



# WEEKLY LEGISLATIVE REPORT

March 20, 2015

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The *Weekly Legislative Report*, a publication of the Vermont League of Cities and Towns, is issued each Friday during Vermont's legislative session.

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## Education Reform Bill on the Move; Tax Rate Freeze Melts; VLCT Board Supports House Effort

[H.361](#) – a bill that would require “integrated education systems” of 1,100 pre-kindergarten through grade 12 students and impose school spending caps beginning with Town Meeting votes next year – has now received the blessing of both the House Education and Ways and Means committees. On Thursday, Ways and Means voted 8-3 to support the bill with substantial amendments. Ways and Means also reversed an earlier straw vote it took that freezes state property tax rates at last year's levels. The Education Committee has also endorsed at least two substantial amendments to its own bill.

Last Friday in a [Legislative Update](#) sent late in the day, we reported to you that the original version of H.361 contained a “hard” spending cap on school budgets: [if a town approves a budget] *that is 2.0 percent in excess of the equalized per pupil education spending amount adopted in the previous year's budget, then the budget shall be deemed to have failed to pass.* That raised several concerns from school officials: e.g., high spending towns could actually increase their budgets more (measured by the increase in dollars per pupil) than districts that had already restrained spending; and small schools facing a major expense increase are less able to absorb those when expenses are measured on a per pupil basis. Given that the number of students statewide continues drop (despite the addition of many new “pre-kindergarten” children being added to the definition of “equalized pupils” due to the new state mandate on school districts to provide such services), the two percent cap on a per pupil basis would have meant that the statewide total education spending would be something less than two percent a year for the time such cap was in place (proposed for the school fiscal years of 2017 through 2019).

The Education Committee responded to some of these concerns with an amendment to offer when the bill comes up for action by the full House. Like any effort to infuse fairness into the statutes, it is more complex. The cap is still two percent, but it now (1) is the greater of a two percent increase in total education spending of the district or its spending per pupil and (2) is now adjusted to reflect its current level of spending per pupil. Districts with declining enrollment could increase their total education spending (not their total school budget, but that's an explanation for another time) by two percent (adjusted as detailed below) and be within the cap. Districts which are growing in the number of students served could increase their spending by the cap on a per pupil basis.

The two percent cap is adjusted by the “district spending index,” defined in the amendment as “a district's education spending per equalized pupil in the prior year, divided by the statewide average education spending per equalized pupil in the prior

year.” For example, let’s say that the statewide spending per pupil is \$14,000. A district spending \$15,000 is seven percent higher than the average. By dividing two percent by 1.07, you get a spending cap of 1.867 percent. The district could then spend the greater of an increase of 1.867 percent in its total education spending or its per pupil spending. The legislature’s Joint Fiscal Office estimated that if the spending cap as proposed were in effect for the school budgets voted this year, the most they could have increased statewide was 3.1 percent – coincidentally, almost exactly what they actually increased.

We will save you from trying to describe the other major Committee on Education amendments to be proposed. Suffice it to say that they set fairly specific policy goals to be attained with the enlargement of school districts to 1,100 students and also put meat on the bones of how such a consolidation effort will be accomplished. If you cannot help yourself from learning all the details, you can find the full version of the amendment [here](#).

[The Ways and Means amendment to H. 361](#) (page 962 of the House Calendar of March 20, 2015) reverses a preliminary decision the committee made last Friday to freeze the state education property tax rates at this year’s levels (\$.98 cents for the base homestead rate and \$1.515 for nonresidential properties). The committee is still undecided about what, if any, changes will be made to the amount of money the state spends out of the Education Fund for its Corrections Department’s education program; the committee’s previous proposal had expenses exceeding revenues for the year by \$15.4 million on a \$1.55 **billion** state education budget. The committee voted 8-3 to raise just the state nonresidential tax rate by a penny to \$1.525. The committee also included a tax incentive for districts that complied with the mandate to merge by the 2019 deadline. Complying districts’ state base homestead education tax rates would be decreased by eight cents for fiscal year 2020, declining by two cents of tax rate savings per year until totally phased out in 2024.

H.361 is on the “notice” Calendar of the House today, meaning that unless it is referred to the Appropriations Committee (highly likely), it could be ready for action by the full House as early as next week. If it goes to the Appropriations Committee, which is still mired in trying to report out a balanced state budget, it could be April before the full House gets a crack at it.

As we reported in the [Legislative Update](#) last Friday, the Vermont League of Cities and Towns Board of Directors voted 11-0 (there is one vacancy on the 13-member board and one member who had to go to the State House to testify on another bill) to support the provisions of H.361.

The board’s main impetus was that education property taxes continue to put pressure on municipalities’ abilities to fund services for their constituents. In 1978 (when this author began keeping track), municipal taxes were 32.7 percent of total property taxes collected, with local school property taxes 67.3 percent. In 2014, the municipal share of the properties it collected that it could apply to municipal service had fallen to 27.6 percent municipal, with towns handing over to the schools and the state 72.4 percent. The lowest municipal portion was 25.9 percent in 2003, just before Act 68 was passed, and the high was 35.1 percent in 1988 after passage of the Foundation school formula. This has come during a time that state assistance has been significantly increased for education (though not to the degree necessitated by the demands put on school by state mandates) and when towns saw little or no increase in the meager amount of state assistance they receive for municipal service provision.

Our schools are serving an ever decreasing population: enrollment has dropped by 25 percent over the past 15 years. Though not measuring the same time period, the total population served by Vermont municipal government has grown from 564,798 in 1990 to 626,562 in 2014, a growth of 10.9 percent. Municipalities are serving an expanding population, yet we are still limited for the most part to the property taxes we get to keep after turning over what the state and school districts demand.

The consolidation of school districts proposed by H.361 is only a continuation of the evolving



configuration of how the state mandate for education is provided. As recently as 1892 (more recent to some of us than others), Vermont had 2,500 individual school districts. It was only then that the legislature mandated that we go to the basically-town-based configuration, though that only got us down to 300 districts in our 246 cities and towns.

Perhaps most sadly and inevitably, as the legislature continues to expand the mandates it imposes on what schools have to do, some now believe that our schools are becoming less of the “heart of the community” they have traditionally been and reflective of the values of the community, and instead are really becoming simply state agencies that happen to be scattered around the state. This loss of feeling of local control is a sacrifice made in an attempt to instill fairness and equity into the system and to reflect legislators – not school boards or voters – redefining the role that they believe schools ought to be playing in Vermont. The most galling feature of this evolution to some town officials is that despite this transformation to state control, we continue to rely so heavily on what used to be local government’s only revenue source – the property tax. We now share that not only statewide with other school districts, as was somewhat dictated by the *Brigham* decision 18 years ago, but now also with the state for a growing list of state-determined expenses.

For these and other reasons that individual board members may have brought into their decision-making and because H.361 appears to be the only vehicle for beginning the effort to bend the curve on the growth in state education property taxes, the VLCT board took the action it did in supporting H.361.

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### **H.35, the Water Quality Bill**

On Thursday, the House Ways and Means Committee voted out an amendment to [H.35](#), the bill to clean up the waters of the state. The bill’s biggest controversy is how to pay for the new mandates and programs that would be put in place to manage stormwater runoff and phosphorus discharges to Lake Champlain.

The proposal to clean up the lake focuses on non-point sources of pollution. Because Vermont is a largely rural state, targeting scarce dollars to reduce runoff from impervious surfaces will yield better results than would ratcheting down phosphorus limits at wastewater treatment facilities, which is very costly and does little to reduce overall phosphorus levels in the lake. Those facilities contribute only three percent of phosphorus loads to the lake.

Municipalities are responsible for 11,444 miles of Vermont’s highways, 7,073 of which are unpaved according to the Agency of Transportation. Run-off from unpaved roads contributes 5.6 percent of phosphorus loads to the lake. The agency’s [Better Back Roads Program](#) estimates that up to 75 percent of all roads may need some erosion control improvement. Municipalities will be responsible for stone line ditches to reduce water flow and sediment loss, replace undersized culverts, use stone lining at culvert outfalls, and restore vegetation, contours and road shoulders to reduce runoff. On downtown streets, where there is little green space, the costs of infiltrating stormwater and treating it underground will be tremendously expensive, far more so than if there was space to let runoff filter through grassy swales or fields. The House Transportation Committee is committing money and resources to begin helping municipalities meet stormwater management requirements on local roads.

Developed land accounts for 13.8 percent of phosphorus loads to the lake. Municipalities will be responsible to abate stormwater runoff on impervious surfaces within their borders – such as from roads, sidewalks, parking lots, rooftops, and to reduce erosion along stream banks in their communities. Private property owners will likewise be required to retrofit their properties if the Existing Lands General Permit is adopted. H.35 would require permits for parcels with more than three acres of impervious surface or

smaller parcels in urban areas, and the Existing Lands General Permit, proposed by the Department of Environmental Conservation (DEC) would implement that requirement.

DEC does not know what the cost will be for municipalities to implement municipal stormwater projects according to its Clean Water Fund-State Revenue Needs Estimate, because planning and inventories have not yet been completed and the Environmental Protection Agency has not issued the Lake Champlain Total Maximum Daily Load (TMDL). DEC now estimates that, in addition to current funding, it will need in the first year (FY16) \$4.1 million for agriculture grants, DEC and staffing and administration for itself and the Agency of Agriculture, Food and Markets, as well as Ecosystem Restoration grants. In FY17, it will need \$1,850,000 for capital projects and \$360,000 for new positions at the Agency of Transportation. The figures will be \$7.4 million in FY18, \$7.7 million in both FY19 and FY20, \$6.8 million in FY21, and \$5 million in FY22. These figures are rough estimates that do not include implementation of municipal stormwater projects in compliance with the aforementioned Existing Lands General permit. H.35 would begin to capitalize a Clean Water Fund so that implementation projects could be funded. The House Fish, Wildlife and Water Resources Committee included increases in the rooms, meals and alcohol taxes, gas tax, fertilizer and pesticide fees, large- and medium-sized farms and commercial feed fees, and DEC permit fee increases, of which between \$280,000 and \$1,000,000 would be assessed on municipalities (depending on who is providing the estimates). The committee also assigned a study committee to assess the feasibility of a per parcel fee on impervious surfaces. (See [Weekly Legislative Report Number 9](#).) The DEC budget estimates are posted [here](#).

The House Agriculture Committee deleted all of the fees and tax increases, saying that the Ways and Means Committee needed to determine the appropriate funding mechanisms for cleaning up the waters of the state.

The House Ways and Means Committee recommended annual fees of \$250 for farms with fewer than 100 mature dairy animals, \$500 for farms with 100 to 199 mature dairy animals, and \$2,500 for large farms to be deposited in the Agricultural Water Quality Special Fund. A \$30 per ton fee on non-agricultural fertilizer, a \$100 registration fee for registration of each commercial feeds, and a \$125 fee for each pesticide would be likewise imposed.

The Ways and Means Committee discussed at length the possible sources of revenue to capitalize a Clean Water Fund and what the appropriate amount should be. Its members decided to assess a surcharge of 0.2 percent on the value of property subject to the property transfer tax, while exempting the first \$100,000 in value of a property to be used as a primary residence. The property transfer tax increase would be repealed on July 1, 2021.

The committee also decided to reinstate the DEC fees on municipalities as proposed initially to pay for new stormwater management staff. The Agency of Natural Resources' (ANR) proposal is for fee increases and revisions, which it estimated would raise \$1.5 million in new revenues in FY16 to pay for 13 new DEC positions to administer new stormwater programs. Much of that cost will be borne by municipal property taxpayers and sewer and water system users. In FY15, water quality-related fees generated \$1 million in revenues, so the proposal increases these costs by 150 percent. (See [Weekly Legislative Report Number 6](#)).

H.35 is likely to finish out this week in the House Appropriations Committee. Talk to your legislators. Make it clear to them that unfunded mandates on local governments and increased fee burdens are increases in the property tax, which they committed to reducing during last year's campaign season.

Contact Karen Horn at 1-800-649-7915 or [khorn@vlct.org](mailto:khorn@vlct.org).

## H.488, the Transportation Bill

On Wednesday, the House Transportation Committee voted out H.488, the Transportation Bill. That bill is now in the House Ways and Means Committee. Most, if not all, of the recent debate in committee revolved around the need for consistent funding for transportation and where the funds will come from. Section 1 of H.488 establishes that the FY16 transportation capital program is adopted “to the extent federal, state and local funds are available.” It is not clear what kind of federal funding will be available as the current authorization expires in May and no new proposal has yet received serious consideration in Congress. On March 11, U.S. Congressman Peter Welch testified in a joint state House and Senate Transportation committee hearing that he could not predict when a federal reauthorization might be forthcoming. And the state is facing a \$100 million deficit in the next fiscal year.

H.488 would require the secretary of the Agency of Transportation (VTrans) to find \$1 million in program savings through personnel or labor cost savings, which will likely be achieved through vacancy savings.

In their deliberations, Vermont House Transportation Committee members have been very attentive to the needs of municipalities and the potential burdens that are likely to be imposed as a result of passage of the clean water bill, H.35.

In 2009, the legislature created a special fund within the Transportation Fund, titled the “Transportation Infrastructure Bond (TIB) Fund.” The source of revenue is motor fuel transportation infrastructure assessments. The fund covers all debt service obligations of TIBs due in a fiscal year. Once those debt service obligations are satisfied, any remaining balances may be used to pay for rehabilitation, reconstruction, or replacement of state bridges, culverts, roads, railroads, airports, and necessary buildings which, after repair, have a useful life of ten years. Remaining balances may also be used for rehabilitation, reconstruction, or replacement of municipal bridges, culverts, and highways. After repair, they, too, have a useful life of ten years. Up to \$100,000 per year may be spent on administration. Any remaining balance may be used to cover debt service obligations of TIBs due in future years.

When the motor fuel transportation infrastructure assessment was enacted, no one anticipated that gas prices would fall as far as they have. The concern was rather that prices would increase too much. Thus, the motor fuel infrastructure assessment is set at “two percent of the tax adjusted retail price upon each gallon of motor fuel sold by the distributor” and there is no floor to that assessment. H.488 proposes “the greater of \$0.0415 or two percent of the tax-adjusted retail price upon each gallon of motor fuel sold by the distributor,” which would establish a floor at (approximately the current) gas price of \$2.49. If gas prices go above \$2.49 per gallon, the two percent will apply; if the price falls below that amount, the assessment would stay at 4.15 cents per gallon.

Current statute assesses a fuel tax assessment which is not dedicated to paying for TIBs, that has both a floor and a ceiling “that is the greater of \$0.134 per gallon, or four percent of the tax adjusted retail price or \$0.18 per gallon, whichever is less, upon each gallon of motor fuel sold by the distributor.” Without the proposed floor for the fuel transportation infrastructure assessment, there is estimated to be an up to \$6 million shortfall in the state’s ability to pay back the TIBs issued if gas prices remain at their current low levels.

There is also a tax of \$0.121 on each gallon of motor fuel sold by the distributor, which is not proposed to be changed. Funding for the state paving program would be reduced by \$1.5 million and for the maintenance program by \$700,000. Funding for Town Highway structures would be increased from the governor’s proposal of \$6,333,500 to \$9,483,500.

The bill also has several pertinent sections for municipalities. It establishes four feasibility studies. A Transportation Revenue Study Committee would identify and evaluate revenue streams (other than

motor vehicle fuel taxes) needed to maintain the state's transportation system in good repair. (A similar study committee evaluated potential revenue sources three years ago.) A report to the legislature would be due next January. A second study would examine the costs and benefits of bus service from Amtrak's Albany, New York train station to Manchester, Vermont via Bennington, with a report also due to the legislature next January. The third report, a Montpelier to St. Albans Commuter Rail Service Study, would study the feasibility of rail service between St. Albans, Essex Junction, and Montpelier as well as connecting service to Burlington. That report is due to the legislature in January 2017. And the fourth study would evaluate the Vermont Elders and Persons with Disabilities Transportation Program, which has not been evaluated in ten years and is subject to increasing demands.

The bill clarifies that the Agency of Transportation (VTrans) may train employees of municipalities and, where appropriate, do so at agency expense. This bill also amends the eligible purposes of the Transportation Alternatives Grant Program to provide that \$1.1 million of grant program funds be reserved for stormwater projects related to highways. It eliminates the current \$50,000 limit on awards for eligible salt and sand shed projects.

This bill also creates a Town Water Clean Highway Program. Municipalities will have significant new mandates to address stormwater on their highways through the Municipal Roads permit created in H.35. Under this program, the agency would be directed to examine existing programs and activities that provide resources to municipalities to implement future stormwater management requirements with respect to town highways. By January 15, 2016, the agency would have to recommend to the House and Senate Transportation Committees how programs support the Town Highway Clean Water Program. VTrans staff testified on numerous occasions about its role in water quality and explained how the strategies proposed to address stormwater are the same as those needed to address transportation resilience. In each of the fiscal years 2017, 2018, and 2019, the legislature is direct to approve at least \$1 million for grants under the Town Highway Grant Program for inventory or construction projects that address stormwater management.

VLCT supports an increase in the gas tax, while retail gas prices are low, to help fund the stormwater obligations that towns will have as a result of the Lake Champlain cleanup initiative and H.35. The addition of a floor on the motor fuel transportation infrastructure assessment is another mechanism to provide some new funding to municipalities to meet those mandates and preserve VTrans' ability to maintain Vermont's transportation infrastructure.

Take the time to thank your representatives for their support of municipal programs and understanding of the formidable challenges municipalities will face in managing stormwater on their transportation network.

Contact Chloe Collins at 1-800-649-7915 or [ccollins@vlct.org](mailto:ccollins@vlct.org).

## **Committee Proposes Teacher Contract Dispute Resolution Process Without Strikes or Binding Arbitration**

There are several bills being considered by the legislature that would replace the current teacher contract resolution process that enables the school board to impose its last best contract offer and the teachers to strike if they don't like it. Most of the bills would replace that scenario with compulsory binding arbitration where some outside third party person comes in and imposes a contract – representing over half the total cost of school budgets – on the elected officials and taxpayers of the town. Some of the bills would extend that mandate to municipal employers, as many non-certified school employees unionize under the law that applies to them. The municipal law now allows the voters of that district or town to impose binding arbitration on their contract disputes if they believe that is in the best interest of their



community.

The House Education Committee has approved an amendment to [H.76](#) that takes a different approach – one that puts additional pressures on both school boards and the teachers’ union to continue to bargain until a contract is mutually agreed to. VLCT supports this approach as a creative way to avoid both strikes and the imposition of salaries, benefits, and other working conditions by an unelected individual.

The Education Committee’s proposal (found in the Vermont [House of Representative’s Calendar of March 18, 2015](#), page 838) would require that the current contract remain in force until the parties agree to a new contract, with teachers getting no built-in step increases or any other wage or benefit improvement until agreement is reached. If the new contract is not agreed to by a year after the expiration date, there can be no retroactive pay or benefit improvement and the town’s base state education property tax rate is increased by one cent for the following fiscal year. That has the impact of a penny and a half of actual increase in the tax rate residents pay, as the average spending-adjusted homestead tax rate is approximately 50 percent higher than the base rate.

The committee’s proposal also strengthens the ability of mediators and factfinders to jawbone the two parties into agreeing. The proposal amends only the teachers’ union law and not the Municipal Employee Relations Act.

The bill has now been referred to the House General and Military Affairs Committee, which usually deals with labor law issues. Municipal officials who want to make sure that teacher union contracts can be settled without strikes and without third-parties determining a large portion of your school budgets should encourage their representatives to support the House Education Committee’s proposal of amendment to H.76.

Contact Steve Jeffrey at 1-800-649-7915 or [sjeffrey@vlct.org](mailto:sjeffrey@vlct.org).

## Public Safety Answering Points

Last Monday evening, the House and Senate Government Operations committees held a public hearing on Public Safety Answering Points (PSAPs). PSAP dispatchers answer calls to 911 for police, firefighters, ambulance, and other emergency services. They are responsible for dispatching the appropriate services to the caller. Currently, Vermont has eight PSAP facilities: three of them are local, one is county, and the other four are state leases. The hearing was prompted by a provision of the governor’s budget that proposes consolidating existing state PSAPs. The proposal would close the Derby call center to consolidate it with the Williston center, and close the Rutland call center to consolidate it with the Rockingham center. The four state call centers currently have 71 full-time state employees and the proposal would eliminate 14 of them. In 2014, the PSAPS received 214,504 calls, according to the Enhanced 911 website.

Nearly 100 people came to testify in opposition to the proposed consolidation, including dispatchers from Rutland and Derby, local firefighters, and other emergency responders across Vermont. Dispatchers voiced the same general concerns:

- Local knowledge of dispatchers cannot be replaced and is often the difference between life and death. Asking dispatchers to be familiar with twice as many neighborhoods and landmarks is not tenable.
- The new proposal does not allow for sufficient training of dispatchers. Current training lasts at least five to six months compared to a national average of two years. This proposal allows for only 60 days.

- Public and responder safety will be at risk with consolidation. Consolidation will result in more calls “rolling over” to more distant PSAPs and thus more people won’t get the help they need.
- Any PSAP that receives rollover calls should be compensated for the additional costs incurred as a result.

VLCT opposes closing of the Derby and Rutland PSAPs. We are concerned about the impacts of consolidation on the ability to provide public safety and emergency services to Vermonters. The VLCT letter to the committee is posted [here](#).

Please contact your representatives to support keeping the Rutland and Derby PSAPs open.

Contact Karen Horn at 1-800-649-7915 or [khorn@vlct.org](mailto:khorn@vlct.org).

## Senate Judiciary Moves on Possession of Firearms

This week, the Senate Judiciary Committee voted out [S.141](#). The bill is expected to be taken up by the full Senate early next week.

Federal law (the Brady Act) prohibits certain persons from shipping, transporting, receiving any firearm in interstate or foreign commerce or possessing any firearm in or affecting commerce:

- a person convicted of a crime punishable by a prison term exceeding one year;
- a fugitive from justice; an unlawful user of or addicted to any controlled substance;
- a person adjudicated as a mental defective or committed to a mental institution;
- a person illegally or unlawfully in the US; a person dishonorably discharged from the Armed Forces;
- a person who having been a US citizen, renounces US citizenship;
- a person who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner;
- a person who has been convicted in any court of a misdemeanor crime of domestic violence; or
- a person who is under indictment for a crime punishable by imprisonment for a term exceeding one year. A person prohibited from possessing a firearm may petition for the prohibition to be lifted.

The bill would enact a parallel law in Vermont. As it was introduced and further amended by the committee this week, S.141 would prohibit a person convicted of a violent crime or a person hospitalized for mental health reasons pursuant to a court order from possessing a firearm. Antique firearms are excluded from the prohibition on possession.

“Violent crime” is defined in [13 V.S.A. § 5301\(7\)](#). (See [VLCT Weekly Legislative Report No. 8](#).) S.141 as it was introduced exempts several of the crimes listed as violent from the prohibition on possession, including: lewd or lascivious conduct; reckless endangerment (knowingly pointing a firearm at or in the direction of another); operating a vehicle under the influence or careless or negligent operation resulting in death or serious injury; leaving the scene of an accident resulting in serious bodily injury or death; or misdemeanor violations relating to abuse, neglect, and exploitation of vulnerable adults. Violent crime would also include comparable offenses in other jurisdictions that result in prohibitions on possessing firearms pursuant to federal law, offenses involving sexual exploitation of children, and drug trafficking.

The bill would require the departments of Public Safety and Mental Health report to the legislature on the establishment of a Vermont version of the New Hampshire Gun Shop Project. The report must include:

- a review of the methods and strategies the New Hampshire Gun Shop Project employs to help gun shop owners avoid selling firearms to people with suicidal tendencies;

- a description of how suicide prevention outreach information can be transmitted to gun owners and friends of gun owners at gun shops, gun ranges, and gun shows; and
- an analysis of whether the New Hampshire Gun Shop Project could be effectively implemented here to reduce the number of suicide deaths by gunshot.

The bill tasks the departments of Public Safety and Mental Health with consulting with the Vermont Suicide Prevention Coalition, the New Hampshire Gun Shop Project, the Vermont Federation of Sportsmen's Club, as well as other firearms owner's organizations, gun shop owners, and firearms retailers to develop other measures that could reduce suicide by gun.

The bill also institutes new reporting requirements such that if a court orders a person committed to the custody of the Department of Mental Health or issues a hospitalization or non-hospitalization order, the court administrator must report the person's name within 24 hours to the National Instant Criminal Background Check System and to the person affected. These reports would be confidential and exempt from public inspection and copying under the Public Records Act.

A person prohibited from possessing firearms under S.141 could petition the court for relief. The court would grant relief if three conditions were met:

- at least 18 months have elapsed since the date that the person was last in the custody of the Department of Mental Health;
- the person will not likely act in a manner dangerous to public safety; and
- granting the relief will not be contrary to the public interest

If the court denies someone's petition, he or she may file again once three years have passed.

VLCT supports enacting a law in Vermont statute to prohibit a felon from possessing a firearm, and testified to that effect in the Senate Judiciary Committee on February 25.

Municipal officials who support keeping guns out of the hands of fugitives should contact their senators and support passage of S.141.

Contact Chloe Collins at 1-800-649-7915 or [ccollins@vlct.org](mailto:ccollins@vlct.org).

## **Same Day Voter Registration**

On March 13, in a split vote of 3-2, the Senate Government Operations Committee passed [S.29](#), a bill that would make significant changes to voter registration laws in Vermont by allowing people to register to vote on the day of the election. Town clerks provided significant testimony on the burdens that this same-day voter registration bill would impose. The chair of the Legislative Committee of the Vermont Municipal Clerks' and Treasurers' Association testified before the committee that 83 of 142 town clerks polled did not support the bill. Their major concerns were the potential for fraud, the lack of statewide internet access at poll locations, the difficulty in hiring skilled election workers, and the increased work load. Despite this testimony and the strong opposition voiced by town clerks during committee consideration, the bill passed.

The bill strikes the current requirement that voters must register by 5 p.m. on the Wednesday prior to the day of election and allows a person to submit an application for voting at a polling place up to and including the day of polling. A person "may submit an application for addition to the checklist to the presiding officer at the polling place of the town in which the person seeks to register during the hours of voting."

S.29 would also remove the identification requirements on Election Day, although first-time registrants

who registered by mail would still need certain documents required by federal law. The bill would change when the Department of Motor Vehicles has to submit applications to the town clerks, as clerks stated that that information often is received too close to Election Day.

The bill stipulates that the presiding officer at the polling place must review the applications immediately and have the application(s) further reviewed by a board of civil authority if there are any problems processing the application. The language strikes an existing provision allowing a person to cast a provisional ballot and instead has him or her complete a new application. The bill also adds language allowing a person to complete an application if their name does not appear on the voter list.

Lastly, the bill includes a new provision that if a town clerk receives at least 25 early voter absentee ballots prior to Election Day, the clerk would deposit those ballots into the tabulator on the day before the election. The clerk would then have to ensure that the tabulator retains those votes for the day of election.

The bill has an effective date of April 1, 2016, which means that town clerks will have to comply with this new mandate during a presidential election cycle, which usually results in the greatest turnout.

S.29 has been on the Senate Action Calendar much of this week, but action has been delayed as the Senate tends to other priorities. It could give the bill preliminary approval as early as today, meaning that it could be up for final passage early next week. Municipal officials concerned about this new burden on municipal clerks should contact their senators immediately and urge them to oppose S.29.

Contact Chloe Collins at 1-800-649-7915 or [ccollins@vlct.org](mailto:ccollins@vlct.org).

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### **Public Hearing on Renewable Energy Siting**

A reminder: The Senate and House Natural Resources and Energy committees will hold a joint public hearing on renewable energy siting – with a focus on solar energy – next Tuesday, March 24, from 6 to 8 p.m. in Room 11 at the Vermont State House. The sign-up sheet for speaking at the hearing opens at 5:30 p.m. Speakers will be limited to two minutes but may also submit longer remarks in writing.

Over the last decade, the legislature has made repeated commitments to renewable energy through statute, policy, and programs. As a result, we are increasingly seeing solar projects constructed in accordance with these statewide climate and energy goals. With regard to solar development and siting, how well is the current Public Service Board approval process working in terms of achieving the state's energy goals? Does it provide adequate consideration of the planning goals and preferences of individuals, municipalities, and regions? How does it integrate the needs of the state as a whole with the needs of individual communities or regions? How does it serve project developers? How could the process be improved?

The public is invited to participate in person or by writing to the committees. Whether speaking at the hearing or sending testimony, all participants should email their remarks to Legislative Council member Katie Pickens ([kpickens@leg.state.vt.us](mailto:kpickens@leg.state.vt.us)). The remarks will be posted on the committee's web pages.