

# Journal of the House

Friday, March 24, 2017

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

## Devotional Exercises

Devotional exercises were conducted by Representative Carolyn Partridge of Windham.

## Message from the Senate No. 34

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

**S. 61.** An act relating to offenders with mental illness.

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

## House Bill Introduced

**H. 515**

By the committee on Ways and Means,

An act relating to Executive Branch and Judiciary fees;

Was read the first time and pursuant to House rule 48, bill placed on the Calendar for notice.

## Senate Bill Referred

**S. 61**

Senate bill, entitled

An act relating to offenders with mental illness

Was read and referred to the committee on Corrections and Institutions.

## Third Reading; Bill Passed

**H. 506**

House bill, entitled

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

Was taken up, read the third time and passed.

**Bill Amended, Read Third Time and Passed**

**H. 507**

House bill, entitled

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

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

First: In Sec. 1, Next Generation Medicaid ACO pilot project reports, in subsection (a), in the first sentence, following “House Committees on Appropriations”, by inserting “, on Human Services,”

Second: In Sec. 2, all-payer model and accountable care organization reports, following “House Committees on Appropriations”, by inserting “, on Human Services,”

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

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 308**

**Rep. Lalonde of South Burlington**, for the committee on Judiciary, to which had been referred House bill entitled,

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

Reported in favor of its passage when 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 Crime Research Group, 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.

**Rep. Hooper of Montpelier**, for the committee on Appropriations, recommended the bill ought to pass when amended by the committee on Judiciary.

The bill, having appeared on the Calendar one day for notice, was taken up, read second time, the report of the committees on Judiciary and Appropriations agreed to and third reading was ordered.

**Second Reading; Bill Amended; Third Reading Ordered**

**H. 326**

**Rep. Keefe of Manchester**, for the committee on Human Services, to which had been referred House bill entitled,

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

Reported in favor of its passage when 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"

**Rep. Trieber of Rockingham**, for the committee on Appropriations, recommended the bill ought to pass when amended by the committee on Human Services.

The bill, having appeared on the Calendar one day for notice, was taken up, read second time, the report of the committees on Human Services and Appropriations agreed to and third reading was ordered.

**Favorable Reports; Second Reading;  
Third Reading Ordered**

**H. 130**

**Rep. Lewis of Berlin**, for the committee on Government Operations, to which had been referred House bill, entitled

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

Reported in favor of its passage.

**Rep. Masland of Thetford**, for the committee on Ways and Means reported in favor of its passage.

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

**Adjournment**

At ten o'clock and sixteen minutes in the forenoon, on motion of **Rep. Savage of Savage**, the House adjourned until Monday, March 27, 2017, at one o'clock in the afternoon, pursuant to the provisions of J.R.S. 24.

**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 Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

**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;

[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 2017, seventy-fourth Biennial session.]