

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 244  
3 entitled “An act relating to repealing the guidelines for spousal maintenance  
4 awards” respectfully reports that it has considered the same and recommends  
5 that the bill be amended by striking out all after the enacting clause and  
6 inserting in lieu thereof the following:

7 Sec. 1. SPOUSAL SUPPORT AND MAINTENANCE TASK FORCE

8 (a) Creation. There is created the Spousal Support and Maintenance Task  
9 Force for the purpose of reviewing and making legislative recommendations to  
10 Vermont’s laws concerning spousal support and maintenance.

11 (b) Membership. The Task Force shall be composed of the following nine  
12 members:

13 (1) a current member of the House of Representatives appointed by the  
14 Speaker of the House;

15 (2) a current member of the Senate appointed by the Committee on  
16 Committees;

17 (3) a Superior Court judge who has significant experience in the Family  
18 Division of Superior Court appointed by the Chief Justice;

19 (4) the Chief Superior Judge;

20 (5) two experienced family law attorneys appointed by the Family Law  
21 Section of the Vermont Bar Association;

1           (6) a representative of Vermont Alimony Reform who is domiciled in  
2 Vermont;

3           (7) the Executive Director of the Vermont Commission on Women or a  
4 designee who is domiciled in Vermont; and

5           (8) a member of the public, to be appointed by the Governor.

6           (c) Powers and duties. The Task Force shall make legislative  
7 recommendations to Vermont’s spousal support and maintenance laws aimed  
8 to improve clarity, fairness, predictability, and consistency across the State in  
9 recognition of changes to the family structure in recent decades. The Task  
10 Force shall consider:

11           (1) the impact of the federal tax law passed by Congress in December  
12 2017 on Vermont’s spousal support laws;

13           (2) whether the term “permanent” in 15 V.S.A. § 752(a) should be  
14 changed to “long term”;

15           (3) adding the impact of retirement of either the payor or the recipient as  
16 a factor in determining the duration or amount of a spousal support award;

17           (4) the effect of prenuptial agreements on spousal support awards;

18           (5) the effect of remarriage, cohabitation, or the death of a payor on  
19 spousal support judgments;

20           (6) how the standard of living affects spousal support awards;

1           (7) the appropriate balance between judicial discretion and consistency  
2           in awards; and

3           (8) whether judicial discretion or the spousal support guidelines are  
4           presumptive.

5           (d) Assistance. The legislative members of the Task Force shall have the  
6           assistance of Legislative Council. The Vermont Bar Association shall provide  
7           support with any surveys undertaken by the Task Force.

8           (e) Reports.

9           (1) On or before November 1, 2018, the Task Force shall submit an  
10           interim report on the impact of the federal tax law passed by Congress in  
11           December 2017 on Vermont’s spousal support laws, including its effects on  
12           existing spousal support payors and recipients.

13           (2) On or before March 1, 2019, the Task Force shall submit a majority  
14           and, if necessary, a minority report to the Senate and House Committees on  
15           Judiciary with its recommendations with respect to subdivisions (c)(2)-(8) of  
16           this section.

17           (f) Meetings.

18           (1) The Superior Court judge appointed in accordance with subdivision  
19           (b)(3) of this section shall serve as the Chair.

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

21           (3) The Task Force shall cease to exist on March 1, 2019.

1           (g) Reimbursement.

2                   (1) For attendance at meetings during adjournment of the General  
3           Assembly, legislative members of the Task Force shall be entitled to per diem  
4           compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for  
5           not more than ten regular meetings.

6                   (2) Other members of the Task Force who are not employees of the State  
7           of Vermont and who are not otherwise compensated or reimbursed for their  
8           attendance shall be entitled to per diem compensation and reimbursement of  
9           expenses pursuant to 32 V.S.A. § 1010 for not more than ten regular meetings.

10           Sec. 2. 2017 Acts and Resolves No. 60, Sec. 3 is amended to read:

11                   Sec. 3. REPEAL

12                   On July 1, ~~2019~~ 2021, 15 V.S.A. § 752(b)(8) (spousal support and  
13           maintenance guidelines) is repealed.

14                   Sec. 3. EFFECTIVE DATE

15                   This act shall take effect on passage.

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18                   (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE