



Week 11 - March 27, 2020

THE VERMONT **STATEHOUSE INSIDER**

Weekly politics & analysis
of the issues in Montpelier



WEEK 11

According to the Vermont Department of Health, the number of Vermonters infected by COVID-19 grew exponentially this week. As of Friday morning, 183 people have tested positive for the virus, and 10 people have died. As the number of those affected continues to grow, the administration and the legislature have been working around the clock to enact measures designed to slow the spread of the virus and help Vermonters cope with the impacts of the

pandemic.

Commerce and schools in Vermont have been incrementally shut down over the past two weeks. But on Tuesday of this week most activity ground to a halt when Governor Phil Scott issued a “stay home, stay safe” order. The order required all non-essential businesses to cease in-person operations and Vermonters to stay at home effective March 25 through April 15. Operations that can be conducted online or by phone, or sales that can be facilitated with curbside pickup or delivery have been allowed to continue. Since the directive was issued, there has been uncertainty among businesses as to whether or not they qualify as essential. This has been especially prevalent for businesses that may themselves not be deemed essential, but which participate in a supply chain that supports an essential operation. On Thursday the Agency of Commerce and Community Development released a [list of business categories](#) deemed critical and [sector-by-sector guidance](#) on which sectors are able to continue to operate.

On Thursday evening, the governor announced that all K-12 schools will remain closed for in person-instruction for the duration of the year. This order was received with understandable sadness and frustration but also widely accepted as a necessary measure. Teachers will begin implementing their continuity-of-education plans remotely on April 13, and supervisory unions will continue as directed by the Agency of Education to provide childcare for essential workers. Supervisory unions will also continue to provide meals for children under the age of 18.

As a backdrop to the measures taken in Vermont to mitigate the

crisis, the U.S. House gave final approval on Friday to a \$2.2 trillion COVID-19 relief package. This bill gives Vermont as much as \$2 billion in support. Among other appropriations for Vermont, it provides over \$5 million to support public health preparedness, \$20 million for public transportation emergency relief and over \$4 million in assistance for emergency child care for workers deemed essential to the coronavirus response.

The Vermont Senate met briefly in person on Tuesday with a quorum of 16 senators at the statehouse and passed [H.742](#) and [H.681](#), omnibus COVID-19 relief bills. H.681 grants temporary authority to the Secretary of State and the Governor to switch to a vote by mail system in 2020 and make changes to open meeting laws to allow for remote meetings. H.742 expands the state's unemployment insurance system to include those whose jobs were affected by the coronavirus and protects employers who lose employees during the pandemic from having to pay higher unemployment insurance rates when staff leave. It also loosens regulations so that health care providers who would normally need additional credentials can temporarily practice in Vermont. The bill expands the use of telemedicine and gives the state the authority to temporarily delay the provider taxes owed by hospitals and other health care providers.

Senate committees have started meeting semi-regularly by conference call, and have been directed to focus their work over the coming weeks on COVID-19 response legislation. They are planning for the financial impact to state revenues and are working to understand how the federal response package will help Vermont

deal with the crisis. The Senate will pass adjournment resolutions on Fridays and Tuesdays for the foreseeable future to allow the body to return quickly should the need arise. Once the legislature addresses COVID-19 related needs, it is expected that committees will turn their attention back to other priorities left unfinished.

On Wednesday roughly a dozen House members met in person to approve H.742, H.681 and pass several resolutions. One resolution declares a state of emergency, a second allows House committees to vote remotely and a third allows the full House to vote remotely once the approved resolution is ratified by three-quarters of the members. Under House rules, a quorum of 76 members is mandated to hold a full floor vote. Because a gathering of this size contradicts public health guidance, leadership planned to bring only a dozen or so lawmakers into the building to vote. This plan relied on a rule interpretation that a quorum is assumed unless a member questions it. The resolutions and legislation up for consideration were the product of many hours of careful negotiations and agreement across party lines. House Speaker Mitzi Johnson (D-South Hero) indicated to members on calls leading up to Wednesday's session that in order to hold this vote with limited members in attendance, a quorum could not be requested. However, minutes into Wednesday's floor session, Representative Cynthia Browning (D-Arlington) called for a point of order and requested a quorum. Left with no alternative, the House was forced to call in more than 60 additional members from every corner of the state to conduct the vote. Many members did very little to conceal their anger and contempt toward Representative Browning, both privately and on social media. It was widely stated by lawmakers and other

statehouse insiders that her actions put not only House members, but their families and communities at risk. The next day, in an email addressed to every member of the House, Speaker Johnson relieved Representative Browning of her committee assignment on the powerful Ways and Means Committee and replaced her empty seat with freshman Representative Emilie Kornheiser (D-Brattleboro). It is unclear if Representative Browning will receive a new committee assignment. After a quorum of the House was finally established, the House quickly passed their resolutions, H.742 and H.681 with voice votes, and both bills were sent to the governor's desk. The House Rules Committee and Caucus of the Whole will continue to meet semi-regularly (remotely) and gavel in and out for token sessions to keep the legislative calendar moving forward. Speaker Johnson indicated that a second COVID-19 response package would be introduced in the coming weeks.

There is some question from the Scott administration about how the federal stimulus bill will interact with H.742. The federal bill makes money contingent on a number of qualifications, specifically that it must be spent on COVID-19 expenses. The administration wants to ensure that the unemployment provisions included in H.742 will not disqualify Vermonters from receiving additional federal support. The governor will likely wait to sign H.742 until the federal package has been signed by the President.

Lawmakers are adjusting to new systems and technology and committees will meet with increased regularity as the kinks are ironed out. A great deal of uncertainty looms over the "must-pass bills", including the budget and transportation funding bills.

Economists for the legislature and administration are working hard to understand how the COVID-19 crisis will impact state revenues and fiscal needs. Meanwhile, House and Senate leaders need to set a new crossover date, the date by which bills must leave their committees in order to be considered by the other body. It is unclear how long the session will continue, it will all depend on what happens in the coming weeks and months and when life can start to return to normal.

EMERGENCY TRANSPORTATION PROVISIONS

Below are the emergency transportation related provisions that passed the House and the Senate this week in H.742, the emergency COVID-19 response bill. These sections are effective upon passage. The governor is expected to sign the bill soon. [Here is a link](#) to the full text of the bill as it passed the House and Senate.

* * * Motor Vehicles Sections in H.742* * *

Sec. 35. PHOTOGRAPHS FOR RENEWALS

(a) Notwithstanding any provision of 23 V.S.A. § 115(g), 610(c), or 617(e) to the contrary, a licensee shall be permitted to renew a driver's license, learner's permit, privilege to operate, or non-driver identification card with a photograph obtained not more than 16 years earlier that is compliant with the federal REAL ID Act, 6 C.F.R. part 37.

(b) Notwithstanding 1 V.S.A. § 214, subsection (a) of this section shall take effect retroactively on March 20, 2020 and continue in effect until the termination of the state of emergency declared by the Governor as a result of COVID-19.

Sec. 36. EXTENSIONS

(a) Notwithstanding any provision of 23 V.S.A. § 312, 457, 458, 3702, or 3703 to the contrary, all International Registration Plan trip permits and temporary authorizations, temporary registration certificates, and temporary number plates shall be valid for 90 days from the date of issuance.

(b) Notwithstanding any provision of Title 23 of the Vermont Statutes Annotated or rules adopted pursuant to Title 23 to the contrary, the Commissioner of Motor Vehicles may extend any existing permits issued by the Department of Motor Vehicles, excluding International Registration Plan trip permits, for an additional 90 days.

(c) Notwithstanding any provision of 23 V.S.A. § 115, 302, 304a, 305, 601, or 617 to the contrary, the Commissioner shall extend all of the following for an additional 90 days after expiration: driver's licenses; learner's permits; privileges to operate; non-driver identification cards; registrations; and registration plates or placards for an individual with a disability.

(d) Notwithstanding 1 V.S.A. § 214, subsections (a) and (b) of this section shall take effect retroactively on March 20, 2020 and continue in effect until the termination of the state of emergency declared by the Governor as a result of COVID-19.

(e) Notwithstanding 1 V.S.A. § 214, subsection (c) of this section shall take effect retroactively on March 17, 2020 and continue in effect

until the termination of the state of emergency declared by the Governor as a result of COVID-19.

Sec. 37. USE OF EIGHT-LIGHT SYSTEM ON SCHOOL BUSES

(a) Notwithstanding any provision of 23 V.S.A. § 1283(a)(4) to the contrary, the driver of a Type I or a Type II school bus may keep the alternately flashing red signal lamps of an eight-light system lighted when making deliveries of food to school aged children.

(b) Notwithstanding 1 V.S.A. § 214, subsection (a) of this section shall take effect retroactively on March 20, 2020 and continue in effect until the termination of the state of emergency declared by the Governor as a result of COVID-19.