

2023 Weekly Legislative Report #10

Next week is Town Meeting in most of the state, and the Legislature takes a seventh inning stretch – to visit with voters at town annual meetings and to rejuvenate themselves for the second half of the session.

Ahead of the Town Meeting week recess, there is a rush to get bills out of at least the first committee of jurisdiction, recognizing that the deadline for getting bills out of the last committee of reference is Friday, March 17. Any bill that has an appropriation in it will need to go to the appropriations committees. Bills referred to committees on Appropriations as well as Senate Finance and House Ways and Means have an extra week and must be reported by the last committee of reference by Friday, March 24. The exceptions to these rules are the FY24 Appropriations bill, the Transportation Capital (T) bill, and the Capital Construction and Fee/Revenue bills.

Our *Legislative Report* this week offers brief summaries of the somewhat long list of the bills moving through the process that might affect local governments.

There is no *Legislative Report* next week, so please look for our next report on Friday, March 17. What better way to celebrate the saint of the Emerald Isle?

Expand All

[Housing Bills as of March 3, 2023](#)

In and around their work on S.5, the affordable heating bill, the Senate Natural Resources Committee heard testimony on S.100, the omnibus housing bill or “Housing Opportunities Made for Everyone”. That committee is focusing its attention on the zoning, Act 250, and wastewater permitting provisions of the bill. In addition to your advocacy staff, the committee heard from local officials in Hinesburg (and representing the Vermont Planners Association), St Albans, South Burlington, and the Chittenden County Regional Commission (and

representing the Vermont Association of Planning and Development Agencies) with proposals to amend the bill, particularly to provide more flexibility to local planning commissions, zoning boards, and development review boards in meeting zoning goals instead of one-size-fits-all mandates. The committee also heard a presentation from the Vermont Housing Finance Agency about the state of housing in Vermont today and what is required to meet the need for 30,000-40,000 additional units.

On Wednesday, to spur support for the bill, Senator Ram Hinsdale facilitated a press conference that included nine speakers and a wide range of legislators, employers, and state agency representatives as well as justice, housing, homeless, mental health, and disability advocates. While each group has its own priorities about the approach to housing, all agree that Vermont has one of the most severe housing crises nationwide, and now the lowest rental vacancy rate of any state. Legislation needs to address the issue this year.

The Senate Natural Resources Committee continued work on the bill on Friday. Thereafter, it will go to the Appropriations Committee as there are a number of appropriations for housing programs (see [Weekly Legislative Report No. 9](#) for details).

Resources for this article:

- [VLCT Testimony on S.100](#)
- [VHFA Presentation on Housing Needs in Vermont](#)

[Public Safety Legislation](#)

[S.17](#) is a bill the Senate Government Operations Committee is finalizing that proposes to amend various laws relating to county sheriffs. Although sheriffs are at the county level, VLCT is following this bill because many municipalities contract with sheriff departments for policing services and have an interest in the contracting authority and professional regulation of sheriffs. The current draft of the bill is still a work in progress,; however, the judiciary, the committee, and the sheriffs are getting close to final wording that will hopefully work for all interested parties.

A bill in the Senate Government Operations Committee proposes to address **statewide and regional emergency dispatching**. The bill (no number yet) proposes to expand the jurisdiction of the Enhanced 911 Board to include development, implementation, and supervision of regional emergency dispatch services. The 31-page bill outlines how the state

would create a “reliable, high quality, secure, interoperable, cost-effective statewide emergency communications system overseen and managed at the State level, and do so in a manner that does not disrupt or in any way jeopardize the exceptional dispatch services currently in place.” The committee only had time to take an initial walkthrough of the bill this week and received limited testimony due to time constraints. The committee indicated they would take up the bill soon after Town Meeting break, with interested parties working over the break to propose potential language for committee consideration.

[H.251](#) is a bill that proposes to add the issuance of what are known as Brady or Giglio letters as a basis of law enforcement misconduct under the jurisdiction of the Vermont Criminal Justice Council. Put very simply, a Brady or Giglio letter is a document written by a prosecutor when they find a law enforcement officer may not be credible in judicial proceedings. The implications such letters have on law enforcement in being able to continue to serve as a law enforcement officer is huge. The bill aims to provide some level of due process to law enforcement officers when such letters are drafted. VLCT strongly supports the bill, but it is unclear if the committee will continue review of the bill after this week’s initial walkthrough. We remain hopeful.

The House Government Operations and Military Affairs Committee is also working on another bill that focuses on **fair and impartial policing and broader professional regulations**. It proposes to amend statute to remove the minimum number of hours mandated for fair and impartial policing training and instead mandate that all law enforcement must demonstrate competency in fair and impartial policing to maintain certification. The Executive Director of the Police Academy stated that the Academy and the Vermont Criminal Justice Council (VCJC) were strongly considering moving away from set hours of training for particular subject matters and moving toward competency models instead. Training for competency would measure a recruit's competency to perform and understand the information conveyed during the training.

The bill would also mandate the VCJC to adopt rules with respect to Advanced Roadside Impaired Driving Enforcement training and law enforcement certification. The bill would amend the law related to roadside stop data collection and add that the date, time, and location of stops be collected and tracked. Lastly, the bill would mandate that, prior to hiring a law enforcement officer, a hiring agency must have access to all previous employers’ performance reviews of the potential hire. Currently this is only required for the most recent

employer from which the officer is coming.

The committee is trying to determine whether to abandon the set minimum number of hours of training or move to a competency standard for training fair and impartial policing. The remainder of the bill appears less controversial and only minor amendments are anticipated. The committee would like to move the bill to the House floor after Town Meeting break.

[S.4](#) was voted out of the Senate Judiciary Committee this week and is in the Appropriations Committee for consideration. The bill addresses various laws related to firearms sales and possession, criminal acts of juveniles, and human trafficking. The bill would also create the Community Violence Prevention Program at the Department of Health to work with communities to implement innovative, evidence-based, and evidence-informed programs addressing causes of youth and community violence. Non-profits and municipalities would be eligible for grants to implement programs to reduce violence and associated community harm. The Judiciary Committee is requesting an appropriation of \$10,000,000 in the bill, and that is why the bill currently sits in the Appropriations Committee for consideration. VLCT strongly supports this bill and the associated funding and thanks the Senate Judiciary Committee for their work.

Resources for this article:

- [Current draft of S.17](#)
- [Dispatch bill](#)
- [H.251 - Brady/Giglio Letter Bill](#)
- [VCJC and Fair and Impartial Policing Bill](#) -
- [S.4 - Crimes and Weapons Bill](#) -

[Election Bills](#)

[H.429](#) is the miscellaneous elections bill that the House is currently moving through its chamber. The bill includes what is known as a “Sore Loser Law” provision that prohibits candidates who lose in the primary from running in the general election, amends campaign finance contributions from individual candidates, and sets the order of nominee political parties printed on ballots. It also requires write-in candidates to meet minimum thresholds to win primary elections and enables electronic ballot returns to be made online. As it relates to impacts on local elections, the bill permits candidates to file demographic information with

town clerks, which then is reported to the Secretary of State.

[H.32](#) is a bill that the Senate Government Operations Committee is finalizing to move to the Senate floor for a vote when the committee returns from Town Meeting break. Although the bill started off as legislation that would have implemented a ranked-choice voting method of voting for the next presidential election cycle, it now focuses mostly on local elections. The new draft proposes to authorize towns, cities, and villages that use Australian ballot voting to use a ranked-choice voting system for Town Meeting Day of 2024, and may authorize such a voting system in advance of Town Meeting Day of 2024. The bill outlines exactly how such ranked-choice voting would take place and includes a \$100,000 appropriation to the Secretary of State to provide assistance and grants to towns, cities, and villages that adopt a ranked-choice voting system.

H.32 also sets up a framework for moving the state toward statewide implementation of a ranked-choice voting system for statewide elections. A Ranked-Choice Voting Study Committee is proposed to study and make recommendations on how Vermont can implement such a voting system by 2026. A report from the committee would be due January 15, 2024, to instruct further action by the legislature.

Resources for this article:

- [H.429 as introduced](#)
- [The current draft of S.32](#)

[Transportation Legislation](#)

S.99, the year's Miscellaneous DMV bill, is currently in the Senate Finance Committee awaiting final vote before it heads to the Senate floor (after Town Meeting break). We wrote about the bill in [last week's legislative report](#).

The yet-to-be-numbered **big Transportation Bill** is still in the House Transportation Committee. The committee continues to finetune the bill. The committee is clearly also putting a heavy focus on programs and investments that address carbon reduction in the transportation sector. This bill also addresses the Transportation Alternative Program, the Lamoille Valley Rail Trail, the proposed mileage-based user fees for electric vehicles, and the Complete Streets Program.

The House Committee is working hard to get a final bill for review after the Town Meeting break so this legislation can head to the Appropriations Committee and the House floor in swift order.

Resources for this article:

- [S. 99, the Miscellaneous DMV Bill](#)
- [The Big Transportation Bill](#)

[Apply Soon for Congressionally Directed Spending](#)

Congressionally Directed Spending (CDS) is federal funding for non-profit projects specified in certain legislation. The process of considering which projects will be proposed for CDS for fiscal year 2024 is starting right now, with separate application procedures in the Senate and the House of Representatives. Members of Congress may request funding for specific projects in their communities, if projects have a federal nexus and meet requirements of federal law. Past Vermont projects have supported childcare, sustainable energy, dental care, housing, and transportation and wastewater infrastructure.

The Senate

Senator Sanders is now [accepting preliminary requests](#) for eligible Vermont-based projects to receive federal funding for fiscal year 2024. Apply **by 5 PM on Friday, March 10, 2023**.

Senator Welch's [portal for CDS applications](#) is now up on his website. **The deadline for requests is Thursday, March 16, 2023.**

The House of Representatives

Representative Balint's office will review preliminary requests in the coming weeks. To learn the requirements for their review, please refer to the [guidance](#) from the House Appropriations Committee and the [list of eligible accounts](#).

Deadlines for House representatives to submit requests start in the second half of March, depending upon the category of request. Representative Balint's office is putting together materials tailored for her office. They expect that constituents will need to **submit requests**

by mid-March so she and her staff have time to review projects and submit them for consideration in the appropriate bills in March and early April.

[Elsewhere In The State House](#)

Auditor of Accounts

On Friday, the Senate passed [S.9](#) on a voice vote after having been debated and passed to third reading on a vote of 23–6 on Thursday. S.9 would authorize the Auditor of Accounts to conduct performance audits of contractors as they relate to contracts with the state. The auditor would have discretion to examine records, accounts, books, papers, reports, and returns in all formats of any contractor that provides services to the state, provided they are relevant to the performance of the contract with the state. The Agency of Administration would need to include in state contracts, terms and conditions authorizing the auditor to examine those documents.

Current law requires “all departments, institutions, and agencies of the state, including the trustees or custodians of trust funds and all municipal, school supervisory union, school district, and county officers who receive or disburse funds for the benefit of the state”, to make those documents available to the auditor when requested.

Miscellaneous Agriculture Bill S.115

The Senate Agriculture Committee finished work on [S.115](#), the miscellaneous agriculture bill, which is now in the Senate Finance Committee. How does that bill affect local governments?

Section 8 of the bill would

- establish that a municipality adopting bylaws to implement stormwater management and control must not exceed the Secretary of the Agency of Natural Resources authority,
- maintain exemptions in 10 V.S.A. § 1264(d)(1), and
- not charge an operating fee for exempt practices.

According to that section of the water quality statutes, no permit is required for stormwater runoff from farms that are in compliance with Agency of Agriculture adopted agricultural

practices, concentrated animal feeding operations, or land operated according to accepted silvicultural practices. This restriction on local regulation and fees would apply prospectively.

The language would most significantly affect municipalities that have implemented stormwater utilities or adopted bylaws to assess fees that allow them to mitigate stormwater runoff from municipal roads and infrastructure, as well as to remediate sites where stormwater runoff contributes to the degradation of the waters of the state. Local officials explained to Senate Agriculture committee members that stormwater utilities are predicated on an “all-in approach” – that is, compliance of public infrastructure with stormwater regulations is everyone’s responsibility.

Please take time to contact your senators about this. Explain how exempting agriculture and silviculture from that all-in approach will set back municipal capacity to meet its obligations for stormwater mitigation on public properties.

Affordable Heat Standard

The Senate took all afternoon Thursday to debate [S.5](#), the Affordable Heat Act, a bill the Senate Natural Resources Committee spent most of the early session developing. The stated intent of the 38-page bill is that the “Clean Heat Standard be designed and implemented in a manner that achieves Vermont’s thermal sector greenhouse gas emissions reductions, minimizes costs to customers, and recognizes that affordable heating is essential for Vermonters.” On Friday, the bill passed the Senate on a vote of 18–10.

Budget Adjustment

The Conference Committee on the budget adjustment bill, [H.145](#), agreed on a compromise bill ([summarized here](#)), the Senate voted to adopt the conference report on Wednesday, and the House passed it on Friday. The bill is being sent immediately to the Governor for his signature. The \$3 million to be appropriated to the Secretary of Administration to provide **funding for municipal technical assistance and related services** was in both bills and thus was not the subject of discussion. Upon passage of H.145, the Agency of Administration will move quickly to implement the program.

The bill includes \$13.8 million to continue emergency shelter of prioritized populations from April 1 through June 30, 2023 and \$1 million to continue to provide coordinated care teams for wraparound support services to clients in the General Assistance Temporary Housing Program. Before the conference committee report was adopted, the representative from Northfield and Berlin read a letter from the town regarding the lack of support for or protection of people housed in the hotel program. The town reported that in the last year they have responded to 985 police calls to the one hotel in town housing the homeless because of the lack of support services from the state. This is a situation replicated in every town hosting hotels that provide housing to clients in the General Assistance Temporary Program, and Representative Donahue reminded the House that both support and protection must be provided moving forward.

Biodiversity and Conservation Protection

The House Environment and Energy Committee voted out [S.126](#), the bill that would establish goals for conserving 30 percent of Vermont's total land area by 2030 and 50 percent by 2050. Among the fourteen findings, the committee included a finding recognizing the housing crisis. That goal states, "the Vermont Housing Finance Agency's 2020 Housing Needs Assessment projected an urgent pre-pandemic need for new housing. Strategic investment in conservation is consistent with construction of housing in Vermont's villages and town centers."

"Conserved" is defined to mean permanently protected and meeting the definition of ecological reserve area, biodiversity conservation area, or natural resource management area as defined in this section. Those three types of area are defined as well.

Ecological reserve areas would be managed to maintain a natural state within which natural ecological processes and disturbance events are allowed to proceed with minimal interference.

Biodiversity conservation areas would be managed for the primary goal of sustaining species or habitats.

Natural resource protection areas would be subject to long-term sustainable forest management.

By July 1, 2024, the Secretary of the Agency of Natural Resources is to create an inventory of Vermont’s conserved land and conservation policies to serve as the basis of meeting the conservation goals of Vermont Conservation Design. The inventory would be submitted to the legislature for review next session. A plan to implement the conservation program would be submitted to the legislature by December 31, 2023.

H.126 includes an appropriation of \$75,000 to the Vermont Housing and Conservation Board to support public education and outreach to inform the development of the statewide conservation plan. As a result of the appropriation, the bill is now in the House Appropriations Committee.

[Here’s To a Completely Different Bill!](#)

On Tuesday, recently retired Waterbury Manager William “Bill” Shepeluk was honored with [a resolution in the House Chamber](#).

Bill served Waterbury for 34 years. He also served as a member on the Board of the Vermont League of Cities and Towns (the League) for one term as the organization’s president and repeatedly as immediate past president – by far the League’s longest serving immediate past president! Bill also sat on the Board of the VLCT Health Trust and its successor organization, the VERB Trust, as president for approximately three decades. In addition to other accolades, Bill was named Municipal Person of the Year by VLCT and Municipal Manager of the Year by the Vermont Town and City Management Association.

Congratulations on a career well spent, Bill!

[Bills of Interest to Municipalities](#)

Number	Summary	Current Location
H.382	Would authorize municipalities to adopt an ordinance that extends State and local enforcement authority concerning scrapyards to any premises within the municipality that constitutes a public nuisance due to the accumulation of rubbish, scrap, junk, or abandoned vehicles.	H. Government Operations and Military Affairs

Number	Summary	Current Location
<u>H.386</u>	Would make amendments to Brattleboro Charter	H. Government Operations and Military Affairs
<u>H.388</u>	Would authorize municipal districts to mail annual meeting ballots to all active registered voters, after receiving approval of the legislative body of each member municipality within the district.	H. Government Operations and Military Affairs
<u>H.394</u>	Would clarify that the municipal zoning limitation on residential care homes and group homes does not extend to facilities that will house high-risk, justice-involved youth.	H. Government Operations and Military Affairs
<u>H.418</u>	Would amend the charter of Barre Town	H. Government Operations and Military Affairs
<u>H.421</u>	Would require the ANR Secretary to amend the Water Supply Rule to establish a maximum contaminant level (MCL) of zero parts per trillion for the perfluoroalkyl and polyfluoroalkyl substances (PFAS) of perfluorooctanoic acid, perfluorooctane sulfonic acid, perfluorohexane sulfonic acid, perfluorononanoic acid, perfluoroheptanoic acid, and perfluorodecanoic acid. Would propose that the ANR Secretary amend the Water Supply Rule to establish an MCL of not more than 20 parts per trillion for any testable PFAS other than those specifically required to have an MCL of zero parts per trillion	H. Environment and Energy
<u>H.422</u>	Would create a study committee to evaluate the impacts of perfluoroalkyl and polyfluoroalkyl substances in leachate on natural resources from landfills in the State.	H. Environment and Energy

Number	Summary	Current Location
<u>H.424</u>	Would permit towns, cities, and villages to opt-in to a uniform ranked-choice voting system for elections of candidates running for single-seat offices.	H. Government Operations and Military Affairs
<u>H.436</u>	Would give municipalities authority to use home energy rating systems for compliance with the residential building energy standards; allow the Dept. of Taxes to share data on fuel tax with municipalities; direct the Department of Motor Vehicles to share data with municipalities related to the tax on transportation fuels; prohibit denying a renewable energy project a certificate of public good solely for aesthetic concerns.	H. Environment and Energy
<u>H.447</u>	Would prohibit unauthorized groups from associating themselves together as a military unit, prohibit unauthorized military training for purposes of furthering a civil disorder, and prohibit the open carrying of semiautomatic assault weapons.	H. Judiciary
<u>H.449</u>	Would create a registration requirement and registry for short-term rental housing	H. General and Housing
<u>H.461</u>	Would make miscellaneous changes in education laws	
<u>S.88</u>	Would enact a new charter for the Town of South Hero to authorize the Town to adopt a local option tax.	S. Government Operations
<u>S.94</u>	Would extend the time the City of Barre can incur indebtedness for its tax increment financing district for two years, beginning on March 31, 2024, and extend the time the City can retain municipal and education property tax increment for its tax increment financing district until December 31, 2039	S. Finance
<u>S.99</u>	Motor Vehicles miscellaneous bill including study of gross weight limits and speed limits	S. Finance

Number	Summary	Current Location
<u>S.100</u>	Omnibus Housing Bill – Housing Opportunities Made for Everyone (HOME)	S. Natural Resources
<u>S.101</u>	Various amendments to unemployment and workers' compensation insurance	S. Economic Development, Housing and General Affairs
<u>S.103</u>	Would amend laws prohibiting discrimination in employment and places of public accommodation to say harassment need not be severe or pervasive to constitute unlawful discrimination; disallow agreements settling employment discrimination claims that prohibit the employee from working for the employer or an affiliate of the employer; prohibit pay discrimination based on an employee's race, national origin, or physical or mental condition; restrict agreements that prohibit individuals from competing with their former employers	S. Economic Development, Housing and General Affairs
<u>S.115</u>	Miscellaneous agriculture bill including exemption of farms and forestry operations from municipal stormwater bylaws and fees	S. Finance

[Join Us for the Next Advocacy Chat!](#)

The next Advocacy Chat is Monday, March 20 at 11 AM.

[Learn More and Register](#)

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