



Week 15 - April 24, 2020

THE VERMONT STATEHOUSE INSIDER

Weekly politics & analysis
of the issues in Montpelier



SPIGOTS



House Afternoon Floor Session

404 views • Streamed live on Apr 23, 2020

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The Vermont House met Thursday to vote remotely on several bills.

TO OUR READERS

Please visit [our website](#) for our in-depth reporting on COVID-19 throughout the United States. This site is courtesy of [Leonine FOCUS](#), our 50-state legislative regulatory, tracking and reporting service. The site is frequently updated and includes information on executive orders, legislation, regulation, tax deadlines and more from across the country.

WEEK 15

The legislative timeline for the rest of spring and summer 2020 is beginning to take shape as Vermont's response to the COVID-19 pandemic is showing signs of bending the curve. Health indicators improved for the second week in a row, which means the state is likely past the peak of the outbreak. This development has lawmakers cautiously eyeing the next phase of response which will be addressing the state's financial situation which has been turned on its head as a result of the pandemic.

Earlier this week House Speaker Mitizi Johnson indicated that for the remainder of April the House will continue to focus on legislation that directly addresses the COVID-19 crisis. On Thursday the House held its first remote floor session and passed a number of COVID-19 bills - more on this later. In May, if health indicators continue to improve, the House will work to develop the appropriations and revenue bills needed to close out FY2020 and likely put a budget in place for the first few months of FY2021. The legislature will need to address statutory provisions that, due to prior legislation, will "sunset" (e.g., be automatically repealed) on July 1 and which need to be extended. The legislature may also need to extend the enactment date for some legislation that passed previously but can no longer be implemented by July 1 due to the COVID-19 situation.

Both the House and Senate have discussed the possibility of taking up some of the non-COVID-19 related bills in May that passed out of committee prior to March 13, which is when legislators left the statehouse and the building closed. This could include bills currently sitting on the calendars in both chambers, as well as other legislation that would have met the crossover deadline in a normal year.

The legislature will need to reconvene (in the event they've been able to recess) in August to address the FY2021 budget for the remainder of the fiscal year. With this year's tax filing deadline being pushed back to July 15 lawmakers will not know how much revenue they have to work with until that time. They will undoubtedly also have to consider other fiscal issues, like the appropriation of additional stimulus dollars, school funding and other developments relating to health and the economy.

VERMONT STATE COLLEGES

Vermont State Colleges (VSC) Chancellor Jeb Spaulding's proposal late last week to close Northern Vermont University campuses in Lyndon and Johnson, as well as the Vermont Technical College campus in Randolph set off a flurry of conversations among legislators. By early in the week thousands of students, employees and community members had voiced opposition to the plan and a car parade through Montpelier protested the proposal. Legislative leaders indicated a willingness to find a way to provide additional resources to the state college system. The response was impactful and on Wednesday, Spaulding withdrew his proposal. It remains to be seen exactly how legislators will follow through on their commitment to provide additional funding. Regardless, it is clear that any increase in funding for the state college system will be paired with a broad review of the system to charter a path forward toward longer-term stability.

GOVERNOR'S ACTION

On Friday the governor announced the next incremental stage in reopening Vermont's economy. The newest [addendum](#) to his "Stay Home Stay Safe" order allows crews of five people or fewer to work outdoors. It allows manufacturing and distribution operations with five people or fewer in one location to resume work as long as they are adhering to public safety guidelines, which include practicing social distancing and wearing face masks. The order requires mandatory training for employees. It allows outdoor retail facilities such as greenhouses to resume in-person sales, with no more than 10 people allowed in the facility at any given time, including staff. The governor also announced that the Agency of Agriculture will allow farmers markets to reopen beginning on May 1.

HOUSE ACTION

The 150-member House met by video conference on Thursday and unanimously approved a temporary rule change giving themselves the ability to vote on legislation remotely during the COVID-19 crisis. This kicked off a truly historic day for the Vermont legislature, marking the first time in Vermont history that the Vermont House of Representatives met and approved bills in an entirely remote process. The Senate has also granted themselves permission to meet and vote on bills remotely during the state of emergency. With only 30 members to organize, the Senate's remote voting process more closely resembles the traditional one: members appear by video or phone and a vote is taken by a verbal roll call to determine the outcome of a given measure. The House, which has 150 members, is relying on an app called Everbridge which sends questions from the House Clerk to members' iPads. Members then respond to the question with a 'yes' or 'no' vote. Although there were some technical difficulties and moments of frustration as legislators grappled with the new system, the process seemed to work, and over the course of the next several hours, legislation was successfully taken up and voted on in this manner.

Soon after the House gave themselves the ability to vote remotely, they passed five bills. H.741 allows the Department of Buildings and General Services (BGS) to conduct criminal records checks on private contractor employees who, under contract with BGS, are performing services or functions on state-owned or state-leased facilities. S.316 allows for the remote execution of wills. S.340 affords more flexibility to the Vermont State Treasurer to borrow and spend state funds during the course of the pandemic. S.341 allows the release of certain tax documents by the Tax Commissioner to the Department of Labor. This allows the department to calculate the benefits received under the Pandemic Unemployment Assistance Program. S.114 suspends various time periods applicable to court actions as a follow up to the Judiciary's suspension of all but emergency court proceedings. It also allows for the remote execution and notarization of powers of attorney, as well as the recording in the land records of remotely notarized deeds. The House removed a provision relating to the civil suspension of drivers' licenses resulting from DWI charges. The Senate has signalled that it will accept the change made by the House and approve the bill, as revised by the House, on Monday.

BUDGET UPDATE

This week Vermont's post-COVID-19 budget picture came into sharper focus. On the spending side, Steve Klein of the Joint Fiscal Office (JFO) provided a [fiscal update](#) to the House Appropriations Committee and outlined a plan to pass three state budget bills:

- a FY2020 budget adjustment bill, covering the fiscal year ending on June 30, which the administration is preparing now, will be worked on in committee in May.
- a three-month FY2021 budget bill, the so-called "skinny budget," covering July, August and September 2020, to be completed in May.
- the full FY2021 bill (July 1, 2020 to June 30, 2021) cannot be completed until August or September because revenue projections are too uncertain

with many tax filing deadlines moved to July 15 and uncertainties in “longer-term epidemiological models.”

On the revenue side, Graham Campbell of JFO, presented [updated revenue projections](#) to the Senate Finance Committee this week. For the current fiscal year ending June 30, revenues are projected to be down by \$61 million in the General Fund, \$42 million in the Transportation Fund and \$69 million in the Education Fund. These numbers assume a projected \$211 million in revenue being deferred from April 15 to July 15 (income taxes, trust taxes, rooms and meals taxes, etc) will be allocated to FY2020, so long as the revenue is received by July 30. Typically, any revenue received on or after July 1 would be booked in FY2021.

CARES ACT UPDATE

Lawmakers and the Scott Administration are also working through the thorny issue of who gets to spend the \$1.25 billion federal CARES Act grant the state has received. The Joint Fiscal Committee (JFC) routinely accepts small federal grants and leaves it up to the administration to implement them. However, given the sheer size of this grant, lawmakers have put forward a [plan](#) to put themselves in the driver's seat by proposing to have the JFC accept the \$1.25 billion grant with conditions that set the following three levels for expenditures:

1. The administration, after informing the JFC, is authorized to spend up to \$60 million for health and safety and emergency response needs, most of which has already been incurred.
2. The JFC would pre-approve up to an additional \$150 million for time-sensitive critical needs that can't wait for the appropriations process.
3. The remaining funds, totaling over \$1 billion, will go through the normal appropriations process.

VADA BILL UPDATE

All bills VADA was following before the State House shut down last month have been put on hold as the General Assembly has been addressing COVID-19 related bills only. VADA bills of interest include **S.135, the dealer financing bill**, and **S.241, the bill that allows auto makers to sell vehicles directly to consumers**. We expect the Senate and House may start taking up non-COVID-19 bills in the next few weeks. As soon as we get any indication that the bills of interest to VADA are starting to move we will provide an update.

GREENHOUSE GAS BILL UPDATE

On Wednesday, Rep. Mike McCarthy, D-St. Albans, presented [draft amendments](#) to the House Transportation Committee to AOT's "must-pass" language in the Transportation Bill (H.942). Specifically, Rep. McCarthy proposes that if AOT receives federal money in excess of that budgeted in Transportation Budget, that AOT be authorized to prioritize the use of those funds on projects that directly contribute to the reduction of greenhouse gas emissions consistent with the State's 2016 Comprehensive Energy plan, including the purchase of PEV buses for public transit and the construction of bicycle and pedestrian facilities and electric vehicle supply equipment. Under Rep. McCarthy's amendments, up to \$1 million of additional funds could also be directed to the "New PEV Incentive program" created last year. Here is a link to Rep. McCarthy's amendments.

DMV UPDATE

This week DMV Commissioner Wanda Minoli provided an update to the House Transportation Committee regarding DMV's efforts with the Agency of Education to continue with remote driver's education courses. Commissioner Minoli also said that Vermonters have embraced DMV's recent launch of an on-line driver's license renewal system. Fees from online license renewals totaled \$17,000 for a single day this week.

