

House Calendar

Wednesday, February 14, 2018

43rd DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 PM

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ACTION CALENDAR

Third Reading

H. 559

An act relating to miscellaneous environmental subjects

Amendment to be offered by Rep. Ode of Burlington to H. 559

Representative Ode of Burlington moves that the bill be amended by adding a Sec. 8a to read:

* * * Clean Water State Revolving Loan Fund * * *

Sec. 8a. FORGIVENESS OF REPAYMENT OF PLANNING ADVANCES

The Secretary of Natural Resources shall not require a municipality to repay engineering planning advances awarded under 24 V.S.A. chapter 120, subchapter 2 if the Secretary determines that:

(1) the engineering planning advance was awarded prior to September 1, 2011; and

(2) due to the effects of Tropical Storm Irene, documentation is no longer available to establish the engineering planning scope and associated construction project for which the engineering planning advance was awarded.

Favorable

H. 829

An act relating to appointing town grand jurors

Rep. LaClair of Barre Town, for the Committee on Government Operations, recommends the bill ought to pass.

(Committee Vote: 9-0-2)

NOTICE CALENDAR

Favorable with Amendment

H. 237

An act relating to saliva testing

Rep. Brennan of Colchester, for the Committee on Transportation, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 1200 is amended to read:

§ 1200. DEFINITIONS

As used in this subchapter:

* * *

(3) “Evidentiary test” means a breath, saliva, or blood test which indicates the person’s alcohol concentration or the presence of other drug and which is intended to be introduced as evidence.

* * *

(11) “Preliminary screening” means a breath or saliva test administered by a law enforcement officer for the purpose of deciding whether an arrest should be made and whether to request an evidentiary test. The results of a preliminary screening shall not be introduced as evidence of impairment in any court proceeding.

Sec. 2. 23 V.S.A. § 1201 is amended to read:

§ 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF ALCOHOL OR OTHER SUBSTANCE; CRIMINAL REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway:

(1) when the person’s alcohol concentration is:

(A) 0.08 or more; or

(B) 0.02 or more if the person is operating a school bus as defined in subdivision 4(34) of this title; or

(C) 0.04 or more if the person is operating a commercial vehicle as defined in subdivision 4103(4) of this title; or

(2) when the person is under the influence of alcohol; or

(3) when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug; ~~or~~

~~(4) when the person’s alcohol concentration is 0.04 or more if the person is operating a commercial motor vehicle as defined in subdivision 4103(4) of this title.~~

(b) A person who has previously been convicted of a violation of this section shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and refuse a law enforcement officer’s reasonable request under the circumstances for an evidentiary test where the officer had reasonable grounds to believe the person was in violation of subsection (a) of this section.

(c) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway and be involved in an accident or collision resulting in serious bodily injury or death to another and refuse a law enforcement officer's reasonable request under the circumstances for an evidentiary test where the officer has reasonable grounds to believe the person has any amount of alcohol or drugs in the his or her system.

* * *

Sec. 3. 23 V.S.A. § 1202 is amended to read:

§ 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD ALCOHOL CONTENT OR PRESENCE OF OTHER DRUG

(a)(1) Implied consent. Every person who operates, attempts to operate, or is in actual physical control of any vehicle on a highway in this State is deemed to have given consent to an evidentiary test of that person's breath for the purpose of determining the person's alcohol concentration or the presence of other drug in the blood. The test shall be administered at the direction of a law enforcement officer.

(2) Blood test. If breath testing equipment is not reasonably available or if the officer has reason to believe that the person is unable to give a sufficient sample of breath or saliva for testing or if the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, the person is deemed to have given consent to the taking of an evidentiary sample of blood. If in the officer's opinion the person is incapable of decision or unconscious or dead, it is deemed that the person's consent is given and a sample of blood shall be taken. A blood test sought pursuant to this subdivision (2) shall be obtained pursuant to subsection (f) of this section.

(3) Saliva test. If the law enforcement officer has reasonable grounds to believe that the person is under the influence of a drug other than alcohol, or under the combined influence of alcohol and a drug, the person is deemed to have given consent to the taking of an evidentiary sample of saliva. Any saliva test administered under this section shall be used only for the limited purpose of detecting the presence of a drug in the person's body, and shall not be used to extract DNA information.

(4) Evidentiary test. The evidentiary test shall be required of a person when a law enforcement officer has reasonable grounds to believe that the person was operating, attempting to operate, or in actual physical control of a vehicle in violation of section 1201 of this title.

~~(4)~~(5) Fatal collision or incident resulting in serious bodily injury. The evidentiary test shall also be required if the person is the surviving operator of

a motor vehicle involved in a fatal incident or collision or an incident or collision resulting in serious bodily injury and the law enforcement officer has reasonable grounds to believe that the person has any amount of alcohol or other drug in his or her system.

(b) A refusal to take a breath or saliva test may be introduced as evidence in a criminal proceeding.

* * *

(f) If a blood test is sought from a person pursuant to subdivision (a)(2) of this section, or if a person who has been involved in an accident or collision resulting in serious bodily injury or death to another refuses an evidentiary test, a law enforcement officer may apply for a search warrant pursuant to Rule 41 of the Vermont Rules of Criminal Procedure to obtain a sample of blood for an evidentiary test. If a blood sample is obtained by search warrant, the fact of the refusal may still be introduced in evidence, in addition to the results of the evidentiary test. Once a law enforcement official begins the application process for a search warrant, the law enforcement official is not obligated to discontinue the process even if the person later agrees to provide an evidentiary ~~breath~~ sample. The limitation created by Rule 41(g) of the Vermont Rules of Criminal Procedure regarding blood specimens shall not apply to search warrants authorized by this section.

(g) The Defender General shall provide statewide 24-hour coverage seven days a week to assure that adequate legal services are available to persons entitled to consult an attorney under this section.

Sec. 4. 23 V.S.A. § 1203 is amended to read:

§ 1203. ADMINISTRATION OF TESTS; RETENTION OF TEST AND VIDEOTAPE

(a) A breath or saliva test shall be administered or taken only by a person who has been certified by the Vermont Criminal Justice Training Council to operate the breath or saliva testing equipment being employed. In any proceeding under this subchapter, a person's testimony that he or she is certified to operate the breath testing equipment employed shall be prima facie evidence of that fact.

(b) Only a physician, licensed nurse, medical technician, physician assistant, medical technologist, or laboratory assistant acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the presence of alcohol or other drug. This limitation does not apply to the taking of a breath or saliva sample.

(c) ~~When a breath test which is intended to be introduced in evidence is taken with a crimper device or when~~ blood or saliva is withdrawn at an

officer's request, a sufficient amount of breath saliva or blood, as the case may be, shall be taken to enable the person to have made an independent analysis of the sample, and shall be held for at least 45 days from the date the sample was taken. At any time during that period the person may direct that the sample be sent to an independent laboratory of the person's choosing for an independent analysis. The Department of Public Safety shall adopt rules providing for the security of the sample. At no time shall the defendant or any agent of the defendant have access to the sample. A preserved sample of breath shall not be required when an infrared breath-testing instrument is used. A person tested with an infrared breath-testing instrument shall have the option of having a second infrared test administered immediately after receiving the results of the first test.

(d) In the case of a breath, saliva, or blood test ~~administered using an infrared breath testing instrument~~, the test shall be analyzed in compliance with rules adopted by the Department of Public Safety. The analyses shall be retained by the State. A sample is adequate if the infrared breath testing instrument analyzes the sample and does not indicate the sample is deficient. ~~Analysis~~ An analysis of the person's breath saliva or blood which is available to that person for independent analysis shall be considered valid when performed according to methods approved by the Department of Public Safety. The analysis performed by the State shall be considered valid when performed according to a method or methods selected by the Department of Public Safety. The Department of Public Safety shall use rule making procedures to select its method or methods. Failure of a person to provide an adequate breath or saliva sample constitutes a refusal.

(e) [Repealed.]

(f) When a law enforcement officer has reason to believe that a person may be violating or has violated section 1201 of this title, the officer may request the person to provide a sample of breath or saliva for a preliminary screening test using a device approved by the Commissioner of Public Safety for this purpose. The person shall not have the right to consult an attorney prior to submitting to this preliminary ~~breath alcohol~~ screening test. The results of this preliminary screening test may be used for the purpose of deciding whether an arrest should be made and whether to request an evidentiary test and shall not be used in any court proceeding except on those issues. Following the screening test additional tests may be required of the operator pursuant to the provisions of section 1202 of this title.

(g) The Office of the Chief Medical Examiner shall report in writing to the Department of Motor Vehicles the death of any person as the result of an accident involving a vehicle and the circumstances of such accident within five days of such death.

(h) A Vermont law enforcement officer shall have a right to request a breath, saliva or blood sample in an adjoining state or country under this section unless prohibited by the law of the other state or country. If the law in an adjoining state or country does not prohibit an officer acting under this section from taking a breath, saliva, or blood sample in its jurisdiction, evidence of such sample shall not be excluded in the courts of this State solely on the basis that the test was taken outside the State.

(i) The Commissioner of Public Safety shall adopt emergency rules relating to the operation, maintenance, and use of preliminary drug or alcohol screening devices for use by law enforcement officers in enforcing the provisions of this title. The ~~commissioner~~ Commissioner shall consider relevant standards of the National Highway Traffic Safety Administration in adopting such rules. Any preliminary alcohol screening device authorized for use under this title shall be on the qualified products list of the National Highway Traffic Safety Administration.

* * *

Sec. 5. 23 V.S.A. § 1203a(b) is amended to read:

(b) Arrangements for a blood test shall be made by the person submitting to the evidentiary breath or saliva test, by the person's attorney, or by some other person acting on the person's behalf unless the person is detained in custody after administration of the evidentiary test and upon completion of processing, in which case the law enforcement officer having custody of the person shall make arrangements for administration of the blood test upon demand but at the person's own expense.

Sec. 6. 23 V.S.A. § 1204 is amended to read:

§ 1204. PERMISSIVE INFERENCES

(a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating, attempting to operate, or in actual physical control of a vehicle on a highway, the person's alcohol concentration shall give rise to the following permissive inferences:

(1) If the person's alcohol concentration at that time was less than 0.08, such fact shall not give rise to any presumption or permissive inference that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

(2) If the person's alcohol concentration at that time was 0.08 or more, it shall be a permissive inference that the person was under the influence of alcohol in violation of subdivision 1201(a)(2) or (3) of this title.

(3) If the person's alcohol concentration at any time within two hours of the alleged offense was 0.10 or more, it shall be a permissive inference that the person was under the influence of alcohol in violation of subdivision 1201(a)(2) or (3) of this title.

(b) The foregoing provisions shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcohol or under the combined influence of alcohol and another drug, nor shall they be construed as requiring that evidence of the amount of alcohol or drug in the person's blood, breath, urine, or saliva must be presented.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

(Committee Vote: 10-0-1)

H. 294

An act relating to inquiries about an applicant's salary history

Rep. Walz of Barre City, for the Committee on General; Housing and Military Affairs, recommends the bill be amended as follows:

First: In Sec. 1, by redesignating the section to be 21 V.S.A. § 495m

Second: In Sec. 1, 21 V.S.A. § 495m, after subsection (b), by adding a subsection (c) to read:

(c) Nothing in this section shall be construed to prevent an employer from:

(1) inquiring about a prospective employee's salary expectations or requirements; or

(2) providing information about the wages, benefits, compensation, or salary offered in relation to a position.

Third: In Sec. 2, effective date, by striking out "2017" and inserting in lieu thereof "2018"

(Committee Vote: 9-0-2)

H. 571

An act relating to creating the Department of Liquor and Lottery and the Board of Liquor and Lottery

Rep. Stevens of Waterbury, for the Committee on General; Housing and Military Affairs, recommends the bill be amended as follows:

First: In Sec. 9, 7 V.S.A. § 101, by striking out subdivision (b)(4) in its entirety and inserting a new subdivision (b)(4) to read:

(4) The Governor shall ~~biennially~~ designate a member of the Board to be its Chair. The Chair shall have general charge of the offices and employees of the Board.

Second: In Sec. 105, 32 V.S.A. § 1010, by striking out the section in its entirety and inserting a new Sec. 105 to read:

Sec. 105. 32 V.S.A. § 1010 is amended to read:

§ 1010. MEMBERS OF CERTAIN BOARDS

(a) Except for those members serving ex officio or otherwise regularly employed by the State, the compensation of the members of the following Boards shall be \$50.00 per diem:

* * *

(7) ~~Liquor Control Board~~ [Repealed.]

* * *

(g) For each day of official duties, a member of the Board of Liquor and Lottery shall receive the same per diem compensation as a member of the General Assembly receives pursuant to 2 V.S.A. § 406(a)(1) together with his or her actual and necessary expenses pursuant to subsection (c) of this section.

Third: In Sec. 111, Transition, in subdivision (a)(1), after the words “The Commissioner of Liquor” by striking out the words “and Lottery” and inserting in lieu thereof the word “Control”

(Committee Vote: 11-0-0)

Rep. Trieber of Rockingham, 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:

First: In Sec. 9, 7 V.S.A. § 101, by striking out subdivision (b)(1) in its entirety and inserting in lieu thereof a new subdivision (b)(1) to read:

(b)(1) ~~The Liquor Control Board~~ of Liquor and Lottery shall consist of five persons, not more than three members of which. Not all members of the Board shall belong to the same political party.

Second: In Sec. 105, 32 V.S.A. § 1010, by striking out the section in its entirety and inserting in lieu thereof a new Sec. 105 to read:

Sec. 105. [Deleted.]

Third: By inserting a Sec. 105a to read as follows:

Sec. 105a. 32 V.S.A. § 1010 is amended to read:

§ 1010. MEMBERS OF CERTAIN BOARDS

(a) Except for those members serving ex officio or otherwise regularly employed by the State, the compensation of the members of the following Boards shall be \$50.00 per diem:

* * *

(7) ~~Liquor Control Board~~ of Liquor and Lottery

* * *

(Committee Vote: 11-0-0)

H. 620

An act relating to State-owned airports and economic development

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

Sec. 1. STATE ECONOMIC DEVELOPMENT MARKETING PLAN;

MARKETING OF STATE-OWNED AIRPORTS

(a)(1) On or before January 15, 2019, the Secretary of Commerce and Community Development (Secretary), in consultation with the Secretary of Transportation, the legislative body of the municipality in which the airport is located, regional development corporations, regional planning commissions, the Vermont Chamber of Commerce, the Vermont Aviation Council, State airport committees, and any other interested persons, shall update the State's Economic Development Marketing Plan to incorporate the marketing of State-owned airports.

(2) In updating the Marketing Plan, the Secretary shall consider the State Aviation Systems Plan and shall address economic development opportunities with respect to each State-owned airport, including the recruitment and expansion of businesses involved in the development and commercialization of next-generation aeronautics technologies.

(b) On or before January 15, 2019, the Secretary shall submit the updated Marketing Plan to the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, and the House and Senate Committees on Transportation.

Sec. 2. CHARGING STATIONS AND RENEWABLE ENERGY PLANTS

AT STATE-OWNED AIRPORTS; FEASIBILITY EVALUATION

(a) As used in this section:

(1) “Renewable energy” shall have the same meaning as in 30 V.S.A. § 8002.

(2) “Renewable energy generating plant” means real and personal property, including any equipment, structure, or facility, used for or directly related to the generation of electricity from renewable energy.

(b) On or before January 15, 2019, for each State-owned airport, the Agency of Transportation shall evaluate the feasibility of:

(1) the installation of electric vehicle charging stations at the airport;

(2) the installation of electric aircraft charging stations at the airport;
and

(3) the siting of one or more renewable energy generating plants at the airport.

Sec. 3. 5 V.S.A. § 807 is amended to read:

§ 807. LEASE FOR AIRCRAFT HANGARS AND OTHER STRUCTURES;

LEASE TO BUSINESS ENTITIES

(a) A designated area or areas on the airport may be leased to a person for the purpose of constructing aircraft hangars, repair shops, or other structures compatible with the use and operation of the airport.

(b) A designated area or areas on the airport may also be leased to any business entity consistent with Federal Aviation Administration requirements.

Sec. 4. DEVELOPMENT OF AEROSPACE SECTOR IN VERMONT;

APPROPRIATION

(a) In fiscal year 2019, the amount of \$25,000.00 is appropriated from the General Fund to the Vermont Chamber of Commerce to continue its activities to promote development of the Vermont aerospace sector and associated supply chain throughout the State.

(b) The General Assembly intends that both the appropriation in subsection (a) of this section as well as the 2017 extension of the aviation sales and use tax exemption in 32 V.S.A. § 9741(29) promote development of the Vermont aerospace sector and associated supply chain throughout the State.

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 1–3 shall take effect on passage.

(b) Sec. 4 shall take effect on July 1, 2018.

(Committee Vote: 10-0-1)

H. 624

An act relating to the protection of information in the statewide voter checklist

Rep. Gannon of Wilmington, 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. 17 V.S.A. § 2154 is amended to read:

§ 2154. STATEWIDE VOTER CHECKLIST

(a) The Secretary of State shall ~~establish~~ maintain a uniform and nondiscriminatory, statewide voter ~~registration~~ checklist. This checklist shall serve as the official voter registration list for all elections in the State. In ~~establishing~~ maintaining the statewide voter checklist, the Secretary shall:

(1) limit ~~the~~ a town clerk to adding, modifying, or deleting applicant and voter information on the portion of the checklist for that clerk's municipality;

(2) limit access to the statewide voter checklist for a local elections official to verifying if whether the applicant is registered in another municipality in the State by a search for the individual voter;

(3) notify a local elections official when a voter registered in that official's district registers in another voting district so that the voter may be removed from that ~~district's~~ official's district checklist;

(4) provide adequate security to prevent unauthorized access to the checklist; and

(5) ensure the compatibility and comparability of information on the checklist with information contained in the Department of Motor Vehicles' computer systems.

(b)(1) A registered voter's month and day of birth, driver's license or nondriver identification number, telephone number, e-mail address, and the last four digits of his or her Social Security number shall be kept confidential and are exempt from public ~~copying and inspection~~ and copying under the Public Records Act.

(2) A public agency as defined in 1 V.S.A. § 317 and any officer, employee, agent, or independent contractor of a public agency shall not knowingly disclose any information pertaining to a registered voter that is maintained in the statewide voter checklist or in a municipality's portion of the statewide voter checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such

a federal entity for the purpose of:

(A) registration of a voter based on his or her information maintained in the checklist;

(B) publicly disclosing a voter's information maintained in the checklist; or

(C) comparing a voter's information maintained in the checklist to personally identifying information contained in other federal or state databases.

(c)(1) Any person wishing to obtain a copy of all of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to 13 V.S.A. chapter 65, that the person will not:

(A) use the checklist for commercial purposes; or

(B) knowingly disclose any voter information maintained in the checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity in circumvention of the prohibition set forth in subdivision (b)(2) of this section.

(2) The affirmation shall be filed with the Secretary of State.

(d) An elections official shall not access the portion of the statewide voter checklist that is exempt from public inspection pursuant to 1 V.S.A. § 317(c)(31), except for elections purposes.

Sec. 2. 1 V.S.A. § 317 is amended to read:

§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND DOCUMENTS

* * *

(c) The following public records are exempt from public inspection and copying:

* * *

(31) Records of a registered voter's month and day of birth, driver's license or nondriver identification number, telephone number, e-mail address, and the last four digits of his or her Social Security number contained in an application to the statewide voter checklist or the statewide voter checklist established under 17 V.S.A. § 2154 or the failure to register to vote under 17 V.S.A. § 2145a.

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 7-3-1)

H. 673

An act relating to miscellaneous amendments to the Reach Up 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:

* * * Program Eligibility * * *

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~~ rule maximum amounts of financial assistance, and act to ensure that the expenditures for the programs shall not exceed appropriations for them consistent with section 101 of this title. In no case ~~may~~ shall 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:

* * *

(7) ~~The equity value of one operable motor vehicle in a family with a single parent or caretaker and of two operable motor vehicles in a two-parent family for each adult in the family and the equity value of one operable motor vehicle for any child of driving age who needs a vehicle to attend school or work shall be excluded for purposes of determining eligibility for the Reach Up program. The Commissioner shall take all steps necessary to retain current resource protections under the Food Stamps program~~ Supplemental Nutrition Assistance Program (SNAP) so that the rules under ~~the Food Stamps program~~ SNAP and the Reach Up program are compatible.

* * *

* * * Case Management Reviews * * *

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 the 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;~~

~~(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.

* * * Work Requirements * * *

Sec. 3. 33 V.S.A. § 1113(c) is amended to read:

~~(c) The hours of the work requirement shall be as follows. A participating family shall be deemed to meet the work requirement if:~~

~~(1) In two-parent families in which both parents are able-to-work: neither parent receives Supplemental Security Income (SSI), a combined total of at least 35 hours a week of employment or work activities or the number of hours the parents have been determined able-to-work by the Department is completed. One or both parents may contribute to the completion of the employment or work activities required by this subdivision.~~

~~(A) The parent who is not the primary caretaker of a dependent child, referred to in this subsection as the “principal-earner parent,” shall work no less than full-time in unsubsidized employment or in one or more work activities and accept unsubsidized employment with scheduled hours up to 45 hours per week~~

~~(B) As used in this subdivision, “full-time” means 40 hours per week. A position requiring no fewer than 35 hours per week that the employer defines as full-time shall be deemed full-time employment.~~

~~(C) The requirements of this subdivision may be satisfied if both parents secure employment or work activities with combined hours equal to or exceeding 40 hours per week.~~

~~(2) The primary caretaker of a dependent child in a two-parent family in which both parents are able-to-work shall have no work requirement, provided that the principal-earner parent complies with the work requirement and is not sanctioned in accordance with section 1115 of this title. In the event that the principal-earner parent in a two-parent family is sanctioned for failing to meet the work requirement, the primary caretaker shall be deemed work-ready and subject to subdivision (1) of this subsection. Within 30 days of the effective date of the principal-earner parent’s sanction the primary caretaker shall report to the family’s case manager, complete an assessment, modify the family’s family development plan, and comply with the requirements of subdivision (1) of this subsection.~~

~~(3) All other able-to-work participants and able-to-work part-time participants who are not subject to the work requirement established by subdivision (1) of this subsection or who are exempted from the work requirement in accordance with subdivision (2) of this subsection shall comply with the following requirements In a two-parent family in which one parent receives SSI:~~

~~(A) if If the family includes two parents, and one parent is able-to-work and the other parent is able-to-work part-time or unable-to-work, the~~

~~able-to-work parent shall work in unsubsidized employment or participate in one or more work activities for no fewer than 30 hours per week, and shall accept unsubsidized employment with scheduled hours up to 35 hours per week; a child six years of age or older, the work-eligible parent shall participate in one or more work activities for at least 30 hours per week or the number of hours the parent has been determined able-to-work by the Department.~~

~~(B) if If the family includes two parents and both parents are able-to-work-part-time: a child under six years of age, the work-eligible parent shall participate in one or more work activities for at least 20 hours per week or the number of hours the parent has been determined able-to-work by the Department.~~

~~(i) if one participating parent has been determined able-to-work-part-time at least 30 hours per week, that parent shall work in unsubsidized employment or participate in one or more work activities for no fewer than 30 hours per week and shall accept unsubsidized employment with scheduled hours up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours the parent has been determined able-to-work-part-time;~~

~~(ii) if neither participating parent has been determined able-to-work-part-time at least 30 hours per week but the parents, in combination, have been determined able-to-work-part-time 30 hours per week, both parents shall work in unsubsidized employment or participate in one or more work activities for which the sum of the hours is at least 30 hours per week and shall accept unsubsidized employment with scheduled hours up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours the parents, in combination, have been determined able-to-work-part-time; or~~

~~(iii) if the participating parents, in combination, have been determined able-to-work-part-time fewer than 30 hours per week, the parents shall work in unsubsidized employment or participate in one or more work activities for the number of hours that the two parents, in combination, have been determined able-to-work-part-time;~~

~~(C) if the family includes two parents and one parent is able-to-work-part-time and the other parent is unable-to-work: As used in this subdivision (c)(2), “work-eligible parent” means a parent who is not receiving SSI.~~

~~(i) if one participating parent has been determined able-to-work-part-time at least 30 hours per week, that parent shall work in unsubsidized employment or participate in one or more work activities for no fewer than 30 hours per week and shall accept unsubsidized employment with scheduled hours up to 34 hours per week, provided that the scheduled hours do not~~

~~exceed the number of hours that the parent has been determined able-to-work-part-time; or~~

~~(ii) if one participating parent has been determined able-to-work-part-time fewer than 30 hours per week, that parent shall work in unsubsidized work or participate in one or more work activities for the number of hours that the parent has been determined able-to-work-part-time;~~

~~(D)(3) In a single-parent family:~~

~~(A) if the family includes only one adult (parent, relative, or caretaker) who is able to work and no child is under the age of If the family's youngest child is six years of age or older, the participant shall work in unsubsidized employment or participate in one or more work activities for ~~no fewer than at least 30 hours per week, and shall accept unsubsidized employment with scheduled hours up to 35 hours per week; or the number of hours the parent has been determined able-to-work by the Department.~~~~

~~(E) if the family includes only one adult (parent, relative, or caretaker) who is able to work part-time and no child is under the age of six years:~~

~~(i) if the participant has been determined able-to-work-part-time at least 30 hours per week, the participant shall work in unsubsidized employment or participate in one or more work activities for no fewer than 30 hours per week and shall accept unsubsidized employment with scheduled hours up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours that the participant has been determined able-to-work-part-time; or~~

~~(ii) if the participant has been determined able-to-work-part-time fewer than 30 hours per week, the participant shall work in unsubsidized work or participate in one or more work activities fewer than 30 hours per week for the number of hours that the participant has been determined able-to-work-part-time;~~

~~(F)(B) if the family includes only one adult (parent, relative, or caretaker) who is able to work and a If the family's youngest child is under the age of six years of age, the participant shall work in unsubsidized employment or participate in one or more work activities for no fewer than at least 20 hours per week and shall accept unsubsidized employment with scheduled hours up to 24 hours per week; and or the number of hours the parent has been determined able-to-work by the Department.~~

~~(G) if the family includes only one adult (parent, relative, or caretaker) who is able to work part-time and a child under the age of six years:~~

~~(i) if the participant has been determined able-to-work-part-time at~~

~~least 20 hours per week, the participant shall work in unsubsidized employment or participate in one or more work activities for no fewer than 20 hours per week, and shall accept unsubsidized employment with scheduled hours up to 24 hours per week, provided that the scheduled hours do not exceed the number of hours that the participant has been determined able-to-work-part-time; or~~

~~(ii) if the participant has been determined able-to-work-part-time fewer than 20 hours per week, the participant shall work in unsubsidized work or participate in one or more work activities fewer than 20 hours per week for the number of hours that the participant has been determined able-to-work-part-time.~~

* * *

* * * Educational Deferment * * *

Sec. 4. 33 V.S.A. § 1114(b) is amended to read:

(b) The work requirements shall be either modified or deferred for:

* * *

(7) A participant who has attained 20 years of age and who is engaged in at least ~~25~~ 15 hours per week of classes and related learning activities for the purpose of attaining a high school diploma or General Educational Development (GED) certificate or completing a literacy program approved by the Department; provided that the participant is making satisfactory progress toward the attainment of ~~such~~ the diploma or certificate; and provided further that a deferment or modification granted for this purpose does not exceed ~~six~~ 18 months.

* * *

* * * Effective Date * * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

(Committee Vote: 11-0-0)

Favorable

H. 764

An act relating to data brokers and consumer protection.

(Rep. Botzow of Pownal will speak for the Committee on Commerce and Economic Development.)

Rep. Young of Glover, for the Committee on Ways and Means, recommends the bill ought to pass.

(Committee Vote: 7-4-0)

Rep. Lalonde of South Burlington, for the Committee on Judiciary, recommends the bill ought to pass.

(Committee Vote: 10-0-1)

Ordered to Lie

H. 167

An act relating to alternative approaches to addressing low-level illicit drug use.

Pending Question: Shall the House concur in the Senate Proposal of Amendment?

H. 219

An act relating to the Vermont spaying and neutering program.

Pending Question: Shall the House concur in the Senate Proposal of Amendment?

H. 581

An act relating to Connectivity Initiative grant eligibility.

Pending Question: Second Reading?

Public Hearings

Advocates Hearings on the Governor's Recommended
Fiscal Year 2019 State Budget
House Committee on Appropriations

Wednesday, February 14, 2018, 2:30 p.m. – 3:30 p.m. in room 10, and Thursday, February 15, 2018, 3:15 p.m. – 4:15 p.m. in room 11. The House Committee on Appropriations will receive testimony on the Governor's recommended FY2019 State budget during these Advocate hearings. Please sign up in advance, with Theresa Utton-Jerman at (802) 828-5767 or tutton@leg.state.vt.us or in room 40. The Governor's budget proposal can be viewed at the Department of Finance & Management's website.

Public Hearing on Judicial Retention. Thursday, February 22, 2018, 7:00 PM in Room 11.

Information Notices

CROSS OVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **House** bills must be reported out of the last committee of reference including the Committees on Appropriations and Ways and Means, except as provided below in (2) on or before **Friday, March 2, 2018**, and filed with the Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **House** bills referred pursuant to House Rule 35(a) to the Committees on Appropriations and Ways and Means must be reported out by the last of those committees on or before **Friday, March 16, 2018**, and filed with the Clerk so they may be placed on the Calendar for Notice the next legislative day.

Election of two (2) trustees for the Vermont State Colleges Corporation. Thursday, February 15, 2018 - 10:30 A.M.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.