2025 Legislative Wrap-Up: Summer Update

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Vermont's 2025 legislative session was long and busy, and legislative actions included some major wins for municipal government in addition to generational changes to Vermont's systems for infrastructure funding, education finance, and housing creation.

In the first part of our annual Legislative Wrap-Up(opens in a new tab), we recapped the new laws that will have the greatest effect on municipal authority and funding.

In this summer update, we explain this year's summer study committee work, discuss unfinished business that VLCT will take up in the second half of the biennium, and recap some of the VLCT Advocacy team's major successes in blocking poorly conceived legislative proposals that could have created big problems for local government.

Summer Study Committees and Stakeholder Groups

Every session, VLCT is assigned to appoint members to be on or participate in a variety of summer legislative working groups, taskforces, studies, surveys, and reports. VLCT staff and members provide expertise on municipal issues ranging from land use planning to law enforcement.

VLCT Advocacy relies on the experience of our members to guide our policy work. Please consider becoming involved: your voice and direct participation are important. **If you would like to be appointed or serve as a VLCT representative on a study committee, provide public comment, or engage in VLCT's work on any of these topics, email advocacy@vlct.org (opens in a new tab).**

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This section explains our ongoing legislative policy engagement this summer.

Act 181 Implementation for Location-Based Jurisdiction of Act 250

Act 181 of 2024(opens in a new tab) created the Land Use Review Board (LURB) and made the first substantial changes to Act 250, including a new tiered, location-based jurisdiction system. Included in Act 181 are a number of reports as well as rulemaking and mapping processes delegated to the now seated LURB. These processes will have sweeping effects on the future of land use regulation in Vermont and are vitally important for allowing municipal governments to gain the types of development they need, envision, and allow for in local bylaw. Below are updates on the ongoing processes that LURB is tasked with completing and VLCT is engaged in.

Tier 1A Rule Making

Act 181 creates a tiered system for location-based jurisdiction. In Tier 1A areas, all development will be exempt from Act 250 jurisdiction and will only require municipal permits. The municipality will also acquire enforcement responsibilities for all Act 250 permitted projects within the exempted area. On or before January 1, 2026, a municipality, by resolution of its legislative

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body, may apply to the LURB for Tier 1A status for the portion of the municipality that is suitable for dense development and meets the requirements enumerated in Act 181. The LURB must publish guidelines to direct municipalities seeking to obtain the Tier 1A area status before the January 1 deadline.

Last month, the board released its draft Tier 1A framework for stakeholder input(opens in a new tab). In response, VLCT provided recommendations (opens in a new tab) to improve the draft framework including that the LURB must:

- provide clear, practical guidance for the administration of state permits,
- appropriately delegate permit authorities to Tier 1A municipalities,
- eliminate any subjective test for local bylaws, and
- not include standards that would artificially constrain the boundaries of the exempted area.

Tier 3 Mapping

Within the new system of location-based jurisdiction for Act 250, Tier 2 areas will be business as usual, while Tier 3 areas will be subject to enhanced conservation protections. Tier 3 areas are described in the law as "areas of significant natural resources, identified by regional planning commissions or

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municipalities based upon existing Agency of Natural Resources mapping that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes".

The LURB is tasked with mapping and adopting rules for the future regulation of Tier 3 areas and shall file final proposed rules on or before February 1, 2026. In accordance with the law, the LURB has convened a stakeholder group, which includes VLCT, to provide input prior to filing the rules.

On July 3, the board shared the draft rule(opens in a new tab) with the working group, which has discussed feedback at their last two meetings. The Tier 3 Rule Making and Report website(opens in a new tab) keeps updated information on the process and its progress. A July 17 Tier 3 Memo(opens in a new tab) to the LURB reports that the working group needs to continue to meet, discuss the proposed rule, and better understand the potential impacts of the yet-to-be finalized Tier 3 jurisdiction statewide map(opens in a new tab) . VLCT has made it clear that new Tier 3 areas should not be extensive, must not have a disproportional impact on regions of the state or municipalities, and must not result in duplicating existing regulatory processes or permits. **Please send feedback about the proposed Tier 3 rule and map to jhanford@vlct.org**(opens in a new tab)**.**

Act 250, Agency of Natural Resources (ANR), and Municipal Permit Appeals

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Act 181 created a stakeholder group and directs the LURB to make recommendations to the legislature on whether to transfer appeals of permit decisions and jurisdictional opinions issued to the LURB or whether they should remain at the Environmental Division of the Superior Court. The LURB shall also consider:

- whether appeals should or could be consolidated (with ANR and municipal appeals),
- how to prioritize and expedite the adjudication of appeals related to housing, and
- any other procedures or actions to promote effective and efficient adjudication of appeals.

VLCT has one appointee in the Act 250 Appeals stakeholder group. The group is currently considering three potential models for a revised appeals system, **including whether municipal zoning appeals should go to the LURB.** You can read the June summary of the stakeholder process to date(opens in a new tab).

VLCT has not taken a member-endorsed position for or against appeals moving to a board model, but, throughout the stakeholder discussions, we have pursued questions and areas of concern from the municipal perspective – including avoiding duplication within the appeals system, capacity at the LURB and at the municipal level, real or perceived conflicts of interest under the new tiered designation system (if the LURB were to do both designation approval and appeals), and a lack of deference to local regulation. Generally,

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proponents of the board model have supported the policy position that Act 250 will be enhanced and enriched by the quality of ruling that a professional lay board (the LURB) would contribute through an appeals process as opposed to the Environmental Division.

Please send feedback about the proposed appeals models to ssheehan@vlct.org(opens in a new tab)**.**

Act 250 Criterion 8C Working Group

Act 181 of 2024 identifies new resource areas to be considered under Act 250 review Criterion 8, ecosystem protection. Criterion 8C requires that development not result in an undue adverse impact on forest blocks and habitat connectors. Forest blocks are contiguous areas of forest in any state of succession and are not currently developed for non-forest uses. Habitat connectors are land or water areas that link patches of habitat within the landscape, allowing the movement, migration, and dispersal of wildlife and plants and the functioning of ecological processes.

The LURB is gathering names of qualified individuals for the board to consider placing in the Criterion 8C Working Group. If you are a municipal official, particularly if you are from a community with substantial forest land area, have knowledge of forest resources as well as development review, ***and*** are interested in serving on this working group, **please let us know at advocacy@vlct.org**(opens in a new tab). The time commitment is late September through December, with four meetings.

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Elections: Summer 2025 Audit of Voter Rolls for State Districts

In last month's Legislative Wrap-Up(opens in a new tab), we provided a summary of H.474, an act relating to miscellaneous changes to election law (opens in a new tab) – now Act 70 – which made a number of reforms to statewide elections.

Section 18 of Act 70 contains a requirement for the two dozen municipalities in the state that are represented by more than one Representative district and/or one Senatorial district. Clerks and Boards of Civil Authority in these municipalities must, before September 15, 2025, conduct an audit of their voter checklists to ensure that all voters are assigned to the correct districts. The clerks must then provide a written summary to the Vermont Secretary of State's Office on or before October 1, 2025.

In many cases, the clerks and BCAs can piggyback this summer's audit on the statutorily required biennial checklist cleanup that is also taking place this summer. Per 17 V.S.A. § 2150, that cleanup effort must be a thorough name-by-name review of the entire checklist.

According to the Secretary of State's Office, the municipalities affected by the audit required in Act 70 of 2025 are Bennington, Brattleboro, Burlington, Colchester, Essex Junction City, Essex Town, Georgia, Hartford, Hinesburg, Middlebury, Milton, New Haven, Pownal, Rutland City, Rutland Town,

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Shelburne, South Burlington, Saint Albans City, Saint Albans Town, Stowe, Sunderland, Wells, Williamstown, and Williston.

The Elections Division(opens in a new tab) of the Secretary of State's Office has provided clerks in the relevant municipalities with links to resources, instructions, and a suggested format for the required written summary. The Elections Division also holds online open office hours for clerks every Wednesday from 10 AM to 11 AM.

Opioid Settlement Advisory Committee

The Opioid Settlement Advisory Committee was established by Act 118 of 2022. The committee makes recommendations on how to spend the state's share of settlement money from drug manufacturers and distribution companies over the toll caused by prescription opioids. The committee includes 14 members, of whom seven are municipal officials appointed by VLCT.

This advisory committee considers:

- the impact of the opioid crisis on communities throughout Vermont, including communities' abatement needs and proposals for abatement strategies and responses;

- the perspectives of and proposals from opioid use disorder prevention coalitions, recovery centers, and medication-assisted treatment

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providers; and

- the ongoing challenges of the opioid crisis on marginalized populations, including people who have a lived experience of opioid use disorder.

VLCT is currently seeking applicants for two of the seven local government seats on the state's Opioid Settlement Advisory Committee. Please read more and use the form here to apply(opens in a new tab).

Reports for the Improvement and Funding of Town Highways and Municipal Transportation Projects

Act 43 of 2025, an act relating to the fiscal year 2026 Transportation Program and miscellaneous changes to laws related to transportation(opens in a new tab) (also known as the T-Bill), tasks the Vermont Agency of Transportation (VTrans) with conducting three reports related to municipal funding and projects. Among the work mandated is a new system to assess the current condition of municipal highway networks and to develop a prioritization process to direct state funding to the repair, upgrade, or replacement of specific municipal transportation assets – which VLCT has long advocated for. VTrans is directed to engage a consultant and to consult VLCT to complete these reports.

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- **Cancellation of Locally Managed Projects and Process Improvements Report**. Examine the requirements of 19 V.S.A. § 309c, cancellation of locally managed projects, to evaluate the obligations, risks, and benefits imposed by the provisions of that section on the state and the local sponsor of a locally managed project and to identify potential changes to the provisions of that section to ensure that state and federal transportation funding resources are appropriately administered. The report is due on or before January 15, 2026.

- **State Town Highway Aid, Municipal Grant Program Efficiencies and Improvements Report**. Evaluate the state's Town Highway Aid and municipal grant programs administered by VTrans to identify potential administration-related efficiencies and improvements. The report is due on or before January 15, 2026.

- **Municipal Transportation Assets Assessment and Funding Needs Report**. (1) Review current municipal practices relating to planning for ongoing maintenance, upgrades, and replacement of municipal transportation assets, including roads, pavement, bridges, culverts, signals, signage, highway equipment, and highway facilities**.** (2) Develop a framework for a system to assess the current condition of municipal highway networks and the potential impacts of improvements to or degradation of those networks on the State's transportation system. (3) Develop a prioritization process to direct state funding to the repair, upgrade, or replacement of specific municipal transportation assets based on the need for such work in the context of the asset's role in the state and regional highway networks. (4) Identify and recommend

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potential statutory changes to implement the assessment framework developed. The report is due on or before January 15, 2027.

Land Bank Study

This session's housing omnibus Act 69(opens in a new tab) (S.127) directs the Department of Housing and Community Development to issue a report to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs outlining a legal framework for implementation of a state land bank. The report shall include suggested legislative language related to: (1) the creation and ongoing administration of a statewide land bank; (2) the authorization of regional or municipal land banks; and (3) the identification of funding proposals to support the establishment and sustainability of each separate model. The report is due on or before November 15, 2026, with an initial update due on January 15, 2026.

Study Committee on Stormwater Management and Creation of Regional Stormwater Utility Districts

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In the June 2025 Legislative Wrap-Up(opens in a new tab), we provided a summary of Act 37(opens in a new tab), an act relating to stormwater management. Throughout the session, lawmakers heard robust testimony from landowners, municipal officials, and stormwater experts regarding complications with the state's implementation of the 3 Acre Rule. This summer study committee is created by Act 37 to review the feasibility and benefit of creating regional stormwater utility districts to facilitate implementation and compliance with the water quality laws of the state. Municipal representatives to be included are a representative of VLCT, a representative of a community that's subject to the Municipal Separate Sewer System permit, a representative of a town with a population under 2,500, and a representative of the Green Mountain Water Environment Association. The statutorily directed scope of the study committee is vast, and the report to the legislature is due on or before January 15, 2027. **If you are interested in serving as a municipal appointee to this committee, please email** advocacy@vlct.org(opens in a new tab).

EMS Advisory Committee

The role of the Emergency Medical Services Advisory Committee(opens in a new tab) is to advise the Commissioner of Health and the Vermont General Assembly (the legislature) on matters relating to the delivery of emergency medical services (EMS) in Vermont. The committee is statutorily required to develop and maintain a five-year statewide plan for the coordinated delivery of emergency medical services in the state.

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The committee is comprised of representatives from EMS districts, professional organizations, local government, the public, and the Health Department, and it includes a representative from VLCT. This position has been filled by VLCT staff in the past, but we are seeking member participation. **If you are interested in serving on this committee as a VLCT representative, please email advocacy@vlct.org**(opens in a new tab).

Represent Municipal Interests as a VLCT Appointee

VLCT Advocacy relies on the expertise, experience, and innovative thinking of our members to help inform and advance our municipal policy.

VLCT is seeking municipal officials to serve on a number of legislatively created working groups, advisory committees, and task forces.

Areas of interest and expertise we are looking for include:

- Land use policy, housing, and municipal planning
- Emergency Medical Services
- Stormwater and 3 Acre Permitting
- Public health, public safety, and substance use disorders

Some of the appointments available are time-limited; others are multi-year terms for standing advisory committees.

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If you are **interested in helping VLCT Advocacy shape and improve state policies that impact local government, please email advocacy@vlct.org** (opens in a new tab).

Unfinished Business for the Biennium

VLCT announced our priorities(opens in a new tab) last November and made great progress on key issues in the first half of the biennium. You can see a breakdown of some of our big victories on the funding of infrastructure and housing, new municipal finance authorities and local relief in the flood bill, and a technical cleanup of open meeting law in our June Legislative Wrap-Up (opens in a new tab).

Other VLCT proposals didn't quite make it off the wall or meet the crossover deadline, but we have been working to raise awareness of and interest in the issues that are most important to local government today.

Here is a summary of the remaining items from our list of priorities that we look forward to advancing come January.

PILOT Special Fund Surplus

VLCT testified repeatedly to resolve the more than $10 million(opens in a new tab) (and growing) surplus in the PILOT Special Fund generated by growing Local Option Tax (LOT) revenue. By the end of fiscal year 2025, the surplus is

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projected to approach $14 million.

Factors that have driven this increasing surplus include:

- A growing list of municipalities choosing to adopt Local Option Taxes following the change in state law in 2024 that no longer requires charter change.
- Growing consumption taxes statewide, which are up 44% since the pandemic.
- The "Wayfair Decision(opens in a new tab)" – the 1% retail tax now applies to all online sales.
- The legalization of recreational cannabis.

In the 2025 Flood Bill(opens in a new tab), we successfully advocated for a new municipal grand list reimbursement for FEMA buyouts, paid for with $1 million from the PILOT fund for the first two years (of five). The Senate Transportation Committee succeeded with a proposal to fund the Town Highway Non-Federal Disaster Program using $1.15 million from PILOT surplus rather than from the Transportation Fund.

While these flood relief programs are worthy efforts and help meet municipal needs, not all of the towns that raised the current, substantial PILOT fund surplus will be able to receive grants from these programs.

We also achieved an upward revision of the LOT withholding formula from 70/30 to 75/25, However, even with these new municipal appropriations from

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the fund and the more favorable formula, the surplus will only grow amid an inflationary environment and as more communities join the LOT program.

The legislature could restore fairness to this appropriation scheme by returning the remaining $7.15 million FY24 year-end surplus to the towns that raised it.

VLCT's advocacy has been effective at making lawmakers aware of the available surplus, and we expect more thorough debate next session about how best to appropriate the current and future accrual of funds from LOT. It is all but certain that VLCT will be fending off various proposals to use the surplus LOT funds for programs that may not be a priority for local government. We will keep working to ensure that these local revenues are used in the communities that raised them, distributed fairly, and used to meet the most urgent needs of local government.

MTAP Funding

When the annual appropriations bill, nicknamed the "Big Bill", passed the House in late March, all funding for the Municipal Technical Assistance Program (MTAP) had been eliminated. The VLCT advocacy team joined other technical assistance providers and got to work making sure that senators understood the positive results that MTAP has made possible for Vermont communities(opens in a new tab). While the Senate Appropriations Committee did initially restore to their draft budget $1 million of the $3 million proposed by the governor, MTAP funding did not make it into the final budget

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passed by the chamber and signed by Governor Scott.

Through MTAP, technical assistance partners have leveraged **a relatively small state investment** to help municipalities **capture millions more in state, federal, and philanthropic grants to complete complex funding stacks**. MTAP technical assistance partners assist municipalities with project readiness, grant research and application, reporting requirements and compliance, and project management.

This program has been **critically important to rural, low-resource, and flood damaged communities** across the state. Many lawmakers were alarmed to learn that MTAP funding was removed from the final budget. VLCT will hit the ground running and advocate that FY26 MTAP funding be restored in the annual budget adjustment, which typically passes through the legislature in February.

Ban on Firearms in Municipal Buildings

Many Vermont cities and towns have long-held concerns about firearms in municipal buildings, and VLCT has at times over the years advocated in favor of proposals to allow municipalities the authority to ban them. At the 2024 Annual Meeting, **VLCT members voted unanimously to support a statewide ban with the ability for communities to opt out.**

Last year, the legislature passed Act 120 pertaining to various firearms regulations, which also directed the Secretary of State to report on options for prohibiting firearms in municipal and state government buildings. The report

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was submitted to the legislature(opens in a new tab) in January.

Initially, VLCT's advocacy and the Secretary of State's report were well received by legislative leaders, and we were hopeful that a bill would be introduced by the first deadline in February. Alas, other public safety priorities rose to the top, and Burlington's proposed charter change to allow for a ban on firearms in bars became front and center in the gun safety debate for the session. With broad support for this commonsense policy among VLCT members and lawmakers, we will be working toward passage again in the new session.

Modernizing the Public Records Act

At the urging of VLCT and other partners, both committees on Government Operations held many hearings and acted on bills related to elections and the Open Meeting Law. Throughout the debate on changes needed for Open Meeting Law, lawmakers also heard compelling testimony on the need to similarly modernize Vermont's Public Records Act.

Some town officials attested to experiencing abuse of the law, including situations where repetitive and excessive records requests inhibit the ability of town officials and staff to manage the business and obligations of local government.

VLCT Advocacy has also recently received messages from some town officials who suspect that a recent volume of records requests may be generated and submitted by Artificial Intelligence or other automated

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software – rather than by genuine requestors.

Vermont's Public Records Act tries to achieve the challenging goal of accommodating the public's interest in transparency and accountability of government *while also* creating a system for the management and release of public records that's feasible for local governments to comply with. Ultimately, VLCT agreed with House members that future reforms to the law will need to be carefully considered and will require much more research, testimony, and stakeholder engagement. We expect to continue working toward developing proposed modernizations to the law that will balance VLCT's priorities of enabling transparency and accountability with the 21st century obligations and needs of town and city government. **If you have any questions, information, or ideas about how the Public Records Act should be modernized, please contact advocacy@vlct.org**(opens in a new tab).

Municipal Liability Monetary Cap

Over the autumn months, VLCT's advocacy team began talking with lawmakers about our proposal to create a monetary cap for municipal liability, as the state enacted for itself in 2011. While the majority of public services are delivered by municipal government, only state government enjoys liability protection.(opens in a new tab) **The absence of a monetary liability cap for municipalities is affecting the insurability of some critical public infrastructure (such as dams and recreation facilities)** and imperiling the ability of local government to deliver the public services that Vermonters want and need. Issues of insurability for municipalities have halted plans for

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skate parks and complicated plow routes, and they could jeopardize accessibility to other public facilities such as swimming pools, sports fields, playgrounds, and pedestrian infrastructure. **A liability cap for municipalities would not affect the ability of victims of crime or civil rights violations to pursue compensation for damages**.

In response to VLCT's advocacy, House Judiciary chair Martin Lalonde and freshman Representative Ian Goodnow introduced bill H.138,(opens in a new tab) an act relating to maximum liability of municipalities.

Niche municipal issues like this can easily be lost amid bigger policy debates during the brief legislative session, and that's what happened here. Bill H.138 did not receive any hearings in House Judiciary, although VLCT testified several times on the issue of municipal liability while discussing related proposals for stormwater management and chloride reduction in various policy committees.

The concept of municipal liability was also thrust into the headlines earlier this year when the town of Fairlee stepped up to the plate to save the Lake Morey ice skating loop. While the resort's insurer was not willing to assume the liability, the town's insurance provider, VLCT Property and Casualty Intermunicipal Fund (PACIF), was. Enacting H.138 would ensure that Vermont municipalities can continue to provide public access to great community assets like Fairlee's skating rink, which WPTZ reports is the longest ice-skating trail in North America(opens in a new tab)!

The question of how to address municipal liabilities for public infrastructure is very much a live debate under the proposed "Salt Bill" (more about that below), and H.138 could be moved next session.

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Top VLCT "Blocks and Saves"

The VLCT Advocacy Team works hard to advance policies that support the top priorities of municipal government in Vermont. We entered the 2025 session with a bold agenda for collective action to lower property taxes, promote public safety, create new housing, and build resilient communities. Together with coalition partners, municipal leaders, and lawmakers, we were able to bring home some major wins in 2025 that will support municipalities in meeting the obligations and functions of today's local government and take action to solve the challenges of the 21st century.

That said, we also spend much of our shoe-leather lobbying time working against various legislative proposals that are introduced mid-session and that, if passed, would be detrimental to municipalities. Even in areas of the law where VLCT does not have a municipal policy position, we take a "do no harm" approach and work to ensure the efficient, fair, and effective administration of government in Vermont. These are some of the VLCT Advocacy top "saves" from the 2025 session.

Opposed a TIF Sunset

Prior to the passage of CHIP, Vermont's original Tax Increment Financing (TIF) program was the best tool available to municipalities to finance public infrastructure without raising taxes, spur economic growth, and build housing in their growth centers. Several municipalities have leveraged the TIF

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program to raise hundreds of millions of dollars in new tax revenue and to revitalize their downtown core. The TIF program is transformational, but it is also complex – and requires many years of planning and public processes at the local level prior to seeking state approval. Some Vermont communities have been working for years toward establishing a TIF district.

After the housing omnibus bill, S.127, had unanimously passed the Senate as well as the House Commerce and Housing Policy committees, the House Ways and Committee proposed to attach a sunset of the TIF program in 2027. VLCT worked with our partners, including chambers of commerce, to raise the alarm and work against an arbitrary end to the "big TIF" program.

Ultimately, Senate members of the conference committee and the governor's team held strong, and the proposed sunset was removed from the final version of the bill.

Opposed Municipal Takeover of General Assistance Motel Program

Just before the legislature's Town Meeting week recess, lawmakers passed what would become the first of two failed annual Budget Adjustment Acts (BAAs).

This first version of the BAA included a several month extension to the General Assistance (GA) Motel Program – which Governor Scott opposed. On the Friday just before final passage and the crossover recess, Secretary of

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Administration Sarah Clark presented the committee conferees working on the initial BAA with a compromise proposal to instead offer municipalities up to $2.1 million in block grants with a minimum amount of $50,000 per municipality. According to Clark, cities and towns could choose to administer their own pool of motels, create emergency shelter, or launch other homeless services programs for the households leaving motels on April 1 – but without any help from the Agency of Human Services (AHS). During her testimony, Clark conceded that the Administration had not yet consulted with municipal leaders regarding the proposal and claimed that it offered municipalities "maximum flexibility". Clark also suggested that some municipalities could take on a regional service role and coordinate with neighboring communities.

Senate Appropriations Committee Chair Andrew Perchlik sought out VLCT's Municipal Policy and Advocacy Specialist, Samantha Sheehan, to respond on behalf of local governments – an unusual practice for conference committees. Samantha testified to the impracticality of the Administration's plan, which would give municipalities less than two weeks, immediately following town elections, to accept grants and launch new shelter programs, and do so with no coordination from AHS district staff and case managers. Samantha made VLCT's position clear that the authority and responsibility to provide human services belongs to state government, adding "Some time ago, the legislature and state government as a whole made that decision to remove those resources and authorities from local government and to take over the administration of human services, and that is how it is now. We are not open to reconsidering that on the fly today."

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Ultimately, the committee agreed with VLCT's position and rejected Governor Scott's proposal to hand off the winding down of the GA motel program to municipal government. The BAA was passed without the municipal block grants and was swiftly vetoed by Governor Scott, as was a second version of the BAA without the program extension.

Opposed Data Privacy Application to Public Records

Bradford Representative Monique Priestley introduced a slate of data privacy bills in the 2025 session including H.342(opens in a new tab), which is modeled after New Jersey's "Daniel's Law" and is aimed at protecting the personal information (such as home addresses) of some public officials including members of law enforcement and the judiciary. The law would (1) require data brokers to stop disclosing protected information upon receiving a notice from a covered individual or their authorized representative and (2) create a private right of action to enforce the policy. It would not apply to elected officials or candidates for office.

VLCT supports the underlying bill, which attempts to protect some municipal officials who could be particularly vulnerable to acts of harassment or intimidation and is inspired by the real-life attack on the family of a New Jersey judge.

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However, just before the crossover deadline, Representative Zachary Harvey (R-Rutland) introduced an amendment to H.342 that would have made the law **applicable to all public records,** not just online data brokered by private companies. This means that a covered individual could notice a town to remove their personal information from all posted records and all future public records requests, including for voter rolls, land records, public comments, meeting minutes and recordings, even dog licenses and grand lists. The list quite literally goes on.

VLCT responded quickly to the proposed amendment, which, if adopted, could have stopped the wheels of government in town offices statewide and would have introduced a new municipal liability through the private right of action. VLCT testified that the proposed amendment conflicts with VLCT's priority to ensure transparency and equity across state and local government and would likely run afoul of numerous other areas of state law including the Public Records Act and Open Meeting Law.

The House Commerce Committee acted to amend the amendment, and the version of H.342 passed by the House instead directs the Agency of Digital Services to conduct a stakeholder group – including VLCT and the Vermont Municipal Clerks and Treasurers Association – to study the feasibility, cost, risk, and other effects of requiring public agencies to cease the disclosure of protected information.

H.342 did not make the crossover deadline but was passed by the House on March 28. The Senate Committee on Judiciary is expected to take up the bill in the second half of the biennium.

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Supported the Salt Bill and Opposed New Municipal Liability

The House Environment Committee drafted bill H.86(opens in a new tab), an act relating to establishing the Chloride Contamination Reduction Program at the Agency of Natural Resources, also known as “the salt bill”.

Vermont cities and towns are generally aligned with the intent of the bill, which is to improve water quality by reducing the over-salting of roads, sidewalks, and parking lots. Sounds good, right?

There is a catch. Because municipalities (1) have an obligation under Title 24 to defend and indemnify all employees and (2) do not have the same monetary liability cap that the state government enjoys, we feel that the salt bill in its current form will do little to nothing to protect liability for municipal applicators.

In order to enjoy the limited civil liability protection proposed in H.86, a municipality would have to:

- prove the event (injury) was caused "solely by snow and ice"
- prove that the salt application was according to best practice
- prove that the employee or contractor did not commit gross negligence or reckless disregard

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- meet other requirements such as record keeping, attending training, etc.

Several times and in various committees, the VLCT advocacy team testified for H.86, and each time we asked for this narrow civil liability provision to be removed and replaced with the monetary cap for tort liability introduced in bill H.138(opens in a new tab) (learn more about H.138 in the "Unfinished Business" section above).

The salt bill advanced from the policy committees and was, for a time, noticed on the House calendar for a vote – but without the changes requested by VLCT. We kept working, letting representatives know that **without adequate liability protections VLCT cannot endorse the salt bill**.

Ultimately, H.86 did not have the votes for passage and was pulled and recommitted to the House Committee on Environment. VLCT looks forward to working with members of that committee in the second half of this biennium to improve the proposed legislation.

What We're Reading This Summer

Each legislative session typically ends in a flurry of actions, and it takes some time for bill signatures, vetoes, and the ensuing reporting to catch up. That was true this year as the session rushed to a near close in early June, with the controversial education package passing in the consequential veto session on June 16. Here is some recent reporting from significant legislative actions taken (and a related decisive court victory) this session:

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- Judge Sides with Town in Tunbridge Trails Case(opens in a new tab), VTDigger
- Scott, Housing Advocates Celebrate Passage of Infrastructure Bill(opens in a new tab), Seven Days
- CHIP to Take TIF's place; St. Albans City Gets New Development Tool (opens in a new tab), St. Albans Messenger
- CHIP is a Hand Up for Rural Vermont(opens in a new tab), commentary by Samantha Sheehan, published by Brattleboro Reformer

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