

House Calendar

Thursday, March 27, 2014

80th DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 A.M.

TABLE OF CONTENTS

	Page No.
ACTION CALENDAR	
Third Reading	
H. 555 The commitment of a criminal defendant who is incompetent to stand trial because of a traumatic brain injury	1480
Rep. Donahue et al Amendment.....	1480
H. 590 The safety and regulation of dams	1480
H. 695 Establishing a product stewardship program for primary batteries.	1480
Committee Bill for Second Reading	
H. 884 Miscellaneous tax changes	1481
Rep. Ancel for Ways and Means	
Rep. Poirier Amendment	1481
H. 885 Making appropriations for the support of government	1481
Rep. Heath for Appropriations	
Rep. Poirier Amendment	1481
Rep. Heath Amendment	1482
Rep. Browning Amendment.....	1483
Favorable with Amendment	
H. 882 Compensation for certain State employees	1484
Rep. Townsend for Government Operations	
Rep. Johnson for Appropriations.....	1484
Rep. Canfield Amendment	1484
Consent Calendar	
H.C.R. 274 Congratulating Devin Logan on winning the silver medal at the first Olympic slopestyle skiing women’s competition	1487

H.C.R. 275 Designating April 9, 2014 as the Battle of Cedar Creek Remembrance Day	1487
H.C.R. 276 Congratulating the 2014 Williamstown High School Blue Devils Division III championship boys' basketball team	1487
H.C.R. 277 Honoring the Vermont State Grange	1487
H.C.R. 278 Honoring Joyce Pedone for her municipal public service in the town of Clarendon	1487
H.C.R. 279 Recognizing Project VISION for its role in addressing opiate addiction in Rutland City.....	1487
H.C.R. 280 Honoring cancer survivors and their caregivers	1487
H.C.R. 281 Congratulating the 2014 and ninth consecutive Essex High School State championship gymnastics team	1487
H.C.R. 282 Congratulating the 2014 Essex High School Division I championship girls' indoor track team	1487
H.C.R. 283 Designating April 15, 2014 as MS Awareness Day in Vermont	1488
H.C.R. 284 Congratulating Lida Croteau Surrige on her 100th birthday .	1488
H.C.R. 285 Congratulating Rochester High School 2014 valedictorian Pavin Parrish on his academic and basketball accomplishments	1488
S.C.R. 52 Senate concurrent resolution expressing appreciation and gratitude to the Agency of Transportation Maintenance Section's employees for their 2013–2014 winter highway work.....	1488
S.C.R. 53 Senate concurrent resolution honoring Air Pollution Control Division Director Richard Valentinetti	1488

ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 555

An act relating to the commitment of a criminal defendant who is incompetent to stand trial because of a traumatic brain injury

Amendment to be offered by Reps. Donahue of Northfield, Batchelor of Derby, Burditt of West Rutland, Frank of Underhill, French of Randolph, Haas of Rochester, Krowinski of Burlington, McFaun of Barre Town, Mrowicki of Putney, Pugh of South Burlington, and Trieber of Rockingham to H. 555

First: In Sec. 13, in subsection (a), after the word “Judiciary” by inserting the House Committee on Human Services, and the Senate Committee on Health and Welfare

Second: In Sec. 13, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) On or before October 1, 2014 and on or before February 1, 2015, the Department of Disabilities, Aging, and Independent Living shall report to the House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare on the status of the Department’s progress toward implementation of this act. The status reports shall include updates on the Department’s progress in evaluating best practices for treatment of persons with traumatic brain injuries who are unable to conform their behavior to the requirements of the law, and in identifying appropriate programs and services to provide treatment to enable those persons to be fully reintegrated into the community consistent with public safety. The status reports shall also include updates on the Department’s progress developing the programs and services needed to treat persons with traumatic brain injuries who have been found not guilty by reason of insanity or incompetent to stand trial as required by this act.

H. 590

An act relating to the safety and regulation of dams

H. 695

An act relating to establishing a product stewardship program for primary batteries

Committee Bill for Second Reading

H. 884

An act relating to miscellaneous tax changes.

(Rep. Ancel of Calais will speak for the Committee on Ways and Means.)

Amendment to be offered by Rep. Poirier of Barre City to H. 884

First: By adding a reader assistance heading and Sec. 18a to read as follows:

* * * Income taxes * * *

Sec. 18a. TAX RATES

(a) For tax years 2014 and 2015, the tax rates for the two highest income tax brackets in 32 V.S.A. § 5822(a)(1)–(5) are raised from tax year 2013 rates of 8.80 percent and 8.95 percent to 9.5 percent and 9.95 percent respectively. The tax rates for the three lowest brackets shall remain the same as they were in tax year 2013: 3.55 percent, 6.80 percent, and 7.80 percent. The Office of Legislative Council is authorized to alter the statutory chart in 32 V.S.A. § 5822(a)(1)–(5) to reflect these changes.

(b) For tax year 2016 and after, the tax rates for all five income tax brackets in 32 V.S.A. § 5822(a)(1)–(5) shall return to the same as they were in tax year 2013, in order from lowest bracket to highest bracket: 3.55 percent, 6.80 percent, 7.80 percent, 8.80 percent, and 8.95 percent. The Office of Legislative Council is authorized to alter the statutory chart in 32 V.S.A. § 5822(a)(1)–(5) to reflect these changes.

Second: By adding a Sec. 32(c) to read as follows:

(c) 2009 Spec. Sess. Acts and Resolves No. 2, Sec. 20 is repealed.

Third: In Sec. 33(1), “2 (consolidated returns),” by striking out the word “and” and after “3 (VEGI)” by inserting “, and 18a (income tax rates)”

H. 885

An act relating to making appropriations for the support of government.

(Rep. Heath of Westford will speak for the Committee on Appropriations.)

Amendment to be offered by Rep. Poirier of Barre City to H. 885

First: By inserting a new Sec. B.322.1 to read as follows:

Sec. B.322.1 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;
FUNDING

(a) The sum of \$10,000,000.00 is appropriated to the Department for Children and Families from the General Fund on an annual basis to offset federal reductions in the Supplemental Nutrition Assistance Program, beginning in fiscal year 2015.

(b) In order to effect the restoration of funds established by this section, the Commissioner for Children and Families shall adopt emergency rules on or before July 1, 2014 pursuant to 3 V.S.A. § 844 to authorize the Department to:

(1) calculate a monthly adjustment to 3SquaresVT benefits that equitably distributes funds appropriated to offset federal reductions in the Supplemental Nutrition Assistance Program to 3SquaresVT participants, which may be adjusted downward based on projected distribution costs;

(2) apply the adjustment described in subdivision (1) of this subsection to all 3SquaresVT benefits after need and benefit determinations are calculated; and

(3) distribute the adjustment to 3SquaresVT participants on a monthly basis in an efficient and cost-effective manner.

Second: In Sec. F.100 (effective dates), subsection (a), by inserting “B.322.1(b) (Supplemental Nutrition Assistance Program; funding),” after “Secs.”

Amendment to be offered by Rep. Heath of Westford to H. 885

First: In Sec. B.238, by striking out the figure “2,132,261” and inserting in lieu thereof the figure “2,280,210” and by striking out the figure “636,252” and inserting in lieu thereof the figure “488,303”

Second: In Sec. B.326, on the Special Funds line, by striking out the figure “10,936,994” and inserting in lieu thereof the figure “9,936,994” and after the Special funds line by inserting a new line to read as follows:

<u>Federal funds</u>	<u>1,000,000</u>
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Third: In Sec. C.106, in subdivision (a)(1), after the words “Retirement System” by inserting the following:

“ . These funds shall be carried forward to fiscal year 2015 and be considered part of the base funding for the cost of retired teachers health care in the system as reform efforts continue to stabilize the long-term fiscal health of the system”

Fourth: After Sec. E.105 by striking out Sec. E.100.3 in its entirety

Fifth: By adding a new section to be numbered Sec. E.106 to read as follows:

Sec. E.106 FINANCE AND MANAGEMENT REPORT

(a) The Commissioner of Finance and Management in consultation with the Legislative Joint Fiscal Office shall develop a report that includes reporting of tax expenditures, capital appropriations, and budgeted expenditures on an agency basis for two agencies: the Agency of Commerce and Community Development and the Agency of Agriculture, Food and Markets. This report shall cover the prior, current and proposed fiscal year budgeted amounts and shall be submitted as a companion document to the fiscal year 2016 budget in January 2015.

Amendment to be offered by Rep. Browning of Arlington to H. 885

First: By adding a Sec. E.150 to read:

Sec. E.150 32 V.S.A. § 306 is amended to read:

§ 306. BUDGET REPORT

(a) The Governor shall submit to the General Assembly, not later than the third Tuesday of every annual session, a unified budget which shall embody his or her estimates, requests, and recommendations for appropriations or other authorizations for expenditures from the State Treasury, the cost of all current and recommended tax expenditures, and the capital bill allocations of bonded dollars. In the first year of the biennium, the budget shall relate to the two succeeding fiscal years. In the second year of the biennium, it shall relate to the succeeding fiscal year. The unified budget shall clearly list by agency:

(1) all requests and recommendations for appropriations and other expenditures relating to each agency;

(2) all current and recommended tax expenditures relating to each agency's activities;

(3) all requests and recommendations for allocations of capital bill bonded dollars allocated to each agency; and

(4) in a miscellaneous category, all tax expenditures and capital bill allocations that do not relate to any agency.

* * *

Second: In Sec. F.100, by inserting a new subsection (d) to read:

(d) Sec. 150 (unified budget) shall take effect on July 1, 2014, and shall apply to the budget for fiscal year 2016.

and by relettering the remaining subsection to be alphabetically correct.

Favorable with Amendment

H. 882

An act relating to compensation for certain State employees.

(Rep. Townsend of South Burlington will speak for the Committee on Government Operations.)

Rep. Johnson of South Hero, for the Committee on Appropriations, recommends the bill be amended as follows:

First: In Sec. 9 (Pay Act appropriations), in subsection (a) (Executive Branch), near the end of the introductory paragraph, after “June 30, 2016; and salary increases for” by inserting “classified employees not in a bargaining unit and”

Second: In Sec. 9, in subdivision (a)(1)(A), after “The amount of” by striking out “\$7,152,319.00” and inserting in lieu thereof “\$7,150,580.00”

Third: In Sec. 9, in subsection (b) (Judicial Branch), in subdivision (2)(A), after “The amount of” by striking out “\$877,897.00” and inserting in lieu thereof “\$1,004,585.00”

Fourth: In Sec. 9, in subsection (b), in subdivision (2)(B), after “The amount of” by striking out “\$1,112,090.00” and inserting in lieu thereof “\$1,044,179.00”

Fifth: In Sec. 9, in subsection (c) (Legislative Branch), in subdivision (2), after “The amount of” by striking out “\$406,904.00” and inserting in lieu thereof “\$283,000.00”

(Committee Vote: 7-4-0)

Amendment to be offered by Rep. Canfield of Fair Haven to H. 882

* * * Executive Branch * * *

Sec. 1. COST OF LIVING ADJUSTMENTS; PROHIBITION

Exempt employees in the Executive Branch shall not receive a cost of living increase in fiscal years 2015 or 2016.

Sec. 2. RATE OF ADJUSTMENT; PROHIBITION

Notwithstanding the provisions of 32 V.S.A. §§ 1003(b) and 1020(b), the employees to which those subsections are applicable shall not receive any annual salary adjustments, special salary increases, or bonuses under those subsections in fiscal years 2015 or 2016.

* * * Judicial Branch * * *

Sec. 3. COST OF LIVING ADJUSTMENTS; PROHIBITION

Exempt employees in the Judicial Branch shall not receive a cost of living increase in fiscal years 2015 or 2016.

* * * Legislative Branch * * *

Sec. 4. COST OF LIVING ADJUSTMENTS; PROHIBITION

(a) Notwithstanding the provisions of 32 V.S.A. § 1051(a) that provide that the Speaker of the House and the President Pro Tempore of the Senate shall receive annual compensation that is adjusted annually by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, in fiscal years 2015 and 2016, the Speaker and the President Pro Tempore shall not receive a cost of living increase.

(b) Notwithstanding the provisions of 32 V.S.A. § 1052(a) that provide that each member of the General Assembly shall receive weekly compensation that is adjusted annually by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement, in fiscal years 2015 and 2016, the members of the General Assembly shall not receive a cost of living increase.

(c) Exempt employees in the Legislative Branch shall not receive a cost of living increase in fiscal years 2015 or 2016.

* * * Appropriations * * *

Sec. 5. PAY ACT APPROPRIATIONS

(a) Executive Branch. The two-year agreements between the State of Vermont and the Vermont State Employees' Association for the Defender General, nonmanagement, supervisory, and corrections bargaining units for the period July 1, 2014 through June 30, 2016 and for the collective bargaining agreement with the Vermont Troopers' Association for the period of July 1, 2015 through June 30, 2016 shall be funded as follows:

(1) Fiscal Year 2015.

(A) General Fund. The amount of \$6,571,373.00 is appropriated from the General Fund to the Secretary of Administration for distribution to departments to fund the fiscal year 2015 collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$2,000,000.00 is appropriated from the Transportation Fund to the Secretary of Administration for distribution to the Agency of Transportation and the Department of Public Safety to fund the fiscal year 2015 collective bargaining agreements and the requirements of this act.

(C) Other funds. The administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the fiscal year 2015 collective bargaining agreements and the requirements of this act. The estimated amounts are \$11,591,844.00 from special fund, federal, and other sources.

(D) With due regard to the possible availability of other funds, for fiscal year 2015, the Secretary of Administration may transfer from the various appropriations and various funds and from the receipts of the Liquor Control Board such sums as the Secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by State funds.

(2) Fiscal Year 2016.

(A) General Fund. The amount of \$7,900,794.00 is appropriated from the General Fund to the Secretary of Administration for distribution to departments to fund the fiscal year 2016 collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$2,000,000.00 is appropriated from the Transportation Fund to the Secretary of Administration for distribution to the Agency of Transportation and the Department of Public Safety to fund the fiscal year 2016 collective bargaining agreements and the requirements of this act.

(C) Other funds. The administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the fiscal year 2016 collective bargaining agreements and the requirements of this act. The estimated amounts are \$13,594,459.00 from special fund, federal, and other sources.

(D) With due regard to the possible availability of other funds, for fiscal year 2016, the Secretary of Administration may transfer from the various appropriations and various funds and from the receipts of the Liquor Control Board such sums as the Secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by State funds.

(b) Judicial Branch. The two-year agreements between the State of Vermont and the Vermont State Employees' Association for the judicial bargaining unit for the period July 1, 2014 through June 30, 2016 shall be funded as follows:

(1) Fiscal Year 2015. The amount of \$551,683.00 is appropriated from the General Fund to the Judiciary to fund the fiscal year 2015 collective bargaining agreement and the requirements of this act.

(2) Fiscal Year 2016. The amount of \$551,683.00 is appropriated from

the General Fund to the Judiciary to fund the fiscal year 2016 collective bargaining agreement and the requirements of this act.

* * * Effective Date * * *

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

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. 274

House concurrent resolution congratulating Devin Logan on winning the silver medal at the first Olympic slopestyle skiing women's competition

H.C.R. 275

House concurrent resolution designating April 9, 2014 as the Battle of Cedar Creek Remembrance Day

H.C.R. 276

House concurrent resolution congratulating the 2014 Williamstown High School Blue Devils Division III championship boys' basketball team

H.C.R. 277

House concurrent resolution honoring the Vermont State Grange

H.C.R. 278

House concurrent resolution honoring Joyce Pedone for her municipal public service in the town of Clarendon

H.C.R. 279

House concurrent resolution recognizing Project VISION for its role in addressing opiate addiction in Rutland City

H.C.R. 280

House concurrent resolution honoring cancer survivors and their caregivers

H.C.R. 281

House concurrent resolution congratulating the 2014 and ninth consecutive Essex High School State championship gymnastics team

H.C.R. 282

House concurrent resolution congratulating the 2014 Essex High School Division I championship girls' indoor track team

H.C.R. 283

House concurrent resolution designating April 15, 2014 as MS Awareness Day in Vermont

H.C.R. 284

House concurrent resolution congratulating Lida Croteau Surrige on her 100th birthday

H.C.R. 285

House concurrent resolution congratulating Rochester High School 2014 valedictorian Pavin Parrish on his academic and basketball accomplishments

S.C.R. 52

Senate concurrent resolution expressing appreciation and gratitude to the Agency of Transportation Maintenance Section's employees for their 2013–2014 winter highway work

S.C.R. 53

Senate concurrent resolution honoring Air Pollution Control Division Director Richard Valentinetti

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.

Amendments to the Budget

The House Committee on Appropriations requests all members of the House, who intend to introduce amendments to the proposed FY 2015 omnibus appropriations bill (H.885), to meet with the committee in room 42 at 8:45 a.m. on Thursday, March 27, before 2nd reading, OR at 8:45 a.m. on Friday, March 28, before 3rd reading. If possible, please schedule a time with Theresa Utton-Jerman (828-5767, Room: 40 or tutton@leg.state.vt.us) to meet with the Committee.

The Joint Fiscal Committee recently received the following items:

JFO #2669 – Six (6) limited service positions in the Department of Children and Families. These positions will be responsible for cases in the Disability Determination Division, including claims receipt and eligibility decisions. The positions are 100% federally funded (salary and benefits) and funding has already been approved by the legislature.

[JFO received 03/07/14]

JFO #2670 – Donation of 212 acres of land (appraised value: \$215,100) from Vermont Electric Power Company (VELCO) to the Vermont Department of Fish & Wildlife. This donation will preserve public access for hunting, fishing, and wildlife viewing. The donation is being made to satisfy a condition of the Public Service Board. Duck Stamp Fund monies (\$3,000) will be used to pay associated legal fees.

[JFO received 03/14/14]

JFO #2671 – \$41,600 grant from WomenSafe, Inc. to the Vermont Department of State's Attorneys and Sheriffs. These funds will be used to hire (via contract) a part time Victim Advocate in the Addison County office for advocacy for victims of domestic and sexual violence.

[JFO received 03/14/14]

JFO #2672 – \$10,000 grant from the National Alcohol Beverage Control Association to the Vermont Department of Liquor Control. These funds will be used to create and purchase wine bags containing educational messages (such as "Do Not Drink and Drive"). These bags will be distributed to first class establishments and then provided to customers who have purchased a bottle of wine and are taking the remainder of its contents home after their meal.

[JFO received 03/14/14]