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WEEKLY LEGISLATIVE REPORT



VERMONT LEAGUE
OF CITIES & TOWNS

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Fresh Leadership Take Their Gavels

On Wednesday, legislators in Vermont were sworn in, in a multi-party collaborative process that could not be further removed from the acrimony and violence that consumed our nation's Capitol on the same day. On Thursday, Governor Phil Scott delivered his inaugural address – to the legislature in the afternoon and to Vermonters in the evening.

For the first time in Vermont history, the roles of speaker of the House, president pro tempore of the Senate, lieutenant governor, clerk of the House, and House minority leader have all been assumed by women. The governor recognized that achievement during the opening of his inaugural address to the legislature: "I had the honor of being the first Governor in state history to begin with these words: 'Madam President, Madam Speaker, Madam President Pro Tem.' Congratulations to Lt. Governor Molly Gray, Speaker Jill Krowinski and Senator Becca Balint on this historic milestone."

Representative Jill Krowinski of Burlington was elected speaker of the House. She previously served two terms in the House and last session, was House majority leader, working closely with former Speaker Mitzi Johnson. She thus comes to the office with more experience managing the work of the House than many previous speakers. In her remarks to a remote audience on Wednesday, Krowinski called the new session the Coronavirus Recovery Session, asserting that legislators must chart a course forward and leave no one behind.

Becca Balint, Senator from Windham County, was elected president pro tempore of the Senate. She was first elected to the Senate in 2015 and served as majority leader beginning in 2017. Like Speaker Krowinski and the governor, the president pro tempore will focus on getting Vermonters through the COVID-19 pandemic, addressing the budgetary challenges it has produced that includes a projected \$180 million deficit, and subsequent recovery efforts. "Our immediate work will continue to be addressing the effects and impact of the ongoing pandemic and how to create better systems going forward" said Balint in her acceptance address. "We must continue to address the dis-ease caused by this health emergency and the fear and doubt that many of our constituents feel."

In December, Krowinski and Balint met virtually with members of the VLCT Board of Directors to discuss priorities. Vice President Peter Elwell emphasized the board's desire to partner with the legislature and state government to solve problems that currently seem intractable. Board members also discussed the need to address the disruptive imbalance in property values, with residential property values skyrocketing at the same time that sectors of commercial property values tank, likely leading to seismic shifts in who pays property taxes especially for education. The discussion also touched on Act 250 reform, law enforcement reform and paying for dispatch, and assistance from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

In what may become a new tradition because it likely reaches a much wider audience, the governor's evening address to Vermonters was longer than the one he delivered to the legislature. As he begins his third term following an exhausting year of leading us through the pandemic, Scott highlighted the work of first responders and the medical community, the National Guard, child care workers, teachers, students, farmers, neighbors, and front line workers. "As Governor, I thank each of you for doing your part," he said. "I know it has been frustrating and at times felt impossible. It's important to know the actions you took, sacrifices you made, and your decision to listen to the experts and science, saved lives. *You* are saving lives." He then urged Vermonters to retain their focus and commitment to combatting the virus.

The governor also implored Vermonters to not forget the issues beyond the pandemic that affect people's lives and which last year were laid bare: the need for resilient and diverse economic distributed among all fourteen counties; an equitable distribution of education opportunity and getting students back to in person learning; housing revitalization; containing health care costs; recruiting and retaining working families who may have moved or returned to Vermont for its safe and healthy lifestyle.

According to Scott, Vermont annually spends nearly \$2 billion to educate 83,000 students, yet inequities persist that cut across regional, economic, and racial lines. He proposed organizing all state child development work – including early child care, pre-school, K-12, and technical education – in the Agency of Education. He is also proposing a property tax exemption for licensed preschool programs. The enormous issues of the overall costs of the education system, its over-reliance on property taxes, and who can continue to afford to pay those taxes once again overshadows the entire discussion of education and spills into the laps of cities and towns, whose ability to fund vital programs with remaining property tax dollars is therefore severely constrained.

As the new session unfolds, the pandemic continues to be the biggest issue facing the legislature and administration, coloring every decision that will be made and directing the way in which legislation is formulated – as it has directed every aspect of our lives since last March.

The Legislature Convenes, Conducts Necessary Organizing Business

The 2021-2022 biennium began Wednesday with the thirty members of the Senate meeting in person at the State House and the 150 House members meeting remotely. The elections of presiding officers and oaths of office were completed in swift order, the first resolutions and bills were read and introduced to both chambers, and House members received their committee assignments. Rules of the chambers were adopted that permitted the legislature to meet electronically during the ongoing COVID-19 pandemic.

Legislators were also assigned their State House seats, however those seats will not be occupied for the foreseeable future. Although the end of the 2020 session was conducted remotely, the 2021 session is the first one to start virtually, and freshman legislators must quickly adjust to working from their home computers.

The usual energy and excitement of the first day of the session was soon eclipsed by the simultaneous events paying out at the U.S. Capitol in Washington, D.C. Consequently, a more somber mood prevailed as committees continued to meet and finish the orders of the day. When the legislature returned on Thursday, the House passed [J.R.H. 1](#), a resolution condemning the storming of the U.S. Capitol the previous day as an attack on democracy. The resolution echoed remarks from Governor Phil Scott that also condemned those attacks and called out President Donald Trump as the source of the instigation.

In contrast to the chaos and destruction in our nation's capital, the Vermont legislature, legislative leadership, and state officers – including Governor Scott and Lieutenant Governor Molly Gray – all gave addresses in similar tones that called for unity, cooperation, and healing. And so, the business of state government in Vermont was carried on in orderly fashion.

This unity of messaging is important is because it speaks to the strengths of Vermont government. When compared to other states and the divisiveness in Washington D.C., Vermont has always done better in solving complex problems in a more cooperative manner. And it was very encouraging to head the governor, the Senate president pro tem, and the speaker of the House all commit to helping towns, cities and villages be a part of the economic recovery, post-pandemic. They all seem to recognize that the inequality felt across the state is a problem that needs the focus of both the administration and the legislature. They should also know that municipalities are ready to stand as partners in leveling the playing field in achieving economic security for their residents and businesses. As we have reminded legislators and administrators many times in the past, local governments are key partners in achieving that future. And local officials will work throughout the session to ensure that cities and towns are given the tools and discretion to exercise that partnership to the greatest benefit of Vermonters.

H.48 and Town Meeting 2021

The award for the Most Productive Committee during the first week of any biennium typically goes to the House Committee on Government Operations, and this year is no exception. In record time, the committee late on Thursday voted out [H.48](#), the highly anticipated legislation that enables municipalities to adjust how and when this year's annual meetings are to be conducted. Most municipalities had just concluded their town meetings when the COVID-19 pandemic hit Vermont last March. Although everyone would prefer for the pandemic and associated social distancing to be in our rearview mirror at this point, life is unfortunately many months away from returning to a state of pre-pandemic normalcy. As a result, many municipalities will need to adjust the way they conduct town meetings this year.

The bill addresses all municipal entities in the state – not just cities, towns, and villages, but school districts, incorporated schools, fire districts, incorporated villages and other governmental incorporated units such as solid waste districts. The bill picks up where last year's Act 162 left off. That legislation permits local legislative bodies to vote to temporarily move to an Australian ballot system of voting for the

2021 annual meeting in towns that vote from the floor. It also waived the requirements for voter signature collection for candidates in local elections. H.48 goes further and addresses other lingering issues, including:

- **Changing the date of annual meeting.** The bill would permit municipalities to move their 2021 annual meeting to a later (and potentially safer) date. It will be up to the municipality to determine the later date.
- **Voting by mail.** The bill would permit local legislative bodies to require municipal clerks to mail 2021 annual meeting early voter absentee Australian ballots to all active registered municipal voters to encourage absentee voting, and thereby reduce possible exposure to COVID-19.
- **Brattleboro.** The bill would authorize the Town of Brattleboro to hold its annual representative town meeting by electronic means. Brattleboro is the only town in the state with a representative town meeting.
- **Extending municipal officer terms.** If a local legislative body chooses to move the date of the 2021 annual meeting, municipal officers would have to serve until the annual meeting and until successors are chosen.
- **Secretary of state's supplemental authority.** H.48 would authorize the secretary of state to order or permit supplemental election procedures related to the provisions within the bill. Under current law, the secretary of state has no authority over local elections, however directives and assistance from his office proved invaluable to municipalities in 2020 during the early days of the pandemic. This authority is only meant to be supplemental to help all municipalities conduct successful annual meetings and protect the health, safety, and welfare of voters, election workers, and candidates. The secretary of state would further adopt any necessary procedures that ensure the public can monitor polling places and vote counting.

H.48 takes into account municipalities with charters that have more specific provisions regulating annual meeting. Those charter provisions will remain in place and are not affected by the bill. House Gov. Ops. made a point to also include language that encourages municipal cooperation between municipal entities. H.48 requests municipal officials – including boards of civil authority and municipal clerks – to cooperate with school districts and other incorporated districts with administering annual district meetings and budget votes. School districts in particular are heavily reliant on towns and cities to help perform their annual meetings; to the extent practicable, they both should be working together to align meeting dates and resources. This will both ensure the best use of limited monetary and human resources and create less confusion and a more streamlined process for voters.

VLCT supports H.48 and thanks the House Government Operations Committee for both taking it up and passing it out swiftly. The bill is up for action today on the House floor and will head to the Senate early next week. With deadlines associated with annual town meeting just around the corner, the House and Senate have promised to expedite the passage of H.48 and, hopefully, have it on the governor's desk for his signature by the end of next week.

Joint Fiscal Committee Reallocates Funds to Town Meeting Ballot Mailing

On Tuesday, the Joint Fiscal Committee met for the last time of the 2019-2020 legislative biennium. This committee, which in an ordinary session meets only three or four times a year, met twenty-five times in 2020. It met to track revenues and expenses – and, most importantly, the allocation, expenditure, and reallocation – of federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF) in compliance with the federal restrictions attached to the act. When the new legislature convenes, it will be without Representative Kitty Toll and Senator Tim Ashe, members of the past Joint Fiscal Committee who are no longer in the legislature. We thank them for their service and attention to Vermont municipalities as the COVID-19 crisis unfolded.

On December 27, Congress passed the Consolidated Appropriations Act of 2021, which included sections on COVID-19 relief provisions. As part of that bill, the deadline for spending CRF funds was extended to December 31, 2021. That is good news on so many fronts.

On Tuesday, the Joint Fiscal Committee took up a new request from the administration and secretary of state to reallocate \$1.5 million in CRF dollars to reimburse towns and cities for the cost of mailing ballots to registered voters if the local legislative body decides to move town meeting votes to Australian ballot. (The authority to mail Australian ballots will need to be provided in a new town meeting bill). After some deliberation over how many cities, towns, villages, school districts, or other municipal union districts might need to mail ballots, the committee amended the allocation to provide “up to \$2 million” to print and mail Australian ballots.

Resource

- [Summary of Coronavirus Relief Provisions](#)

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Transportation

Sen. Dick Mazza, Chair
 Sen. Andrew Perchlik, Vice Chair
 Sen. Thomas Chittenden

Sen. Russ Ingalls
 Sen. Jane Kitchel

BILL NUMBER	SUMMARY OF NEW BILLS	CURRENT LOCATION
H.3	Would prohibit applying sludge or septage except for the land application of exceptional quality biosolids, require municipally-owned wastewater treatment facilities to accept septage for treatment, and establish a Biosolids Conversion Special Fund to provide grants to municipal wastewater facilities to convert septage and sludge to exceptional quality biosolids.	House Nat. Resources, Fish, and Wildlife
H.9	Would clarify that land underlying a solar array may remain in current use as agricultural land, provided that the land is 0.1 of an acre or less and meets all other current use requirements.	House Ways and Means
H.16	Would require a purchaser of fireworks to present his or her permit for fireworks use to the seller at the time of the sale, and prohibit the use of fireworks after 10 p.m.	House Judiciary
H.26	Would restrict the use, manufacture, sale, and distribution of class B firefighting foam containing perfluoroalkyl and polyfluoroalkyl substances as well as food packaging to which PFAS have been added.	House Health Care
H.28	Would amend the definition of “livable wage” for purposes of the basic needs budget that is calculated at the beginning of each legislative biennium so that it is based on a family with two adult wage earners, two children, and no employer-sponsored health insurance.	House Gen., Housing, and Military Affairs
H.29	Would require employers to notify prospective employees when their employment will not make them eligible for unemployment benefits.	House Gen., Housing, and Military Affairs
H.34	Would authorize tax increment financing districts to use debt proceeds to make debt service payments.	House Ways and Means
H.35	Would allow a school district to eliminate spending during the year on eligible school construction project costs, as defined in Rule 6134 of the State Board of Education, from the excess spending calculation.	House Education

BILL NUMBER	SUMMARY OF NEW BILLS	CURRENT LOCATION
H.39	Would require that the members of the Vermont Climate Council do not participate in matters in which they have a conflict of interest or appearance of a conflict of interest.	House Energy and Technology
H.40	Would provide whistleblower protections for law enforcement officers.	House Gen., Housing, and Military Affairs
H.48	Would authorize municipalities to move the date of their 2021 annual meeting; authorize municipalities to mail annual meeting Australian ballots to all active, registered municipal voters; and authorize the secretary of state to order supplemental elections procedures related to these 2021 annual municipal meeting provisions.	House Government Operations

Bi-Weekly Chat with Advocacy Staff

The next live and socially-distanced online chat with your Advocacy team is scheduled for Monday, January 11, from 11:00 to 11:45 a.m. Karen Horn and Gywnn Zakov will answer your questions and provide their insights into the 2021 session as they see it evolving.



[Register to attend here.](#) It's free!

Please note: For the 2021 session, the *Weekly Legislative Report* will be an all-digital publication with *this* exception: Readers without reliable internet service can receive paper copies **if they notify us at mailings@vlct.org**. Thanks for reading!



VLCT 2021-2022 MUNICIPAL PRIORITIES

Relied upon as trusted partners with the state especially during the COVID-19 pandemic, local governments are taking the lead in innovative governance practices and responding to their constituents' needs. Each biennium, the VLCT Board of Directors distills the Municipal Legislative Priorities from the full Municipal Policy adopted by VLCT membership. The Municipal Priorities help guide VLCT Advocacy staff and the board in effectively advocating for you. In Vermont, where local government resources and innovation are severely constrained, cities and towns need the authority, flexibility, and funding to meet today's challenges.

VLCT SUPPORTS:

1.



Voter approved self-governance on matters solely affecting the municipality taking action, including (a) local option taxes; (b) measures to reduce emissions, increase resilience to climate change, and build a cleaner economy; and (c) law enforcement policy and oversight implemented in accordance with the municipal governance structure;

2.



Sustained funding and incentives to implement all state mandated programs reducing the burden on municipal property taxes;

3.



Authority to take meaningful action to eliminate racial disparities and to ensure equity, fairness, and systemic change;

4.



Legislation reforming Vermont's income, sales, cannabis, and property taxes to ensure sustainability, economic recovery and affordability, equity, and balance, particularly as those attributes relate to property taxes' contribution to the Education Fund;

5.



Providing authority, tools, and funding to local officials so as to **mitigate the effects of the COVID-19 pandemic on residents and communities;**

6.



Providing the technology, authority, training, and funding to **ensure fair, equitable, and impartial delivery of law enforcement that builds trust and legitimacy in communities, including among minority groups;**

7.



Eliminating Act 250 jurisdiction over projects in designated downtowns, growth centers, new town centers, designated village centers, and new neighborhoods;

8.



Ensuring that grants pay for **federal and Vermont Safe Drinking Water Act and Clean Water Act priorities;** and

9.



No-risk funding that pays for project development to implement mandates such as Municipal Separate Storm Sewer System (MS4) General Permits, Total Maximum Daily Loads (TMDLs), combined sewer systems, and Municipal Road General Permits (MRGPs).