

# 2023 Legislative Wrap-Up

Legislators went home at almost midnight on Friday, May 12, right in line with the predicted schedule. But it wasn't for long. They have scheduled a veto session for Tuesday, June 20 to address any further bills that Governor Scott may veto. As of June 9, he has vetoed eight bills, including the budget, H.494, which passed the House on a vote of 90-53.

Altogether during this first session of the biennium, the legislature passed 92 of 684 bills that were introduced. In recognition of the fact that "Crossover" really wasn't a thing this year, two bills were introduced in the Senate on May 12, the last day of the regular session. Likewise, two bills were introduced in the House on Monday, May 8, the last week of the session.

A lot was different this year. A bumper class of first-term legislators and new committee chairs were sworn in in January and spent the intervening months honing their process skills – which was a very different process in the wake of the COVID years and the many retirements at the end of last session. Some new legislators jumped in with both feet, while others took the more traditional Vermont approach of sitting back to watch and learn for a time about practices, protocols, and leadership preferences, not all of which are helpful to an inclusive and representative democracy. Frustration spilled over on more than one occasion.

Cautions about the efficacy of a supermajority proved out during the session, most notably with respect to housing, childcare, and paid family leave, as Democrats included legislators with wide ranging opinions and priorities who were not always able to coalesce around a particular piece of legislation. The potential of an organized caucus was realized, particularly when it came to the Rural Caucus, including legislators from all parties who shared challenges in their smaller more rural communities. The caucus support for the \$3 million appropriation in the budget adjustment bill for the Rural Infrastructure Assistance Program was key to getting that initiative over the finish line.

**All in all, 2023 was a fascinating legislative session. Your advocacy staff followed 162 of 684 introduced bills and testified to legislative committees multiple times each week of the session.** Of those 162 bills introduced that might affect local governments, 57 were passed. The bills that were introduced in 2023, if not passed, will all be live come January 2024. Thank you to all the local officials who joined us on that ride, reading the Weekly

Legislative Reports and keeping up to speed with the biweekly Advocacy Chats.

Ordinarily, once a session adjourns, bills are dead until the next January. However, pursuant to [JRS 27](#), **the legislature adjourned to reconvene on Tuesday, June 20, at 10:00 AM.**

**The expected business of that day is to vote on any bills that the governor vetoes.**

Readers should note that the legislature is not obligated to vote to override all vetoes, and in some cases they do not. Further, once the legislature reconvenes, it can take up any bill, not just those that were vetoed, and on some occasions that has indeed happened. Nor does their work need to take only one day, and it very well may not. So, June 20 may be a day worth watching!

**In the meantime, you can read about the 57 bills that passed and affect local governments in this, VLCT's 2023 Legislative Wrap-Up.**

*Please note that passed bills take effect on July 1, unless the legislation specifies another date – which is frequently the case. As well, many bills say “effective on passage”. Effective on passage is the date upon which the governor signs the bill. It sometimes takes a bit of time to assign act numbers to bills; thus, readers will note that not all bills have act numbers assigned to them yet.*

[List of actions taken by Governor Scott on bills during the 2023 Legislative Session](#)

[Municipal Zoning Preemption/Housing Opportunities Made for Everyone S.100](#)

*Amends 9 V.S.A. § 4507; 20 V.S.A. § 2730; 24 V.S.A. §§ 4303, 4306, 4348a, 4382, 4412, 4413, 4414, 4418, 4441, 4442, 4463, 4464, 4465, 4471; 10 V.S.A. §§ 6001, 6083a, 5086b; 27 V.S.A. §§ 545, 617. Writes session law.*

## Housing Opportunities Made for Everyone

S.100, officially titled Housing Opportunities Made for Everyone, passed on the last day of the session. Governor Scott signed the bill on June 5. Once the bill left the Senate Economic Development, Housing and General Affairs Committee way back in February, it was controversial throughout the rest of the session, and the bill never garnered the support of the Vermont League of Cities and Towns because it for the most part mandated permanent zoning changes without commensurate changes to Act 250 or other state permitting

processes that significantly affect the cost and time required to build housing. The 80-page bill ended up being a Christmas tree for a wide range of issues.

The Secretary of the Agency of Human Services, Commissioner of the Department of Children and Families, and staff visited with members of the VLCT Board of Directors at their May board meeting on May 18th and reiterated several times “fundamentally we need to build more housing”. S.100 removes some impediments to housing construction and renovation. The funding dedicated to housing construction, renovation, and assistance – some \$200 million in the coming fiscal year – is in H.494, the budget.

**Below are the many provisions that affect municipalities.**

### **Zoning Provisions**

The first 25 pages of the bill are dedicated to municipal zoning and planning changes. Please note that these changes are prospective, and they take effect July 1, 2024, unless specifically noted below.

In residential districts served by municipal sewer and water infrastructure, a municipality may not require more than one parking space per dwelling unit. A municipality may require 1.5 parking spaces in areas without sewer and water and in areas more than one-quarter mile from public parking for duplexes and multi-unit dwellings if existing parking isn't sufficient.

Duplexes are allowed uses in any district that allows year-round residential development. They are to be allowed with the same dimensional standards as single-unit dwellings. Multi-unit dwellings of at least four units must be allowed in areas of town served by sewer and water. If the bylaw regulating such a district requires multi-unit structures to have more than four dwelling units, that requirement will remain in place. This section takes effect on July 1, 2023.

Conversion of non-residential detached buildings to accessory dwelling units are to be subject to the same standards of review as single family homes.

In residential districts served by sewer and water, bylaws must establish building and lot standards that allow five or more units per acre, and “affordable housing” developments (defined in the statute) may add additional units that increase density by 40 percent and may

include an additional floor above height limitations in the bylaws as long as the structure complies with fire and building safety codes.

The legislation defines “area served by municipal sewer and water infrastructure” to mean:

- where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and not prohibited by state regulations or permits, identified capacity constraints, or municipally adopted service and capacity agreements;
- areas established by local ordinance or bylaw where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and may exclude flood hazard or inundation areas, river corridors or fluvial erosion areas as established by statute, shorelands, natural resource protection areas within zoning districts or overlay districts, and wherever year-round residential development is not allowed;
- areas with identified service limits established by state regulations or permits, identified capacity constraints, or municipally adopted service and capacity agreements;
- areas served by sewer and water to address an identified community-scale public health hazard or environmental hazard;
- areas serving mobile home parks not within an area planned for year-round residential growth;
- areas serving industrial sites or parks;
- areas where service lines are located to serve places that present community scale public health or environmental hazards, mobile home parks, industrial parks (noted in the three bullets directly above) but no connections or expansions are permitted; or
- areas that, through an approved Planned Unit Development under 24 V.S.A. section 4417 or Transfer of Development Rights under 24 V.S.A. section 4423, prohibit year-round residential development.

No zoning bylaw may prohibit a hotel from renting rooms through Vermont’s General Assistance Program or to a person using public funds. The bill adds emergency shelters to the list of land uses that may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density, off-street parking (although not so much – see above), loading facilities, traffic noise, lighting, landscaping, and screening and only to the extent that regulations do not interfere with the intended functional use, including hours of operation. This

section on emergency shelters took effect on passage, May 12, 2023.

An “interested person” may appeal the decision of a zoning administrator to the development review board. An interested person includes

- a person owning title to property;
- a municipality or solid waste district empowered to condemn the property or interests in it;
- the host municipality or any adjoining municipality;
- a person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on their interest; and
- any 10 persons who may be voters, residents, or real property owners within the municipality who by signed petition allege that the decision violates the policies, purposes, or terms of the plan or bylaw. S. 100 expanded those qualified to appeal under this section to include residents.

An appeal may not include character of the area affected if the project has a residential component that includes affordable housing. Likewise, an appropriate municipal panel’s decision that a residential development project will not result in an adverse effect on the character of the area may not be appealed if the project is in a designated downtown development district, growth center, or neighborhood development area.

A town may grant their zoning administrator authority to approve minor subdivisions and to decide if a hearing is required for minor subdivisions. The town may determine what is a minor subdivision.

The law regarding the required housing element of a regional plan is augmented to require regional and community need for housing that will result in an adequate supply of homes which comply with building and energy codes and for which households will spend not more than 30 percent of income on housing and not more than 15 percent on transportation. The requirement will be based upon statewide and regional housing targets to be published by the Department of Housing and Community Development. The regional planning commission assessment is to include price, quality, unit size or type, zoning district by municipality, and recommended actions to meet the estimated need.

Municipal plans shall be consistent with the planning goals of Title 24 Chapter 117, the municipal and regional planning statute. In addition to reflecting the regional plan housing elements, municipal plans should use data on year-round and seasonal dwellings and include actions to address the housing needs of low- and moderate-income persons.

The legislation deletes the authority of a rural town's voters to decide to adopt or amend a bylaw or repeal one by Australian ballot. The selectboard will make those decisions. The voters may still petition to overturn the selectboard decision.

The Department of Housing and Community Affairs is granted permission to use up to 20 percent of municipal planning funds to assist towns in meeting requirements of the neighborhood development area designation. The Vermont Association of Planning and Development Agencies (VAPDA)

- is required to study improving and coordinating effectiveness between municipal, regional, and state planning and
- is authorized to hire housing resource navigators, with a contingent appropriation of \$300,000 (if there are sufficient funds in the state budget).

#### **Act 250**

Several temporary changes are made to Act 250. The threshold for triggering Act 250 jurisdiction is increased for three years from a developer building ten housing units within five years and five miles of each other to 25 units if they are in designated downtowns, neighborhood development areas, new town centers, village centers with zoning and subdivision bylaws, or growth centers. In order to qualify for the increased number of units, a developer must, by June 30, 2026, request an Act 250 jurisdictional opinion that the project will be substantially complete by June 30, 2029. In a town with permanent zoning and subdivision bylaws, construction of four units in an existing structure will count as one unit for purposes of calculating the total number of units.

A municipality may seek an Act 250 master permit for a downtown development district or neighborhood development area.

VAPDA is to propose a framework for delegating Act 250 administration to municipalities by December 31, 2023. VAPDA is also to consult with stakeholders including municipal planning

and zoning officials. The Natural Resources Board is already working on a report on Act 250 modernization, and that report is now to include a review of the trigger for jurisdiction as it relates to housing, whether it would affect affordability, and whether the trigger should be changed. The report is due December 31, 2023.

#### **Class 4 Roads and Trails**

Any property owner who sells property on a class 4 highway or legal trail shall disclose to the buyer that the municipality is not required to maintain the highway or trail, per 19 V.S.A. § 310.

#### **Additional Statutory Changes**

Accessory dwelling units that are rented are included in the definition of public building for purposes of fire and building safety codes. The Division of Fire Safety is directed to study potential revisions to the fire and life safety codes that might facilitate development of more housing.

The Vermont Housing Finance Agency (VHFA) definition of a “first generation homebuyer” is amended to mean a person whose parents did not own a home or lost their home through foreclosure or a similar process.

Several housing related programs – missing middle, rental housing stabilization, mobile home, home-share, rent arrears – are included in the appropriations bill (see article in this wrap-up).

The criminal fine for violation of a Fair Housing and Public Accommodations Act is increased from \$1000 to \$10,000.

## **Building Energy Code Study Committee**

A 15-member Building Energy Code Study Committee is established to recommend strategies for increasing awareness of and compliance with the Residential and Commercial Building Energy Standards (RBES and CBES). The committee is to include a representative of the

VLCT.

## **Rural Recovery Coordination Council**

A Rural Recovery Coordination Council of at least 14 members is created to study how to strengthen coordination between agencies and stakeholders involved in rural community development. The council is to identify strategies to prioritize areas of investment in rural communities to ensure resources are there to

- meet climate goals, rural community development objectives, and environmental sustainability requirements;
- build long-term emergency and disaster preparedness and recovery plans;
- ensure intergovernmental and regional communications and coordination; and
- improve access to technical assistance from regional and state agencies and programs.

That report is also due December 15, 2023. The council is to include the VLCT executive director or designee.

### **Agency of Natural Resources (ANR) Review of Potable Water and Wastewater Connection Permits**

ANR is directed to review requirements and processes governing its issuance of potable water and wastewater connection permits so as to identify how to reduce the administrative burden and costs incurred by municipalities and applicants. ANR is to consult with the Agency of Commerce and Community Development, municipal officials, professional engineers and licensed designers, and environmental organizations. The review is to be completed by July 1, 2025.

S.100 takes effect on July 1, 2023, except for the zoning directives which take effect on July 1, 2024. The caveat, noted above, is that the section on multi-unit dwellings in areas served by water and sewer takes effect July 1, 2023, and the section adding emergency shelters to the list of uses that may be regulated only pursuant to the “Limitations” section (24 V.S.A. § 4413) took effect on passage, June 5.



## Resources for this article:

- [Summary of FY 24 investments in Housing H. 494](#)
- [Legislative Council Summary of S. 100 Provisions](#)
- [S.100 as passed](#)

### [Affordable Heat Standard, S.5](#)

*Adds 30 V.S.A. Chapter 94.*

**The legislature passed S.5, the Affordable Heat Standard, on April 27. Governor Scott vetoed the bill on May 4, and the legislature overrode the veto** with a Senate vote of 20–10 and a House vote of 107–42. A two-thirds majority is required to override a gubernatorial veto, pursuant to Chapter ii section 11 of the Vermont Constitution.

The bill adds a new Chapter 94, Clean Heat Standard, to Title 30 of the Vermont Statutes Annotated. The intent of the General Assembly is that the new “Clean Heat Standard be designed and implemented in a manner that achieves Vermont’s thermal sector greenhouse gas emissions reductions, ... minimizes costs to customers, protects public health, and recognizes that affordable heating is essential for Vermonters.” The Clean Heat Standard must also enhance social equity by prioritizing customers with low and moderate income and households with the highest energy burden, and to the greatest extent possible maximize use of available federal funds to deliver clean heat measures.

The Public Utility Commission (PUC) is directed to establish a system of tradeable clean heat credits. Three definitions are key to the upcoming explanation.

- A “clean heat credit” is a tradeable, nontangible commodity that represents the amount of greenhouse gas reduction attributable to a clean heat measure.
- “Clean heat measures” are fuel delivered and technologies installed that reduce greenhouse gas emissions from the thermal sector. Shifting from one fossil fuel to another does not count.
- “Obligated parties” are regulated natural gas utilities serving Vermont customers; entities that import heating fuel for ultimate consumption in the state; or entities that produce, refine, manufacture, or compound heating fuel within the state for ultimate consumption in the state.

S.5 requires obligated parties to reduce greenhouse gas emissions attributable to the Vermont thermal sector by retiring required amounts of clean heat credits in order to meet their thermal greenhouse gas emission reduction obligations. Those obligations are established in the Vermont Global Warming Solutions Act, passed in 2020. The PUC must establish the number of clean heat credits that each obligated party must retire each year in amounts sufficient to achieve the Global Warming Solutions Act emission reductions (i.e., lifecycle greenhouse gas emissions). It is to establish those credit requirements for the next ten years and update them every three years.

Every entity that sells heating fuel into or in Vermont needs to register with the PUC every year by January 31, starting in 2024. Obligated parties must retire at least 16 percent of their credits from low income customers and an additional 16 percent from low or moderate income customers. One-half of the retired credits are to be from clean heat measures that require capital investments in home, have lives of ten or more years, and are estimated to lower annual energy bills.

The PUC is directed to adopt rules and issue orders to implement and enforce the Clean Heat Standard. In some instances, the PUC could revise its rules without going through the rulemaking process. However, the PUC may not file its proposed implementation rules unless the General Assembly specifically authorizes them. Final proposed rules are to be submitted to the legislature by January 15, 2025. By January 15 of every year following adoption of rules to implement the Clean Heat Standard, a report is due to the legislature detailing the standard's implementation and operation.

The PUC shall provide for delivery of programs and measures by a “default delivery agent”, an entity designated to provide services that generate clean heat measures. Obligated entities could pay the default delivery agent to deliver clean heat services on their behalf.

The PUC shall also establish

- a Clean Heat Standard Technical Advisory Group (TAG) to assist in ongoing management of the Clean Heat Standard and
- a Clean Heat Standard Equity Advisory Group to assist in developing and implementing the standard so as to ensure that an equitable share of clean heat measures are delivered to low- and moderate-income Vermonters.

Moreover, the PUC

- is directed to hire a third-party consultant with expertise in equity, justice, and diversity to design and conduct engagement as part of proceedings to implement the Clean Heat Standard, which shall commence by August 31, 2023.
- may hire a consultant to assist with the implementation of clean heat credits.
- shall, by February 15, 2024, report on suggested revenue streams to fund administration of the Clean Heat Standard Program.
- shall, by February 15, 2024, report on their efforts to implement the legislation.
- shall submit a second report by January 15, 2025.

The legislation authorizes three new positions at the PUC with an appropriation of \$825,000. Three new positions are also authorized at the Department of Public Service with an appropriation of \$900,000.

**The bill took effect on passage, May 12.**

#### [Transportation Bill 2023 \(H.479\)](#)

*Amends 19 V.S.A. §§ 10b, 13; 19 V.S.A. chapter 24; Act 184 Sec. 5 of 2022; Act 184 Sec. 2(8)(C) of 2022. Adds 19 V.S.A. chapter 29. Repeals 5 V.S.A. § 3616; 19 V.S.A. §§ 309d, 314. Writes session law.*

This year's transportation legislation adopts and amends the state's annual Transportation Program and includes various amendments and funding authorizations related to transportation. The overall Fiscal year 2024 (FY24) transportation budget is \$877,476,461 – a \$39,760,186 increase from FY23. Act XX makes significant investments in carbon reduction measures – a theme we've seen in Transportation bills in recent years. Municipal programs saw an \$11,827,642 increase in funding levels over FY23 and total \$99,979,993. The single largest increase in funding is in the Town Bridge Program, thanks to \$32,908,515 from federal funding, with a grand total of \$37,201,775.

The following are some of the highlights of the bill as they relate to the overall state transportation budget and the programs and funding to local governments.

#### **Funding Public Transit**

The Vermont Public Transportation Association, in consultation with VTrans and the VLCT, must provide the legislature with a written recommendation on one or more funding sources for the nonfederal match required of public transit providers operating in the statewide transit system. The report is due back to the legislature by January 15, 2024.

### **Carbon Reduction Investments**

For more than three years, the legislature has passed transportation budgets that have made significant investments in carbon reduction measures and are designed to more broadly develop a 21st century transportation system that is clean, accessible, and affordable. Last year's FY23 Transportation budget made significant investments in many of these programs. The FY24 budget reallocates \$550,000 of FY23 one-time General Fund appropriations from Replace Your Ride Program to the e-Bike Incentive Program (\$50,000) and a newly created Electrify Your Fleet program (\$500,000).??

The new Electrify Your Fleet program will provide incentives to Vermont municipalities and business entities that maintain fleets of motor vehicles to switch to electric vehicles. The program will provide \$2,500 for the purchase or lease of electric motor vehicles and EV bicycles, motorcycles, and snowmobiles. No single applicant is eligible for more than 20 incentives over the life of the program.?Go!?Vermont, which provides carpool and rideshare services, receives \$405,000. The Mobility and Transportation Innovations (MTI) Grant program receives \$500,000 to support innovative strategies and projects that improve mobility and access to services for transit dependent Vermonters, reduce the use of single occupancy vehicles, and reduce greenhouse gas emissions.?

The federal Infrastructure Investment and Jobs Act (IIJA) requires states to develop a carbon reduction program. Under the Promoting Resilient Operations for Transformative, Effective and Cost-Saving Transportation program (PROTECT), states are also required to develop resilience improvement plans in order to access these federal funds. VTrans must measure and calculate Vermont's actual emissions and compare them to the required reduction outlined in Vermont's Global Warming Solutions Act. Based on these actual emissions, VTrans is further required to evaluate and recommend program modifications, additions, and funding sources needed to address emission reduction gaps. The agency must then develop a Resilience Improvement Plan to establish how Vermont will use federal monies under the

IIJA and PROTECT. VTrans must report back to the House and Senate Transportation Committee on this work in late 2023 and again by January 15, 2024.??

### **Mileage-Based User Fee**

H.479 authorizes VTrans to create a new mileage-based user fee (MBUF) for plug-in electric vehicles that do not contribute to the gas tax in the manner gasoline fueled vehicles do. The goal is to implement such an MBUF by July 1, 2025. Plug-in hybrid electric vehicles (PHEVs) will not be subject to the MBUF but will be subject to an increased annual or biennial registration fee starting on July 1, 2025. H. 479 also includes legislative intent language that the state must work toward collecting a fee on kilowatt hours (KWhs) that are dispensed through electric vehicle supply equipment available to the public in order to supplant lost gas tax revenue from plug-in electric vehicles that are not registered in Vermont but use Vermont highways. It authorizes VTrans to apply for and use federal funds to pay to create and implement the new MBUF.

H.479 does not implement a MBUF but rather sets the wheels in motion (so to speak). VTrans must return to the legislature next year with a comprehensive plan and report. The report must outline the design of the system and set a plan for implementation, as well as make recommendations for a MBUF rate and estimate revenue projections based on the suggested rate. In 2024, the legislature must authorize and codify the MBUF into statute to fully implement it to go live by July 1, 2025.

### **Complete Streets**

H.479 updates statute that requires state transportation projects and certain municipal projects to consider “Complete Streets” principles in project design. Complete Streets means streets that provide safe and accessible options for multiple travel modes for individuals of all ages and abilities, including walking, cycling, public transportation, and motor vehicles. In 2011 the state first added Complete Streets language to law, and H.479 modernizes and strengthens statutory language. In all municipal transportation projects on paved roads that use state funds, municipalities must incorporate Complete Streets principles in the planning, development, construction, and maintenance. However, a municipality may not be subject to

this requirement if a written determination is made, with supporting documentation, that one or more of the following is true:??

- the use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law,?
- the cost of incorporating Complete Streets principles is disproportionate to the need or probable use, or??
- incorporating Complete Streets principles is outside the scope of the project as defined in VTrans's Complete Streets guidance.??

In order to educate and encourage municipalities to incorporate Complete Streets principles into more local transportation projects, H.479 directs VTrans to work with regional planning commissions and VLCT to design and implement a program to provide training on Complete Streets to towns, cities, and villages.??

#### **Municipal Program Funding (millions of dollars)**

<b>Town Program</b>	<b>FY21 As Passed</b>	<b>FY22 As Passed</b>	<b>FY23 As Passed</b>	<b>FY24 As Passed</b>	<b>FY23 vs. FY24</b>
TH Aid Program (statutory formula)	27,105,769	27,105,769	27,837,624	28,672,753	+835,129
Town Bridges	13,073,351	15,408,394	30,314,187	37,201,775	+6,887,588
TH Class 2	3,250,000	15,297,500	8,600,000	8,858,000	+258,000
TH Structures	4,650,000	12,667,000	7,200,000	7,416,000	+216,000
TH Class 1 Supplemental Grants	128,750	128,750	128,750	128,750	0
Alternatives/Enhancements	2,763,408	4,454,294	4,532,704	4,156,277	-376,427

<b>Town Program</b>	<b>FY21 As Passed</b>	<b>FY22 As Passed</b>	<b>FY23 As Passed</b>	<b>FY24 As Passed</b>	<b>FY23 vs. FY24</b>
TH State Aid Nonfederal Disasters	1,150,000	1,150,000	1,150,000	1,150,000	0
TH State Aid to Federal Disasters	180,000	180,000	180,000	180,000	0
FEMA/Public Assistance Grants	1,250,000	1,250,00	1,250,000	1,250,000	0
TH VT Local Roads	408,965	411,689	414,481	477,915	+63,434
Municipal Mitigation Grants	6,705,715	8,785,150	8,785,150	10,488,523	+1,703,373
Subtotal	67,665,958	89,838,546	90,392,896	99,979,993	+9,587,319

The above provisions of H.479 go into effect on July 1, 2023. The governor signed the bill on June 12.

#### **Resources for this article:**

- [FY24 Transportation Budget](#)
- [H.479](#)

## **Transportation Bill (H.479) Budget: Municipal Line Items**

(in millions of dollars)

<b>Town Program</b>	<b>FY21 As Passed</b>	<b>FY22 As Passed</b>	<b>FY23 As Passed</b>	<b>FY24 As Passed</b>	<b>FY23 vs. FY24</b>
TH Aid Program (statutory formula)	27,105,769	27,105,769	27,837,624	28,672,753	+835,129
Town Bridges	13,073,351	15,408,394	30,314,187	37,201,775	+6,887,588
TH Class 2	3,250,000	15,297,500	8,600,000	8,858,000	+258,000
TH Structures	4,650,000	12,667,000	7,200,000	7,416,000	+216,000
TH Class 1 Supplemental Grants	128,750	128,750	128,750	128,750	0
Alternatives/Enhancements	2,763,408	4,454,294	5,665,880	5,195,346	-470,534
TH State Aid Nonfederal Disasters	1,150,000	1,150,000	1,150,000	1,150,000	0
TH State Aid to Federal Disasters	180,000	180,000	180,000	180,000	0
FEMA/Public Assistance Grants	1,250,000	1,250,00	1,250,000	1,250,000	0
TH VT Local Roads	408,965	411,689	414,481	477,915	+63,434
Municipal Mitigation Grants	6,705,715	8,785,150	8,785,150	10,488,523	+1,703,373
Subtotal	67,665,958	89,838,546	89,191,420	101,019,062	+11,827,642

#### [The Big Bill – Appropriations \(H.494\)](#)

*Amends Statute in many titles, including 23 V.S.A. sections related to Department of Motor Vehicle Fees and 24 V.S.A. §§ 2793, 2793a, 2793b, 2793c, 2799. Writes session law.*



**The legislature passed the appropriations bill after a lengthy and sometimes contentious conference committee, on May 12, the last day of the session.** The governor vetoed the bill on May 27. The FY24 budget as passed, including bills other than H.494, appropriates \$8.5 billion.

**In his veto message, Governor Scott wrote:**

Vermonters have made it clear that living in our state is not affordable; and the data backs that up as we are ranked as having one of the highest tax burdens in the nation. Adding to this pressure, Vermonters continue to pay more for everyday essentials due to persistent inflation. With all of this in mind, we cannot and should not ask Vermonters to shoulder the burden of new and higher taxes, fees and penalties. And yet, across this budget and other bills, the Legislature's tax, fee and spending decisions this session may add an average of nearly \$1,200 to a household's burden each year - on top of higher property tax bills and inflation, which have already consumed the increase in most people's paychecks. ... I'm also concerned the substantial increase in ongoing base spending, that Vermonters must bear into the future, is not sustainable. This increase – more than twice the rate of current inflation – is especially concerning because it does not include the full cost of the new programs created this year that rely on new tax revenue or will otherwise add to Vermonters' costs, including the childcare expansion, universal school meals, the clean heat standard and more.

In fact, on much of the bill the legislature agreed with the governor, as our table showing appropriations for items concerning local governments (included with this wrap-up) demonstrates. They disagreed on several high-profile measures such as increasing Department of Motor Vehicle fees with an estimated \$21 million in new revenues, winding down the Emergency Housing Assistance (hotel) Program, and the new paid family leave program.

Items of interest to local governments are discussed below and listed in the table that follows this article. Watch the veto session on June 20 for how the governor's veto is answered and how Vermont achieves an adopted budget by July 1, 2023, the beginning of the new fiscal year 24.

## Housing and Land Use

Both local and statewide land use was an issue all session and continues to be. A major point of contention between the majority party, the governor, and the Progressive Caucus in the House is the reduction of the COVID era funding for the general assistance for emergency housing (hotel program). Even with that reduction, the budget appropriates \$26.4 million for the FY24 General Assistance Emergency Housing hybrid winter policy. In it, housing assistance for vulnerable populations (such as recovery housing, youth independent living, homeshare, and family supportive housing) totals \$102 million. An additional \$121 million in general fund, one-time contingent, and base funds is appropriated to the Vermont Housing Conservation Board, Vermont Housing Investment, First Generation Homebuyers, Missing Middle, and related housing programs.

The Department of Children and Families is appropriated \$10 million to provide assistance to individuals and households experiencing homelessness and those transitioning from hotels to alternate housing or shelter.

## General Education

Total spending on general education (not including Vermont State Colleges, Vermont Student Assistance Corporation, and the University of Vermont) is \$2.8 billion. Of that total, \$2.07 billion is paid from the Education Fund, and, as you will read in our article on the property tax yield bill, \$1.3 billion is contributed by education property tax dollars.

FY24 one-time appropriations in H.494 include:

- \$1 million for the digitization of Natural Resources Board (Act 250) records and \$200,000 for an Act 250 contract study on updates necessary to Act 250.
- \$200,000 to the Agency of Education for work of the School Construction Task Force
- \$1,750,000 to the Tax Department for digitization of the Current Use Program
- \$1 million to Forest, Parks and Recreation for outdoor recreation grant match to federal dollars for small communities
- \$2.5 million to the Department of Environmental Conservation (DEC) for the Brownfields Reuse and Environmental Liability Limitation Act, to assess and clean up approximately

25 brownfield sites

- \$6.1 million American Rescue Plan (ARPA) to DEC for the Healthy Homes initiative to repair or improve drinking water, wastewater, or stormwater systems of low and moderate income or manufactured housing communities
- \$1 million to the Department of Environmental Conservation for PFAS technical assistance and \$5 million for PFAS remediation.

The Capital Cash Fund for Capital and Essential Investments accounts appropriates:

- \$4 million to DEC for Municipal Pollution Control Grants for projects and planning advances for feasibility studies
- \$9.8 million for state match to federal dollars from the Infrastructure Investment and Jobs Act (IIJA) for the Drinking Water and Clean Water State Revolving Funds
- To the extent available in FY23 and FY24, \$14.5 million to provide state match in FY25 and FY26 for water and wastewater related projects from the IIJA (funds to be expended only if authorized by the legislature)

## Public Safety

H.494 establishes a seven-member Public Safety Communications Task Force to oversee and manage all phases of the development, design, and implementation of a statewide public safety communications system. One member is to be appointed by the Executive Director of the Vermont League of Cities and Towns (VLCT), one representative of a municipal public safety answering point is to be appointed by the Vermont Association of Chiefs of Police, and one emergency medical technician is to be appointed by the Vermont Ambulance Association. This task force will cease to exist when a state entity authorized to permanently oversee and manage the public safety communications system is operational.

A draft report with findings and recommendations related to a preliminary design of the statewide safety communications system is due to the legislature by January 15, 2024. The Joint Fiscal Committee may approve up to \$4.5 million for pilot projects related to the public safety communications system. Also, \$11 million in General Fund monies are appropriated to the Department of Public Safety for regional dispatch funding.

The Joint Fiscal Office is directed to analyze options for changing the financing mechanism for the Vermont Universal Service Fund to ensure long-term sustainability of programs funded with those dollars, including the Enhanced 911 system.

The bill includes amendments to the Better Places Program and Designation Program (requiring approval decisions within 45 days of a complete application being received).

**Resources for this article:**

- [H.494 As Passed Web Report \(dollars appropriated\)](#)
- [H.494 As Passed](#)
- [Governor Scott's letter regarding veto of H.494](#)

## Appropriations Table

**H.494 – Appropriations FY24 (in millions of dollars)**

Budget Item	FY23 As Adjusted by H.145	Governor Proposed FY24	As Passed
(GF) Homeowner Rebate (B137)	\$16.5	\$16.25	\$16.25
(GF) Renter Rebate (B138)	9.50	9.50	9.50
(GF) Tax Dept. Reappraisal and Listing (B139)	3.39	3.39	3.39
(GF) Municipal Current Use (B140)	17.80	18.60	18.60
(LOT 30%) PILOT State Buildings (B142)	10.575	10.68	12.28

<b>Budget Item</b>	<b>FY23 As Adjusted by H.145</b>	<b>Governor Proposed FY24</b>	<b>As Passed</b>
(LOT 30%) PILOT Montpelier (B143)	0.18	0.18	0.18
(LOT 30%) PILOT Correctional Facilities (B144)	0.04	0.04	0.04
(GF) Special Investigative Units (B206)	2.16	2.23	2.28
(GF/Interdept. Transfer) Criminal Justice Council (B221)	3.46	4.07	4.07
(SF) E-911 Board (B235)	4.59	4.80	4.80
(SF) Cannabis Control Board (B240)	4.88	4.77	5.17
(GF, EF, FF, Other) Education Finance & Admin. (B500)	35.81	36.84	37.34
(EF) Special Education Formula Grants (B502)	208.07	226.20	226.20
(EF) State-Placed Students (B503)	17.50	19.00	19.00
(GF, EF) Flexible Pathways (B504.1)	9.14	10.14	10.14
(EF) Adjusted Education Payment (B505)	1,577.65	1,711.92	1,703.31
(EF) Education Transportation (B506)	21.79	23.52	23.52
(EF) Small Schools Grants (B507)	8.20	8.30	8.3

<b>Budget Item</b>	<b>FY23 As Adjusted by H.145</b>	<b>Governor Proposed FY24</b>	<b>As Passed</b>
(EF) Education Universal School Meals (B508) (H.165 is bill with appropriation)	0	29.00	29.00
(EF) Essential Early Education Grant (B510)	7.51	8.35	8.35
(EF) Technical Education (B511)	16.25	17.03	17.03
(GF, EF) Teachers' Retirement (B514, E514, E514.1 – 514.3)1	188.07	184.81	184.81
(GF EF) Retired Teachers' Health/Medical (B515, E515)2	50.21	53.74	53.74
(GF, Inter-Dept. Transfer) ANR Lands PILOT (B701)	2.66	2.67	2.67
(Property Transfer Tax) Municipal Planning Grants (D100)3	0.87	0.90	0.90
(TF) Town Highway Structures (B911, E911)	7.20	7.42	7.42
(TF, FF) Better Roads Program (B912)	0.41	0.48	0.48
(TF) Town Highway Class 2 Roadway (B913)	8.6	8.86	8.86
(TF, TIB, FF) Town Highway Bridges (B914)4	29.16	36.01	36.01
(TF) Town Highway Aid (B915)	27.84	28.67	28.67

<b>Budget Item</b>	<b>FY23 As Adjusted by H.145</b>	<b>Governor Proposed FY24</b>	<b>As Passed</b>
(TF) Town Highway Class 1 Supplemental (B916)	0.13	0.13	0.13
(TF) Town Highway Non-federal Disaster Aid (B917)	1.15	1.15	1.15
(TF, FF) Town Highway Federal Disaster Aid (B918)	0.18	0.18	0.18
(TF, FF, Special) Municipal Mitigation Assistance (B919)	6.45	6.45	10.49

**Table Notes:**

1. \$159,455,378 is the accrued liability contribution, and \$34,825,673 is the normal contribution, paid from the Education Fund. \$9,470,000 is paid by local educational entities. \$9 million is contributed from the General Fund for supplemental plus accrued liability contribution.
2. \$43,701,482 is the accrued liability contribution, and \$17,589,046 is the normal contribution, paid from the Education Fund. An additional \$7,550,000 is paid by employers (school districts).
3. Not more than \$500,000 is to be used for bylaw modernization grants.
4. This amount does not include local match dollars, which equal \$1,193,915.

## Citations

Citations in parentheses refer to the sections in [the budget bill](#) where items are found (same section every year):

B# = Section Numbers for appropriated amounts

E# = Section Numbers for policy explanations

CRF = Coronavirus Relief Fund

GF = General Fund

EF = Education Fund

FF = Federal Funds

LOT 30% = local option tax share remitted to state

PILOT = Payment In Lieu Of Taxes

TF = Transportation Fund

TIB = Transportation Infrastructure Bond

ARPA = American Rescue Plan Act

USF = Universal Service Fund

#### Miscellaneous Tax Bill H.471

*Adds 21 V.S.A. § 643a. Amends 24 V.S.A. § 138(c ), 1895, 4551, 4676, 4683, 4703; 32 V.S.A. §§ 3756, 3757 (m), 9603, 5404a(a), 5824, 5828b(a), 5828c, 5830, 5830f(a), 5830f(d), 5914(b), 5920(b), 6068, 7402 (8), 9202, 9245, 9741, 9741 (52). Deletes 32 V.S.A. §§3404, 3410.*

The miscellaneous tax bill includes amendments, additions, and deletions to Vermont state tax statutes, including earned income and child and dependent tax credits. Below are the sections of the bill that relate to local governments.

**CAPTAP**



The statute at 32 V.S.A. § 3404 authorizing the Director of the Division of Property Valuation and Review (PVR) to charge fees for services to municipalities related to the Computer Assisted Property Tax Administration Program (CAPTAP) is deleted, as is the requirement for PVR to keep a central file of municipal grant lists.

### **Use Value**

While the PVR Director remains required to provide a list of property in each town that is to be taxed on use value, that notice need no longer be mailed. Land owned or acquired by a qualified Native American tribe or non-profit organization will be exempt from land use change taxes that might otherwise be due. Transfers from one qualifying non-profit to another qualifying non-profit are exempt from the property transfer tax if they are related organizations and the Commissioner of Tax does not determine that the main reason for the transfer is to avoid taxation. Related means one organization holds 50 percent or more of the membership interest in the other organization or appoints or elects 50 percent or more of the other organization's governing body.

### **Qualified Rental Unit Property Tax Exemption**

Qualified rental units are entitled to an exemption on the education property tax grand list of 10 percent of the value of the parcel, multiplied by the ratio of square footage of improvements for that purpose to total square footage of all improvements, and multiplied by the ratio of qualified rental units to total residential units on a parcel. Qualified rental units are those subject to rent restrictions under state or federal law except those subject to rent restrictions due to only Section 8 moderate rehabilitation or housing choice vouchers, or to Section 236 or 515 rental housing. By April 1, a certificate of education grand list value exemption provided by the Vermont Housing Finance Agency (VHFA) must be provided to the town. New language establishes that the certificate of exemption may be renewed every 10 years if the property continues to qualify.

### **Homestead and Renter Property Tax Claim**

A property tax credit claim or request for allocation of an income tax refund to homestead property tax payment shall be filed with the Department of Taxes on or before the date for filing Vermont income tax returns and shall describe the school district in which the property is located. Current law states that no such credit shall be allowed in a calendar year unless the claim is filed before October 15. New language states that if the claimant files between October 15 and March 15 of the following year, the property tax credit shall be reduced by \$150.00 but not below \$0, shall be issued directly to the claimant, and shall not require the municipality in which the property is located to issue an adjusted homestead property tax bill. No property tax credit claim may be made after March 15 of the calendar year following the date the Vermont income tax return is due.

### **Vermont Municipal Bond Bank**

The Vermont Bond Bank is renamed to delete the word Municipal. The definition of municipal bond is amended to include a financing arrangement of a governmental unit, including a bond, note, or evidence of debt constituting a general obligation of a governmental unit. The definition of a revenue bond is a bond, note, or evidence of debt constituting an obligation or financing arrangement of a governmental unit authorized under Vermont law and payable from revenues derived from the financed asset, enterprise funds, or other specified revenues and earnings.

The Vermont Bond Bank is authorized to establish terms and provisions regarding loans to governmental units through purchase of municipal or revenue bonds, other forms of indebtedness, or arrangements for projects relating to renewable energy, climate adaptation, and projects that result in reduction of greenhouse gas emissions.

### **Tax Increment Financing (TIF)**

H.471 makes a number of amendments to the TIF statute. It clarifies that in each year of a TIF, a municipality shall remit not less than the aggregate tax due on the original taxable value of the real property within the district to the Education Fund. If a municipality has entered into a tax stabilization agreement with a property in a TIF district, it is nonetheless obligated to calculate municipal and education property taxes due based on the assessed

value of the properties and not on the stabilized values. Barre City's authority to incur indebtedness for its TIF district is extended to March 31, 2026, and authority to retain municipal and education tax increment is extended to June 30, 2039. Hartford's authority to incur indebtedness for its TIF is extended to March 31, 2026, and authority to retain the municipal and education tax increment is extended to June 30, 2036.

### **Workers' Compensation Rates**

For fiscal year 2024, the rate of contribution for the direct calendar year premium for workers' compensation insurance is one and a half percent. The rate for self-insured workers' compensation losses remains at one percent. In any year that the legislature does not establish the rate of contribution, the rate will remain unchanged from the previous year. If a claimant for workers' compensation disputes the discontinuance of benefits, they may file an objection to the discontinuance and seek an extension of 14 days. The objection is to be filed with the Commissioner of Labor and the employer.

### **Reports**

Several reports are due to the legislature. By January 15, 2024, the Department of Taxes is to submit a report recommending legislative action to require licensed operators, restaurants, and vendors to notify purchasers of erroneously or illegally collected sales and use, meals and rooms, or alcoholic beverages taxes and any associated local option tax and let them know about their right to request a refund for overpayment. The report would include recommended thresholds and timelines for such action as well as the department's role in identifying such collections.

By January 15, 2024, the Joint Fiscal Office shall submit a report on financing public infrastructure improvements in municipalities to include review of public infrastructure financing programs in other states, recommendations for aligning state and federal assistance for public infrastructure, and recommendations for harmonizing or expanding existing infrastructure improvement programs and distribution of funding. The Joint Fiscal Office may spend up to \$50,000 to hire a consultant for that purpose.

The sections affecting local governments take effect upon passage, that is, the date upon which the governor signs the bill.

#### Budget Adjustment H.145, Act 3

*Amends FY23 Appropriations. Writes session law*

The budget adjustment bill ([H.145](#)) amends the budget that was passed in 2022 for the current fiscal year (FY24). The net increase from the budget passed in 2022 for FY23 is \$68 million.

The act included \$3 million to the Secretary of Administration to provide funding for municipal technical assistance and related services. This is the “Rural Infrastructure Assistance Program” That the Agency of Administration is charged with designing and implementing to provide expanded technical and administrative assistance to municipalities with high need to conduct community needs assessments related to water and wastewater infrastructure, housing, community recovery, workforce development, business support, climate change mitigation and resilience, and other community economic development projects.

The Agency of Administration is to report to the legislature regarding design and implementation of the program, efficacy of the index, and effectiveness of outreach, as well as eligibility criteria, mode of delivery, and funding awarded to municipalities – on January 15, April 1, and July 1, 2024.

The bill also includes \$30 million to the Public Service Department for the Vermont Community Broadband Board to leverage federal dollars and programs including middle mile broadband grants in order to reduce the overall cost of universal broadband access.

The Department for Children and Families received \$13.8 million to provide funding for the General Assistance Emergency Housing Program (including the program that provides hotel housing to homeless households) for prioritized populations through June 30. Eligible vulnerable populations include households

- who lost housing due a natural disaster
- with an individual who has experience related to violence occurring in the home
- with children under 18 years of age, or 18 or 19 and attending full time secondary or vocational, technical training

- with an individual age 60 or older
- with an individual receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI)
- with a pregnant person
- that are pursuing legal resolution to violations of the Rental Housing Health Code
- that have been physically barred from entering their residence by intentional act of the landlord.

The remaining \$5 million would provide temporary housing through May 31, to those who do not fit the above categories but would be eligible under the most recent Adverse Weather Conditions policy.

The Vermont Housing Conservation Board received \$27.5 million for shelter and permanent homes for those experiencing homelessness and for affordable mixed-income rental and owned housing.

The Vermont Housing Finance Agency (VHFA) received \$9 million to establish the Missing Middle-Income Homeownership Development Pilot Program, and \$5 million went to the Agency of Commerce and Community Development to continue the Vermont Housing Improvement Program (VHIP).

Up to \$650,000 of Municipal and Regional Planning funds were authorized to be used for bylaw modernization grants.

The bill allocated \$3 million to the Department of Environmental Conservation from the Environmental Contingency Fund for PFAS remediation.

The Downtown and Village Center Tax Credit Program would receive authorization to increase the amount of tax credits that may be awarded to qualified projects by \$2,450,000 between July 1, 2022 and June 30, 2024. Up to \$2 million may be awarded to qualified projects in neighborhood development areas.

By November 15, 2025, the auditor of accounts is to report to the legislature about the organization and membership of the Cannabis Control Board.

## Resources for this article:

- [Act 3 As Enacted](#)
- [Roadmap to End Homelessness, 2016](#)

### [Municipal Charters](#)

#### *Amends Title 24 Appendix: Municipal Charters*

“Towns are creatures of the state” is a concept given force of law by the Vermont Constitution. The reference is to an 1872 ruling by Iowa Supreme Court Justice John F. Dillon which said that municipal corporations may exercise only those powers specifically granted to them or that are necessary and essential to the declared purposes of the municipal corporation. As one of the most restrictive Dillon’s Rule states, Vermont specifically grants municipalities through statute the authority to carry out certain endeavors, mandates them to carry out an ever-increasing list of responsibilities, and pre-empts them from addressing others.

There are 62 cities and towns with governance charters adopted at the local level that have been approved by the legislature and subsequently enacted. The number increases to 63 this year with the Town of Lyndon adopting its first municipal charter. Currently, 22 incorporated villages have governance charters, although on July 1, the Village of Lyndonville will cease to exist (see H. 490). A host of special purpose districts – fire, school, waste management, and recreation districts – have legislatively -approved governance charters. These charters enable municipalities to deviate from general statute in specific instances, when their voters have voted to change or adopt a charter, and when that locally voted amendment has been reviewed, dissected, frequently amended, and finally approved by the legislature. Once legislators receive a voter-adopted charter in the form of a bill, however, they may amend any part of the underlying charter they choose.

Every year, voters approve charter amendments that have previously been passed in other municipalities and that fall squarely within the realm of municipal government best practices but are not authorized in general statute. And, every year, those charter amendments need to be submitted to the legislature for its review, possible amendment, and approval. Only after a charter amendment has been approved by the legislature does it take effect at the local level.

In 2020, three charters were approved and four were not. In 2021, two charters – from Montpelier and Winooski – passed the legislature but were subsequently vetoed, the first time we can recall a governor taking such an action. During the 2021 veto session, the legislature overrode both vetoes, and both charter amendments became law. In 2022, ten charters passed, with significant amendments to one; two more charter amendments that passed the legislature were vetoed by the Governor, and the legislature failed to override the vetoes.

#### Charters Proposed to the Legislature During the 2023 Session

#### Municipal Charters Approved by the Legislature

Municipality	Bill/Act No.	Major Provisions	Provisions Passed	Provisions Failed
Town of Barre		Removes three elected town lister offices and assigns their duties to the town assessor.		
	<a href="#">H.418</a> M-3	Converts the office of constable from an elected to an appointed office. The selectboard may prohibit the constable from exercising and/or conditioning the exercise of law enforcement authority.	All	None
Town of Berlin		Converts the office of town clerk from an elected to an appointed position.		
	<a href="#">H.504</a> M-	Authorizes the town treasurer to waive the personal property or inventory tax when the total assessed value is \$1,650 or less, with selectboard authorization.		

<b>Municipality</b>	<b>Bill/Act No.</b>	<b>Major Provisions</b>	<b>Provisions Passed</b>	<b>Provisions Failed</b>
City of Burlington	<a href="#">H.506</a> M-7	Adjusts city ward boundaries and establishes a new district.	All	None
City of Burlington	<a href="#">H.507</a> M-8	Amends the procedures for designating polling location in the city.	All	None
City of Burlington	<a href="#">H.508</a> M-9	Implements ranked-choice voting for elections of the mayor, school commissioners, and ward election officers.  Adopts Ludlow's first charter.	All	None
Town of Ludlow	<a href="#">H.488</a> M-	Gives the selectboard the sole authority to warn town meeting articles by floor vote or by the Australian ballot system of voting.		
Town of Middlebury	<a href="#">H.495</a> M-6	Converts the office of town treasurer from an elected to an appointed position.	All	None
City of Rutland	<a href="#">H.505</a> M-	Authorizes the Board of Aldermen to assess a one-percent tax on sales. Use of the revenues is restricted to funding a capital improvement reserve fund; to reduce the deficit in any underfunded pension; or to finance the construction, reconstruction, or repair of city buildings, streets, sidewalks, or other infrastructure.		



<b>Municipality</b>	<b>Bill/Act No.</b>	<b>Major Provisions</b>	<b>Provisions Passed</b>	<b>Provisions Failed</b>
Town of Shelburne	<a href="#">H.489</a> M-	Authorizes the town to adopt a one-percent local option tax on sales, meals and alcoholic beverages, and rooms.		
Town of Springfield	<a href="#">H.271</a> M-2	Technical amendments and clarifying language.	All	None
Village of Alburgh	<a href="#">H.150</a> M-5	Moves the village clerk and village treasurer from elected to appointed positions. Non-residents of the village may fill these positions.	All	None
Merger of Lyndonville with the Town of Lyndon	<a href="#">H.490</a> M-	Merges the Village of Lyndonville with the town of Lyndon and adopts the first charter for the Town of Lyndon.		

#### **Municipal Charters Vetoed by Governor Scott**

<b>Municipality</b>	<b>Bill/Act No.</b>	<b>Major Provisions</b>	<b>Provisions Passed</b>	<b>Provisions Failed</b>
Town of Brattleboro	<a href="#">H.386</a>	Authorizes 16- to 18-year-old residents to vote in local elections (legislature ??? veto)	???	???
City of Burlington	<a href="#">H.509</a>	Authorizes city residents who are not U.S. citizens to vote in local elections for both city municipal elections and school district elections.	???	???

## [Cannabis Marketplace Updates \(H.270\)](#)

*Amends 7 V.S.A. §§ 843, 845, 861, 863, 869, 881, 901, 904, 905, 906, 907, 910; 7 V.S.A. chapter 35. Adds 7 V.S.A. § 901a, 904b. Repeals act 164, Sec. 62 of 2020.*

**H.270 makes various amendments and updates to law related to the medical and recreational cannabis marketplace. The following are the relevant provisions for municipalities:**

### **Repeal of Cannabis Control Board Advisory Committee**

The Cannabis Control Board's Advisory Committee is repealed under law because the Cannabis Control Board (CCB) testified that there was no longer a use for the members' input in the retail cannabis marketplace. One seat on the committee was a member to represent municipal interests. The advisory committee was established to help the CCB develop the initial stages of the recreational retail cannabis marketplace. With the marketplace up and running, the legislature agreed to remove the advisory board from statute.

### **Regulation by Local Governments**

H.270 further restricts how local governments can regulate cannabis establishments. Local cannabis control commissions (LCCCs) and municipalities may continue to regulate some cannabis cultivators. However, they may no longer use local ordinances to regulate public nuisances as applied to outdoor cultivators that are regulated in the same manner as the Required Agricultural Practices.

Moreover, all outdoor cultivation of cannabis can no longer be regulated by Act 250 and municipal zoning. Municipalities, cultivators, and the CCB have struggled to straightforwardly implement Act 158 of 2022, which exempted small cultivators from local zoning. This legislation removes any confusion at the local level as to whether local zoning authority applies – because local zoning authority over all sizes of outdoor grow operations is now prohibited. Any local concerns at the municipal level over outdoor cannabis cultivation must

be forwarded to the CCB for regulatory oversight.

Lastly, H.270 updates current law regarding decisions of LCCCs by saying the CCB can ignore LCCC decisions if the CCB finds that the municipality has exceeded its authority under state law.

**H.270 goes into effect on passage, that is the date upon which the governor signs the bill.**

### **Resource for this article:**

[H.270 as passed](#)

[Marriage Licenses \(H.53, Act 19\)](#)

Act 19 amends laws related to driver's license suspension and revenues for the Domestic and Sexual Violence Special Fund. The portion of the bill of interest to municipalities addresses marriage licenses and the fees that town clerks charge.

Act 19 increases the fees that town clerks charge for issuing marriage licenses for a two-year period. The fees will revert to their current level on July 1, 2025, to force the legislature to address the issue of what revenues and fees should comprise the Domestic and Sexual Violence Special Fund. Currently and until July 1, 2025, the fees collected by town clerks for marriage licenses are split between the clerks and the state's Domestic and Sexual Violence Special Fund.

On July 1, 2023, the fee for a civil marriage license will increase from \$60 to \$80. The fee retained by the clerks will increase from \$10 to \$15, and the Domestic and Sexual Violence Fund's portion will increase from \$35 to \$50.

The marriage license fee increases take effect on July 1, 2023. The reversion back to current statutory fee levels takes effect on July 1, 2025.

## Resource for this article:

### [Act 19](#)

#### [Reappraisals \(H.480\)](#)

*Amends 17 V.S.A. § 2651c; 32 V.S.A. §§ 3436, 4041a, 4052. Writes session law.*

H.480, the bill on reappraisals, amends the process for triggering a reappraisal order from the Division of Property Valuation and Review (PVR) and makes various other amendments that may significantly alter the municipal appraisal and assessment process. The legislation eliminates the Common Level of Appraisal (CLA) as a trigger for a reappraisal being ordered. It directs PVR to put towns on a schedule to reappraise every six years. Remaining in effect is the current law requiring that if a municipality's education grand list has a coefficient of dispersion greater than 20, it needs to be reappraised.

The bill allocates \$100,000 each year from the Education Fund to PVR for assessment education of assessors and listers. In FY 2024, \$50,000 is appropriated from the General Fund to the Department of Taxes to contract with consultants who have expertise in statewide reappraisal systems to assist in designing a statewide reappraisal office implementation proposal.

A study and progress report is due from the Department of Taxes to the legislature by December 15, 2023, on the first six months of work on an implementation proposal, including

- preliminary schedules to phase in full reappraisals for each municipality every six years;
- a study of existing municipal data metrics that could be used to differentiate property types and characteristics, including use, occupancy, and spare footage;
- options for and implementation of implicit bias reduction training for listers and assessors; and
- recommendations for changing the annual date by which grand lists must be lodged with the department from April 1 to January 1 or another date.

The report should include recommended legislative language regarding adequate funding, staffing costs, recommended administrative needs to administer a statewide system, and an

assessment of the appeals process including potentially narrowing or eliminating the roles of Boards of Civil Authority in the appraisal appeal process. The report is to also consider streamlining and updating vendor agreements and information technology systems relating to reappraisals; data metrics gathered by municipal Computer Assisted Mass Appeal (CAMA) systems; incentivizing municipalities to submit grand list parcel data to the Vermont Center of Geographic Information.

A detailed implementation proposal for a statewide system to conduct reappraisals administered by PVR is due to the legislature by December 15, 2024. The Department of Taxes is directed to consult with stakeholders including groups representing people from different socioeconomic backgrounds and that promote diversity, equity, and inclusion. The implementation proposal is to include recommended legislative language to define categories of property and integrate those definitions into municipal and education grand lists by January 1, 2026. The proposal would need to identify means to achieve consistency in property valuation and taxation in order to prioritize the elimination of racial, socioeconomic, and other implicit biases, in part by updating lister and assessor training and guidance on these matters. Certified training programs are to include education on racial disparities in property valuation outcomes in the United States and Vermont, and ongoing bias reduction training.

No person or firm may be hired to perform appraisals of real property for taxation purposes unless approved by the PVR director, and all assessors need to meet the PVR training requirements before being hired. Those listers or boards of listers who do not meet the training requirements will have one year after commencing their duties to complete training. If a town votes to eliminate the office of lister, PVR must be notified within 14 days, and the selectboard must hire or contract with an assessor who has met the PVR training requirements.

The legislation takes effect on July 1, 2023, except that reappraisal orders and removing the CLA as a trigger for reappraisal takes effect retroactively on April 1, 2022 and applies to grand lists lodged on or after April 1, 2022. Reappraisal orders changes take effect January 1, 2025, and the lister qualification sections are effective January 1, 2026. The governor signed the bill on June 8.

### **Resources for this article:**

- [H.480 as Passed \(House Concurred\)](#)

- [Vermont Department of Taxes 2022 Property Tax Equalization Study](#)

#### [Property Tax Yields - Education Fund \(H.492\)](#)

*Writes session law.*

Every year, the legislature sets the property dollar equivalent yield, income dollar yield, and non-homestead property tax rate for Education property tax in the next fiscal year. Because it is a money bill, it always starts in the House Ways and Means Committee and is a study in evolution as school budgets are adopted and new data becomes available.

The first piece of related information comes to the legislature in the form of the Department of Tax Commissioner's statutorily required letter to the legislature on December 1. In his letter dated December 1, 2022, the commissioner said that the recommendation in the table below satisfied the statutorily mandated parameters:

1. The homestead base tax rate is \$1.00 per \$100.00 of equalized education property value;
2. The applicable percentage under 32 V.S.A. 6066(a)(2) is 2.0;
3. The statutory reserves under 16 V.S.A. § 4026 are maintained at five percent; and
4. The percentage change in the average education tax bill applied to homestead property, non-homestead property, and taxpayers who claim a property tax credit is the same.

<b>Commissioner Letter Dec. 1, 2023</b>	<b>FY23</b>	<b>FY24</b>
Homestead Property Yield	\$13,314	\$15,479
Income Yield	\$15,948	\$17,600
Non-Homestead Property Rate	\$1.466	\$1.386
Equalized Pupil Count	85,813	84,890
Average Equalized Per Pupil Spending	\$18,373	\$20,155
Total Education Spending (\$ millions)	\$1,577	\$1,711

If the forecast yields were adopted (and they never are because more information comes in), the average FY24 education tax rate for resident households would be \$1.31, down from \$1.38 in FY23, and the average income rate would be the same in FY24 as the previous year at \$2.31, before adjustments for the town level of appraisal. The average FY24 property tax rate that taxpayers see on their bills after school budgets are voted and town common level of appraisals are adjusted was projected to be \$1.57 for homesteads and \$1.64 for non-homesteads.

Decreasing rates do not mean decreasing tax bills. Readers will recall that property values have increased significantly" approximately 160 towns are below 85 percent of the Common Level of Appraisal and thus are currently under orders to reappraise. (See the link to the 2022 Equalization Study below.) It is also true that the education property tax contributes approximately two-thirds of the Education Fund, and when other revenues come up short or are diverted by the legislature to other purposes, the education property tax makes up the difference.

The House passed its version of H.492 on March 31, after most Town Meeting votes were held and school district budgets for the next year were set. That bill reserved \$22 million to offset education property tax rate increases in FY25.

<b>House-Passed H.492</b>		
	<b>FY23</b>	<b>FY24</b>
<b>Updated After Town Meeting</b>		
Homestead Property Yield	\$13,314	\$15,477
Income Yield	\$15,948	\$17,577
Non-Homestead Property Rate	\$1.466	\$1.388
Equalized Pupil Count	85,806	84,415
Average Equalized Per Pupil Spending	\$18,373	\$20,166

**House-Passed H.492****Updated After Town Meeting****FY23    FY24**

Total Education Uses* (\$ millions)	\$1,961	\$2,099
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\*Please note Total Education Uses is not the same as Total Education Spending in the Commissioner's letter of December 1, 2022.

The Senate passed H.492 on May 8. The Senate reserved \$13 million to offset education property tax rate increases in FY25. The Senate took \$6.2 million from cannabis sales tax revenues from the Education Fund to be dedicated to afterschool programs. The Senate also dedicated \$29.5 million from the Education Fund to the Agency of Education in FY24 for grants for testing and remediation of indoor air quality of schools for polychlorinated biphenyls (PCBs) as was proposed in the House-passed H.486.

**Senate-Passed H. 492****FY23    FY24**

Homestead Property Yield	\$13,314	\$15,443
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Income Yield	\$15,948	\$17,537
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Non-Homestead Property Rate	\$1.466	\$1.391
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Equalized Pupil Count	85,806	84,415
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Average Equalized Per Pupil Spending	\$18,373	\$20,166
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Total Education Uses* (\$ millions)	\$1,961	\$2,106
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*\*Please note Total Education Uses is not the same as Total Education Spending in the Commissioner's letter of December 1, 2022.*

The education payment to school districts from the appropriations bill, H. 494, excluding thirteen other grants and payments, is \$1,703.3 million. Including those additional payments



and grants, the Education Fund appropriations in FY24 total \$2,106.1 million.

Sources of Education Fund dollars include

- \$1,299.9 million in education property taxes,
- \$731.4 million in other revenues, and
- \$74.8 million in appropriations of additional reserved funds (see appropriations article in this news wrap up).

A lot of water went under the bridge in terms of policy direction and cost between the December 1 letter and the version of the bill that the Senate passed — and the House concurred with on May 11. The governor signed the bill on June 6.

#### **Resources for this article:**

- [Tax Commissioner's Letter December 1, 2023](#)
- [Education Fund Outlook of H.492 as Passed by the House](#)
- [Education Fund Outlook of H.492 as Passed by the Senate and House Concurred](#)
- [2022 Vermont Department of Taxes Equalization Study Results](#)

#### [Cybersecurity Advisory Council \(H.291\)](#)

*Amends 11 V.S.A. § 1701. Adds 20 V.S.A. Chapter 208.*

H. 291 creates the Cybersecurity Advisory Council primarily to advise on the state's cybersecurity infrastructure, best practices, communications protocols, standards, training, and safeguards. While the endeavor is largely focused on state government, a few sections of the legislation address municipalities and municipal needs.

The new council is comprised of various state government officials from various branches of government, as well as representatives from the business, information, and hospital communities. The Secretary of Natural Resources will also appoint a representative from a

state municipal water system to represent the needs of municipalities with municipal water systems because public water systems are infrastructure that are vulnerable to cyber-attacks.

The Cybersecurity Advisory Council has the following duties:

- Develop a strategic plan for protecting the state's public sector and private sector information and systems from cyber attacks.
- Evaluate statewide cybersecurity readiness and develop and share best practices for policies and procedures to strengthen administrative, technical, and physical cybersecurity safeguards as a resource for state government, business, and the public.
- Build relationships and conduct outreach both within state and federal government and with the private sector to ensure the resilience of electronic information systems.
- Build strong partnerships with local universities and colleges to leverage cybersecurity resources.
- Conduct an inventory and review of cybersecurity standards and protocols for critical sector infrastructures and make recommendations on whether improved and additional standards and protocols are necessary.

The council must also identify and advise on opportunities to:

- ensure Vermont promotes, attracts, and retains a highly skilled cybersecurity workforce
- raise citizen awareness through outreach and public service announcements
- provide technical capabilities, training, and advice to local government and the private sector
- provide legislative recommendations to the legislature to protect critical assets, infrastructure, services, and personally identifiable information
- advise on strategic, operation, and budgetary impact of cybersecurity on the state
- engage state and federal partners in assessing and managing risk
- investigate ways the state can implement a unified cybersecurity communication and response, including recommendation for establishing statewide communication protocols in the event of a cybersecurity incident, and
- access cyber-insurance, including how to increase availability and affordability of cyber-insurance for critical industries.

The Cybersecurity Advisory Council will have the administrative and technical support of the Agency of Digital Services, and the annual report will be due to the legislature by January 15

of each year. The council may work with consultants and various external partners including municipal government professionals for information and advice on issues related to the council's charge.

**H. 291 goes into effect on July 1, 2023.**

**Resources for this article:**

[H. 291 as passed](#)

[Workers' Compensation Coverage for Firefighters with Cancer \(S.73, Act 26\)](#)

**Act 26 amends workers' compensation laws that specifically cover firefighters.**

The legislation expands the types of cancers that must be covered by workers' compensation when a firefighter with at least five years of service and under the age of 65 dies or has a disability after a cancer diagnosis. It is presumed that the underlying cancer is a result of exposure to conditions in the line of duty unless a preponderance of the evidence shows that the cancer was caused by nonservice-connected risk factors or exposure. The presumption does not apply to firefighters who have used tobacco products within 10 years of a diagnosis. Currently, leukemia, lymphoma, or multiple myeloma as well as cancers originating in the bladder, colon, gastrointestinal tract, kidney, liver, pancreas, skin, or thyroid are covered. Act 26 adds cancers originating in the breast, lung, reproductive system, and thyroid to the enumerated cancers covered under workers' compensation.

Act 26 recommends that fire departments offer or provide annual cancer screening to all employed or volunteer firefighters in a department.

The legislation directs the Director of the Division of Fire Safety to study and report back to the legislature by January 15, 2024 on the following:

- projected cost for the state to fund annual or biennial cancer screenings for all career and volunteer firefighters in Vermont and for enrollees in the Vermont Fire Academy Firefighter I certification program,

- opportunities for the state to reduce the cost for fire departments providing annual cancer screenings,
- projected costs for the state to fund the replacement of personal protective equipment (PPE) for all volunteer and career firefighters on a rolling basis so that all PPE is replaced every 10 years, and
- opportunities for the state to reduce the costs to fire departments for the replacement of personal protective equipment (PPE).

The report may also include recommendations for legislative action to facilitate the early identification of cancer in firefighters, the acquisition of PPE by fire departments, and the elimination of PFAS and other carcinogens in firefighting materials.

A second report from the Commissioners of Labor and of Financial Regulation is also due back to the legislature by January 15, 2024 that studies workers' compensation issues. The report must address the following topics:

- the potential impacts on workers' compensation claims, premiums, and loss costs of amending or repealing the provisions of 21 V.S.A. 601(11)(E) that bars firefighters from the presumption that a firefighter's cancer resulted from work-related exposure if the firefighter is over 65 years old or has used tobacco products within the last 10 years;
- the potential impact on workers' compensation claims, premiums, and loss costs of amending 21 V.S.A. 601(11)(E)(iii) to expand the list of cancers included under the presumption, including additional types of cancer that occur more frequently in firefighters than the general public, that are caused by carcinogens firefighters are exposed to in the line or duty or both, or including all forms of cancer to the presumption; and
- potential methods for appropriating liability for workers' compensation in instances where a firefighter has been employed by more than one fire department, including when a firefighter is employed and/or volunteers in multiple departments.

The report may also include recommendation for legislative action to amend or repeal the age and tobacco use limitations under 21 V.S.A. 601(11)(E) and expand the lists of cancers covered under the presumption.

**Act 26 goes into effect on July 1, 2023.**

## Resources for this article:

[Act 26](#)

### [Law Enforcement Training, Data Collection, and Professional Conduct \(H.482\)](#)

*Amends 20 V.S.A. §§ 2355, 2358, 2362a, 2366. Repeals Act 166, Sec.8(b) of 2020.*

#### **H. 482**

Makes various amendments to laws relating to law enforcement training, data collection, and professional conduct.

#### **H. 482**

Repeals the provision of law that establishes minimum hours of fair and impartial policing training for law enforcement officers at four hours and replaces it with a competency standard. Specifically, a law enforcement officer must demonstrate they have achieved a level of understanding and competency due to the training in order to retain certification. This training is still required every two years in a program approved by the Vermont Criminal Justice Council (VCJC). The legislature states that the change to a competency standard is meant to align with the goals of increasing transparency and accountability to historically stigmatized communities. Further, the legislation charges the VCJC to report back to the legislature on the impacts of this change and whether the integrity of the training standards is maintained. The report must also describe how competency is being measured in fair and impartial policing and include precise metrics.

The legislation repeals the section of law that requires all law enforcement officers to receive sixteen hours of training for Advanced Roadside Impairment Driving Enforcement (ARIDE).

ARIDE is a nationally recognized training standard used to assist officers in becoming more proficient at detecting and apprehending impaired drivers. It then charges the VCJC to adopt rules with respect to ARIDE training programs and requirements for Level I, II, and III law enforcement certification and establishes minimum hours of training, prerequisites, and time periods for completion. The rules must be adopted by July 1, 2025.

With respect to data collection, H. 482 amends the requirements for roadside stop data collection by law enforcement and adds the date, time, and location of the stop.

Lastly, the legislation mandates that the executive officer of a potential hiring law enforcement agency must require the potential hire to execute a written waiver that authorizes any previous law enforcement agency employers to disclose their analysis of the officer's performance at that agency and the reasons the officer is or will no longer be employed by the agency. The executive officer of the hiring agency must contact all known previous law enforcement agencies to obtain this information and provide the previous agency a copy of the officer's written waiver. Currently this mandate applies only to the most recent employer.

The act goes into effect on passage, the date upon which the governor signs the bill.

Resource for this article:

- Act ## TBD.

#### [Miscellaneous Changes to Law Enforcement Training Laws \(H.476\)](#)

*Amends 20 V.S.A. §§ 2365, 2401, 2407, 2409. Writes session law.*

#### **H.476 addresses domestic violence and the law enforcement profession.**

H.476 requires that all law enforcement agencies adopt a statewide Domestic Violence Involving Law Enforcement Model Policy. That policy must be updated by the Law Enforcement Advisory Board by January 1, 2024. The model must:

- address domestic violence survivors' needs and leverage best practices in awareness, prevention, and investigation of domestic violence,
- identify existing support offered to any law enforcement agency employee or officer who is a victim of or the person who committed domestic violence,

- identify new means of supporting law enforcement agency employees or officers who are victims of or persons who committed domestic violence,
- develop processes to protect the privacy of agency employees and officers who are victims of domestic violence and to maintain the confidentiality of any information shared by the individuals, and
- amend or replace the 2010 Domestic Violence Involving Law Enforcement Model Policy language to require a law enforcement agency employee or officer subject to a final relief from abuse order to immediately surrender all service weapons.

Every law enforcement agency and constable who exercises law enforcement authority must adopt the model policy by July 1, 2024.

H.476 adds two line items to the list of Category B gross professional misconduct violations by certified law enforcement officers under 20 V.S.A. § 2401:

- Attempting to, or causing physical harms to a family or household member, or placing a family member or household member in fear of imminent serious physical harm, and,
- Violating the Domestic Violence Involving Law Enforcement Model Policy

In both instances, both on- and off -duty conduct qualifies as a violation. Additionally, certain first offenses of unprofessional conduct by a law enforcement officer may impose sanctions including sexual harassment involving physical contact, excessive use of force, placing a person in a chokehold, failing to intervene when another officer is using excessive force or a chokehold, attempting to or causing physical harm to family or household members, or a violation of the new Domestic Violence Involving Law Enforcement Model Policy.

H.476 requires the Vermont Criminal Justice Council (VCJC) to collect and annually report aggregate data regarding domestic and sexual violence and complaints of unprofessional conduct resulting in the filing of charges or stipulations or the taking of disciplinary action. By December 15, 2023, VCJC must also report to the legislature on whether current law pertaining to unprofessional conduct should be amended to apply to off duty conduct of law enforcement officers, whether the scope of Category B conduct should be amended to allow for first offense sanctions, and any other recommendations that the VCJC deems appropriate.

H.476 would take effect on passage, that is the date upon which the governor signs the bill.

## Resource for this article:

- [H.476.](#)

### [Sheriff Reforms \(S.17\)](#)

*Amends 24 V.S.A. §§ 290, 290b, 291a, 293, 299, 367. Adds 24 V.S.A. §§ 293(d), 314, 315, 20 V.S.A. chapter 209. Repeals 24 V.S.A. § 301. Writes session law.*

S.17 makes various amendments to laws that relate to sheriffs and updates statutes that have not been amended for several decades. These updates stem from recent unprofessional behavior by elected sheriffs and sheriff's deputies. Although county sheriffs are not town, city, or village entities, many local governments rely on county sheriffs for law enforcement services; therefore, some portions of Act XX tangentially impact local governments.

## Financials

S.17 amends law to require that when an incumbent sheriff does not run for reelection or announces an intention to resign, all financial transactions must be co-signed with at least one assistant judge in the county. Within two weeks, the sheriff must provide the Department of State's Attorneys and Sheriffs, the Auditor of Accounts, and the assistant judges of that county with a list of all transfers to a single source of assets and financial disbursements greater than \$10,000 that the sheriff anticipates occurring before they leave office. Assistant judges must consult with the Director of Sheriffs' Operations when considering whether to co-sign any transfers of departmental assets or financial disbursements greater than \$10,000 to a single source. The judges cannot unreasonably refuse to co-sign any disbursements or transfer of sheriff's department assets. A report of all financial disbursements and transfers must be forwarded by assistant judges to the Auditor of Accounts within 15 days of the sheriff leaving office.

Statutorily mandated audit procedures are updated to require procedures to notify the Auditor of Accounts and the Department of State's Attorneys and Sheriffs on the establishment and activities of any nonpublic organization where a sheriff or employee of a sheriff is a director or participant and is supplementing the efforts of the sheriff's department.



On an annual basis, each sheriff must file the following disclosures to the State Ethics Commission:

- the source of personal income of the sheriff and the spouse or domestic partner of the sheriff that total more than \$5,000, including any of the sources from employment and investments;
- any board, commission, or other entity that is regulated by law or that receives funding from the state on which the sheriff served, and the sheriff's position;
- any company of which the sheriff or the sheriff's spouse or domestic partner, either individually or jointly, owned more than 10 percent;
- any lease or contract with the state held by the sheriff, sheriff's spouse or domestic partner, or company they own more than 10 percent of either individually or jointly;
- whether the sheriff or the sheriff's spouse or domestic partner is a lobbyist.

### **Conflicts of Interests**

Just as municipalities are required to have conflict of interest policies, S.17 creates conflict of interest standards that apply to all sheriffs and deputy sheriffs. It defines what a conflict of interest is and requires a sheriff or deputy sheriff to avoid any actual or appearance of a conflict of interest. If they encounter a conflict of interest they must disclose it to the Sheriff's Executive Committee and recuse themselves from the matter. Lastly, the Department of State's Attorneys and Sheriffs must establish procedures to forward ethics complaints to the State Ethics Commission.

### **Contracts With Local Governments**

S.17 amends existing statute that outlines how towns, cities, and villages contract with sheriff departments for services. This legislation requires that funds derived from charges for the administration of a contract for service, if used for compensation, bonuses, salary supplements, retirement contributions, or employment benefits within the department, must be expended in accordance with a Compensation and Benefits Model Policy created and maintained by the Department of State's Attorneys and Sheriffs. Willful failure to comply with this policy will constitute a Category B unprofessional conduct offense. The model policy must

be adopted by the Department of State's Attorneys and Sheriffs by January 1, 2024. These new mandates do not require local governments to do any additional work as it relates to contracting with county sheriffs.

### **Sheriff Duties and Overlapping Requirements of all Law Enforcement**

S.17 expands and clarifies the statutory duties of sheriffs. All sheriffs now must maintain a record of their work schedule including work days, leave taken, and any remote work performed outside the sheriff's district for more than three days. If a person who has a relief from abuse order requires assistance in retrieval of personal belonging from their residence and requests a sheriff's assistance, the sheriff's department must provide the assistance without charge. This same standard extends to all law enforcement officers and agencies. The sheriffs must track the number of instances where this service is requested, the time spent, and the costs involved with these services. The Department of State's Attorneys and Sheriffs will collect and forward this information to the legislature by January 15, 2024.

Other Miscellaneous Provisions. S.17 updates laws outlining the role sheriffs play in county court law enforcement coverage and security. It also mandates that the judiciary study and report on these roles, with recommendations for whether new classified positions for courthouse security need to be created and budgeted for in the future. Lastly, the bill requires the State's Attorneys and Sheriffs and various stakeholders to submit a comprehensive report on:

- recommended policies and best practices to include in standard operating procedure and manuals;
- increasing efficiency and equity in delivery of public safety services by sheriff's departments;
- recommendations for compensation modernization including updates to salaries, overtime, retirement, and benefits;
- the duties of sheriffs;
- recommended membership and duties of an advisory commission comparable to the Vermont State Police Advisory Commission;
- creation of a sustainable funding model including consolidation or reorganization of sheriff departments;

- recommendations for the Department of State's Attorneys and Sheriffs to better provide oversight and support; and
- recommendation for the scope and timing of public sector management training that sheriffs should receive upon election and on a continuing basis to ensure departmental operations and management of public funds are consistent with generally accepted standards.

The report is due back to the legislature by November 15, 2023.

S.17 took effect on passage, May 31, 2023, except for sheriff compliance with the new model policy and a courthouse security provision which take effect on January 1, 2024.

### **Resource for this article:**

[S.17](#)

[Law Enforcement Interrogation Policies \(S.6, Vetoed on June 1, 2023\)](#)

*Amends 13 V.S.A. §§ 5585, 5587; 20 V.S.A. §§ 2359, 2371. Adds 13 V.S.A. § 5586. Writes session law.*

In an effort to prevent false confessions and wrongful conviction of individuals subject to law enforcement interrogations, S.6 amends laws related to interrogation policies of law enforcement. The governor vetoed the bill on June 1 and thus it will be up to the legislature to determine if it can override the veto (veto session is scheduled for June 20). In his veto letter, the governor wrote, “this bill would make it more difficult to investigate and prosecute young adult perpetrators involved in serious crimes, such as narcotics trafficking, sex offenses, including sexual assaults that happen on college campuses and child sex abuse cases, and internet crimes against children”.

The legislation creates a minimum set of law enforcement interrogation standards that incorporate evidence-based best practices by prohibiting law enforcement’s use of threats, physical harm, and deception during custodial interrogations of persons under 22 years of age. It also mandates the Vermont Criminal Justice Council (VCJC) develop, adopt, and enforce a statewide model interrogation policy that applies to all Vermont law enforcement

agencies and constables exercising law enforcement authority.

### **Standards for Custodial Interrogations**

S.6 amends existing law to define “deception” as it relates to custodial interrogations, when interrogations need to be recorded, and how juveniles are treated during custodial interrogations.

Custodial interrogation of a person concerning the investigation of a felony or misdemeanor while detained by law enforcement must be electronically recorded in its entirety. Custodial interrogations occurring outside a place of detention must also be recorded unless it is impracticable to do so. The following exceptions apply for the recording mandate:

- Exigent circumstances
- A person’s refusal to be electronically recorded
- Interrogations conducted by other jurisdictions
- A reasonable belief that the person being interrogated did not commit a felony or misdemeanor
- The safety of a person or protection of the person’s identify
- Equipment malfunction

If law enforcement does not make an electronic recording in violation of the law, the prosecution must prove by a preponderance of the evidence that one of the exceptions applies. If the prosecution does not meet the burden of proof, the evidence is still admissible, but the court shall provide cautionary instructions to the jury regarding the failure to record the interrogation.

During custodial interrogations of persons under the age of 22, relating to the commission of a criminal offense or delinquent act, a law enforcement officer or government agent is prohibited from employing threats, physical harm, or deception. If this provision of law is violated, any admission, confession, or statement will be presumed to be involuntary and inadmissible in any proceeding. The presumption that an admission, confession, or statement is involuntary and inadmissible may be overcome if the state proves by clear and convincing evidence that it was voluntary and not induced by the use of threats, physical harm, or deception and any acts

by law enforcement or government agents did not undermine the reliability of the person's admission, confession, or statement and did not create a substantial risk that the person might falsely incriminate themselves.

### **Model Interrogation Policy**

S.6 mandates the VCJC to create a model interrogation policy that is grounded in evidence-based best practices to limit and eventually eliminate the use of deception in law enforcement interrogations, regardless of age of the person being interrogated. By January 1, 2024, the VCJC, in consultation with the Attorney General and stakeholders including VLCT, must establish one cohesive evidence-based model interrogation policy for law enforcement agencies and constables to adopt, follow, and enforce as part of the agency or constable's own interrogation policy. The evidence-based model interrogation policy will apply to all persons and include various forms of interrogation, including those taking place both in and outside a place of detention; noncustodial interrogation; and interrogations of persons with developmental, intellectual, and psychiatric disabilities, substance use disorder, and low literacy levels. The VCJC must incorporate provisions of the new laws into the training at the Police Academy.

On or before April 1, 2024, each law enforcement agency and every constable exercising law enforcement authority must adopt, follow, enforce, and comply with an interrogation policy that includes all components of the model policy adopted by the VCJC. As part of an agency or constable's annual training report to the VCJC, the agency or constable must report whether the agency has adopted an interrogation policy in accordance with the law. In order to verify compliance with the law, by April 15, 2024, the VCJC must review the adopted policies of every law enforcement agency and every constable covered under the law. On or after April 1, 2024, a law enforcement agency is prohibited from receiving grants or other forms of financial assistance if the agency is not in compliance with the requirement to adopt, follow, and enforce the model interrogation policy. On October 1, 2024, and every two years thereafter, the model policy must be updated by the VCJC.

Lastly, S.6 creates a new Director of Policy position in the VCJC. The Director of Policy will supervise the development, oversight, and compliance work related to the Council's internal, external, and state mandated policies.

If the veto is overridden, the act goes into effect on July 1, 2023, except the provisions related to the new interrogation standards, VCJC services contingent on agency compliance, grant eligibility, and the lead-up to statewide adoption of the new policy and interrogation methods, which take effect on April 1, 2024.

#### **Resource for this article:**

- [S.6 as passed](#)
- [Governor Scott Veto letter](#)

#### [Reducing Crimes of Violence Associated with Juveniles and Dangerous Weapons \(S.4, Act 23\)](#)

*Amends 33 V.S.A. §§ 5117, 5201, 5204; 18 V.S.A. §4252; 13 V.S.A. §§ 2659, 4005, 4024. Adds 13 V.S.A. §§ 4025, 4017a; 18 V.S.A. § 13. Writes session law.*

#### **Act 23 addresses juvenile crime and crimes involving firearms in Vermont.**

##### **Juvenile and the Judicial System**

Act 23 amends the “Big 12” offenses in juvenile law statute. Under state law, all offenses committed by a juvenile under the age of 18 must begin in the Family Division of the Superior Court – except the “Big 12” offenses, for which the cases are instead transferred to the Criminal Division of the Superior Court. Act 23 adds aggravated murder and aggravated sexual assault of a child to the list. Act 23 allows for expedited transfer hearings to move certain juvenile cases from family court to criminal court. It also clarifies when juvenile case transfers can occur between both court systems. By December 15, 2023, the Vermont Sentencing Commission will report to the legislature on whether other offenses should be included in transferring cases from family to criminal court.

Act 23 provides a one-year extension to the implementation of the Raise the Age initiative, which was initially passed in 2018. This initiative aims to keep youth offenders in family court, where their cases are confidential and penalties do not include prison time. This extension was requested by the Department of Children and Families to give the state more time to

implement the initiative in a thorough and coordinated manner. The department must report back to the legislature by December 1, 2023, on the progress made toward implementing the Raise the Age initiative to assure it can take effect on July 1, 2024.

### **Use of a Dwelling for Certain Criminal Offenses**

Under current law, the owner of a dwelling, building, or structure is prohibited from knowingly permitting the sale and dispensing of a regulated drug from the premises. Act 23 amends the law to limit the scope of prohibited acts to just the sale of a regulated drug. Similarly, the legislation prohibits a person from knowingly permitting their dwelling, building, or structure to be used for the purpose of human trafficking.

### **Regulation of Firearms**

Act 23 amends state firearm laws to better align Vermont statutes with current federal regulations. This will allow cases to be brought before state courts rather than relying exclusively on federal jurisdiction. The legislation prohibits defacing a firearm serial number and straw purchases of firearms. Additionally, it adds several instances where a person is prohibited from possessing a firearm including if the person is a fugitive from justice, is the subject of a final relief from abuse or stalking order, or has pending charges for human or drug trafficking violations or carrying a dangerous weapon while committing a felony. These new provisions of law also currently exist in federal law. On a separate but similar note, the legislation also makes carrying a dangerous weapon while committing a felony open to be considered a “violent act” when determining whether a person is eligible for bail.

Juvenile records will be available to the National Instant Criminal Background Check System for conducting a background check when a person under 22 years of age purchases a firearm. This update is required to make Vermont law consistent with the federal Safer Communities Act of 2022.

### **Community Violence Prevention Program**

Act 23 establishes the Community Violence Prevention Program. The program will be administered by the Department of Health in consultation with various stakeholders. It will work with communities to implement innovative, evidence-based, and evidence-informed programs addressing causes of youth and community violence. The program will award grants to Vermont municipalities and nonprofits in communities to address violence associated with illegal drug sales and trafficking, gang activity, or human trafficking. Communities that have seen increases in these issues will be given preference for grant funding. The grants will be used to:

- build on and complete existing programs addressing the causes of youth and community violence and
- fund efforts that address violence and associated community harm using approaches that may include best available research, experiential or contextual evidence, lived experience of impacted communities, trauma-responsive programming and other relevant factors.

Grants to municipalities and nonprofits must be used to fund innovative, evidence-based, or evidence-informed approaches to reducing violence and associated harm.

The Department of Health will consult with the Department of Public Safety and the Executive Director of Racial Equity to develop guidelines for grant awards. The guidelines will focus on increasing community capacity to implement approaches for human services, public health, and public safety collaboration to address root causes of community violence and substance use through data-driven projects. To track the impacts of interventions, the program will collect data to monitor youth and community violence and its related risk and protective factors.

The Commissioner of Health must report to the Joint Legislative Justice Oversight Committee by December 1, 2023, and relevant legislative committees by January 15, 2024, and annually thereafter. The report will be done in collaboration with relevant stakeholders and include the following:

- a complete description of the grant application and award process
- guidelines for the award of grants developed
- the number of applications submitted, grants awarded and the amount of each award
- detailed descriptions of the program and purposes for which all grants were awarded



- the impact and outcomes of funded projects, and
- descriptions of any grants applied for or awarded.

Funding for the program is contained in this year's budget. However, if federal or legal settlement funds related to drug use or criminal activity are available, those funds must be used first.

**Act 23 went into effect on passage, May 30.**

**Resource for this article:**

- [Act 23 as Enacted](#)

[Sexual Exploitation of a Person in Custody of Law Enforcement \(S.33\)](#)

*Amends 13 V.S.A. § 3259*

S.33 addresses various judiciary procedures that do not directly affect local governments. However, one provision affects law enforcement.

S.33 amends statute that prohibits a law enforcement officer from engaging in a sexual act with a person the officer or another officer has detained, arrested, or is holding in custody. It clarifies this prohibition and extends it to traffic stops or questioning pursuant to an investigation of a crime.

Additionally, no law enforcement officer can engage in sexual conduct with a person whom the officer is investigating, knows is being investigated by another officer, or knows is a victim or confidential informant in any open investigation. These prohibitions do not apply when an officer is engaged in a consensual sexual relationship with a person prior to the officer's knowledge that the person was a suspect, victim, or confidential informant.

**S.33 went into effect on passage on June 5, 2023.**

**Resource for this article:**

[S.33](#)

## Referral of Domestic and Sexual Violence Cases to Community Justice Centers (H.41, Act 11)

*Amends 24 V.S.A. §§ 1966, 1967. Adds 24 V.S.A. §§ 1968, 1969. Writes session law.*

Act 11 amends statute to modernize the role of Community Justice Centers (CJCs) as they relate to cases involving domestic and sexual violence. The legislation charges the Attorney General to provide support to the CJCs for domestic violence and sexual violence case referrals. This is in addition to the support CJCs currently receive from the Agency of Human Services.

Only CJCs that have executed a memorandum of understanding (MOU) with a local member organization of the Vermont Network Against Domestic Violence (Vermont Network) are authorized to accept referrals for cases of domestic and sexual violence. By July 1, 2024, the Community Justice Unit of the the Attorney General's office must create guidance for MOUs that CJCs must incorporate into any MOU with a Vermont Network organization. The guidance for MOUs must include protocols that:

- provide victim safety;
- include voluntary referral and participating parties;
- require training for CJC staff, facilitators, volunteers, and relevant law enforcement and prosecutors on the dynamics involving domestic and sexual violence, trauma-informed approaches, and restorative justice principles;
- establish roles of all participating parties;
- establish confidentiality and universal data collection standards; and
- establish annual evaluation and quality improvement plans and processes that engage community and system stakeholders.

When cases are referred to CJCs, information related to any offense that a person divulges during the process is prohibited from being used against the person in any criminal, civil, family, or juvenile investigation, prosecution, or case for any purpose, including impeachment or cross-examination. This prohibition does not apply ...

- where there is a threat or statement of a plan that a person may reasonably believe is likely to result in death or bodily injury to themselves or others or damage to the property of another person,

- when disclosure is necessary to report bodily harm any party causes during the CJC process,
- where there is reasonable suspicion of abuse or neglect of a child or vulnerable adult and a report is made in accordance with applicable state law, or
- where a court or administrative tribunal determines that the materials were submitted by a participant for the purpose of avoiding discovery. If a participant wishes to avail themselves of this provision, they may disclose this information in camera to a judicial officer for the purposes of seeking such a ruling.

Additionally, any records of information produced or acquired during the CJC process must be kept confidential and are exempt from public inspection or copying under the Public Records Act, except under limited circumstances.

The Community Justice Unit of the Attorney General's office in collaboration with the Vermont Networks and participating CJCs must submit an interim report to the legislature by December 1, 2025, regarding the establishment of MOUs, the status of implementation of programming, referral sources, available data on effectiveness, and the available resources and capacity for such programming. A final report is due by July 1, 2028.

**Act 11 was signed by Governor Scott on May 8, 2023, and went into effect on passage.**

#### **Resource for this article:**

- [Act 11 as enacted.](#)

[Crimes Against Health Care Workers and Emergency Medical Treatment Providers \(S.36, Act 24\)](#)

*Amends Rule 3 of VT Rules of Criminal Procedure, 13 V.S.A. § 1702. Adds 18 V.S.A. § 1883. Writes session law.*

Act 24 addresses the increase of workplace violence against health care workers by adding greater protection of health care workers and emergency medical treatment providers under criminal statutes and judicial rules. Although Act 24 largely addresses hospital workers, it also includes non-hospital emergency medical treatment providers, such as VEFRs, EMTs, EMRs,

AEMTs, and paramedics.

Act 24 amends Vermont's Rules of Criminal Procedures (VRCP) to authorize law enforcement with probable cause to arrest a person who has:

- Committed a misdemeanor that involves an assault against a health care worker in a hospital or a person providing emergency medical treatment;
- Violated statute prohibiting criminal threatening behavior against a health care worker in a hospital or a person providing emergency medical treatment; or
- Violated statute prohibiting disorderly conduct for engaging in fighting or in violent, tumultuous, or threatening behavior that interfered with a health care services in a hospital or by a person providing emergency medical treatment.

In combination with amending the VRCP, statute addressing criminal threatening in 13 V.S.A. § 1702 is also amended to state that a person who threatens or places a health care worker or emergency medical personnel member in reasonable apprehension of death, serious bodily injury, or sexual assault with the intent to terrify or intimidate them because of that person's action or inaction taken in the provision of health care services, shall be imprisoned up to two years or fined up to \$2,000, or both.

Procedures for law enforcement officers responding to alleged crimes committed by a patient at a hospital or at a scene where emergency medical treatment was or is provided is added to statute. Disclosure of whether the patient is stabilized, has been evaluated, or is awaiting transport for health care must be provided to law enforcement, including any other necessary information for purposes of safely taking custody of a patient. If a patient is not stabilized, has not been evaluated, or is awaiting inpatient care or transport for health care, a law enforcement officer cannot remove that patient from a hospital or from the scene of emergency medical treatment.

Act 24 charges the Vermont Programs for Quality in Health Care and relevant stakeholders to report to the legislature on

- de-escalation training at hospitals,
- analysis of sufficient staffing levels,
- visitor and patient aggressive behavior,
- centralized reporting, and

- indicators to adapt care interventions and environments appropriately.

The report must include best practices, barriers to best practices, and recommendations for appropriate policy improvements. It is due back to the legislature by January 15, 2024.

Act 24 also charges the Department of Public Safety (DPS) to report to the legislature on any systemic or statutory changes needed to permit DPS to collect data on responses and arrests pursuant to VRCP Rule 3(c)(18-20). Data to be collected is the number and demographics of persons arrested, location, type of health care facility where arrest occurs, and the number and types of charges filed after the arrest. The report is due back to the legislature by January 15, 2024.

**Act 24 went into effect on passage, on May 30, 2023.**

#### **Resources for this article:**

[Act 24](#)

#### [Reducing Overdoses \(H.222, Act 22\)](#)

*Amends 8 V.S.A § 4089i; 18 V.S.A. §§ 4201, 4224, 4240, 4475, 4750, 4752, 4753, 4774; 33 V.S.A. § 1901I; 24 V.S.A. § 4412. Adds 18 V.S.A. § 4240a. Repeals Act 46, Sec. 3 of 2021. Writes session law.*

**Act 22 creates session law and amends statute in taking a multifaceted approach to address substance use disorder and to reduce overdoses.**

#### **Need and Syringe Access and Disposal**

Act 22 expands the Unused Prescription Drug Disposal Program to cover the safe disposal of unused and unwanted needles and syringes.

The Department of Health (DOH) and the Blueprint for Health must facilitate regional stakeholder meetings between July 1 and December 31, 2023, regarding public needle and syringe disposal programs.

- The stakeholder meetings must include representatives from municipalities, hospitals, individuals with lived experience of injection drug use, and substance use disorder service providers.
- The goal is to determine the appropriate placement of public needle and syringe disposal programs based on local needs, best practices, and rural access.
- By January 15, 2024, the DOH must report to the legislature on the progress of the stakeholder meetings.

By February 15, 2024, the DOH in consultation with relevant stakeholders including representatives from regions without fixed-site syringe service programs must report to the legislature on:

- unmet needle and syringe service needs in the state,
- required resources to ensure equitable access to needle and syringe services throughout the state, and
- who is best positioned to provide needle and syringe services.

\$150,000 is appropriated to the DOH's Division of Substance Use Programs to provide grants and consultations for municipalities, hospitals, community health centers, and other publicly available community needle and syringe disposal programs that participated in the stakeholder meetings.

### **Access to Health Care**

Act 22 adjusts mandates on health care providers and insurers to make access to treatment easier and more accessible for people with substance use disorder. This includes the Agency of Human Services (AHS), which must provide coverage to Medicaid beneficiaries for medically necessary medication for opioid use disorder when prescribed by a health care professional and participating in the Medicaid program. Pending approval from the Drug Utilization Review Board, the AHS must cover at least one medication in each therapeutic class for methadone, buprenorphine, and naltrexone as listed on Medicaid's preferred drug

list without requiring prior authorization.

By November 1, 2023, the Joint Legislative Justice Oversight Committee must report recommendations to the legislature on any legislative action needed to ensure continuity of treatment for individuals reentering the community after discharge from a correction setting, including eliminating prior authorization for medication for opioid use disorder.

The Department of Vermont Health Access must research the feasibility and costs of administering a program exempting certain providers from prior authorization requirements for substance use disorder treatment.

### **Protection for Drug-Checking Service Providers**

In order to provide legal protections to drug-checking service providers that test illicit drugs for contaminants, the legislation authorizes them to

- receive, possess, transport, or store samples of a substance that may contain a regulated drug solely for purposes of analyzing the substance to determine its chemical composition and
- disseminate information regarding the analysis to the provider of the substance.

Drug-checking service providers will be permitted to collect voluntarily provided samples of substances to analyze their composition, provide results to the person requesting the service, disseminate data related to the contents of collected samples, and arrange for external testing by an approved laboratory. Any employee, contractor, volunteer, or other person providing any of these services in good faith cannot be subject to arrest, charge, or prosecution, or have their property subject to forfeiture, be subject to civil or administrative penalty or liability of any kind.

If a local government provides any such services, it cannot collect, maintain, use, or disclose any personal information relating to an individual from whom the local government receives any drug or substance for checking or disposal.

### **Municipal Zoning**

Act 22 amends local zoning laws related to recovery residences. Specifically, it amends 24 V.S.A. § 4412 (1)(G) to state that recovery residences serving up to eight persons must be considered a permitted single-family residential use of property. Currently this is limited to residential care and group homes. A recovery residence is defined as:

“a shared living residence supporting persons recovering from a substance use disorder that:

1. Provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders.
2. Is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification. If certification is pending beyond 45 days, the municipality shall retain its right to consider the residence pursuant to zoning bylaws adopted in compliance with 24 V.S.A. § 4411.”

#### **Opioid Abatement Special Fund**

Act 22 appropriates the following from the Opioid Abatement Special Fund:

- \$1,980,000 to expand naloxone distribution efforts, including establishing harm reduction vending machines, home delivery and mail order option, and expanding the harm reduction pack and leave-behind kit programs.
- \$2,000,000 divided equally between four opioid treatment programs to cover costs associated with partnering with other health care providers to expand satellite locations for the dosing of medication, including costs associated with the satellite locations' physical facilities, staff time at the satellite locations, and staff time at opioid treatment programs to prepare medication and coordinate with satellite locations. The four locations will be in Addison County, eastern or southern Vermont, Chittenden County, and a facility operated by the Department of Corrections.
- \$1,976,000 to fund 26 outreach or case management staff positions within the preferred provider network for the provision of services that increase motivation of, and engagement with, individuals with substance use disorder in settings such as police barracks, shelters, social service organizations, and elsewhere in the community.



- \$400,000 divided equally among the state's four syringe service providers to provide overdose prevention services, response education, and resources that build trust between individuals with substance use disorder and Vermont's system of care.
- \$840,000 to provide contingency management services to individuals with substance use disorder.
- \$100,000 to implement a wound care telehealth consultation pilot program for the purpose of utilizing wound care experts to provide telehealth drop-in appointments to address syringe use individuals with opioid use disorder.
- \$200,000 to expand the distribution of fentanyl and xylazine test strips.
- \$700,00 to the Department of Health Division of Substance Use Programs to award grants to organizations preparing or providing drug-checking services.

Act 22 goes into effect on passage, May 30, 2023, except for the prior authorization of medication for opioid use disorder for Medicaid that goes into effect on September 1, 2023.

#### **Resource for this article:**

- [Act 22 As Enacted](#)

#### **Transport of Individuals Requiring Psychiatric Care (S.47, Act 25)**

*Amends 18 V.S.A. §§ 7505, 7511. Writes session law.*

**Act 25 clarifies and expands existing state law concerning temporary custody and transportation of a person experiencing a mental health crisis when a person is determined to be a danger to themselves or others.**

Act 25 amends existing statute and it allows a statement of fact from any person who personally observes an individual in crisis as a valid reason for securing a warrant for emergency examination by a Superior judge. Under current law only the observations of a law enforcement officer or mental health professional are valid persons to make these observations. If a warrant for emergency examination is to be granted on the basis of another individual who personally observed the facts that form the basis of the application, it must best be supported by a statement of facts under penalty of perjury. It also removes the authority of a mental health professional to take a person into temporary custody and limits that role to

only law enforcement officers who have probable cause to believe that the person poses a risk of harm to self or others. However, both a law enforcement officer and a mental health professional can apply for a warrant and, when clinically appropriate, may transport the person if they have probable cause to believe that the person poses a risk of harm to self or others. Authority to transport a person under this section of law expires if the person is not taken into custody and transported within 72 hours after a warrant is issued by a Superior Court judge. It also mandates that law enforcement vehicles must have soft restraints available for use as a first option, and mechanical restraints cannot be used as a substitute if soft restraints are otherwise deemed adequate for safety.

By January 15, 2024, the Department of Mental Health, in consultation with others, must submit a report to the legislature containing any proposed changes to the warrant process, including mechanisms to reduce safety risks and reduce delays in accessing care.

**Act 25 goes into effect on July 1, 2023.**

**Resource for this article:**

- [Act 25](#)

[Prohibiting Paramilitary Training Camps \(S.3, Act 13\)](#)

*Amends 13 V.S.A. Chapter 85; adds Subchapter 3.*

**Act 13 establishes a new subchapter entitled Unauthorized Military Training.** It prohibits a person from teaching, training, or demonstrating use, application, or making of a firearm, explosive, or incendiary device capable of causing injury or death. It also prohibits assembling firearms, explosives, or incendiary devices with the intent of training if the trainer should know that the training is intended to be used in furtherance of a civil disorder.

Violators shall be imprisoned not more than five years or fined not more than \$50,000 or both.

“Civil disorder” is defined as any public disturbance involving acts of violence by two or more persons that causes immediate danger of or results in damage or injury to the property or

person of any other individual.

The new statute does not apply to

- federal law enforcement officers or officers certified by the Criminal Justice Council in law enforcement;
- lawful activities at educational institutions where military science is taught, including Norwich University;
- activities without knowledge or intent to further a civil disorder such as karate clubs or self-defense clinics;
- programs to teach safe handling and use of firearms; or
- lawful sports or activities such as hunting, target shooting, self-defense, and firearms collection.

The attorney general or state's attorney may bring an action in the civil division of the Superior Court to restrain a potential violation by temporary or permanent injunction.

**Act 13 took effect on passage, May 8, 2023.**

**Resource for this article:**

[Act 13 as enacted](#)

[Department of Motor Vehicles Bill \(S.99\)](#)

*Amends 9 V.S.A § 4173(d); 23 V.S.A. §§305, 307, 326, 361, 362, 364b, 457, 458, 459, 465, 494, 511, 1095b, 1209a, 1392, 1455, 2012, 2013, 2017, 2020, 2151, 2158, 3513(a); 32 V.S.A. §§ 3206(b), 4108, 8902(5), 8911. Adds 23 V.S.A. §§4(87), 4(87), 116. Repeals Act 158 Secs. 29 and 43(c) of 2018; Act 185 Sec. E.792 of 2022. Writes session law.*

S.99 is the 2023 Department of Motor Vehicles legislation, and several provisions affect municipalities, specifically concerning enforcement of certain motor vehicle operation laws, overweight vehicles, speed limits, and removal of abandoned vehicles. The following are the relevant provisions of note for municipalities.

## **Electronic Use of Registration**

Motor vehicle operators are currently required to have proof of registration that is easily accessible. S. 99 specifies that proof of registration can be accessible in electronic form on a portable electronic device. However, offering proof on a device does not itself constitute consent for an enforcement officer to access other contents on the device. If an operator is cited for a violation of not providing proof of registration, they cannot be convicted if they send a copy or produce the proof of valid registration to the enforcement agency within seven business days after the traffic stop.

## **Handheld Use of a Portable Electronic Device While Driving**

S.99 updates the laws related to the prohibition of use of portable electronic devices when operating a motor vehicle to align state statutes with technological changes.

In order for a portable device to be considered “securely mounted,” it

- cannot be affixed to the windshield, and
- must be placed in an accessory that is specifically designed or built to support the hands-free use of the device, and either is utilized in accordance with manufacturer specifications or causes the device to remain completely stationary under typical driving conditions.

An operator will not run afoul of the law if the portable electronic device is securely mounted or if the activation or deactivation is done through an internal feature of the device or the motor vehicle, and without the operator utilizing either hand to hold the portable electronic device. It is also permissible for an operator to move the vehicle to the side of a public highway and stop in a place where the vehicle can safely and lawfully remain stationary, with or without the motor running.

## **Towing Abandoned Vehicles**

The legislation amends towing laws to authorize a law enforcement officer to request that an abandoned vehicle on public or private property be removed by a towing business. Currently, only the owners or person in control of the property has this authority, making it more difficult to efficiently get abandoned vehicles removed. Additionally, landowners where abandoned vehicles are discovered or relocated have 90 days to apply to the DMV for an abandoned motor vehicle certificate – currently they only have 30 days to do so. An abandoned motor vehicle certificate establishes a chain of possession of an abandoned motor vehicle with the state.

### Overweight Vehicles

S.99 creates a study on the potential impacts of increasing gross weight limits on highways through use of a special annual permit. The Secretary of Transportation will collaborate with the Commissioner of Forests, Parks and Recreation; the Vermont League of Cities and Towns (VLCT); the Vermont Forest Products Association; and the Commissioner of Motor Vehicles to examine adding one or more permits to allow for vehicles weighing over 99,000 pounds. The study will address the following:

- allowing for a truck trailer combination or a truck tractor, semi-trailer combination which is transporting cargo of legal dimensions that can be separated into units of legal weight without affecting the physical integrity of the load to bear a maximum of 107,000 pounds on six axles or a maximum of 117,000 pounds on seven axles by special annual permit;
- limitations for any additional special annual gross vehicle weight permits based on highway type, including limited-access state highways, non-limited-access state highway, class 1 town highways, and class 2 town highways;
- limitations for any additional special annual gross vehicle weight permits based on axle spacing and axle-weight provisions;
- reciprocity treatment for foreign trucks from a state or province that recognizes Vermont vehicles permitted at increased gross weights;
- permit fees for any additional special gross vehicle weight permit
- additional penalties, including civil penalties and permit revocation, for gross vehicle weight violations, and

- impacts of any additional special annual gross vehicles permits on the forest economy and on the management and forest cover of Vermont's landscape.

The report is due back to the legislature by January 15, 2024.

### **Excessive Motor Vehicle Noise**

The Commissioner of DMV must consult with VLCT and Commissioner of Public Safety to study and report on current and potential enforcement practices around excessive motor vehicle noise and make recommendations on ways to limit excessive motor vehicle noise in Vermont. The study must address the following:

- if there should be a noise standard in statute or the Periodic Inspection Manual, or both;
- costs to incorporate noise testing into the state vehicle inspection program;
- costs to train law enforcement officers on noise testing;
- possible options to address excessive motor vehicle noise that do not involve noise testing such as visual inspections for modifications to a vehicle's exhaust system, as part of the state vehicle inspection program, and labeling on components of a motor vehicle's exhaust system; and
- approaches to minimize excessive motor vehicle noise that have been taken in other states, including increased enforcement by law enforcement coupled with an objective noise standard defense.

The report is due back to the legislature by January 1, 2025.

### **Speed Limits**

The Agency of Transportation must consult with VLCT and regional planning commissions and design and implement a program to provide outreach to municipalities on the setting, posting, and enforcement of speed limits on town highways. The outreach materials must provide information on applicable state law, portions of the Manual on Uniform Traffic Control Devices, and best practices as they relate to setting and posting speed limits on town

highways. This section of the legislation takes effect on July 1, 2023. However, there is no deadline for implementation of the program expressed in S.99.

S.99 relevant provisions affecting municipalities largely take effect on July 1, 2023, except for electronic proof of registration which goes into effect on passage, the date upon which the governor signs the bill.

**Resource for this article:**

- [S.99](#)

**[Public Utility Commission and Telecommunications \(H.110, Act 20\)](#)**

*Amends 30 V.S.A. § 248a. Writes session law.*

Act 20 extends the sunset for telecommunication providers to opt to apply to the Public Utility Commission (PUC) for a certificate of Public Good instead of seeking permits from the local Development Review Board or Zoning Commission and Act 250. If no action had been taken, the authority for an applicant to choose to go to the PUC would expire on July 1, 2023. Act 20 extends the deadline to July 1, 2026. The pertinent section of statute is 30 V.S.A. § 248a.

The Commissioner of the Department of Public Service in consultation with the Public Utility Commission must remit a report to the legislature by January 15, 2024. The report is to address how to make the process of siting telecommunications facilities easier for municipalities and individuals to participate in and how to encourage municipal participation, and also to recommend updates to the statute. The commissioner will need to hear from VLCT, utilities, and any other interested parties.

**The bill took effect on passage, May 25, 2023.**

**Resource for this article:**

- [Act 20](#)

## [Open Burning Permits \(H.161, Act 21\)](#)

*Amends 10 V.S.A. § 2645.*

This legislation authorizes the Commissioner of the Department of Forest, Parks and Recreation to notify town fire wardens that for a specified period of time during periods of increased fire hazard, no burning permits shall be issued. Upon such notification, no burn permits shall be issued.

**The bill took effect on passage, May 5.**

### **Resource for this article:**

[Act 21](#)

## [Household Hazardous Waste H.67](#)

*Adds 10 V.S.A. Chapter 164B, 6621a(a), 7714, 8003, 8503. Writes Session Law.*

Current law requires municipal solid waste management entities to include provisions in their implementation plans for the management and diversion of unregulated hazardous waste. Such management, and compliance with household management event requirements, is expensive for solid waste management entities. The state solid waste management plan requires them to hold at least two household hazardous waste collection events every year regardless of whether people attend them, and many districts hold more than two. The cost, according to the Agency of Natural Resources (ANR), is approximately \$2.2 million per year.

H.67 directs ANR to implement a program to require manufacturers of household products containing hazardous substances to implement a stewardship program to collect those products free of charge to the public.

Six months after ANR has determined that a collection plan is adequate, a manufacturer of a covered household hazardous product shall not sell or deliver it for sale unless

- the manufacturer is participating with a stewardship organization to implement the approved collection plan;



- the name of the manufacturer and product, as well as annual reports, are submitted to ANR by the stewardship organization, and
- that organization has conducted a plan audit.

A stewardship organization is a tax exempt entity that has developed a system for assuming responsibility, obligations, and liability for multiple manufacturers of household hazardous products and is established by a group of producers to implement an approved collection plan. Stewardship organizations must register with ANR and include a list of manufacturers, brands, and products in the program.

Municipalities or other public agencies may not require manufacturers or stewardship organizations to exclusively use public facilities to dispose of covered household hazardous products. They are encouraged to work with manufacturers to assist them in meeting collection and disposal obligations.

ANR is directed to submit recommended fees for registration of stewardship organizations by January 15, 2024.

**The bill took effect upon passage, June 12.**

#### **Resources for this article:**

[H.67 as passed](#)

[Miscellaneous Agricultural Subjects Including Stormwater \(S.115\)](#)

*Amends 24 V.S.A. § 4414(9) and various additional agricultural statutes.*

The relevant portions of S.115, a bill that amends statutes regulating agriculture (Title 6), are Sections 8 and 9. Municipalities may not charge an impervious surface fee or other stormwater fee on property regulated under the Required Agricultural Practices for discharges of agricultural waste or agricultural nonpoint source pollution. The prohibition applies prospectively, and the bill takes effect on July 1, 2023.

The distinction is that municipal stormwater utility fees are paid by everyone in a town or city to fund implementation of municipal stormwater infrastructure and best practices in

compliance with mandates for municipal roads and infrastructure, and not to charge for stormwater management on non-municipal properties. That distinction was not well understood by legislators.

## **Resources for this article:**

[S.115 as passed](#)

[Child Care, Early Education, Workers' Compensation, and Unemployment Insurance](#)  
[\(H.217\)](#)

*Adds 21 V.S.A. § 643d; 32 V.S.A. Chapter 246. Amends 16 V.S.A. § 4010; 21 V.S.A. §§ 640b, 642, 643d, 646, 678, 711, 1301, 1321, 1256; 30 V.S.A. § 643d, 32 V.S.A. § 10551; 33 V.S.A. § § 3512 - 3518, 4605. Writes session law.*

**H.217 addresses a number of subjects, some of which are relevant to local governments. The legislation passed on May 12, 2023, and Governor Scott vetoed it on June 6.**

### **Education Pre-K and Child Care**

The bill establishes a Prekindergarten Education Implementation Committee to assist the Agency of Education in improving and expanding accessible, affordable, high quality prekindergarten education on a full-day basis by July 1, 2026. A program would require a school district to provide prekindergarten (pre-K) education to all children in the district. The committee shall assess whether the cost of educating a pre-K student is the same as a kindergarten student and recommend a pupil weight for those students. A report must be submitted by December 1, 2024, with an implementation plan. No mention of funding source is made. The most likely source is clearly the Education Fund, which is two-thirds funded by the education property tax.

The bill amends the Child Care Financial Assistance Program eligibility criteria and reimbursement rates for users (families) and providers as well as administration and positions

to help therein.

### **Workers' Compensation**

With respect to workers' compensation rates, the bill adds language stating that if the General Assembly does not establish the rate of contribution for the direct calendar year premium for workers' compensation insurance for a given fiscal year, the rate shall remain unchanged from the prior fiscal year. It provides that if a claimant disputes discontinuance of workers' compensation benefits, they may file an objection, including specific reasons and supporting evidence, and seek an extension of 14 days. At the same time a copy of the objection must be provided to the employer.

When asked in writing for preauthorization of benefits, which is current law, workers' compensation insurers must either authorize or deny the preauthorization within 14 days, giving reasons and notifying the health care provider, injured workers, and department of the decision. The legislation adds prescription drugs and durable medical equipment to the list of preauthorization items.

Another section of statute is amended that provides that an employer may require an employee who is receiving temporary disability benefits to engage in a good faith search for work (contacting up to three employers per week) if the injured employee is medically released to return to work, the employer has provided the injured employee with written notification that they are released to return to work and provides any applicable limitations, and the employer cannot offer the injured employee work that they are released to do. The employee shall not be required to engage in the search for work if they are already employed or have been referred for or are scheduled to undergo surgical procedures.

When disability for work resulting from an injury is partial, on the eighth day of the period of disability the employer shall pay the employee the greater of the difference between the amount they would be eligible to pursue under Temporary Total Disability Payments (21 V.S.A. § 642), including cost of living adjustments or dependency benefits due, and the wage they earned during the period of disability. Compensation will be adjusted July 1, following receipt of 26 weeks of benefits and each July 1 thereafter.

**The Commissioner of Labor is required to adopt rules to implement the workers' compensation changes by July 1, 2024.**

### **Unemployment Insurance**

**H.217 also amends the statute regulating unemployment insurance.** It clarifies who is included in definitions of son, daughter, child, spouse, employment, employer, and non-profit organization.

A “nonprofit organization” means an organization or group of organizations described in Section 501(c)(3) of the U.S. Internal Revenue Code which is exempt from income tax under Section 501(a) of such code. The bill clarifies that all non-profits, regardless of size, must participate in unemployment insurance. Previously, non-profits with fewer than five employees were exempt. Non-profits may participate in unemployment either by paying quarterly contributions into the state UI Trust Fund or they may elect to participate as reimbursers and reimburse the state dollar for dollar for any unemployment benefits paid. Municipal employers have the choice of participating in unemployment insurance directly with the state or with VLCT’s Unemployment Insurance Trust.

By October 1, 2023, the Commissioner of Labor, in consultation with VLCT and other interested stakeholders, must develop information and educational materials for non-profit and municipal employers regarding the unemployment insurance system. Materials must explain options available to non-profits and municipal employers including paying regular unemployment contributions and taxes or participating as a reimbursers. These materials must also identify the benefits and drawbacks of each option and provide information about how non-profits or municipal employers can plan and budget for expenses associated with each option. The information will be posted on the Secretary of State and Department of Labor websites, and informational sessions must also be provided.

Two additional reports are due by January 15, 2024. One is on the potential impact of extending eligibility for unemployment to those who leave employment due to "urgent, compelling or necessitous circumstances" such as injury or illness, recovery from medical treatment, caring for a child due to loss of child care, domestic violence situations, or caring for an ill or injured family member. The other report is on use of the Domestic and Sexual

Violence Survivors' Transitional Employment Program, including during the last ten years.

**Effective dates vary throughout the bill.**

**Resources for this article:**

[H.217 as passed](#)

[Universal School Meals H.165](#)

*Amends 16 V.S.A. Chapter 27, Subchapter 2, § 1264a.*

H.165 requires each school within a school district and approved independent schools to provide school lunch and school breakfast to every student at no charge. Federal reimbursements for free school breakfasts and lunches for qualifying students will be continued, and the state pays a universal meals supplement, defined as the reimbursement amount paid by the state for the cost of the meals. The \$29 million cost is paid from the Education Fund. That cost is reflected in the Education Fund Outlooks referenced in the article on Property Tax Yields.

**H.165 takes effect July 1, 2023.**

**Resources for this article:**

[H.165 as passed](#)

[Temporary Municipal Procedures \(H.42, Act 1\)](#)

**The first bill the legislature addressed this biennium was Act 1. All of the authorizations in Act 1 sunset on July 1, 2024.**

With respect to adjusting municipal annual meetings, the act temporarily authorizes municipal legislative bodies to move the date of the municipality's annual meeting, to apply the provisions of the Australian ballot system of voting to the annual or special meetings of the municipality, and to conduct informational hearings by electronic means without designating a

physical meeting location. Lastly, the act suspends the requirements for school boards to use specified language for a school budget ballot.

The bill also temporarily adjusts the requirements of the Open Meeting Law under 1 V.S.A. § 312. The bill authorizes a public body to hold a public meeting without designating a physical meeting location. When a public body meets fully remotely, they must use technology that permits the attendance of the public through electronic or other means, allow for telephone attendance, post information that enables the public to directly access and participate in meetings electronically, and include the meeting access information in the agenda. All legislative bodies and school boards must record meetings held fully remotely unless unusual circumstances make it impossible. Lastly, it allows municipal public bodies to post meeting agendas and notices in two designated electronic locations in lieu of public locations, or in combination of the two. Municipal bodies must post notices and agendas in or near the municipal clerk's office and provide the notices and agenda to the newspaper of general circulation.

**Governor Scott signed the bill on January 25, 2023, and it went into effect on passage.**

#### **Resource for this article:**

[Act 1](#)

[Studies](#)

#### **H.41, Act 11, Community Justice Centers**

The Community Justice Unit of the Attorney General's office in collaboration with the Vermont Networks and participating CJsCs must submit an interim report to the legislature by December 1, 2025, regarding the establishment of Memorandums Of Understanding, the status of implementation of programming, referral sources, available data on effectiveness, and the available resources and capacity for such programming. A final report is due by July 1, 2028.?

#### **H.110, Act 20, Public Utility Commission**

The Commissioner of the Department of Public Service in consultation with the Public Utility Commission must remit a report to the legislature by January 15, 2024. The report is to address how to make the process of siting telecommunications facilities easier for municipalities and individuals to participate in and how to encourage municipal participation, and also to recommend updates to the statute. The commissioner will need to hear from VLCT, utilities, and any other interested parties.

#### **H.145, Act 3, Budget Adjustment**

By November 15, 2025, the auditor of accounts is to report to the legislature about the organization and membership of the Cannabis Control Board.

The Agency of Administration is to report to the legislature regarding design and implementation of the Rural Infrastructure Assistance program, efficacy of the index, and effectiveness of outreach, as well as eligibility criteria, mode of delivery, and awards to municipalities, on April 1, July 1 and January 15, 2024.

#### **H.480 Reappraisals**

In FY 2024, \$50,000 is appropriated to the Department of Taxes to contract with consultants who have expertise in statewide reappraisal systems to assist in designing a statewide reappraisal office implementation proposal.

A study progress report is due to the legislature by December 15, 2023, from the Department of Taxes, on the first six months of work on an implementation proposal, preliminary schedules to phase in full reappraisals for each municipality every six years; a study of existing municipal data metrics that could be used to differentiate property types and characteristics, including use, occupancy, spare footage; options for and implementation of implicit bias reduction training for listers and assessors; and recommendations for changing the annual date by which grand lists must be lodged with the department from April 1 to

January 1 or another date.

A detailed implementation proposal for a statewide system to conduct reappraisals administered by PVR, is due to the legislature by December 15, 2024. The Department of Taxes is directed to consult with stakeholders including local officials and groups representing people from different socioeconomic backgrounds and that promote diversity, equity, and inclusion. That report is to include recommended legislative language to define categories of property, and integrate those definitions into municipal and education grand lists by January 1, 2026.

#### **H.494 Budget (vetoed by Governor)**

H.494 establishes a seven-member Public Safety Communications Task Force to oversee and manage all phases of the development, design, and implementation of a statewide public safety communications system. One member is to be appointed by the Executive Director of the Vermont league of Cities and Towns (VLCT), as well as one representative of a municipal public safety answering point appointed by the VT Association of the Chiefs of Police and one emergency medical technician appointed by the VT Ambulance Association. The taskforce will cease to exist when a state entity authorized to permanently oversee and manage the public safety communications system is operational. A draft report with findings and recommendations related to a preliminary design is due to the legislature by January 15, 2024.

The Joint Fiscal Office is directed to analyze options for changing the financing mechanism for the Vermont Universal Service Fund to ensure long term sustainability of programs funded with those dollars including the Enhanced 911 system. The Joint Fiscal Office is also appropriated \$250,000 for reimbursement for members of the Task Force on Economic Development Incentives and approved consulting services, and \$75,000 for reimbursement for members of the Legislative Working Group on Renewable Energy Standard Reform and consulting work.

The Department of Health is appropriated \$100,000 to support the Regional Emergency Medical Services Coordination study, which may include hiring a consultant.



The Natural Resources Board is appropriated \$200,000 for an Act 250 study contract. Funds will be used to pay a consultant to assist with the report on updates necessary in the Act 250 program.

The Agency of Education is appropriated \$200,000 to support work of the School Construction Taskforce.

### **S.100 Housing**

The Vermont Association of Planning and Development Agencies (VAPDA) is required to study improving and coordinating effectiveness between municipal, regional, and state planning. And VAPDA is authorized to hire housing resource navigators, with a contingent appropriation of \$300,000 (that is if there are sufficient funds in the state budget).

VAPDA is to propose a framework for delegating Act 250 administration to municipalities by December 31, 2023. VAPDA is to consult with stakeholders including municipal planning and zoning officials. The Natural Resources Board is already working on a report on Act 250 modernization (funded in the budget) and that report is now to include a review of the trigger for jurisdiction as it relates to housing, whether it would affect affordability, and whether the trigger should be changed. The report is due December 31, 2023.

### **Building Energy Code Study Committee**

A fifteen member Building Energy Code Study Committee is established to recommend strategies for increasing awareness of, and compliance with the Residential and Commercial Building Energy Standards (RBES and CBES). The committee is to include a representative of the VLCT.

### **Rural Recovery Coordination Council**

A Rural Recovery Coordination Council of at least fourteen members, is created to study how to strengthen coordination between agencies and stakeholder involved in rural community development. The council is to identify strategies to prioritize areas of investment in rural communities to ensure resources are there to meet climate goals, rural community development objectives, environmental sustainability requirements, build long-term emergency and disaster preparedness and recovery, ensure intergovernmental and regional communications and coordination, and improve access to technical assistance from regional and state agencies and programs. That report is also due December 15, 2023. The council is to include the VLCT executive director or designee.

### **Agency of Natural Resources (ANR) Review of Potable Water and Wastewater Connection Permits**

ANR is directed to review requirements and processes governing its issuance of potable water and wastewater connection permits so as to identify how to reduce the administrative burden and costs incurred by municipalities and applicants. ANR is to consult with the Agency of Commerce and Community Development, municipal officials, professional engineers and licensed designers, and environmental organizations. The review is to be completed by July 1, 2025.

### **S.36, Act 24**

Act 24 charges the Vermont Programs for Quality in Health Care and relevant stakeholders to report to the legislature on de-escalation training at hospitals, analysis of sufficient staffing levels, visitor and patient aggressive behavior, centralized reporting, and indicators to adapt care interventions and environments appropriately. The report must include best practices, barriers to best practices, and recommendations for appropriate policy improvements and is due back to the legislature by January 15, 2024.?

It also charges the Department of Public Safety (DPS) to report to the legislature on any systemic or statutory changes needed to permit DPS to collect data on responses and arrests pursuant to VRCP Rule 3(c)(18-20) and include any changes necessary to collect data on the

number and demographics of person arrested, location, types of health care facility where arrest occur, and the number and types of charges filed after the arrest. The report is due back to the legislature by January 15, 2024.?

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### **S.73, Act 26**

The legislation directs the Director of the Division of Fire Safety to study and report back to the legislature by January 15, 2024 on the following:?

- The projected cost for the state to fund annual or biennial cancer screenings for all career and volunteer firefighters in Vermont and for enrollees in the Vermont Fire Academy Firefighter I certification program?
- Potential opportunities for the state to reduce the cost for fire departments to provide annual cancer screenings?
- The projected costs for the state to fund the replacement of personal protective equipment (PPE) for all volunteer and career firefighters on a rolling basis so that all PPE is replaced every 10 years, and?
- Potential opportunities for the state to reduce the costs to fire departments for the replacement of PPE.?

The report may also include recommendations for legislative action to facilitate the early identification of cancer in firefighters, the acquisition of PPE by fire departments, and the elimination of PFAS and other carcinogens in firefighting equipment.??

A second report from the Commissioners of Labor and of Financial Regulation is also due back to the legislature by January 15, 2024 that studies workers' compensation issues. The report must address the following topics:?

- The potential impacts on workers' compensation claims, premiums, and loss costs of amending or repealing the provisions of 21 V.S.A. 601(11)(E) that bars firefighters from the presumption that a firefighter's cancer resulted from work-related exposure if the firefighter is over 65 years old or has used tobacco products within the last 10 years?
- The potential impact on workers' compensation claims, premiums, and loss costs of amending 21 V.S.A. 601(11)(E)(iii) to expand the list of cancers included under the

presumption, including additional types of cancer that occur more frequently in firefighters than the general public, that are caused by carcinogens firefighters are exposed to in the line or duty or both, or including all forms of cancer to the presumption, and?

- Potential methods for appropriating liability for workers' compensation in instances where a firefighter has been employed by more than one fire department, including when a firefighter is employed and/or volunteers by multiple departments.?
- The report may also include recommendation for legislative action to amend or repeal the age and tobacco use limitations under 21 V.S.A. 601(11)(E) and expand the lists of cancers covered under the presumption.??

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#### **S. 99 Motor Vehicles and Trucks**

The Secretary of Transportation will collaborate with the Commissioner of Forests, Parks and Recreation; the Vermont League of Cities and Towns (VLCT); the Vermont Forest Products Association; and the Commissioner of Motor Vehicles to examine adding one or more permits to allow for vehicles weighing over 99,000 pounds. The study will address the following:?

- allowing for a truck trailer combination or a truck tractor, semi-trailer combination which is transporting cargo of legal dimensions that can be separated into units of legal weight without affecting the physical integrity of the load to bear a maximum of 107,000 pounds on six axles or a maximum of 117,000 pounds on seven axles by special annual permit;?
- limitations for any additional special annual gross vehicle weight permits based on highway type, including limited-access state highways, non-limited-access state highway, class 1 town highways, and class 2 town highways;?
- limitations for any additional special annual gross vehicle weight permits based on axle spacing and axle-weight provisions;?
- reciprocity treatment for foreign trucks from a state or province that recognizes Vermont vehicles permitted at increased gross weights;?
- permit fees for any additional special gross vehicle weight permit?
- additional penalties, including civil penalties and permit revocation, for gross vehicle weight violations, and?

- impacts of any additional special annual gross vehicles permits on the forest economy and on the management and forest cover of Vermont's landscape.??
- The report is due back to the legislature by January 15, 2024.??

The Commissioner of DMV must consult with VLCT and Commissioner of Public Safety to study and report on current and potential enforcement practices around excessive motor vehicle noise and make recommendations on ways to limit excessive motor vehicle noise in Vermont. The study must address the following:?

- if there should be a noise standard in statute or the Periodic Inspection Manual, or both;?
- costs to incorporate noise testing into the state vehicle inspection program;?
- costs to train law enforcement officers on noise testing;?
- possible options to address excessive motor vehicle noise that do not involve noise testing such as visual inspections for modifications to a vehicle's exhaust system, as part of the state vehicle inspection program, and labeling on components of a motor vehicle's exhaust system; and?
- approaches to minimize excessive motor vehicle noise that have been taken in other states, including increased enforcement by law enforcement coupled with an objective noise standard defense.?

The report is due back to the legislature by January 1, 2025.??

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#### **S.99 Speed Limits.??**

The Agency of Transportation must consult with VLCT and regional planning commissions and design and implement a program to provide outreach to municipalities on the setting, posting, and enforcement of speed limits on town highways. The outreach materials must provide information on applicable state law, portions of the Manual on Uniform Traffic Control Devices, and best practices as they relate to setting and posting speed limits on town highways. This section of the legislation takes effect on July 1, 2023. However, there is no deadline for implementation of the program expressed in S.99.??

## **S.14 Criminal Justice Investments**

### **Coordinated Justice Reform Advisory Council?**

S. 14 creates the Coordinated Justice Reform Advisory Council to establish a unified and collaborative approach to support state and local community-based programs and services consistent with Vermont's restorative justice policy. In consultation with state and local partners, the council will use a data-driven approach that improves public safety, reduces correctional and criminal justice spending, and reinvests savings or redirects funding in strategies that foster desistance or decrease crime, delinquencies, and recidivism.

## **H.291 Cybersecurity Advisory Council**

The new council is comprised of various state government officials from various branches of government, as well as representatives from the business, information, and hospital communities. The Secretary of Natural Resources will also appoint a representative from a municipal water system to represent the needs of municipalities with municipal water systems because public water systems are infrastructure that are vulnerable to cyber-attacks.?

## **Act 26 Firefighter Cancer Presumption**

The legislation directs the Director of the Division of Fire Safety to study and report on the projected cost for annual or biennial cancer screenings for all career and volunteer firefighters in Vermont and for Vermont Fire Academy enrollees; ?opportunities to reduce the cost for fire departments providing annual cancer screenings; projected costs to fund the replacement of all firefighter personal protective equipment (PPE) on a rolling basis so that all PPE is replaced every 10 years, and opportunities to reduce the costs to fire departments for the replacement of personal protective equipment (PPE).?The report may also include recommendations for legislative action to facilitate the early identification of cancer in firefighters, the acquisition of PPE by fire departments, and the elimination of PFAS and other carcinogens in firefighting materials.??

A second report from the Commissioners of Labor and of Financial Regulation studies workers' compensation issues. The report will address:

- the potential impacts on workers' compensation claims, premiums, and loss costs of amending or repealing the provisions of 21 V.S.A. 601(11)(E) that bars firefighters from the presumption that a firefighter's cancer resulted from work-related exposure if the firefighter is over 65 years old or has used tobacco products within the last 10 years;?
- the potential impact on workers' compensation claims, premiums, and loss costs of amending 21 V.S.A. 601(11)(E)(iii) to expand the list of cancers included under the presumption, including additional types of cancer that occur more frequently in firefighters than the general public, that are caused by carcinogens firefighters are exposed to in the line or duty or both, or including all forms of cancer to the presumption; and?
- potential methods for appropriating liability for workers' compensation in instances where a firefighter has been employed by more than one fire department, including when a firefighter is employed and/or volunteers? in multiple departments.?

The report may also include recommendation for legislative action to amend or repeal the age and tobacco use limitations under 21 V.S.A. 601(11)(E) and expand the lists of cancers covered under the presumption.??

#### **H.479 Funding for Public Transit**

The Vermont Public Transportation Association, in consultation with VTrans and the VLCT, must provide the legislature with a written recommendation on one or more funding sources for the nonfederal match required of public transit providers operating in the statewide transit system.

#### **H.479 Training on Complete Streets**

The Agency of Transportation, in consultation with the Vermont League of Cities and Towns and regional planning commissions, shall design and implement a program to provide training on complete streets to municipalities