



Maida F. Townsend

**State Representative
South Burlington, Chittenden 7-4**

As your Representative in the Vermont House, I take my responsibility to my South Burlington constituents very seriously. I encourage the citizens I represent to track my work on the Issues page at www.maidatownsend.org.

Plus, I invite you to talk to me, often...

Home address: 232 Patchen Road, South Burlington 05403

Personal Phone /Email: (802) 862-7404 / mftownsend@comcast.net

And don't forget you can visit with me at Trader Duke's on Saturday mornings, 8:30 to 9:30.

I hope you find this report on the 2017 legislative session interesting and useful...

2017 End of Session Legislative Report

State Budget

The budget passed by the House and the Senate does not raise property taxes or income taxes or use new fees. It spends less money than is raised and stays below the projected revenue growth rates for FY18. It nonetheless makes significant investments in Vermonters, honors commitments to pay obligations, and maintains reserves. Here is a snapshot of just a few of the highlights:

Understanding that it is still not enough, the Legislature made significant investments, \$8.3 million, in Vermont's overwhelmed mental health care system and developmental services. It also reinforced funding for Vermont's home and community-based services, including Adult Day Centers and Meals on Wheels. Significant investments, \$2.5 million, were made for child care services for working families. This includes using \$300,000 to bring child care subsidies to the 2017 federal poverty level and using \$2.2 million for the Childcare Financial Assistance Program, with a focus on care for infants and toddlers.

Our state college system, for years underfunded, is an invaluable resource for Vermonters seeking post-secondary education. The Legislature provided

an additional \$3 million to the Vermont State College system and \$880,000 to enable the cost-saving unification of Lyndon and Johnson State Colleges.

The Legislature listened to the working Vermonters and small businesses and made investments in economic development through expanded support of Small Business Development Centers, micro-business development, economic development marketing, and career and technical education. Recognizing the value of supporting work in rural Vermont, the Legislature also made additional, albeit small, investments in working lands, Farm-to-School programs, and the logging industry.

Miscellaneous Agriculture

H.495, passed by both the House and Senate, provides a number of programs designed to improve the farm, forest product, and outdoor recreation industries. It creates the Water Quality Assistance Program, which directs the Commissioner of Forests, Parks, and Recreation to provide assistance for compliance with water quality requirements. It pays particular attention to timber harvesters, allowing for assistance in purchasing or leasing skidder bridges to reduce the impact of timber operations on waterways.

Over, please...

The bill also exempts from state sales tax listed machinery, including repair parts and dyed diesel to power that machinery, which is used for the cutting, harvesting, or processing of solid wood forest products. The bill also addresses tile drainage systems and nutrient management systems on farms, both systems critical to controlling phosphorous and maintaining water quality.

Ethics

Vermont is one of only a handful of states without an ethics commission and has consistently received a very low grade when it comes to government accountability. The vast majority of our state and local elected and appointed officials are trustworthy, dedicated individuals who put the interests of Vermont and their constituents first. However, corruption, even in small doses, can undermine public trust in government. That is why the passage of Vermont's first ethics law, S.8, is such an important step.

The legislation, passed by both the House and Senate, establishes an independent State Ethics Commission. It prohibits legislators, statewide office holders, and executive officers from becoming lobbyists for one year after leaving office. It imposes restrictions on no-bid contracting and related campaign contributions involving statewide candidates/office holders. It requires financial disclosures for legislative and statewide candidates and also for executive officers. It requires the creation of a state code of ethics. And it also requires each municipality to adopt a conflict of interest policy for all its elected officials, appointees, and employees. While considered by many only a modest step forward, this legislation nonetheless helps to provide the public assurances of governmental transparency, integrity, and propriety.

Law Enforcement Oversight

H.22, passed by both the House and Senate, is an act relating to the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council. The standards for certification and decertification of law enforcement officers are articulated. These standards include three detailed categories of misconduct and the penalties for such misconduct. Also included in the bill is lan-

guage which will put an end to so-called "agency hopping." If an officer has left employment with one agency and is seeking employment with another agency, the reasons for leaving the prior employment shall be known. No hiring may take place without such information being known. The bill goes a long way to ensuring that "bad actors" will not be detracting from the high quality of Vermont's law enforcement.

Pregnancy Protections in the Workplace

Pregnant employees can face specific challenges that require certain protections. They might not be able to wear the clothing specified at the workplace; they may need to drink more water and have access to it at their workstation; they may need more frequent bathroom breaks. These are all situations in which the employee, here in Vermont, requested accommodation and was refused, and in more than one case, fired.

H.136 addresses this issue by placing employees with a pregnant or childbirth-related condition that impacts their ability to perform a job in the same category as a disabled employee but does not make them disabled. Any accommodation that is reasonable and which does not cause the employer undue harm must be granted. A simple example is to allow the pregnant cashier to use a stool. The underlying intent is that the employee and employer will engage in a conversation to work out accommodations that serve both parties. On May 4, H.136 was signed by Governor Scott.

Notaries

H.526 updates Vermont's Notary Law. It was passed by the House and awaits Senate action in January 2018. Current notary law dates from the late 1700s, leaving Vermont the only state that fails to meet any of the best practices for notarization of documents identified by the Property Records Industry Association.

H.526 will ensure that Vermont's standards are current, clear, and compatible with notary standards in other states. As a result, Vermont notary standards, or lack there-of, will no longer interfere with interstate or international transactions and commerce. Further, the updated standards will protect the general public and preserve the integrity and reliability

of each individual person's notarized transactions. Undergirding the new standards will be a more stable and streamlined system for licensing notaries and maintaining accountability.

Vital Events Records

H.111, passed by both the House and Senate, pulls together and clarifies much regarding vital events records, principally birth and death. This information is currently scattered among several statutes and in some cases is virtually incomprehensible. The bill further establishes an automated State Registry at the Health Department, facilitating access to information, while both maintaining a traditional role for town clerks and hopefully lessening their burden regarding these records. Of great importance is language which will remove Vermont from its current status as one of only three states known as "open access" states. Currently, anyone anywhere can get their hands on our birth and death records. This opens the door to identity theft of the highest, or lowest, order. H.111 is designed to bring a screeching halt to that possibility. This bill was signed into law by the Governor on May 22.

Mental Health Parity

Since the late 1990s, Vermont law has stated that insurance should cover mental illness on a par with physical illness. However, the test for mental injury in Vermont's worker compensation system has made it very difficult for a firefighter, police officer, or EMT to receive coverage for mental injury sustained in the course of responding to emergencies. H.197 corrects this unfairness regarding post-traumatic stress disorder. The bill passed the House and awaits Senate action in January 2018.

Access for Minors to Mental Health Treatment

H.230 provides minors with access to mental health treatment without receiving consent from a parent or guardian. The original legislation limited treatment to children with sexual orientation or gender identity issues. However, testimony demonstrated that nearly 20% of children suffer from some sort of mental health issue, and many of them are not receiving treatment of any sort.

This legislation received overwhelming support in both the House and Senate, and was signed into

law by the Governor on May 17.

"Benefits Cliff"

H.326, passed by both the House and Senate, helps low-income working families to transition out of poverty by "smoothing" the benefits cliff and lifting the asset test. Income can be deposited in a child's education savings account, allowing working parents to accept raises or take on more hours without losing child care subsidies, heat assistance, and other benefits. This bill also raises the asset test from \$2,000 to \$9,000 for families enrolling in Reach Up, the state program which helps eligible parents to gain job skills and find work so as to be able to support their minor, dependent children.

This bill was signed into law by the Governor on May 10.

Racial Justice Reform

H.308, passed by both the House and Senate, establishes a 13-member Racial Justice Panel, which will be housed in the Vermont Attorney General's office. The panel is to review, analyze, and make recommendations for reforms in the Vermont judicial system. In addition, H.308 strengthens Vermont's statewide Fair and Impartial Policing model policy for adoption by all law enforcement in January 2018. It also directs the Vermont Human Rights Commission and the Attorney General's office to create a structure to address, in a comprehensive manner, systemic racial disparities in the areas of education, housing, employment, economic development, and health care.

Affordable Housing

In January, Governor Scott proposed a \$35 million bond to support affordable housing. The challenge was how to cover the \$2.5 million annual debt service for the bond. The Appropriations Committee found \$1.5 million from available sources in the budget and proposed that the additional \$1 million come from a portion of the Property Tax surcharge... the surcharge which was established specifically to go to the Clean Water Fund to pay for ongoing clean-up of Vermont's waters.

The final compromise between the House and Senate extends the Clean Water surcharge until 2027

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and then reduces the rate from .2% to .04% for the period required to pay off the bond for affordable housing. This generates roughly an additional \$40 million in funding for clean water while making a critical investment in affordable housing.

Protecting Free Speech

S.96, passed by both the House and Senate, protects journalists from facing jail time if they refuse to disclose confidential information in response to a subpoena. Such a “shield law” does not protect journalists only. The law also protects sources who are often whistleblowers, crime victims, accused criminals, and others whose safety or livelihood might be threatened by disclosure. Journalists need to be able to keep information confidential and sources confidential so that sources continue to provide information. This is ultimately in the public interest. S.96 was signed by the Governor on May 17.

Green Mountain Secure Retirement

About 45% of working Vermonters have no employer-provided pension plan. Nearly half do not have an IRA or other private plan. Established through S.135, with strong support from both the House and Senate, the Green Mountain Secure Retirement plan is a voluntary Multiple Employer Plan (MEP). It is a portable, voluntary, simple, and affordable way to supplement Social Security income in the retirement years. The plan will be funded by employees, but employers may offer to contribute as a benefit. All employees will be auto-enrolled in the program, with the option of withdrawing their enrollment. The details of the plan will be worked out by the Public Retirement Plan Study Committee. They are charged with developing specific recommendations on the design, creation, and implementation timeline of the MEP. They will report their findings to the General Assembly on or before January 15, 2018.

Rural Economic Development

S. 34, passed by both the House and Senate, creates the Rural Economic Development Initiative (REDI) to promote and facilitate community economic development in small towns and rural areas. REDI provides assistance to rural businesses, helping them identify and successfully apply for

grants to help them grow. REDI also promotes and encourages economic development within the industries of dairy farming, outdoor equipment and recreation, value-added food, and forest products. Additionally, it helps coordinate and promote best practices with phosphorus removal and at composting facilities. Related, the legislation includes separation of phosphorus from manure as an eligible activity under the Capital Equipment Assistance Program at the Agency of Agriculture.

Farm-to-School

S. 33, passed by both the House and Senate, expands the focus of the Roza McLaughlin Farm-to-School Program from school meals to child nutrition programs. This change allows the inclusion of registered or licensed day care providers for the benefits that the program provides. The legislation also establishes the position of Food Systems Administrator in the Agency of Agriculture, Food and Markets. A principal charge of this position is to work with all partners in the program to strengthen ties between schools, day care providers, local farmers, and local food producers for the benefit of children throughout the state.

Consumer Protection

Home repair is an area where Vermonters can fall victim to unscrupulous contractors charging for repairs that are either never completed or completed in a shoddy manner. S.136, passed by both the House and Senate, asks the Secretary of State’s Office of Professional Regulation to conduct a “sunrise review” to determine whether construction contractors should be licensed. As part of its review and report, the Office will compile information on how other states address consumer protection in home improvement contracts, including whether contracts should be in writing and if so, at what threshold amount. Also included in this legislation are consumer protections related to escrow accounts and fantasy sports.