

Week 2 - January 18, 2019

THE VERMONT **STATEHOUSE INSIDER**

Weekly politics & analysis
of the issues in Montpelier



BEYOND BORDERS

It is only the second week of the 2019 legislative session but lawmakers, the administration and other statewide officials have already hit the ground running with a flurry of committee activity, press conferences and bill introductions. The first week or two of the legislative session is often light on political activity, particularly the first year of the biennium, with committees getting organized and receiving updates from the various agencies and departments they oversee. That is not the case this year as a sense of urgency on a number of issues and the political jockeying that accompanies this urgency is already in full swing. This is likely because many of the issues are holdovers from previous contentious political debates.

On Wednesday Governor Phil Scott held a joint press conference with neighboring Republican Governor Chris Sununu of New Hampshire to announce a voluntary bi-state paid family leave program. Paid family leave has long been a point of contention between Republican Governor Scott and Democratic leaders in the legislature, and Governor Scott's announcement was an attempt to get out in front on the issue. Within 24 hours of the governor's press conference

Democratic leadership announced their opposition to the Governor's proposal and said they would introduce legislation to implement a mandatory program.

Another issue that has generated a lot of public conversation in the statehouse is the forced mergers of school districts under Act 46. A group of tri-partisan House members held a press conference Thursday calling for a delay in the implementation of the forced mergers until multiple lawsuits brought by the affected districts are settled in the courts. More on this later.

The press conference on Act 46 was one of a flurry of media events on Thursday, which included an announcement by Vermont Attorney General TJ Donovan on multiple legal settlements with out-of-state companies that have netted Vermont about \$3 million. In a separate press event legislative leadership provided an update on the effects of the federal government shutdown on the state.

The discussion around a retail market for cannabis continued as well, with the representatives of the Governor's Marijuana Advisory Commission providing the Senate Judiciary Committee with an overview of their report. A major issue that needs to be considered is what bordering states in New England are already doing. More on this later.

Finally, it is worth noting a bill was introduced that would change the state's largest senatorial district. S.11 would limit senatorial districts to three members. The only district this would affect is Chittenden County, which currently includes six senators. The bill is co-sponsored by Senate President Pro-Tem Tim Ashe, D-Chittenden, Senator Michael Sirotkin, D-Chittenden and Senator Joe Benning, R-Caledonia. If this bill were to go into effect, it would impact the redistricting process that will occur during the 2020-2021 biennium.

To sum it up, if the first seven days of the 2019 legislature are any indication, it is going to be a busy year.

BILLS OF INTEREST TO VADA

[H.38](#) - This bill proposes to authorize primary enforcement of the adult safety belt law.

[H.51](#) - This bill proposes to prohibit the construction of fossil fuel infrastructure in Vermont, except for infrastructure certified by the Federal Energy Regulatory Commission.

VEHICLE INSPECTIONS

The Senate Transportation Committee heard testimony from representatives of all the departments within the Agency of Transportation this week. Department of Motor Vehicles Commissioner Wanda Minoli's presentation sparked the most discussion. Here is a [link](#) to Commissioner Minoli's overview.

Specifically, the committee is concerned about the implementation of the Automated Vehicle Inspection Program (AVIP), and the fact that starting January 15, 2019, vehicles that flunk the on-board diagnostics test will no longer be eligible for a "conditional pass." Owners of vehicles that flunk the emissions check portion of the test that require more than \$200 to fix the emissions systems and the repairs are not covered by warranty will be given a one-year waiver. If the repairs cost \$200 or less or are covered by warranty the emissions systems repairs must be made immediately. Some committee members believe that for low income Vermonters \$200 will be a hardship. It is unclear at this point if any changes will be made to the program as a result.

CANNABIS

The Senate Judiciary Committee received an update this week from the co-chairs and other members of the Governor's Marijuana Advisory Commission. Governor Scott established the Commission through [executive order](#) in September 2017 to study the implications of legalizing retail marijuana sales and how the state might transition to a system of taxing and regulating its sale. The Commission issued its [final report](#) in December 2018. Senators are finalizing the details of a bill that would establish a tax and regulate model for cannabis in Vermont. The bill has not yet been released but it is anticipated that it will be introduced soon, and that the Senate will take the bill up and pass it relatively early in the session. Both Speaker Mitzi Johnson and Governor Phil Scott have expressed reservations about allowing retail sales of marijuana due to concerns over highway safety and the impact on youth use. With Massachusetts, Maine and New York all being border states that have either created a tax and regulate market or are moving aggressively toward one, the legislature needs to seriously consider border states impact on Vermont.

ACT 46

A tri-partisan group of about two-dozen lawmakers led by Representative Heidi Scheuermann, R-Stowe, Representative Mike Mrowicki, D-Putney, and Representative Mollie Burke, P-Brattleboro, held a press conference this week asking House and Senate leadership to grant them a hearing on forced school mergers in the House and Senate Education Committees. This group of legislators represent mainly smaller, rural communities that have resisted forced mergers. They are asking that the deadline for forced school district mergers under Act 46 be delayed to allow for the courts to act. Without a delay, it will be difficult to unwind forced mergers if these school districts were to win in court.

Representative Scheuermann also announced that she will introduce two bills. [H.39](#) proposes to delay implementation by one year and require majority voter approval of the merger.

[H.42](#) proposes to delay implementation for one year or until pending litigation has been resolved, whichever occurs last.

A number of additional bills have been introduced in response to Act 46. These include [H.40](#), which proposes to provide transition grants for newly formed school districts, [H.41](#), which proposes to require that the Agency of Education evaluate the successes and failures of Act 46, and [H.43](#), which proposes to extend the forced merger deadline, call for an evaluation of Act 46, and makes numerous other changes to the law.

On Friday afternoon, the Senate Education Committee, discussed a meeting that took place earlier in the day between House and Senate Education Committees and House and Senate leadership about a possible Act 46 extension. The result of the discussion was not definitive but it appears they came to an informal decision to allow for a one-year extension of the forced merger deadline.

CONSTITUTIONAL AMENDMENTS

This week three amendments to the Vermont Constitution were introduced and referred to the Senate Judiciary Committee. The process for amending the Vermont Constitution is lengthy. Proposals of amendment can only be initiated every four years by the Senate. A proposal must be approved by two-thirds of the Senate before being sent to the House, where a majority vote is required. Successful proposals are taken up by the succeeding legislature. The proposal must then survive majority votes of the Senate and House again, before being placed before the voters for ratification.

- [P.R.1](#) would amend the Constitution of the State of Vermont to provide the Governor with a four-year term of office, beginning in the year 2024.
- [P.R.2](#) would amend the Constitution of the State of Vermont to eliminate reference to slavery.
- [P.R.3](#) would amend the Constitution of the State of Vermont specifically to provide that each individual has a right to privacy, including the right to keep personal information private; to communicate with others privately; and to make decisions concerning his or her body.

RIGHT TO REPAIR

The Senate Economic Development, Housing, and General Affairs Committee heard an update

from Representative Matt Hill, D-Wolcott, and Senator Chris Pearson, P/D-Chittenden, on the Right To Repair Task Force, which they co-chaired. This five member task force was created last year and charged with considering legislation and submitting a report to the legislature concerning the possibility of providing consumers with the ability to have their consumer electronic products repaired by businesses other than manufacturers and their authorized repairers. In its report the task force discussed the pros and cons of the idea. The report recommends that any legislative action taken in this area be crafted to result in a net gain to the Vermont economy, and the availability of repair technicians in Vermont be increased through means such as workforce training. Chairman Michael Sirotkin, D-Chittenden, seemed interested in moving forward with legislation this year to address the issue. One option the committee members discussed was to mirror a Maine law that requires that parts for any electronic devices be available for a minimum of five years after purchasing a device.

FROM THE LEONINE BLOG

Following 2008's Great Recession, the national economy has [slowly recovered](#) by nearly every benchmark – state budgets have crawled their way back from massive cuts, unemployment has reached all-time lows, while markets have reached all-time highs. Wages, however, have not [kept pace](#) with overall economic growth since the recession, and long before that, according to numerous metrics. Americans are continuing to take home similar wages today as they were in the [early 2000s](#). While such wage stagnation is not exactly news in and of itself – it has been an oft repeated refrain in political campaigns for the last several election cycles – it is becoming a more dire problem for employers and employees as costs continue to rise across the board (specifically, healthcare) while take-home pay stays flat.

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