

Journal of the House

Friday, March 21, 2014

At nine o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Joseph and John Cleary.

Message from the Senate No. 33

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 28. An act relating to gender-neutral nomenclature for the identification of parents on birth certificates.

S. 168. An act relating to making miscellaneous amendments to laws governing municipalities.

S. 314. An act relating to miscellaneous amendments to laws related to motor vehicles.

In the passage of which the concurrence of the House is requested.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 881

House bill, entitled

An act relating to approval of the adoption and the codification of the charter of the Town of Westford;

To the committee on Government Operations.

H. 882

House bill, entitled

An act relating to compensation for certain State employees;

Under the rule, placed on the Calendar for Notice.

Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

S. 28

Senate bill, entitled

An act relating to gender-neutral nomenclature for the identification of parents on birth certificates;

To the committee on Human Services.

S. 168

Senate bill, entitled

An act relating to making miscellaneous amendments to laws governing municipalities;

To the committee on Government Operations.

S. 195

Senate bill, entitled

An act relating to increasing the penalties for second or subsequent convictions for disorderly conduct, and creating a new crime of aggravated disorderly conduct;

To the committee on Judiciary.

S. 221

Senate bill, entitled

An act relating to providing statutory purposes for tax expenditures;

To the committee on Ways and Means.

S. 314

Senate bill, entitled

An act relating to miscellaneous amendments to laws related to motor vehicles;

To the committee on Transportation.

Bill Referred to Committee on Ways and Means**H. 740**

House bill, entitled

An act relating to transportation improvement fees

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

S. 28

Rep. Pugh of South Burlington moved that the committee on Human Services be relieved of House bill, entitled

An act relating to gender-neutral nomenclature for the identification of parents on birth certificates

And that the bill be committed to the committee on Judiciary, which was agreed to.

Action on Bill Postponed

H. 876

House bill, entitled

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

Was taken up and pending second reading of the bill, on motion of **Rep. Juskiewicz of Cambridge**, action on the bill was postponed until the next legislative day.

Bill Amended; Third Reading Ordered

H. 448

Rep. Stevens of Shoreham, for the committee on Agriculture and Forest Products, to which had been referred House bill, entitled

An act relating to Act 250 and primary agricultural soils

Reported in favor of its passage when 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.

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

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Agriculture and Forest Products and Ways and Means agreed to.

Pending the question, Shall the bill be read the third time? **Reps. Michelsen of Hardwick, Partridge of Windham, Lawrence of Lyndon, Bartholomew of Hartland, Stevens of Shoreham, Connor of Fairfield, Martin of Springfield, Taylor of Barre City, Toleno of Brattleboro, Smith of New Haven, and Zagar of Barnard** moved to amend the report of the committee on Agriculture and Forest Products as follows:

First: In Sec. 1, 10 V.S.A. § 6093 (mitigation of primary agricultural soils), after the first ellipsis, in subsection (b), by striking out the internal caption and the first full sentence prior to subdivision (1) (findings), and inserting in lieu thereof:

Suitable mitigation; outside designated areas. This subsection sets out requirements for and factors to be considered in determining suitable mitigation for development or subdivision of primary agricultural soils outside a designated area listed in subdivision (a)(1)(B)(i) of this section.

Second: After subsection (b), by inserting a new subsection (c) to read:

(c) Suitable mitigation; designated areas. For development or subdivision of primary agricultural soils inside a designated area listed in subdivision (a)(1)(B)(i) of this section, the applicant shall choose a mitigation option that conforms to subdivision (a)(1) (off-site mitigation fee), (2) (on-site mitigation), or (3) (combined mitigation) of this section.

and by relettering the remaining subsection to be alphabetically correct.

Which was agreed to.

Thereupon, the recommendation of amendment offered by the committee on Agriculture and Forest Products, as amended, was agreed to and third reading was ordered.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 728

House bill, entitled

An act relating to developmental services' system of care;

H. 791

House bill, entitled

An act relating to the Housing First Study Committee;

H. 869

House bill, entitled

An act relating to miscellaneous agricultural subjects;

H. 871

House bill, entitled

An act relating to miscellaneous pension changes;

H. 879

House bill, entitled

An act relating to administrative hearing officers;

Bill Amended, Read Third Time and Passed**H. 877**

House bill, entitled

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

Was taken up and pending third reading of the bill, **Rep. Consejo of Sheldon** moved to amend the bill as follows:

First: In Sec. 73, 2009 Acts and Resolves No. 43, Sec 31, by striking subdivision (f)(3) in its entirety.

Second: By adding a new Sec. 104 to read:

Sec. 104. 2009 Acts and Resolves No. 43, Sec. 31(f)(3) is amended to read:

(3) ~~Outside the legislative session, the department of mental health shall provide quarterly updates to the joint fiscal committee and the mental health oversight committee on the progress toward completing the facility and developing the residential recovery program. [Repealed.]~~

and by renumbering the remaining sections to be numerically correct.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Bill Amended; Third Reading Ordered**H. 585**

Rep. Hubert of Milton, for the committee on Government Operations, to which had been referred House bill, entitled

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

Reported in favor of its passage when 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”.

Rep. Fagan of Rutland City, for the committee on Appropriations, recommended that 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”

Which was agreed to.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the recommendation of amendment offered by the committee on Government Operations, as amended, be agreed to?

Reps. Hubert of Milton, Cole of Burlington, Consejo of Sheldon, Devereux of Mount Holly, Evans of Essex, Higley of Lowell, Lewis of Berlin, Martin of Wolcott, Mook of Bennington, Sweaney of Windsor, and Townsend of South Burlington moved that the report of the committee on Government Operations, be amended, as follows:

In Sec. 1 (legislative study; law enforcement structure in the State), in subsection (c) (powers and duties), by striking out subdivisions (8) and (9) in their entirety and inserting in lieu thereof the following:

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

(9) whether to allow full-time deputy sheriffs employed by a county that has opted in to the Vermont State Employees Retirement System under 24 V.S.A. § 290(a) to be considered an “employee” of that System under 3 V.S.A. § 455;

(10) whether there should be created within the State Police the position of Cold Case Investigator; and

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

Which was agreed to.

Thereupon, the recommendation of amendment offered by the committee on Government Operations, as amended, was agreed to and third reading was ordered.

Bill Amended; Third Reading Ordered

H. 790

Rep. Trieber of Rockingham, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to Reach Up eligibility

Reported in favor of its passage when 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.

Rep. O'Brien of Richmond for the committee on Appropriations, recommended that the bill ought to pass when amended as recommended by the committee on Human Services.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the committee of Human Services? **Rep. Hebert of Vernon** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the committee of Human Services? was decided in the affirmative. Yeas, 141. Nays, 4.

Those who voted in the affirmative are:

Ancel of Calais	Bouchard of Colchester	Buxton of Tunbridge
Bartholomew of Hartland	Branagan of Georgia	Campion of Bennington
Batchelor of Derby	Brennan of Colchester	Canfield of Fair Haven
Beyor of Highgate	Browning of Arlington	Carr of Brandon
Bissonnette of Winooski	Burditt of West Rutland	Christie of Hartford
Botzow of Pownal	Burke of Brattleboro	Clarkson of Woodstock

Cole of Burlington	Jewett of Ripton	Peltz of Woodbury
Condon of Colchester	Johnson of South Hero	Potter of Clarendon
Connor of Fairfield	Johnson of Canaan	Pugh of South Burlington
Conquest of Newbury	Juskiewicz of Cambridge	Quimby of Concord
Consejo of Sheldon	Keenan of St. Albans City	Rachelson of Burlington *
Copeland-Hanzas of Bradford	Kitzmiller of Montpelier	Ram of Burlington
Corcoran of Bennington	Klein of East Montpelier	Russell of Rutland City
Cross of Winooski	Koch of Barre Town	Ryerson of Randolph
Cupoli of Rutland City	Komline of Dorset	Savage of Swanton
Dakin of Chester	Krebs of South Hero	Scheuermann of Stowe
Davis of Washington	Kupersmith of South Burlington	Sharpe of Bristol
Deen of Westminster	Lanpher of Vergennes	Shaw of Pittsford
Devereux of Mount Holly	Larocque of Barnet	Smith of New Haven
Dickinson of St. Albans Town	Lawrence of Lyndon	South of St. Johnsbury
Donaghy of Poultney	Lenes of Shelburne	Stevens of Waterbury
Donahue of Northfield *	Lewis of Berlin	Stevens of Shoreham
Donovan of Burlington	Lippert of Hinesburg	Strong of Albany
Ellis of Waterbury	Macaig of Williston	Stuart of Brattleboro
Emmons of Springfield	Malcolm of Pawlet	Sweaney of Windsor
Evans of Essex	Manwaring of Wilmington	Taylor of Barre City
Fagan of Rutland City	Marcotte of Coventry *	Terenzini of Rutland Town
Fay of St. Johnsbury *	Marek of Newfane	Till of Jericho
Feltus of Lyndon	Martin of Springfield	Toleno of Brattleboro
Fisher of Lincoln	Martin of Wolcott	Toll of Danville
Frank of Underhill	Masland of Thetford	Townsend of South Burlington
French of Randolph	McCarthy of St. Albans City	Trieber of Rockingham
Gage of Rutland City	McCormack of Burlington	Turner of Milton *
Gallivan of Chittenden	McCullough of Williston	Van Wyck of Ferrisburgh
Goodwin of Weston	Michelsen of Hardwick	Vowinkel of Hartford
Grad of Moretown	Miller of Shaftsbury	Waite-Simpson of Essex
Greshin of Warren	Mitchell of Fairfax	Webb of Shelburne
Haas of Rochester	Mook of Bennington	Weed of Enosburgh
Head of South Burlington	Moran of Wardsboro	Wilson of Manchester
Heath of Westford	Morrissey of Bennington	Winters of Williamstown
Hebert of Vernon	Mrowicki of Putney	Wizowaty of Burlington *
Helm of Fair Haven	Myers of Essex	Woodward of Johnson
Higley of Lowell	Nuovo of Middlebury	Wright of Burlington
Hoyt of Norwich	O'Brien of Richmond	Yantachka of Charlotte
Hubert of Milton	O'Sullivan of Burlington *	Young of Glover
Huntley of Cavendish	Partridge of Windham	Zagar of Barnard
Jerman of Essex	Pearce of Richford	
	Pearson of Burlington	

Those who voted in the negative are:

Hooper of Montpelier *	Poirier of Barre City
Krowinski of Burlington	Spengler of Colchester

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

Kilmartin of Newport City
McFaun of Barre Town

Ralston of Middlebury
Shaw of Derby

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

This may prove to be one of the most significant actions we have taken in years on behalf of families in poverty, and I am proud to have been a part of it.”

Rep. Fay of St. Johnsbury explained her vote as follows:

“Mr. Speaker:

I voted in support of the important progress made in supporting Reach Up participants’ move toward self-sufficiency. But making this change by reducing critical support to perhaps the most vulnerable women and children in Vermont is extremely problematic.”

Rep. Hooper of Montpelier explained her vote as follows:

“Mr. Speaker:

This is an outstanding bill. I just cannot agree with the means of financing it.”

Rep. Marcotte of Coventry explained his vote as follows:

“Mr. Speaker:

Two days ago we began turning the cliffs into slopes by passing H.646 by changing the earnings disregard for unemployed Vermonters. We are now turning our Reach Up Program into a true Reach Up Program. I want to thank the member from Bristol on the earnings disregard and applaud not only the efforts of your Human Services Committee but also the member from Rockingham.”

Rep. O’Sullivan from Burlington explained her vote as follows:

“Mr. Speaker:

This bill encourages working Vermont families. As we discuss minimum wage we confront similar cliffs. In the Kavet Report working Vermont families actually lose money between the \$10.60 and \$10.50 hourly wage, due directly to the child care subsidy.

This bill is a great model for future cliff reductions.”

Rep. Rachelson of Burlington explained her vote as follows:

“Mr. Speaker:

I voted yes because the existing Reach Up cliff is a policy that does no one any good, least of all the people who turn down work for economic reasons.

I remain gravely concerned and urge our body to find another way to pay for this change that doesn’t rob Peter to pay Peter. Surely there is a better funding.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

This bill creates an incentive for people receiving assistance to improve their financial position by going to work and starts to address the benefits cliff problem which has stood in their way in the past. Thank you.”

Rep. Wizowaty of Burlington explained her vote as follows:

“Mr. Speaker:

I’m pleased to see the “income disregard” and changes to the asset test in this bill as a way to support people in “making work pay,” rather than having work result in a net loss. But I am concerned about the potential reduction in benefit amount to a different group of Reach Up Recipients if we don’t see a caseload reduction. I hope we will continue to work on supporting people in moving out of poverty into meaningful work that pays a livable wage.”

Thereupon, third reading was ordered.

Message from the Senate No. 34

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 100. An act relating to forest integrity.

S. 234. An act relating to Medicaid coverage for home telemonitoring services.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted Senate concurrent resolution of the following title:

S.C.R. 51. Senate concurrent resolution congratulating Howard Coffin on his Gettysburg Sesquicentennial address.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

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.

Communication from Representative Tess Taylor

“Representative Tess Taylor
45 Granite Street #2
Barre, VT 05641

March 21, 2014

Donald G. Milne, Clerk of the House
Vermont State House of Representatives
Montpelier, Vt 05633

Dear Don,

Recent circumstances have made it necessary for me to resign my position in the House of Representatives, effective immediately. I have been offered employment that will require my complete attention and therefore prevent me from retaining my seat.

It has been an honor and privilege to be elected three times by the people of Barre City to be their Representative. I cannot think of a more rewarding experience than to serve with members from every community in the state, all of whom value the concerns and expectations of their constituents as much as I have. I am also grateful for the opportunity to have been the Assistant Majority Leader, working with a thoughtful and generous leadership team.

It is incredibly difficult for me to leave my seat. However, I feel that it is my duty to depart now in order to work exclusively to a cause that I believe is most important for the future of all Vermonters.

Many thanks to you for your guidance and patience! I have indeed enjoyed service with you.

Yours sincerely,

/s/Tess Taylor”

Adjournment

At eleven o'clock and sixteen minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, March 25, 2014, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 49.

Concurrent Resolutions Adopted

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

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;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2014, seventy-second Adjourned session.]