



Week 15 - April 26, 2019

THE VERMONT **STATEHOUSE INSIDER**

Weekly politics & analysis
of the issues in Montpelier



STRINGS ATTACHED

With only three weeks left in the 2019 legislative session there are a number of high profile issues that have yet to be resolved. The session may go longer but if lawmakers adjourn in 18 weeks, as scheduled, the last day of the session will be May 18. It does appear legislative leadership is trying to stick to this schedule. Morning committees in the Senate will shut down one week from today which is typically a sign that the budget and revenue bills will be resolved two weeks later.

We have been writing about paid family leave, minimum wage, a mandatory 24 hour waiting period for handguns and legalizing cannabis for weeks now. These are the most high profile issues in 2019 outside of the money bills. Each piece of legislation has passed through the body where it was introduced but now awaits action in the second chamber. At this point it seems like these bills have as good a chance to fail as they do to pass.

There was a significant focus on cannabis this week. The House Government Operations committee was trying to pass the tax and regulate bill by today but parallel work in other committees was not completed in time and they decided to delay the vote. The holdup is in part attributable to a disagreement over roadside saliva testing. Governor Scott has said that he will veto the bill if saliva testing is not included while Senator Sears, the chair of Senate Judiciary countered by saying "I don't know why people have gotten so hung up on the saliva test when the test is basically meaningless." It's unclear if this disagreement will get resolved or if the legislature will test the governor's veto threat.

It's not uncommon for the legislative session to continue past the 18 week timeframe. However, with this being the first year of the biennium it is less likely that the legislature will allow the session to drag on for anything but the mandatory money bills that are necessary for government to continue to operate. It does not appear that legislative leaders will keep members in Montpelier past May 18 in order to pass any one of the high profile bills from this year.

In addition to these issues, perhaps the most interesting political action occurred during an Act 46 conference committee meeting. The conferees remain at an impasse and it does not appear that a compromise is in sight. It is hard to see how lawmakers will overcome the impasse but there are times where the pressure of the end of the session motivates legislators to set their differences aside.

TRANSPORTATION BILL

The Senate Transportation Committee advanced the Transportation Bill, H.529, this week. The bill contains \$600 million in spending on the FY2020 transportation program along with numerous transportation policy provisions. The policy provisions include changes to the vehicle emissions testing program, investing \$1.5 million in a vehicle incentive and emissions repair program, a requirement that the AOT issue a report regarding vehicle point-of-acquisition feebates and a requirement for the Public Utility Commission to issue a plug-in electric vehicle charging regulatory report, among many other things. [Here is a link](#) to the version of H.529 as the Senate Transportation Committee advanced it.

[Here is a link](#) to a spreadsheet summarizing the committee's recommendations for spending the \$600 million in the FY2020 Transportation Program.

The bill is pending in the Senate Finance Committee, which is scheduled to take it up next Tuesday.

DATA PRIVACY

A set of amendments to this year's data privacy bill, S.110, were presented to the House Commerce Committee on Tuesday. The amendments reflect a consensus between the Attorney General's Office and industry on various issues. The committee took no action on the proposed amendments, but will return to the bill at some point before the session ends.

CANNABIS

This week the House Judiciary Committee considered a provision that would allow law enforcement officers to administer a saliva test to motorists suspected of impaired driving. The proposal would allow a law enforcement officer to take a saliva sample from a driver's mouth and insert it into a machine which would then determine whether any amount of legal or illegal substances were present. Opponents of saliva testing have expressed concern that tests can only detect the presence of a substance and not the level of impairment, as well as due process and equal protection concerns. The governor has maintained that without the inclusion of this provision, he is not likely to sign S.54, the cannabis tax and regulate bill. Although there is little appetite for saliva testing in the legislature, Senate Judiciary Chair Dick Sears (D-Bennington) said that he is willing to consider including saliva testing in the bill but only if law enforcement officers are required to obtain a warrant first. The governor said that he hasn't yet considered the warrant provision, but that he is willing to listen. While saliva testing is being considered in the House Judiciary Committee, the House Government Operations Committee is considering the full tax and regulate bill that passed the Senate last month.

TOBACCO 21

On Wednesday the House gave final approval to a bill that would raise the legal age to purchase and use tobacco products to 21 years of age. An amendment offered on the floor to grant an exemption for spiritual and religious ceremonies was debated and eventually withdrawn. Another amendment offered on the floor to grant an exemption for members of the U.S. Armed Services was debated and eventually failed. Because the House changed the Senate's original implementation date from July 1, 2019 to September 1, 2019, the two chambers will have to agree on a date before this bill can be passed and sent to the governor's desk. The governor has indicated that when he receives the bill, he will sign it.