House Calendar

Thursday, March 20, 2014

73rd DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 A.M.

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ACTION CALENDAR

Third Reading

H. 325

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

H. 646

An act relating to unemployment insurance

Amendment to be offered by Rep. Young of Glover to H. 646

First: In Sec. 5, 21 V.S.A. § 1343, in subdivision (a)(8), after the words "four weeks" by inserting the following:

or extend beyond the date of separation as provided in the employee's notice to the employer

Second: In Sec. 6, 21 V.S.A. § 1459, by striking out the section in its entirety and inserting in lieu thereof the following:

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 employers in the base period. Reimbursable employers participating in the STC ~~program~~ Program shall be assessed for the STC benefits paid their employees.

Third: In Sec. 7, by striking out the section in its entirety, and inserting in lieu thereof the following:

Sec. 7. SUNSET

Sec. 4, 21 V.S.A. § 1340a (self-employment assistance program), shall be repealed on January 1, 2017.

Fourth: In Sec. 9, by striking out the section in its entirety and inserting in lieu thereof the following:

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.

H. 699

An act relating to temporary housing

H. 758

An act relating to Worker Adjustment and Retraining Notification

H. 866

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

H. 874

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

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

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.)**

Amendment to be offered by Rep. Wright of Burlington to H. 876

after Sec. 34 and before the reader assistance heading "* * * Repeals * * *", by inserting a reader assistance heading and four new sections to be Secs. 35–38 to read:

* * * Mandatory Binding Arbitration; Strikes; Imposed Contracts; Teachers and Administrators * * *

Sec. 35. 16 V.S.A. § 2011 is added to read:

§ 2011. MANDATORY DETERMINATION BY THE VERMONT LABOR RELATIONS BOARD

(a) If the parties' dispute remains unresolved as to any issue on the 15th day after delivery of the fact-finding commission's report under section 2007 of this title or if the parties otherwise agree that they have reached an impasse,

each party shall submit to the Vermont Labor Relations Board its last best offer on all undisputed issues, which shall be reviewed and decided upon as a single package. The Labor Relations Board may hold hearings and may consider the recommendations of the fact-finding committee, if one has been activated.

(b) In reaching a decision, the Labor Relations Board shall give weight to all relevant evidence presented by the parties, including:

(1) the lawful authority of the school board;

(2) stipulations of the parties;

(3) the interest and welfare of the public and the financial ability of the school board to pay for increased costs of public services, including the cost of labor;

(4) comparisons of the wages, hours, and conditions of employment of the employees involved in the dispute with the wages, hours, and conditions of employment of other employees performing similar services in public schools in comparable communities or in private employment in comparable communities;

(5) the average consumer prices for goods and services commonly known as the cost of living;

(6) the overall compensation currently received by the employees, including direct wages, benefits, continuity conditions and stability of employment, and all other benefits received; and

(7) the prior negotiations and existing conditions of other school and municipal employees.

(c) Within 30 days of receiving the last best offers of the parties, the Labor Relations Board shall select between the offers, considered in their entirety without amendment, and shall determine the cost of its selection. The Labor Relations Board shall not issue an order under this subsection that is in conflict with any law or rule or that relates to an issue that is not bargainable. The Labor Relations Board shall file one copy of the decision with the relevant municipal clerk or clerks and the negotiations councils. Except as provided in subsection (d) of this section, the decision of the Labor Relations Board shall be final and binding on the parties.

(d) The parties shall share equally all mutually incurred costs incidental to this section.

(e) Upon application of a party, a Superior Court shall vacate an award on the same grounds as set forth in 21 V.S.A. § 1733(d) and according to the same procedures as set forth in 21 V.S.A. § 1733(e).

(f) Upon application by either party, a Superior Court may issue a temporary restraining order or other injunctive relief and may award costs, including reasonable attorney's fees in connection with any action taken by a representative organization, its officials, or its members or by a school board or its representative in violation of this section, including engaging in a strike, which shall have the same meaning as in 21 V.S.A. § 1722, and the imposition of contractual terms.

Sec. 36. 3 V.S.A. § 924(e) is amended to read:

(e) In addition to its responsibilities under this chapter, the ~~board~~ Board shall carry out the responsibilities given to it under 16 V.S.A. chapter 57, 21 V.S.A. chapters 19 and 22, and chapter 28 of this title and when so doing shall exercise the powers and follow the procedures set out in that chapter.

Sec. 37. REPEAL

The following sections of Title 16 are repealed:

(1) § 2008 (finality of school board decisions);

(2) § 2010 (injunctions granted only if action poses clear and present danger);

(3) § 2021 (negotiated binding interest arbitration);

(4) § 2022 (selection and decision of arbitrator);

(5) § 2023 (jurisdiction of arbitrator);

(6) § 2024 (judicial appeal);

(7) § 2025 (factors to be considered by the arbitrator);

(8) § 2026 (notice of award); and

(9) § 2027 (fees and expenses of arbitration).

Sec. 38. IMPLEMENTATION

Secs. 35–37 of this act shall apply to negotiations beginning on or after that date for collective bargaining agreements for fiscal year 2016 and after.

and by renumbering the remaining sections to be numerically correct.

Amendment to be offered by Rep. Greshin of Warren to H. 876

After Sec. 34 and before the reader assistance heading "* * * Repeals * * *", by inserting a reader assistance heading and a new section to be Sec. 35 to read:

* * * Dual Enrollment * * *

Sec. 35. 16 V.S.A. § 944 is amended to read:

§ 944. DUAL ENROLLMENT PROGRAM

* * *

(b) Students.

(1) A Vermont resident who has completed grade 10 but has not received a high school diploma is eligible to participate in the Program if:

(A) the student:

(i) is enrolled in:

(I) a Vermont public school, including a Vermont career technical center;

(II) a public school in another state or an approved independent school that is designated as the public secondary school for the student's district of residence; or

(III) an approved or recognized independent school in Vermont ~~to which the student's district of residence pays publicly funded tuition on behalf of the student~~;

(ii) is assigned to a public school through the High School Completion Program; or

(iii) is a home study student;

(B) dual enrollment is an element included within the student's personalized learning plan; and

(C) the secondary school and the postsecondary institution have determined that the student is sufficiently prepared to succeed in a dual enrollment course, which can be determined in part by the assessment tool or tools identified by the participating postsecondary institution.

(2) An eligible student may enroll in up to two dual enrollment courses prior to completion of secondary school for which neither the student nor the student's parent or guardian shall be required to pay tuition. A student may enroll in courses offered while secondary school is in session and during the summer.

* * *

(f) Tuition and funding.

* * *

(4) Notwithstanding any other provision of this subsection (f), a district

of residence shall not be responsible for payments under this subsection on behalf of a student enrolled in an approved or recognized independent school for whom tuition is privately paid; rather, if the approved or recognized independent school chooses to participate in the Dual Enrollment Program, then the independent school shall pay the portion of a student's dual enrollment tuition not paid by the State pursuant to subdivision (2) of this subsection.

* * *

and by renumbering the remaining sections to be numerically correct.

Amendment to be offered by Rep. Lewis of Berlin to H. 876

After Sec. 34 and before the reader assistance heading "* * * Repeals * * *", by inserting a reader assistance heading and a new section to be Sec. 35 to read:

* * * Public School Activities; Students Enrolled in Independent Schools * * *

Sec. 35. 16 V.S.A. § 563(24) is amended to read:

(24) Shall adopt a policy ~~which~~ that, in accordance with rules adopted by the ~~state board of education~~ State Board, will:

(A) integrate home study students into its schools through enrollment in courses, participation in cocurricular and extracurricular activities, including athletics, and use of facilities; and

(B) enable students enrolled in approved and recognized independent schools to participate in all extracurricular activities available to students enrolled in the schools maintained by the district, including membership on the district's athletic teams.

and by renumbering the remaining sections to be numerically correct.

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.)**

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 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. 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. 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)

NOTICE CALENDAR

Favorable with Amendment

H. 585

An act relating to prohibiting the creation and renewal of State Police contracts with municipalities to provide police services

Rep. Hubert of Milton, 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; LAW ENFORCEMENT STRUCTURE IN THE STATE

(a) Creation. There is created a Legislative Law Enforcement Study Committee to review various issues related to the structure of law enforcement 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 Judiciary; 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 Judiciary.

(c) Powers and duties. The Committee shall study the structure of law enforcement in the State, including the following issues:

(1) the overall mission of the State Police;

(2) the overall missions of all other law enforcement entities in the State;

(3) the manner in which the State can be provided with the best law enforcement coverage statewide during all hours of every day and with improved law enforcement response times, including whether:

(A) the size of the State Police should be increased due to increased need and in order to reduce workload;

(B) State Police contracts with municipalities improve statewide law enforcement coverage;

(C) certain municipalities should be required to establish municipal police departments or to expand their municipal police department coverage to include additional towns;

(D) the State should be separated into regions with the requirement that there be regional policing within each region and if so, by which law enforcement entities; and

(E) the State should be separated into regions for the purpose of dispatch services;

(4) the manner in which special teams within the State Police can perform at the highest level;

(5) the retention of law enforcement officers prior to the age of retirement;

(6) whether there should be created an Agency of Public Safety and if so, which types of law enforcement officers should be under the jurisdiction of that Agency;

(7) whether the State's capability to perform in-state blood testing in criminal matters should be enhanced in order to avoid using out-of-state blood testing services;

(8) the role of the Vermont Criminal Justice Training Council and the Vermont Police Academy; and

(9) any other issues identified in the latest Law Enforcement Advisory Board report.

(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 law enforcement structure in the State".

(Committee Vote: 11-0-0)

Rep. Fagan of Rutland City, for the Committee on **Appropriations,** recommends the bill ought to pass when amended as recommended by the Committee on **Government Operations** and when further amended as follows:

First: In Sec. 1 (legislative study; law enforcement structure in the State), in subsection (c) (powers and duties), in subdivision (3), by striking out subdivision (A) and inserting in lieu thereof the following:

(A) the State Police should be right-sized based on a data-driven needs assessment and more effective deployment;

Second: In Sec. 1, in subsection (e) (report), after the first sentence, by adding a new sentence to read: "Any recommendation for legislative action shall be accompanied by the cost to the State and to any affected municipalities that would be necessary to support the recommendation."

Third: In Sec. 1, in subsection (g) (reimbursement), at the end of the sentence after "2 V.S.A. § 406," by inserting "for no more than five meetings, unless prior approval for additional meetings is given by the Speaker of the House and the President Pro Tempore of the Senate"

(Committee Vote: 9-2-0)

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)

Rep. O'Brien of Richmond, 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)

Consent Calendar
Concurrent Resolutions

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

H.C.R. 265

House concurrent resolution celebrating the music of Vermont and designating November 2014 as Vermont Music Month

H.C.R. 266

House concurrent resolution in memory of Beverly Mae Shores of Granby

H.C.R. 267

House concurrent resolution honoring the Vermont Rail Action Network for its efforts to improve the State's rail service

H.C.R. 268

House concurrent resolution congratulating the Vermont Rail System on its 50th anniversary

H.C.R. 269

House concurrent resolution congratulating Norwich University on being ranked the second-best school nationally for cybersecurity education

H.C.R. 270

House concurrent resolution honoring the youth education program of Unbound Grace-Sentinel Farms

H.C.R. 271

House concurrent resolution congratulating Vermont's first ENERGY STAR qualified elementary and secondary schools

H.C.R. 272

House concurrent resolution honoring former Rutland Town Fire Chief Joseph J. Denardo

H.C.R. 273

House concurrent resolution in memory of Pownal Selectboard Member Dale Palmer

S.C.R. 51

Senate concurrent resolution congratulating Howard Coffin on his Gettysburg Sesquicentennial address

Public Hearings

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

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.