)

### H. 880

An act relating to universal college savings accounts.

(Rep. Krowinski of Burlington will speak for the Committee on Human Services.)

### Favorable with Amendment

### H. 448

An act relating to Act 250 and primary agricultural soils

**Rep. Stevens of Shoreham**, for the Committee on Agriculture and Forest Products, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 6093 is amended to read:

#### § 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS

(a) Mitigation for loss of primary agricultural soils. ~~Suitable~~ Subject to the District Commission's approval, an applicant shall provide suitable mitigation for the conversion of primary agricultural soils necessary to satisfy subdivision 6086(a)(9)(B)(iv) of this title ~~shall depend on where the project tract is located.~~ through one of the following means:

(1) ~~Project located in growth center. If the project tract is located in a designated growth center, an applicant who complies with subdivision 6086(a)(9)(B)(iv) of this title shall deposit~~ Off-site mitigation fee. The deposit of an offsite off-site mitigation fee into the Vermont ~~housing and conservation trust fund~~ Housing and Conservation Trust Fund established under section 312 of this title for the purpose of preserving primary agricultural soils of equal or greater value with the highest priority given to preserving prime agricultural soils as defined by the U.S. Department of Agriculture. Any required ~~offsite~~ off-site mitigation fee shall be derived by:

(A) ~~determining~~ Determining the number of acres of primary agricultural soils affected by the proposed development or subdivision;

(B) ~~multiplying~~ Multiplying the number of affected acres of primary agricultural soils by a factor resulting in a ratio established as follows:

(i) ~~for~~ For development or subdivision within a ~~designated growth center,~~ each of the following areas designated under 24 V.S.A. chapter 76A,

the ratio shall be 1:1; a downtown development district, a new town center designated on or before January 1, 2014, a designated growth center, and a neighborhood development area associated with a designated downtown development district.

(ii) For development or subdivision outside a designated area listed in subdivision (1)(B)(i) of this subsection, the factor shall be based on the quality of the affected primary agricultural soils and other information that the Secretary of Agriculture, Food and Markets may consider relevant, including the soil's location, accessibility, tract size, existing agricultural operations, water sources, drainage, slope, the presence of ledge or protected wetlands, the infrastructure of the existing farm or municipality in which the soils are located, and the NRCS rating system for Vermont soils. This factor shall result in a ratio of no less than 2:1, but no more than 3:1, protected acres to acres of impacted primary agricultural soils.

~~(iii) For~~ For residential construction that has a density of at least eight units of housing per acre, of which at least eight units per acre or at least 40 percent of the units, on average, in the entire development or subdivision, whichever is greater, meets the definition of affordable housing established in this chapter, no mitigation shall be required. However, all affordable housing units shall be subject to housing subsidy covenants, as defined in 27 V.S.A. § 610, that preserve their affordability for a period of 99 years or longer. ~~For purposes of In~~ In this section, housing that is rented shall be considered affordable housing when its inhabitants have a gross annual household income that does not exceed 60 percent of the county median income or 60 percent of the standard metropolitan statistical area income if the municipality is located in such an area.

(C) ~~multiplying~~ Multiplying the resulting product by a "price-per-acre" value, which shall be based on the amount that the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets has determined to be the recent, per-acre cost to acquire conservation easements for primary agricultural soils in the same geographic region as the proposed development or subdivision.

~~(2) Project located outside designated growth center. If the project tract is not located in a designated growth center, mitigation shall be provided on site in order to preserve primary agricultural soils for present and future agricultural use, with special emphasis on preserving prime agricultural soils. Preservation of primary agricultural soils shall be accomplished through innovative land use design resulting in compact development patterns which will maintain a sufficient acreage of primary agricultural soils on the project tract capable of supporting or contributing to an economic or commercial~~

~~agricultural operation and shall be enforceable by permit conditions issued by the district commission.~~ On-site mitigation. The preservation of primary agricultural soils on the site of the proposed development or subdivision. The number of acres of primary agricultural soils to be preserved shall be derived by:

(A) ~~determining~~ Determining the number of acres of primary agricultural soils affected by the proposed development or subdivision; ~~and~~.

(B) ~~multiplying~~ Multiplying the number of affected acres of primary agricultural soils by a factor based on the quality of those primary agricultural soils; ~~and other factors~~ information as that the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets may ~~deem~~ consider relevant, including the soil's location; accessibility; tract size; existing agricultural operations; water sources; drainage; slope; the presence of ledge or protected wetlands; the infrastructure of the existing farm or municipality in which the soils are located; and the ~~N.R.C.S.~~ NRCS rating system for Vermont soils. This factor shall result in a ratio of no less than 2:1, but no more than 3:1, protected acres to acres of impacted primary agricultural soils, except for development in a designated area listed in subdivision (1)(B)(i) of this subsection, in which case the ratio shall be 1:1.

(3) Mitigation flexibility.

(A) ~~Notwithstanding the provisions of subdivision (1) of this subsection pertaining to a development or subdivision on primary agricultural soils within a designated growth center, the district commission may, in appropriate circumstances, require onsite mitigation with special emphasis on preserving prime agricultural soils if that action is deemed consistent with the agricultural elements of local and regional plans and the goals of 24 V.S.A. § 4302. In this situation, the approved plans must designate specific soils that shall be preserved inside growth centers. For projects located within a designated growth center, all factors used to calculate suitable mitigation acreage or fees, or some combination of these measures, shall be as specified in this subsection, subject to a ratio of 1:1.~~

(B) ~~Notwithstanding the provisions of subdivision (2) of this subsection pertaining to a development or subdivision on primary agricultural soils outside a designated growth center, the district commission may, in appropriate circumstances, approve off site mitigation or some combination of onsite and off site mitigation if that action is deemed consistent with the agricultural elements of local and regional plans and the goals of 24 V.S.A. § 4302. For projects located outside a designated growth center, all factors used to calculate suitable mitigation acreage or fees, or some combination of these measures, shall be as specified in this subsection, subject to a ratio of no~~



less than 2:1, but no more than 3:1. Combined mitigation. The payment of an off-site mitigation fee under subdivision (a)(1) of this section combined with the preservation of the remaining primary agricultural soils on the site of the proposed development or subdivision under subdivision (a)(2) of this section. For the purpose of calculating the amount of the off-site-mitigation fee and the acreage to be preserved on-site, an applicant may propose and the District Commission may approve an allocation of the acreage of affected primary agricultural soils between subdivisions (1) and (2) of this subsection (a).

\* \* \*

(b) Requirements and factors. This subsection sets out requirements for and factors to be considered in determining suitable mitigation under this section.

(1) Findings. In determining suitable mitigation, the District Commission shall consider and make findings on each requirement and factor described in subdivisions (2) through (4) of this subsection.

(2) General.

(A) Mitigation for the conversion of primary agricultural soils shall comply with 24 V.S.A. § 2791(13)(A) (smart growth principles; historic development patterns) and (E) (agricultural and forest industries).

(B) The determination of suitable mitigation shall be consistent with the agricultural elements of the applicable local and regional plans and the goals of 24 V.S.A. § 4302.

(3) Mitigation entirely on-site. The District Commission shall give preference to mitigation that is entirely on-site if the Commission finds that:

(A) the project tract supports an agricultural operation or has been in active production or rotation within the last five years; or

(B) the primary agricultural soils on the project tract consist predominantly of NRCS agricultural value groups 1-5; or

(C) after considering the recommendation, if any, of the Secretary of Agriculture, Food and Markets, the project tract has site-specific characteristics that warrant on-site mitigation.

(4) Off-site or combined mitigation. The District Commission shall give preference to off-site mitigation, either alone or combined with on-site mitigation, if the Commission finds that:

(A) payment of an off-site mitigation fee, or requiring a combination of on-site and off-site mitigation, will best further the preservation of primary

agricultural soils for present and future agricultural use with special emphasis on protecting prime agricultural soils;

(B) the applicant has demonstrated that the development or subdivision maximizes the efficient use and development potential or allowable density of the project tract; and

(C) one of the following applies:

(i) After considering the recommendation, if any, of the Secretary of Agriculture, Food and Markets, devoting the tract to agricultural uses is impractical based on its size or relationship to other land uses or site-specific characteristics, and the applicant demonstrates that the development or subdivision maximizes the efficient use and development potential or allowable density of the project tract; or

(ii) the project tract:

(I) is surrounded by or adjacent to high density development with supporting infrastructure and the project will contribute to the existing compact development patterns in the area; or

(II) is within an area that contains a mixture of uses, including commercial and industrial, and a significant residential component, supported by municipal water, wastewater, and roadway infrastructure.

(c) Easements required for protected lands. All primary agricultural soils preserved for commercial or economic agricultural use by the Vermont ~~housing and conservation board~~ Housing and Conservation Board pursuant to this section shall be protected by permanent conservation easements (grant of development rights and conservation restrictions) conveyed to a qualified holder, as defined in section 821 of this title, with the ability to monitor and enforce easements in perpetuity. Off-site mitigation fees may be used by the Vermont ~~housing and conservation board~~ Housing and Conservation Board and shall be used by the Agency of Agriculture, Food and Markets to pay reasonable staff or transaction costs, or both, of the ~~board and agency of agriculture, food, and markets~~ Board and Agency related to ~~preserve the preservation of~~ primary agricultural soils or to ~~implement the implementation of~~ section 6086(a)(9)(B) or 6093 of this title.

Sec. 2. 10 V.S.A. § 6001(15) is amended to read:

(15) “Primary agricultural soils” means ~~soil map units with the best combination of physical and chemical characteristics that have a potential for growing food, feed, and forage crops, have sufficient moisture and drainage, plant nutrients or responsiveness to fertilizers, few limitations for cultivation or limitations which may be easily overcome, and an average slope that does not~~

~~exceed 15 percent. Present uses may be cropland, pasture, regenerating forests, forestland, or other agricultural or silvicultural uses. However, the soils must be of a size and location, relative to adjoining land uses, so that those soils will be capable, following removal of any identified limitations, of supporting or contributing to an economic or commercial agricultural operation. Unless contradicted by the qualifications stated in this subdivision, primary agricultural soils shall include important farmland soils map units with a rating of prime, statewide, or local importance as defined by the Natural Resources Conservation Service (N.R.C.S.) of the United States Department of Agriculture (U.S.D.A.) each of the following:~~

(A) An important farmland soils map unit that the Natural Resources Conservation Service of the U.S. Department of Agriculture (NRCS) has identified and determined to have a rating of prime, statewide, or local importance, unless the District Commission determines that the soils within the unit have lost their agricultural potential. In determining that soils within an important farmland soils map unit have lost their agricultural potential, the Commission shall consider:

(i) impacts to the soils relevant to the agricultural potential of the soil from previously constructed improvements;

(ii) the presence on the soils of a Class I or Class II wetland under chapter 37 of this title;

(iii) the existence of topographic or physical barriers that reduce the accessibility of the rated soils so as to cause their isolation and that cannot reasonably be overcome; and

(iv) other factors relevant to the agricultural potential of the soils, on a site-specific basis, as found by the Commission after considering the recommendation, if any, of the Secretary of Agriculture, Food and Markets.

(B) Soils on the project tract that the District Commission finds to be of agricultural importance, due to their present or recent use for agricultural activities and that have not been identified by the NRCS as important farmland soil map units.

Sec. 3. 10 V.S.A. § 6086(a)(9)(B) is amended to read:

(B) Primary agricultural soils. A permit will be granted for the development or subdivision of primary agricultural soils only when it is demonstrated by the applicant that, in addition to all other applicable criteria, either, the subdivision or development will not result in any reduction in the agricultural potential of the primary agricultural soils; or:

(i) the development or subdivision will not significantly interfere

with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agricultural or forestry potential; and

(ii) except in the case of an application for a project located in a designated growth center, there are no lands other than primary agricultural soils owned or controlled by the applicant which are reasonably suited to the purpose of the development or subdivision; and

~~(iii) except in the case of an application for a project located in a designated growth center, the subdivision or development has been planned;~~

(I) to minimize the reduction of agricultural potential of the primary agricultural soils through innovative land use design resulting that results in compact development patterns, so that the remaining primary agricultural soils on the project tract are capable of supporting or contributing to an economic or commercial agricultural operation; or

(II) to maximize the efficient use and development density of the project tract on which those soils are located, if the reduction in agricultural potential of the primary agricultural soils is to be mitigated entirely off-site pursuant to subdivision (iv) of this subdivision (9)(B); and

(iv) suitable mitigation will be provided for any reduction in the agricultural potential of the primary agricultural soils caused by the development or subdivision, in accordance with section 6093 of this title and rules adopted by the Natural Resources Board.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

**( Committee Vote: 10-1-0)**

**Rep. Johnson of Canaan**, for the Committee on **Ways and Means**, recommends the bill ought to pass when amended as recommended by the Committee on **Agriculture and Forest Products**.

**(Committee Vote: 10-0-1)**

### **H. 595**

An act relating to establishing the Agency of Controlled Substances

**Rep. Cole of Burlington**, 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. LEGISLATIVE STUDY; AGENCY OF CONTROLLED SUBSTANCES

(a) Creation. There is created a Legislative Agency of Controlled Substances Study Committee to review whether an Agency of Controlled Substances should be created in the State.

(b) Membership. The Committee shall be composed of the following eight members:

(1) four current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House. Two of these members shall be from the Committee on Government Operations and two of whom shall be from the Committee on General, Housing and Military Affairs; and

(2) four current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees. Two of these members shall be from the Committee on Government Operations and two of whom shall be from the Committee on Economic Development, Housing and General Affairs.

(c) Powers and duties. The Committee shall study whether an Agency of Controlled Substances should be created in the State, including the following issues:

(1) the duties of the Agency and its personnel; and

(2) the structure of the Agency, including which departments would be under the jurisdiction of the Agency.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(e) Report. On or before December 31, 2014, the Committee shall submit a written report to the General Assembly with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The Speaker of the House and the President Pro Tempore of the Senate shall call the first meeting of the Committee to occur on or before July 30, 2014.

(2) The Committee shall select two co-chairs from among its members at the first meeting, one of whom shall be a member of the House and one of whom shall be a member of the Senate.

(3)(A) A majority of the members of the Committee shall be physically present at the same location to constitute a quorum.

(B) A member may vote only if physically present at the meeting location.

(C) Action shall be taken only if there is both a quorum and a majority vote of the members physically present and voting.

(4) The Committee shall cease to exist on December 31, 2014.

(g) Reimbursement. For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to a study of creating the Agency of Controlled Substances”.

( Committee Vote: 10-0-1)

## H. 728

An act relating to developmental services’ system of care

**Rep. French of Randolph**, for the Committee on **Human Services**, 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. chapter 204A is amended to read:

### CHAPTER 204A. DEVELOPMENTAL DISABILITIES ACT

\* \* \*

#### § 8722. DEFINITIONS

As used in this chapter:

\* \* \*

(2) “Developmental disability” means a severe, chronic disability of a person that is manifested before the person reaches ~~the age of~~ 18 years of age and results in:

(A) ~~mental retardation~~ intellectual disability, autism, or pervasive developmental disorder; and

(B) deficits in adaptive behavior at least two standard deviations below the mean for a normative comparison group.

\* \* \*

§ 8723. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT LIVING; DUTIES

The ~~department~~ Department shall plan, coordinate, administer, monitor, and evaluate ~~state~~ State and federally funded services for people with developmental disabilities and their families within Vermont. The ~~department of disabilities, aging, and independent living~~ Department shall be responsible for coordinating the efforts of all agencies and services, government and private, on a statewide basis in order to promote and improve the lives of individuals with developmental disabilities. Within the limits of available resources, the ~~department~~ Department shall:

(1) ~~Promote~~ promote the principles stated in section 8724 of this title and shall carry out all functions, powers, and duties required by this chapter by collaborating and consulting with people with developmental disabilities, their families, guardians, community resources, organizations, and people who provide services throughout the ~~state.~~ State;

(2) ~~Develop and~~ develop, maintain, and monitor an equitably and efficiently allocated statewide system of community-based services that reflect the choices and needs of people with developmental disabilities and their families;

(3) ~~Acquire and~~ acquire, administer, and exercise fiscal oversight over funding for ~~these~~ community-based services ~~and identify needed resources and legislation, including the management of State contracts~~;

(4) identify resources and legislation needed to maintain a statewide system of community-based services;

(5) ~~Establish~~ establish a statewide procedure for applying for services;

(5)(6) ~~Facilitate~~ facilitate or provide pre-service or in-service training and technical assistance to service providers consistent with the system of care plan;

(6)(7) ~~Provide quality assessment and quality improvement support for the services provided throughout the state.~~ maintain a statewide system of quality assessment and assurance for services provided to people with developmental disabilities and provide quality improvement support to ensure that the principles of service in section 8724 of this title are achieved;

(7)(8) ~~Encourage~~ encourage the establishment and development of locally administered and locally controlled nonprofit services for people with developmental disabilities based on the specific needs of individuals and their families;

~~(8)~~(9) ~~Promote~~ promote and facilitate participation by people with developmental disabilities and their families in activities and choices that affect their lives and in designing services that reflect their unique needs, strengths, and cultural values;

~~(9)~~(10) ~~Promote~~ promote positive images and public awareness of people with developmental disabilities and their families;

~~(10)~~(11) ~~Certify~~ certify services that are paid for by the ~~department~~.  
Department; and

~~(11)~~(12) ~~Establish~~ establish a procedure for investigation and resolution of complaints regarding the availability, quality, and responsiveness of services provided throughout the ~~state~~ State.

\* \* \*

#### § 8725. SYSTEM OF CARE PLAN

\* \* \*

(d) ~~The department~~ Notwithstanding 2 V.S.A. § 20(d), on or before January 15 of each year, the Department shall report annually to the ~~governor~~ Governor and the ~~general assembly~~ committees of jurisdiction regarding implementation of the plan and shall make annual revisions as needed, the extent to which the principles of service set forth in section 8724 of this title are achieved, and whether people with developmental disabilities have any unmet service needs, including the number of people on waiting lists for developmental services.

\* \* \*

#### Sec. 2. SYSTEM OF CARE STUDY COMMITTEE

(a) Creation. There is created a System of Care Study Committee to examine the process by which people with developmental disabilities and their families receive State-funded services, including the manner in which the System of Care Plan is created and reviewed prior to taking effect.

(b) Membership. The Study Committee shall be composed of the following 12 members:

(1) a representative of the House Committee on Appropriations, who shall be appointed by the Speaker of the House;

(2) a representative of the House Committee on Human Services, who shall be appointed by the Speaker of the House;

(3) a representative of the Senate Committee on Appropriations, who shall be appointed by the Committee on Committees;



(4) a representative of the Senate Committee on Health and Welfare, who shall be appointed by the Committee on Committees;

(5) the Commissioner of Disabilities, Aging, and Independent Living or a designee;

(6) the Director of the Department of Disabilities, Aging, and Independent Living's Developmental Disabilities Services Division;

(7) a representative of the Vermont Developmental Disabilities Council;

(8) a representative of the Vermont Council on Developmental and Mental Health Services;

(9) a representative of the Green Mountain Self Advocates;

(10) a representative of Vermont Family Network;

(11) a consumer or family member representing the State Program Standing Committee for Developmental Disabilities, who shall be appointed by the Standing Committee; and

(12) a nongovernmental member of the Developmental Disabilities Services Imagine the Future Task Force, who shall be appointed by the Task Force and who shall ensure that the findings and recommendations of the Task Force are included in the discussions of the Study Committee.

(c) Powers and duties. The Study Committee shall examine the process by which people with developmental disabilities and their families receive State-funded services, including the following tasks:

(1) review 18 V.S.A. chapter 204A;

(2) assess how Vermont's existing developmental disability service system compares with other programs administered by the Agency of Human Services in terms of prioritizing who receives services among the population of eligible recipients;

(3) identify concerns or shortcomings in the existing process for serving people with developmental disabilities and their families, if any;

(4) identify opportunities during the development of the System of Care Plan to augment community participation, legislative participation, or both, as necessary; and

(5) identify specific legislative changes to 18 V.S.A. chapter 204A that would ensure equitable distribution of services to people with developmental disabilities and their families, if necessary.

(d) Assistance. The Study Committee shall have the administrative,

technical, and legal assistance of the Office of Legislative Council.

(e) Recommended Legislation.

(1) On or before December 15, 2014, the Study Committee shall submit a report containing its findings and recommendations, including any proposed legislative changes to 18 V.S.A. chapter 204A, to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare.

(2) Any member or members of the Study Committee who do not support the report submitted by a majority of Study Committee members may prepare and submit a minority report to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare.

(f) Meetings.

(1) The house member representing the Committee on Human Services shall call the first meeting of the Study Committee to occur on or before August 15, 2014.

(2) The Study Committee shall select a chair from among its legislative members at the first meeting.

(3)(A) A majority of the members of the Study Committee shall be physically present at the same location to constitute a quorum.

(B) A member may vote only if physically present at the meeting location.

(4) The Study Committee shall cease to exist on January 1, 2015.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Study Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than four meetings.

(2) Other members of the Study Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than four meetings.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

**( Committee Vote: 10-0-1)**

**Rep. Manwaring of Wilmington**, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as recommended by the Committee on **Human Services**.

**(Committee Vote: 11-0-0)**

**H. 790**

An act relating to Reach Up eligibility

**Rep. Trieber of Rockingham**, for the Committee on **Human Services**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

(a) Financial assistance shall be given for the benefit of a dependent child to the relative or caretaker with whom the child is living unless otherwise provided. The amount of financial assistance to which an eligible person is entitled shall be determined with due regard to the income, resources, and maintenance available to that person and, as far as funds are available, shall provide that person a reasonable subsistence compatible with decency and health. The Commissioner may fix by regulation maximum amounts of financial assistance, and act to ~~insure~~ ensure that the expenditures for the programs shall not exceed appropriations for them consistent with section 101 of this title. In no case may the Department expend State funds in excess of the appropriations for the programs under this chapter.

\* \* \*

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

(1) No less than the first ~~\$200.00~~ \$300.00 per month of earnings from an unsubsidized job and ~~25~~ 50 percent of the remaining unsubsidized earnings shall be disregarded in determining the amount of the family's financial assistance grant. The family shall receive the difference between countable income and the Reach Up payment standard in a partial financial assistance grant.

\* \* \*

(5) ~~The~~ Up to \$5,000.00 of the value of assets accumulated from the earnings of adults and children in participating families and ~~from the value of~~ any federal or Vermont earned income tax credit shall be excluded for purposes of determining continuing eligibility for the Reach Up program. ~~The~~

~~asset limitation shall be increased from \$1,000.00 to \$2,000.00 for participating families for the purposes of determining continuing eligibility for the Reach Up program.~~

\* \* \*

Sec. 2. 33 V.S.A. § 1107(a) is amended to read:

(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or community in a way that facilitates progress toward accomplishment of the family development plan. Case management may be provided to other eligible families. The case manager, with the full involvement of the family, shall recommend, and the Commissioner shall modify as necessary a family development plan established under the Reach First or Reach Up program for each participating family, with a right of appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. The applicant for or recipient of financial assistance, under this chapter, shall have the burden of demonstrating the existence of his or her condition.

(2) In addition to the services provided pursuant to subsection (b) of this section, the Commissioner shall provide for a mandatory case review for each participating family with a program director or the program director's designee when the family reaches 18 and 36 months of enrollment, respectively, in the Reach Up program to assess whether the participating family:

(A) is in compliance with a family development plan or work requirement;

(B) is properly claiming a deferment, if applicable; ~~and~~

(C) has any unaddressed barriers to self-sufficiency and, if so, how those barriers may be better addressed by the Department for Children and Families or other State programs; and

(D) has additional opportunities to achieve earned income through the program without a corresponding loss of benefits.

(3) The case manager shall meet with each participating family following any statutory or rule changes affecting the amount of the earned income disregard, asset limitations, or other eligibility or benefit criteria in the Reach Up program to inform the family of the changes and advise the family

about ways to maximize the opportunities to achieve earned income without a corresponding loss of benefits.

Sec. 3. 33 V.S.A. § 1204 is amended to read:

§ 1204. FOOD ASSISTANCE

(a) An eligible family shall receive monthly food assistance equal to ~~\$100.00~~ \$50.00 to be applied to the family's electronic benefit transfer (EBT) food account ~~for the first six months after the family has become eligible for Reach Ahead. For the seventh through 12th months, the family shall receive a monthly food assistance of \$50.00~~ while the family is eligible for Reach Ahead.

\* \* \*

Sec. 4. RULEMAKING; OFFSET FOR EARNED INCOME DISREGARD

(a) In order to effect the increased earned income disregard established by this act and to make its impact fiscally neutral, the Commissioner for Children and Families shall amend the rules governing the Reach Up program pursuant to 3 V.S.A. chapter 25 to authorize the Department to:

(1) calculate an annual adjustment to Reach Up grants, excluding exempt grants, that accounts for the difference between an earned income disregard of the first \$200.00 earned per month from an unsubsidized job in addition to 25 percent of the remaining unsubsidized earnings and the first \$300.00 earned per month from an unsubsidized job in addition to 50 percent of the remaining unsubsidized earnings, which may be adjusted downward based on appropriated resources and projected program costs; and

(2) apply the adjustment described in subdivision (1) of this subsection to all Reach Up grants, excluding exempt grants, after need and benefit determinations are calculated.

(b) As used in this section, "exempt grants" means grants to children in the care of a person other than their parents and grants to participating families when a single parent or both parents receive Supplemental Security Income.

Sec. 5. EFFECTIVE DATES

(a) Except for Secs. 1 and 3, this act shall take effect on July 1, 2014.

(b) Except for Sec. 1(c)(1), Secs. 1 and 3 shall take effect on October 1, 2014.

(c) Sec. 1(c)(1) shall take effect on July 1, 2015.

**( Committee Vote: 10-1-0)**

## H. 791

An act relating to the Housing First Study Committee

**Rep. Stevens of Waterbury**, for the Committee on **General, Housing and Military Affairs**, 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 “housing first” approach is a system of services for people living with homelessness, which includes emergency shelters, transitional housing, and permanent supportive housing. The “housing first” approach is premised on the belief that homeless and at-risk people are more responsive to interventions and social services support after they are in their own housing, rather than while living in temporary or transitional housing programs. The “housing first” approach stresses the immediate return to independent living.

(2) Interest in the “housing first” approach has grown recently with the success of the “Utah” model. The “housing first” approach may not be appropriate for every homeless person.

(3) There is a program in Vermont that has developed a rural model and has been considered successful by social and financial measures. The State of Vermont and other states have developed supportive housing programs that may provide similar services for individuals and families whose living conditions are unstable and transitional.

### Sec. 2. HOUSING FIRST STUDY COMMITTEE; REPORT

(a) Creation. There is created a committee to evaluate and investigate the causes and conditions of chronic homelessness, as defined by the federal HEARTH Act of 2009, 42 U.S.C. § 11360, throughout Vermont, and to propose solutions that will provide stable and safe housing that individuals may afford.

(b) Membership. The Committee shall be composed of the following members:

(1) two members from the House of Representatives, who shall be appointed by the Speaker of the House;

(2) two members from the Senate, who shall be appointed by the Committee on Committees;

(3) a representative of the Vermont Affordable Housing Coalition;

(4) a representative of the Vermont Coalition to End Homelessness;

(5) the Executive Director of the Vermont State Housing Authority or designee;

(6) the Director of Housing for the Agency of Human Services or designee;

(7) a representative from the Vermont Apartment Owners Association;

(8) the Executive Director of the Vermont Housing Finance Agency or designee;

(9) the Commissioner of Mental Health or designee;

(10) the Commissioner of Corrections or designee;

(11) the Executive Director of Pathways Vermont or designee.

(12) the Executive Director of the Vermont Housing and Conservation Board or designee; and

(13) a member of the public who has experienced homelessness, who shall be appointed, following the appointment of the Chair of the Committee, by the Chair of the Committee at the first Committee meeting.

(c) Powers and duties. The Committee shall:

(1) evaluate and investigate the causes and conditions of chronic homelessness in Vermont, and propose solutions to providing stable and safe housing that individuals may afford;

(2) evaluate and investigate the experience and results of existing programs that currently address the needs of individuals who are or have been chronically homeless; and

(3) conduct an analysis of supportive housing programs including:

(A) the service costs of one or more service providers;

(B) the costs associated with creating additional housing units dedicated for these models;

(C) the outcomes to be measured to determine whether the clients served will be better off; and

(D) the costs associated with providing rental subsidies.

(d)(1) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(2) The Joint Fiscal Office, in consultation with the Agency of Human Services and other agencies represented on the Committee, shall prepare an

analysis of any projected savings or costs attributed to programs that address chronic homelessness, which shall be presented at the first meeting of the Committee.

(e) Report. On or before December 15, 2014, the Committee shall submit a written report to the General Assembly with its findings and any recommendations for legislative action.

(f) Meetings.

(1) The members representing the House and Senate shall jointly call the first meeting of the Housing First Study Committee to occur on or before August 1, 2014.

(2) The Committee shall select a chair from among its members at its first meeting.

(3)(A) A majority of the members of the Committee shall be physically present at the same location to constitute a quorum.

(B) A member may vote only if physically present at the meeting location.

(C) Action shall be taken only if there is both a quorum and a majority vote of the members physically present and voting.

(4) The Committee shall meet no more than six times.

(5) The Committee shall cease to exist on December 31, 2014.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than six meetings.

(2) Other members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than six meetings.

(h) Appropriation. The General Assembly shall appropriate \$6,500.00 from the fiscal year 2015 General Fund to members of the Committee for per diem compensation and expenses reimbursement.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

**( Committee Vote: 8-0-0)**



**Rep. O'Brien of Richmond**, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as recommended by the Committee on **General, Housing and Military Affairs** and when further amended as follows:

in Sec. 2, by striking out subsection (h) in its entirety.

( **Committee Vote: 11-0-0**)

**Favorable**

**H. 869**

An act relating to miscellaneous agricultural subjects

(**Rep. Connor of Fairfield** will speak for the Committee on **Agriculture and Forest Products**.)

**Rep. Johnson of Canaan**, for the Committee on **Ways and Means**, recommends the bill ought to pass.

( **Committee Vote: 8-2-1**)

**H. 871**

An act relating to miscellaneous pension changes

(**Rep. Devereux of Mount Holly** will speak for the Committee on **Government Operations**.)

**Rep. O'Brien of Richmond**, for the Committee on **Appropriations**, recommends the bill ought to pass.

( **Committee Vote: 9-0-2**)

**Senate Proposal of Amendment**

**H. 702**

An act relating to self-generation and net metering

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 1, 30 V.S.A. § 219a, in subdivision (e)(3) (excess generation; single nondemand meter), by striking out subdivision (A) and inserting in lieu thereof a new subdivision (A) to read:

(A) The electric company shall calculate a monetary credit to the customer by multiplying the excess kWh generated during the billing period by the kWh rate paid by the customer for electricity supplied by the company and shall apply the credit to any remaining charges on the customer's bill for that period;. If the applicable rate schedule includes inclining block rates:

(i) for a net metering system that does not use solar energy, the rate used for this calculation shall be a blend of those rates determined by adding together all of the revenues to the company during a recent test year from kWh sold under those block rates and dividing the sum by the total kWh sold by the company at those rates during that same year; and

(ii) for a solar net metering system, the rate used for this calculation:

(I) during the ten years immediately following the system's installation shall be the highest of those block rates and, after this ten-year period, shall be the blended rate in accordance with subdivision (i) of this subdivision (A); or

(II) if the electric company's highest block rate exceeds the adder sum described in subdivision (h)(1)(K) of this section, then for the first year immediately following the system's installation, the electric company may use the adder sum to calculate the credit in lieu of the highest block rate, provided that during the following nine years, the electric company shall adjust the system's credit by a percentage equal to the percentage of each change in its highest block rate during the same period, and after the first ten years following the system's installation, the rate used to calculate the credit shall be the blended rate in accordance with subdivision (i) of this subdivision (A).

Second: In Sec. 1, 30 V.S.A. § 219a, in subsection (e) (electric energy measurement), by striking out subdivision (4) (excess generation; demand meter or time-of-use meter) and inserting in lieu thereof a new subdivision (4) to read:

(4) For a net metering system serving a customer on a demand or time-of-use rate schedule, the manner of measurement and the application of bill credits for the electric energy produced or consumed shall be substantially similar to that specified in this subsection for use with a single nondemand meter. However, if such a net metering system is interconnected directly to the electric company through a separate meter whose primary purpose is to measure the energy generated by the system:

(A) The bill credits shall apply to all kWh generated by the net metering system and shall be calculated as if the customer were charged the kWh rate component of the interconnecting company's general residential rate schedule that consists of two rate components: a service charge and a kWh rate, excluding time-of-use rates and demand rates.

(B) If a company's general residential rate schedule includes inclining block rates, the residential rate used for this calculation shall be ~~the highest of those block rates~~ a rate calculated in the same manner as under

subdivision (3)(A) of this subsection (e).

Third: In Sec. 1, 30 V.S.A. § 219a, in subdivision (h)(1)(K)(i) (solar incentive calculation), by striking out subdivision (III) (inclining block rates) and inserting in lieu thereof a new subdivision (III) to read:

(III) If a company's general residential rate schedule includes inclining block rates, the residential rate shall be the highest of those block rates.

Fourth: In Sec. 1, 30 V.S.A. § 219a, by striking out subsection (m) in its entirety and inserting in lieu thereof a new subsection (m) to read as follows:

(m)(1) A facility for the generation of electricity to be consumed primarily by the Military Department established under 3 V.S.A. § 212 and 20 V.S.A. § 361(a) or the National Guard as defined in 32 U.S.C. § 101(3), and installed on property of the Military Department or National Guard located in Vermont, shall be considered a net metering system for purposes of this section if it has a capacity of 2.2 MW or less and meets the provisions of subdivisions ~~(a)(3)(B) through (E)~~ (a)(6)(B)–(D) of this section.

(2) If the interconnecting electric company agrees, a solar facility or group of solar facilities for the generation of electricity, to be installed by one or more municipalities on a closed landfill, shall be considered a net metering system for purposes of this section if the facility or group of facilities has a total capacity of 5 MW or less and meets the provisions of subdivisions (a)(6)(B)–(D) of this section. The facilities or group of facilities may serve as a group net metering system that includes and is limited to each participating municipality. In this subdivision (2), "municipality" shall have the same meaning as under 24 V.S.A. § 4551.

(3) In addition to facilities authorized under subdivision (2) of this subsection, an interconnecting electric company may agree to one solar facility in its service territory for the generation of electricity to be installed and consumed primarily by a customer or group of customers, which shall be considered a net metering system for purposes of this section if:

(A) the facility has a total capacity of 5 MW or less and meets the provisions of subdivisions (a)(6)(B)–(D) of this section; and

(B) the interconnecting electric company does not undertake a pilot project under subsection (n) of this section.

(4) Such a A facility described in this subsection shall not be subject to and shall not count toward the capacity limits of subdivisions ~~(a)(3)(A)~~ (a)(6)(A) (no more than 500 kW) and (h)(1)(A) ~~four~~ 15 percent of peak demand) of this section.

Fifth: In Sec. 1, 30 V.S.A. § 219a(n), in the first sentence, after “facilities” by inserting to produce power and, before “installed,” by inserting to be

Sixth: In Sec. 1, 30 V.S.A. § 219a (self-generation and net metering), in subdivision (o)(1) (renewable energy achievement requirements), by striking out subdivision (B) and inserting in lieu thereof a new subdivision (B) to read:

(B) the electric company owns and has retired tradeable renewable energy credits monitored and traded on the New England Generation Information System or otherwise approved by the Board equivalent to 90 percent of the company’s total periodic retail sales of electricity calculated on a monthly basis commencing with the effective date of this subsection (o) and switching to an annual basis beginning one year after the effective date of this subsection; and

Seventh: By adding a new Sec. 1a to read as follows:

Sec. 1a. CLOSED LANDFILL; MUNICIPAL SOLAR; PILOT PROJECT

(a) As a pilot project, the Public Service Board shall allow one solar facility or group of solar facilities, to be installed by one or more municipalities on a closed landfill in Windham County and treated as a net metering system under 30 V.S.A. § 219a(m)(2), to serve as a group net metering system that includes not only each participating municipality but also includes members who are not a municipality.

(b) This authority shall apply notwithstanding any provision in 30 V.S.A. § 219a(m)(2) to the contrary.

(c) This authority shall apply only if an application for a certificate of public good under 30 V.S.A. § 248 for the solar facility or group of solar facilities is filed before January 1, 2017.

Eighth: In Sec. 4, 30 V.S.A. § 8010, in subsection (c), by striking out subdivision (3) and inserting in lieu thereof a new subdivision (3) to read:

(3) The rules shall establish standards and procedures governing application for and issuance or revocation of a certificate of public good for net metering systems under the provisions of section 248 of this title. In establishing these standards and procedures, the rules:

(A) may waive the requirements of section 248 of this title that are not applicable to net metering systems, including criteria that are generally applicable to public service companies as defined in this title;

(B) may modify notice and hearing requirements of this title as the Board considers appropriate;

(C) shall seek to simplify the application and review process as

appropriate; and

(D) with respect to net metering systems that exceed 150 kW in plant capacity, shall apply the so-called “Quechee” test for aesthetic impact as described by the Vermont Supreme Court in the case of In re Halnon, 174 Vt. 515 (2002) (mem.). The rules and application form shall state the components of this test.

Ninth: After Sec. 9, by inserting reader guides and Sec. 9a and Sec. 9b to read:

\* \* \* Advocacy; Regional Electric System \* \* \*

Sec. 9a. 30 V.S.A. § 2(f) is added to read:

(f) In all forums affecting policy and decision making for the New England region’s electric system, including matters before the Federal Energy Regulatory Commission and the Independent System Operator of New England, the Department of Public Service shall advance positions that are consistent with the statutory policies and goals set forth in 10 V.S.A. §§ 578, 580, and 581 and sections 202a, 8001, and 8005 of this title. In those forums, the Department also shall advance positions that avoid or minimize adverse consequences to Vermont and its ratepayers from regional and inter-regional cost allocation for transmission projects. This subsection shall not compel the Department to initiate or participate in litigation and shall not preclude the Department from entering into agreements that represent a reasonable advance to these statutory policies and goals.

\* \* \* SPEED Program; Environmental Attributes \* \* \*

Sec. 9b. STUDY; REPORT; SPEED PROJECTS; ENVIRONMENTAL ATTRIBUTES

(a) As used in this section:

(1) “2017 SPEED goal” means the statewide goal described in 30 V.S.A. § 8005(d) to assure that 20 percent of total statewide electric retail during the year commencing January 1, 2017 shall be generated by SPEED resources that constitute new renewable energy as defined in 30 V.S.A. § 8002.

(2) “Department” means the Department of Public Service established under 3 V.S.A. § 212 and 30 V.S.A. § 1.

(3) “Environmental attributes,” “renewable energy,” “plant,” “SPEED resources” and “tradeable renewable energy credits” shall have the same meaning as under 30 V.S.A. § 8002.

(b) On or before December 1, 2014, the Department shall commence and complete a study and produce a report on:

(1) the environmental and economic benefits and costs of requiring contracts with renewable energy plants commencing construction on and after the effective date of this section to attach environmental attributes, including any associated tradeable renewable energy credits, in order to count toward the 2017 SPEED goal; and

(2) the environmental and economic benefits and costs of Vermont's adopting a renewable portfolio standard.

(c) The report described in subsection (b) of this section shall include the Department's recommendation on whether contracts with renewable energy plants commencing construction on and after the effective date of this section should attach environmental attributes in order to count toward the 2017 SPEED goal.

(d) The Department shall submit the report described in subsection (b) of this section to the House Committee on Commerce and Economic Development, the Senate Committee on Finance, and the House and Senate Committees on Natural Resources and Energy.

Tenth: In Sec. 10 (effective dates, applicability; implementation), in subsection (a), after the first parenthetical phrase, by striking out “and” and inserting a new comma and after the second parenthetical phrase, by inserting , 9a (advocacy; regional electric system) and 9b (study; report; speed projects; environmental attributes)

Eleventh: In Sec. 10 (effective dates; applicability; implementation), in subsection (b), by striking out the first sentence and inserting in lieu thereof:

In this subsection, “amended subdivisions” means 30 V.S.A. § 219a(e)(3)(A) (credits), (e)(4)(B)(credits), and (h)(1)(K) (mandatory solar incentive) as amended by Sec. 1 of this act.

Twelfth: In Sec. 10 (effective dates; applicability; implementation), by adding a subsection (h) to read:

(h) During statutory revision, the Office of Legislative Council shall substitute the actual dates for the phrases, in 30 V.S.A. § 219a(o)(1)(B), “effective date of this subsection” and “one year after the effective date of this subsection.”

Thirteenth: In Sec. 10 (effective dates; applicability; implementation), by adding a new subsection (i) to read:

(i) Sec. 1a (closed landfill; municipal solar; pilot project) shall take effect on passage.

(For text see House Journal 1/29/2014 )

### **Public Hearings**

Thursday March 20, 2014 - House Chamber - 6:00-8:00 PM - H. 552 - Minimum Wage - General, Housing and Military Affairs

March 18, 2014 - House chamber - 6:00pm-7:30 pm - DR 14-742 - Governance Structure for Education - House Education

### **Information Notice**

#### **Deadline for Introducing Bills**

Pursuant to Rule 40(c) during the second year of the biennium, except with the prior consent of the Committee on Rules, no committee, except the Committees on Appropriations, Ways and Means or Government Operations, may introduce a bill drafted in standard form after the last day of March (March 31, 2014). The Committees on Appropriations and Ways and Means bill may be drafted in standard form at any time, and Government Operations bills pertaining to city or town charters, may be drafted in standard form at any time.

### **CROSSOVER DEADLINES**

The Joint Rules Committee established the following Crossover deadlines:

(1) All House bills must be reported out of the last committee of reference on or before Friday, March 14, 2014, and filed with the House Clerk's Office so that they may be placed on the Calendar for Notice the next legislative day.

(2) All House bills referred pursuant to the Committees on Appropriations and Ways and Means must be reported out by the last of those committees on or before Friday, March 21, 2014, and filed with the House Clerk's Office so that they may be placed on the Calendar for Notice the next legislative day.

### **Joint Assembly**

March 20, 2014 – 10:30 A.M. – Retention of Superior Judges: Nancy S. Corsones, Amy M. Davenport, Katharine A. Hayes, Martin A. Maley, David T. Suntag, and Tomas G. Walsh.