



Week 2 - January 15, 2021

THE VERMONT **STATEHOUSE INSIDER**

Weekly politics & analysis
of the issues in Montpelier



REMOTE CONTROL

Legislators settled into their positions during the second (and first full) week of the legislative session. The newly constituted legislative committees commenced meeting via Zoom on a regular basis. Most of the initial meetings started off with members introducing themselves to each other and talking about their priorities. Many of the committees then turned to introductory briefings from the executive branch agencies and departments they oversee. Some committees also heard from administration officials concerning the status of their implementation of the various COVID-19 related programs enacted in the latter portion of the 2020 session. All in all there was a lot of “level setting” this week.

As of Friday, 86 House bills and 32 Senate bills have been introduced and referred to committee. Hundreds more will be forthcoming during January and February.

However, for the most part the committees did not start working on specific bills this week. One exception is the Senate Committee on Economic Development, Housing and General Affairs, which advanced a bill, S.9, concerning the workers' compensation system. Additionally, the House and Senate passed H.48, which addresses how municipalities can conduct their upcoming town meetings. Both bills are related to the COVID-19 emergency and are described in more detail below.

BRIEFING BY DR. LEVINE CONCERNING VERMONT'S VACCINATION EFFORT

On Wednesday Department of Health Commissioner Mark Levine, M.D., [briefed](#) a joint meeting of the House Health Care and Human Services Committees and the Senate Health and Welfare Committee about the status of the state's COVID-19 vaccination initiative. Dr. Levine told the committee members the state has been receiving 8,000-9,000 vaccination doses per week. He said that Phase 1A of the vaccination effort, which involves vaccinating health care workers and staff and residents of long term care facilities, should be complete by the end of the month. Dr. Levine also told committee members that in comparison to other states, Vermont is doing well in terms of getting the doses of vaccines it has received administered to people. As a result, he said the federal government is likely to "reward" Vermont by increasing the amount of doses sent to the state.

COVID-19 RELATED WORKERS' COMPENSATION BILL ADVANCES

In 2020, the General Assembly enacted legislation providing that if certain types of front line workers contract COVID-19 it should be presumed, for the purpose of

determining whether those workers are entitled to workers' compensation benefits as a result of their illness, that they contracted COVID-19 due to their employment. Due to the need for social distancing the legislation also granted the Department of Labor flexibility relative to extending deadlines and modifying procedures in the workers' compensation system. The 2020 legislation is slated to "sunset," e.g., be automatically repealed, today, January 15, 2021. Since the pandemic has not yet subsided the Senate Committee on Economic Development, Housing and General Affairs passed [S.9](#), which is retroactive to January 15, 2021, and which extends the effectiveness of the 2020 legislation until 30 days after the governor's COVID-19 related Declaration of Emergency expires. After suspending its rule to allow for expedited consideration, S.9 passed the Senate late Friday morning.

ALTERNATIVE TOWN MEETING PROCEDURES

This week the House and Senate passed [H.48](#), An act relating to authorizing alternative procedures for 2021 annual municipal meetings in response to COVID-19. The bill was sent to the governor's desk on Friday and he is expected to sign it. The bill authorizes municipalities to move the dates of their 2021 annual municipal meetings. It also permits a municipality to mail to all of the active registered voters in the municipality the Australian ballot to be used at the 2021 annual municipal meeting to encourage absentee voting. Finally, the Secretary of State is authorized to order or permit appropriate election procedures related to this authority granted to municipalities.

REORGANIZATION OF THE DEPARTMENT OF PUBLIC SAFETY AND THE NATURAL RESOURCES BOARD

On Thursday Governor Scott [issued](#) two Executive Orders making changes to the Department of Public Safety and the Natural Resources Board, respectively. The changes resulting from these executive orders will be gradually implemented and thus allow for input from the Legislature, which Governor Scott said he welcomes.

Lawmakers have 90 days to reject or revise these orders or they will go into effect.

- [Executive Order 01-21](#) would transform the Department of Public Safety into the Agency of Public Safety. The new agency would consist of two Departments: a Department of Fire Safety & Emergency Management and a Department of Law Enforcement. The latter department would bring the Vermont State Police and Motor Vehicle Enforcement under one roof. The Order also calls for a study on if and how the Fish & Wildlife Warden's Service, the Department of Liquor & Lottery Enforcement and other enforcement and regulatory operations could eventually be brought under this structure. In addition, the E911 Board, the Fire Service Training Council and the Criminal Justice Council are being placed in a Division of Support Services within the new agency.
- [Executive Order 02-21](#) transforms the Natural Resources Board, which oversees Vermont's Act 250 program but which does not currently have much authority over specific Act 250 cases. Effective July 1, 2021, the current five member Board will be reconstituted with a chair and two full time professional members. Many of the functions of the regional District Environmental Commissions, such as determining whether major development projects should receive an Act 250 permit, will be transferred to the new Natural Resources Board. In reviewing such projects two District Commissioners from the District where the project is being proposed shall become voting members of the Board for the purposes of the particular case. Once implemented these changes will be a significant change to the way the Act 250 permitting process works.

BUDGET ADJUSTMENT

On Friday morning Commissioner of Finance and Management Adam Greshin presented the administration's [proposed budget adjustment](#) act (BAA) for FY21. For the most part, the governor's proposed BAA is budget-neutral. Notable line

items include a \$640,000 request for the Vermont Veterans Home for COVID-19 related costs; \$200,000 to provide body cameras to DMV officers, Liquor Control agents and Fish and Wildlife game wardens; \$1.2 million to the Department of Forest Parks and Recreation to cover for revenue losses from canceled campground reservations; and \$3.2 million to continue running the "Everyone Eats" program.

The COVID-19 relief package passed by Congress in December extended the authority to expend Coronavirus Relief Funds (CRF) through 2021. Previously, all CRF had to be spent by December 31, 2020. With the extension, the governor's proposed BAA includes \$3.6 of remaining CRF to the Vermont State Colleges (VSC). The administration is expecting the Emergency Board to upgrade the revenue forecast at its meeting next week and is expected to propose that an additional \$1.4 million be appropriated to VSC.

Finally, the proposed BAA includes a \$6.15 million request to establish an economic development grant program designed to provide funding to organizations and businesses that were not able to access the various federal and state programs established last year. This request will be bumped up to \$10 million after the Emergency Board meeting next week.

TRANSPORTATION COMMITTEES

This week representatives of the Agency of Transportation introduced themselves to the members of the House and Senate Transportation Committees and provided agency updates. AOT Secretary Joe Flynn reviewed this presentation titled "[AOT 2020 Performance and Highlights](#)."

The committees also heard from Chris Rupe, the new Transportation Fiscal Analyst in the Joint Fiscal Office, who provided this [informative overview](#) of current transportation revenues and spending.

GAS TAX PROPOSAL/ACT 62 FINAL REPORT

On Friday, the Public Utility Commission issued a report titled “[Act 62, Final Report on All-Fuels Energy Efficiency](#).”

The General Assembly asked the PUC to make a recommendation about whether Vermont’s existing energy efficiency programs related to electricity and natural gas should be expanded to “all-fuels” including fuel oil and propane to raise funding to reduce greenhouse gas emissions in the transportation and thermal energy sectors. The PUC’s recommendations from the executive summary are that the state should take steps to:

1. Achieve financial benefits for Vermont from the regional Transportation Climate Initiative.
2. Collect a Thermal Efficiency Benefit Charge on the sale of fuel oil, propane, and kerosene.
3. Gradually increase the fuel tax to benefit more low-income Vermonters.
4. Support the existing resilient ecosystem of program administrators and market actors. An all-fuels efficiency entity or new program is not necessary.

BILLS OF INTEREST TO VADA

- [H.8](#), **An act relating to establishing a maximum speed limit of not more than 55 miles per hour on limited access facilities**

This bill proposes to establish a maximum speed limit of not more than 55 miles per hour on all limited access and controlled access highways in Vermont, which includes all highways in the State that are on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

- [H.11](#), **An act relating to the removal of the pilings of Bridge 308**

This bill proposes to add the removal of the pilings of Bridge 308 in Barre City to the Agency of Transportation's Rail Program.

- [H.26](#), **An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products**

This bill proposes to: (1) impose restrictions on the use, manufacture, sale, and distribution of class B firefighting foam containing perfluoroalkyl and polyfluoroalkyl substances; (2) impose restrictions on the manufacture, sale, and distribution of food packaging to which perfluoroalkyl and polyfluoroalkyl substances, phthalates, or bisphenols have been added; (3) impose restrictions on the manufacture, sale, and distribution of residential rugs and carpets to which perfluoroalkyl and polyfluoroalkyl substances have been added; and (4) include perfluoroalkyl and polyfluoroalkyl substances on the list of chemicals of high concern to children.

- [H.33](#), **An act relating to auto rental contracts**

This bill proposes to require an auto rental company to include a prominent notice in its rental contract regarding a prohibition of use on dirt roads.
(Short Form)

- [H.39](#), **An act relating to the Vermont Climate Council and conflicts of interest**

This bill proposes to 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.

- [H.58](#), **An act relating to creating a right to repair agricultural equipment**

This bill proposes to promote sustainable and affordable agricultural

practices by requiring manufacturers of electronics-enabled equipment used in agriculture, animal husbandry, and ranching to make available to farmers, ranchers, and independent repair providers, on fair and reasonable terms, the documentation, parts, and tools used to diagnose, maintain, and repair such equipment.

- [H.60](#), **An act relating to winter tires on rental cars**

This bill proposes to require that rental car companies operating in Vermont offer a sufficient number of pleasure cars equipped with winter tires designated with a mountain-snowflake icon or properly sized alternate traction devices approved by the Commissioner of Motor Vehicles from November 1 through March 15. (Short form)

- [H.61](#), **An act relating to the display of number plates on motor vehicles**

This bill proposes to only require the display of number plates on the rear of motor vehicles, excluding motor trucks with a registered weight of 10,100 pounds or more. (Short form)

- [H.68](#), **An act relating to bicycle helmets**

This bill proposes to require a child under 16 years of age to wear a bicycle helmet while operating, or as a passenger on, a bicycle on a highway, bicycle route, or trail and to establish other obligations and limitations on liability with respect to the helmet requirement.

- [S.20](#), **An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products**

This bill proposes to: (1) impose restrictions on the use, manufacture, sale, and distribution of class B firefighting foam containing perfluoroalkyl and

polyfluoroalkyl substances; (2) impose restrictions on the manufacture, sale, and distribution of food packaging to which perfluoroalkyl and polyfluoroalkyl substances, phthalates, or bisphenols have been added; (3) impose restrictions on the manufacture, sale, and distribution of residential rugs, carpets, and aftermarket stain and water resistance treatments to which perfluoroalkyl and polyfluoroalkyl substances have been added; (4) impose restrictions on the manufacture, sale, and distribution of ski wax; and (5) include perfluoroalkyl and polyfluoroalkyl substances on the list of chemicals of high concern to children.