

House Calendar

Thursday, March 23, 2017

79th DAY OF THE BIENNIAL SESSION

House Convenes at 9:30 A.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 230

An act relating to consent by minors for mental health treatment related to sexual orientation and gender identity

H. 290

An act relating to clarifying ambiguities relating to real estate titles and conveyances

H. 312

An act relating to retirement and pensions

H. 411

An act relating to Vermont's energy efficiency standards for appliances and equipment

H. 462

An act relating to social media privacy for employees

Amendment to be offered by Rep. Donahue of Northfield to H. 462

That the bill be amended in Sec.1, 21 V.S.A. § 495k, in subsection (f), following "Nothing in this section shall preclude an employer from requesting" by inserting the words "or requiring an employee to provide"

H. 502

An act relating to modernizing Vermont's parentage laws

H. 503

An act relating to bail

Committee Bill for Second Reading

H. 506

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

(**Rep. LaClair of Barre Town** will speak for the Committee on Government Operations.)

H. 507

An act relating to Next Generation Medicaid ACO pilot project reporting requirements.

(Rep. Houghton of Essex will speak for the Committee on Health Care.)

NOTICE CALENDAR

Favorable with Amendment

H. 308

An act relating to a committee to reorganize and reclassify Vermont's criminal statutes

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

Sec. 1. CRIMINAL CODE RECLASSIFICATION IMPLEMENTATION COMMITTEE

(a) Creation. There is created the Criminal Code Reclassification Committee to develop and propose a classification system for purposes of structuring Vermont's criminal offenses.

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

(1) three current members of the House of Representatives, not all from the same political party, who shall be appointed by the Speaker of the House; and

(2) three current members of the Senate, not all from the same political party, who shall be appointed by the Committee on Committees;

(c) Powers and duties.

(1) The Committee shall develop a classification system that creates categories of criminal offenses on the basis of the maximum potential period of imprisonment and the maximum potential fine. The Committee shall propose legislation that places each of Vermont's criminal statutes into one of the classification offense categories it identifies. If the Committee is unable to determine an appropriate classification for a particular offense, the Committee shall indicate multiple classification possibilities for that offense.

(2) For purposes of the classification system developed pursuant to this section, the Committee shall consider the recommendations of the Criminal Code Reclassification Study Committee, and may consider whether to propose:

(A) rules of statutory interpretation specifically for criminal provisions;

(B) the consistent use of mental element terminology in all criminal provisions;

(C) a comprehensive section of definitions applicable to all criminal provisions.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office, and may consult with the Vermont Center for Justice Research, the Vermont Law School Center for Justice Reform, and any other person who would be of assistance to the Committee.

(e) Report. On or before December 31, 2017, the Committee shall submit a report consisting of proposed legislation to the House and Senate Committees on Judiciary.

(f) Meetings.

(1) The Committee shall select a chair and a vice chair from among its members at the first meeting.

(2) A majority of the membership shall constitute a quorum.

(3) The Committee shall cease to exist on January 15, 2018.

(g) Reimbursement. For attendance at meetings during adjournment of the General Assembly, 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.

(Committee Vote: 8-0-3)

Rep. Hooper of Montpelier, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Judiciary.

(Committee Vote: 11-0-0)

H. 326

An act relating to eligibility and calculation of grant or subsidy amount for Reach Up, Reach Ahead, and the Child Care Services Program

Rep. Keefe of Manchester, 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:

* * * Findings * * *

Sec. 1. FINDINGS

The General Assembly finds that:

(1) benefit cliffs, which occur when a family's loss of economic benefits outpaces the rate at which its earnings increase, have a detrimental impact on Vermont families;

(2) according to the 2016 article "Do Limits on Family Assets Affect Participation in, Costs of TANF?" by the Pew Charitable Trusts, raising or eliminating asset limits within the Temporary Assistance for Needy Families program (TANF) does not affect the number of monthly applicants to the program;

(3) according to the 2016 article "Low TANF Asset Limits Show No Cost or Caseload Benefits for State Programs" by the Pew Charitable Trusts, states experience a decrease in administrative costs when they raise or eliminate TANF asset tests;

(4) according to a 2014 article entitled "Relationships Between College Savings and Enrollment, Graduation, and Student Loan Debt," by the Center for Social Development, children in families that have few or no assets have lower academic achievement scores, high school graduation rates, college enrollment rates, and college graduation rates than children in families with assets; and

(5) school-designated savings are more effective than basic savings in influencing college outcomes.

* * * Reach Up * * *

Sec. 2. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

* * *

(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:

* * *

(5)(A) The value of assets accumulated from the earnings of adults and children in participating families and from 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 \$2,000.00 \$9,000.00 for participating families for the purposes of determining initial and

continuing eligibility for the Reach Up program, and the following savings accounts shall not be considered in the calculation for determining the asset limitation:

(i) a retirement account, such an individual retirement arrangement (IRA), a defined contribution plan qualified under 26 U.S.C. § 401(k), or any similar account as defined in 26 U.S.C. § 408; and

(ii) a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529.

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

* * *

* * * Child Care Financial Assistance Program * * *

Sec. 3. 33 V.S.A. § 3512 is amended to read:

§ 3512. CHILD CARE FINANCIAL ASSISTANCE PROGRAM;
ELIGIBILITY

(a)(1) A The Child Care Services Financial Assistance Program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment, or to obtain training leading to employment. Families seeking employment shall not be entitled to participate in the Program for a period in excess of one month, unless that period is extended by the Commissioner.

(2) The subsidy authorized by this subsection shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the federal poverty guidelines nor more than 100 percent of the State median income, adjusted for the size of the family. The scale shall be structured so that it encourages employment.

(3) Earnings deposited in a qualified child education savings account, such as the Vermont Higher Education Investment Plan, established in 16 V.S.A. § 2877, or any similar plan qualified under 26 U.S.C. § 529, shall be disregarded in determining the amount of a family's income for the purpose of

determining continuing eligibility.

* * *

* * * Effective Date * * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

and that after passage the title of the bill be amended to read: "An act relating to encouraging savings by participants in Reach Up and the Child Care Financial Assistance Program"

(Committee Vote: 10-0-1)

Rep. Trieber of Rockingham, 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)

Favorable

H. 130

An act relating to approval of amendments to the charter of the Town of Hartford

Rep. Lewis of Berlin, for the Committee on Government Operations, recommends the bill ought to pass.

(Committee Vote: 10-0-1)

Reps. Masland of Thetford, for the Committee on Ways and Means, recommends the bill ought to pass when amended as recommended by the Committee on Government Operations.

(Committee Vote: 10-1-0)

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. 76

House concurrent resolution congratulating the 2016 Milton High School Yellow Jackets Division II championship girls' soccer team

H.C.R. 77

House concurrent resolution congratulating the 2017 St. Johnsbury Academy girls' indoor track and field team on winning a third consecutive Division I indoor championship

H.C.R. 78

House concurrent resolution honoring the TRIO academic programs in Vermont and designating March 17, 2017 as TRIO Day at the State House

H.C.R. 79

House concurrent resolution congratulating the 2017 Mt. Anthony Union High School Patriots championship wrestling team

H.C.R. 80

House concurrent resolution congratulating the 2016 St. Johnsbury Academy Hilltoppers Division I championship baseball team

H.C.R. 81

House concurrent resolution congratulating the 2016 St. Johnsbury Academy Hilltoppers girls' track and field team on winning a second straight Division I outdoor championship

H.C.R. 82

House concurrent resolution designating the month of March 2017 as Professional Social Workers Month

H.C.R. 83

House concurrent resolution honoring the outstanding municipal service of Stowe Town Clerk and Treasurer Alison Kaiser and expressing best wishes as she continues her rehabilitation process

H.C.R. 84

House concurrent resolution congratulating the Holton Home Inc. on its 125th anniversary

H.C.R. 85

House concurrent resolution congratulating the 2017 Burr and Burton Academy Bulldogs championship girls' snowboarding team

H.C.R. 86

House concurrent resolution congratulating Rylee Field of Montpelier on her being crowned Miss Vermont 2016

H.C.R. 87

House concurrent resolution designating March 23, 2017 as Vermont Nonprofit Legislative Day at the State House

H.C.R. 88

House concurrent resolution congratulating the Montpelier Senior Activity Center on its 50th Anniversary

S.C.R. 10

Senate concurrent resolution designating Friday, March 24, 2017 as Northeast Kingdom Day in Vermont.

For Informational Purposes

CROSS OVER DATES

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