

This is a good time of year to get out and see friends. Here is a way to do so that I received from Fran Lampman for the Pownal Historical Society.

For Immediate Release: Come Celebrate Jim Fisk Jr.'s Birthday

The Pownal Historical Society is pleased to announce the 2nd annual celebration of native son, Jubilee Jim Fisk's birthday, on Sunday, the 30th of March 2014, at 2pm in the Solomon-Wright library, Pownal.

Local retired railroader, Walt Klinger, will make a presentation about Jim Fisk's Wall Street exploits, with cohort, Jay Gould, in the Erie Railroad war with Commodore Vanderbilt for control of New York's freight traffic, and their scheme to corner the gold market that ended in the Black Friday crash of 1869.

Mr. Klinger will also talk about other notable New England "Rail Barons" and their ascendancy to power and wealth during the "gilded age", (at the expense of tax payers) which brought about the first transcontinental railroad.

Birthday cake and light refreshments will follow the presentation. The program is presented free of charge, donations accepted.

For additional information contact: W.A. Klinger – 802-823-5197.

Last week we spent most of our time on the House floor reviewing committee reports on many bills. Here's my weekly list of measures that passed the House and are on their way to the Senate. Because there are so many bills my comments will be brief. If you would like more information on any of them please let me know. Most passed on voice votes and I supported the committee recommendations.

H. 413 An act relating to the Uniform Collateral Consequences of Conviction Act

When a person is convicted in court there may be consequences to that conviction beyond a financial penalty or corrections time. This bill lays out a process for making sure a defendant is aware of the consequences before they offer a plea to a charge. It also lays out policy on dealing with the consequences in the future should it be necessary. Here is part of the bill addressing possible consequences of a conviction.

“If you plead guilty or are convicted of an offense, you may suffer additional legal consequences beyond jail or prison, home confinement, probation, and fines. These consequences may include:

(A) being unable to get or keep some licenses, permits, or jobs;

- (B) being unable to get or keep benefits such as public housing or education;
- (C) receiving a harsher sentence if you are convicted of another offense in the future;
- (D) having the government take your property;
- (E) being unable to serve in the military or on a jury;
- (F) being unable to possess a firearm; and
- (G) being unable to exercise your right to vote if you move to another state.

The bill also makes it clear to defendants that in Vermont long standing law says that being convicted of a crime does not take away your right to vote.

H. 645 An act relating to workers' compensation

Every year the Commerce Committee addresses issues in the workers' compensation insurance system. This year's bill includes sections updating the payment for burial and funeral expenses for workers who die as a result of a job-related injury, a section on opioid usage deterrence, a brief section on vocational rehab, and another on the discontinuance of benefits. It also includes sections on posting of workplace safety records, cancellation of workers comp insurance policies, a study of accident rates at the Police Academy and a study of how best to inform businesses about their experience rating. Overall, the bill emphasizes keeping workers safe and getting them back to work and earning a full salary. The opioid section makes sure that treating workers' injuries is aligned with health department protocols.

H. 873 An act relating to making technical amendments to tax increment financing laws

This bill makes a few technical amendments to laws relating to tax increment financing districts.

H. 225 An act relating to a statewide policy on the use of and training requirements for electronic control devices

Electronic Control Devices are basically tasers. This bill lays out policy on training for officers and when and how best to use electronic control devices. In the last year or so there have been a number of deaths from tasers resulting from incidents between public safety officers and Vermonters. They are not intended to be lethal but to help control a situation.

H. 575 An act relating to lottery ticket sales

This bill prohibits selling lottery tickets at bars and restaurants.

H. 656 An act relating to professions and occupations regulated by the Office of Professional Regulation

This annual bill reviews and updates the laws governing professions. This year's bill covers barbers and cosmetologists, funeral services, nursing, pharmacy, real estate brokers and sales persons, opticians, psychology, private investigative and security services, social workers, clinical mental health counselors, real estate appraisers, tattooists and body piercers, naturopathic physicians, midwives, and electrologists. For more information here is a link to the bill, <http://www.leg.state.vt.us/docs/2014/bills/Intro/H-656.pdf>.

H. 765 An act relating to eliminating the part-time certification of law enforcement officers

Rep. Sweaney, Chair of the Government Operations Committee well explains this bill. “Right now under current law, the Vermont Criminal Justice Training Council certifies full-time law enforcement officers and part-time law enforcement officers. The only differences between the two is that full-time certified officers get approximately five to six times the number of training hours that part-time certified officers get; and part-time officers are limited in the number of hours that they can practice per week and per year. However, despite the differences in training hours, part-time certified officers have the same full law enforcement authority that full-time certified officers do. This bill as introduced would have eliminated part-time certification so that all officers would have to have the same training to exercise full law enforcement authority. However, testimony to the Committee on House Government Operations and the most recent Law Enforcement Advisory Board report advised that the services of part-time certified officers are valued in this State, especially in smaller towns for things like traffic enforcement and by sheriffs’ departments for things like courtroom security and prisoner transport. The House Committee on Government Operations recommended a strike-all amendment to H.765 that is meant to balance the current need for limited police services with the public safety need to limit the scope of practice of law enforcement officers to a level consistent with their training. In the amendment, which was passed by the House, there would no longer be part-time and full-time certification. Instead, there would be three different levels of law enforcement officer certification — Level I, Level II, and Level III— with each level having a different scope of practice based on the level of training the officer received. This tiered system of law enforcement officer certification and scope of practice is a concept supported by the Vermont Criminal Justice Training Council, the Law Enforcement Advisory Board, and the Commissioner of Public Safety.”

H. 872 An act relating to the State's Transportation Program and miscellaneous changes to the State's transportation laws

The annual Transportation bill also passed last week. Most important locally, it supports funding for local roads and bridges. It also continues our work to catch up on paving and bridge repair on state, US and interstate highways. The bill also authorizes moving the local roads program from St. Michael's College to VTrans. This should lead to savings which will be used to expand programs while offering the same or substantially similar courses as at present and as long as municipalities continue to demand them, offer courses in multiple geographic locations throughout the state, continue to provide municipalities support functions and establish an advisory council.

H. 325 An act relating to a bill of rights for children of arrested and incarcerated parents

The findings section of this bill says:

(a) Children of incarcerated parents have committed no crime, yet they pay a steep penalty. They often forfeit their homes, their safety, their public status and private self-image, and their primary source of comfort and affection.

(b) The General Assembly and the State have a strong interest in assuring that children of incarcerated parents are provided with the services and support necessary to thrive despite the hardship they face due to their parent's status.

This bill tasks the Secretary of Human Services with studying and developing recommendations on issues related to their needs.

H. 875 An act relating to the elimination of a defendant's right to a trial by jury in traffic appeals and fines for driving with license suspended

This bill would eliminate a defendant's right to a trial by jury in traffic appeals, allow the Judicial Bureau to extend time periods for paying civil penalties for traffic violations, cap license suspension at 120 days for failure to pay a traffic ticket, eliminate credit bureau reporting for failure to pay traffic tickets, and other matters.

H. 646 An act relating to unemployment insurance

H. 646 continues House Commerce's work on Unemployment Insurance. Since the recession we have kept a very careful eye on UI and its Trust Fund. The Trust Fund is returning to solvency and being able to weather possible economic storms. In this year's bill the most important change is to the formula for how much a worker can earn through partial employment while on

UI. We became aware that some on UI were turning down work because they were better off on UI. We changed the formula to make sure that while a worker would take home considerably less than they would on full employment, they would be able to keep enough to remove the disincentive to work. This keeps workers connected to the workforce and it helps employers who are looking for part time workers. There was a roll call vote on the bill and it passed unanimously 136 to 0. In my experience this is the first unanimous UI Bill I have seen and tells me we are on track with this important insurance program for employees and employers.

H. 699 An act relating to temporary housing

This bill simply says, “An eligible participant for temporary housing shall not be required to furnish more than 30 percent of his or her income toward the cost of temporary housing. The Secretary of Human Services may adopt rules as necessary, pursuant to 3 V.S.A. chapter 25, to implement this subsection.” Thirty percent is an accepted guideline for the share of household budget to allot for housing.

H. 758 An act relating to Worker Adjustment and Retraining Notification

This is another House Commerce bill that we worked on to address how best to approach mass layoffs and plant closings. As we have seen over recent years, with early notice, we have a better opportunity to assist laid-off employees in finding new jobs, and to encourage new businesses. Also closings can have big impacts on communities. This bill lays out a process similar to the federal process for notifying the Department of Labor and the Agency of Commerce and Community Development. The findings section of the bill gives the rationale for the bill.

(1) The 21st century workplace is fundamentally different from the 20th century workplace. Along with a changing workplace comes a different workforce. Policies and resources must be updated to reflect the changing workplace and workforce.

(2) Businesses retain sensitive information for proprietary and competitive reasons.

(3) When the State requires this information, the sensitivity of this information must be respected.

(4) The Department, as well as other agencies, are able to access federal and State resources to mitigate adverse employment impacts affecting employers, employees, communities, and the Unemployment Insurance Trust Fund.

(5) The Department and the Agency of Commerce and Community Development, as well as other agencies, must be able to respond to and assist with economic and workforce training and retention initiatives in a timely fashion.

(6) Municipalities, school districts, and local for-profit and nonprofit businesses are all affected by plant closings and mass layoffs. In order to mitigate adverse impacts, communities and stakeholders need timely information pertaining to plant closings and mass layoffs. Private and public sectors need to work together to reduce the volatility and disruptions that come with layoffs.

H. 866 An act relating to qualifications of judicial officers and judicial selection and retention

This bill would require the appointment and retention of Judicial Bureau hearing officers to be similar to that of other judges. It also sets residency requirements for judicial officers, criteria for judicial candidates, and amends the judicial nominating and selection process.

H. 874 An act relating to consent for admission to hospice care and for DNR/COLST orders

The Health and Human Services Committee recommended this legislation to allow a patient's family member or person with a known close relationship to a patient to elect hospice care on behalf of a patient with no available agent or guardian. It would also delay until July 1, 2016 a provision directing the Department of Health to adopt rules regarding persons other than a patient, agent, or guardian giving informed consent for a DNR/COLST order.

H. 877 An act relating to repeal of report requirements that are at least five years old

This bill repeals report requirements that are at least five years old and no longer necessary. Each committee reviews the reports we require of the administration and recommends which ones to keep and which to let go.

H. 879 An act relating to administrative hearing officers

This bill would require the Secretary of Administration to report on and adopt rules related to matters presided over by administrative hearing officers in the Executive Branch of Vermont government. An example would be hearing officers for the Public Service Board. The legislature wants there to be transparency and accountability for this quasi-judicial part of government.

H. 869 An act relating to miscellaneous agricultural subjects

The bill would repeal the apple marketing board, require commercial pesticide applicators to carry at least \$1,000,000.00 in liability insurance and amend the requirements for licensing and reporting by in state milk handlers. It would also require those who sell dairy equipment to register with the State and it would amend the requirements for calibration of bulk milk tanks. Finally, the bill repeals exemptions from weights and measures licensing fees.

H. 871 An act relating to miscellaneous pension changes

This Government Operations bill makes miscellaneous changes to pension calculation laws concerning State and municipal employees. The bill was reported as agreed to by stakeholders. Here's a link to the bill: <http://www.leg.state.vt.us/docs/2014/bills/Intro/H-871.pdf> .

H. 728 An act relating to developmental services' system of care

This bill allows the Commissioner of Disabilities, Aging, and Independent Living to set priorities for developmental services. It also identifies some categories within the system of care plan that must be adopted by rule prior to taking effect. The main goal of the bill is to maintain a statewide system of quality assessment and assurance for services provided to people with developmental disabilities and to provide quality supports to ensure that the principles of service currently in law are achieved.

H. 791 An act relating to the Housing First Study Committee

The General Assembly finds:

(1) The “housing first” approach is a system of services for people living with homelessness, which includes emergency shelters, transitional housing, and permanent supportive housing. The “housing first” approach is premised on the belief that homeless and at-risk people are more responsive to interventions and social services support after they are in their own housing, rather than while living in temporary or transitional housing programs. The “housing first” approach stresses the immediate return to independent living.

(2) Interest in the “housing first” approach has grown recently with the success of the “Utah” model. The “housing first” approach may not be appropriate for every homeless person.

(3) There is a program in Vermont that has developed a rural model and has been considered successful by social and financial measures. The State of Vermont and other states have developed supportive housing programs that may provide similar services for individuals and families whose living conditions are unstable and transitional.

The bill sets up a study committee to look at issues related to homelessness and report back to the legislature with recommendations.

H. 448 An act relating to Act 250 and primary agricultural soils

Finding the best way to mitigate the loss of prime agricultural soils is often difficult but an important part of orderly development. This bill addresses many of the issues with ag soil mitigation and the process for identifying when mitigation is appropriate. Here's a link. <http://www.leg.state.vt.us/docs/2014/calendar/HC140321.pdf> .

H. 585 An act relating to prohibiting the creation and renewal of State Police contracts with municipalities to provide police services

This bill became a study committee looking at the structure of policing in Vermont, especially the relationship between the State Police and municipalities.

H. 790 An act relating to Reach Up eligibility

The most important proposal in this bill is a measure to modify benefits so that those on Reach Up do not have a disincentive to work because they might be in the position to lose benefits when they start a job. The overall Reach Up allotment does not change but this bill would remove a significant barrier to work. The bill also encourages more saving by families on Reach Up. There was a roll call vote on the bill. I voted yes and it passed 141 to 4.

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Next week will see many bills including the budget and the miscellaneous tax bill. House committees expect to propose bills that decrease the Governor's request for 14 million in new revenue to about 4 million. I have heard that the proposal for the 4 million will be to raise the cigarette tax.

Another bill that has received a great deal of attention is the proposal on school governance change. Here's what a committee member says are the key points in that bill.

“The bill sets out the many issues that a legal & fiscal research group will sort through in the next year, reporting back to us. The agency of education will recommend a set of outcomes (with performance indicators!) so we may begin to measure schools, learning, and governance more effectively. Important matters related to taxes, the cost of transitions, the savings in transition, and voting/electoral matters will also be researched, reported, and reviewed before anything happens. Should all go according to plan, districts that are ready to realign through a voluntary procedure can submit a proposal to the Board of Education in July 2016. With the help of a design team, the Board will review preliminary applications and a proposed statewide plan in order to develop & approve a complete statewide realignment plan by July of 2018. A transition period will follow and by July of 2020, the process will be complete.

Key points:

- Districts have many, many opportunities to align as they wish, tailor their articles of agreement, and develop innovative approaches to their partnerships. Local voices, preferences, and traditions are well protected throughout this process.
- This bill does not close schools.
- This bill ensures that every district that currently tuitions students (choice) may continue to do so.
- Labor and employment contracts will be appropriately protected throughout the transition phase until the newly formed districts begin a collective bargaining process.
- This bill will produce new ways to measure outcomes. (Note: Currently we measure success by the unit of "schools." Under this system we aim to measure how our actions/investments/spending is impacting continuous student learning. This is key ... the change from focusing on school outcomes to focusing on students outcomes.)
- This bill promotes more local contribution ("control," "influence," "involvement," etc.) because it strengthens voters' influence over budget decisions, establishes school councils, and enhances the ability to make specific learning environments more unique to the community.
- This bill is likely to expand prek-8 choice.
- The shared governance envisioned in this bill enables communities to keep open small schools that might have otherwise been "phased out" because of financial pressures.”

I expect there will be a great deal of conversation about this approach. Last week I asked to speak to the Education Committee to voice my concern that this bill or any measure not inadvertently through a broad statewide policy cause a school that is achieving to close and at the same time increase the cost for the town the school serves. We have many different school structures in Vermont and that diversity is a strength. At the same time I think better measures to

control school spending are necessary. Declining Grand Lists, fewer students and loss of federal funds have created an unprecedented situation for schools that the current funding system did not contemplate and does not address. The Ways and Means Committee has been working on the cost side and I hear they expect to recommend measures that will decrease the recommended seven cent increase we received from the tax department this year by three cents. That amount is based on the total of projected school budgets.
