



Weekly Legislative Report

The Vermont League of Cities and Towns' **Weekly Legislative Report** is published each Friday during Vermont's legislative session.



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Inside this Issue:

The Legislature Grinds On	1	Mandating Binding Arbitration	6
Taxing and Regulating Cannabis	2	Expanding the Clean Water Fund Audit	7
PFOA and PFAS	4	In Memoriam	7
Net Metering	5	New Bills	8
Charter Changes for Stowe and Williston	6		

The Legislature Grinds on: What's Next for VLCT Priorities?

Crossover is long in the rearview mirror and legislative committees are now working on initiatives that have been delivered to them in bill form from the other chamber. This is the time during the session when differences in priorities and approaches to problems between the House and Senate become apparent. It is also a time to urge legislators to take up priority bills that one chamber has passed and might be at risk of languishing in the committee in which they now reside. While the list of legislation that could possibly be passed this year has narrowed considerably, the potential for changes in legislative direction is significant. Most bills that your Advocacy staff are presently following are in the somewhat precarious position of being reviewed – or not – in the second chamber.

All those bills that are passed in different versions by the two chambers must be reconciled in a conference committee. Each conference committee (three members from the Senate and three from the House) is charged with producing a bill that is acceptable to and voted on by both chambers before final passage, after which it is sent to the governor for his signature. As the session nears its end, conference committees take center stage. They are notoriously difficult to follow from a distance, so VLCT will endeavor to keep you updated on any legislation that is important to municipalities.

Early in March, the Senate passed [S.54](#), the marijuana tax and regulate bill. As you will read on page 2, the House's approach to a regulated market differs significantly from that of the Senate. The Senate also passed [S.106](#), the self-governance legislation that VLCT and many local officials have championed. That bill is in the House Government Operations Committee on the wall, presumably until the committee has finished with S.54 and new charter change proposals.



In order for municipalities to fully access the benefits of local renewable energy, VLCT urges the legislature to:

- remove the customer cap limitation on net metering for public institutions as they are currently defined in H.423;
- enable municipalities to participate in more than one net metering group; and
- reduce permitting costs for projects on priority/preferred locations.

Addressing these three issues will go far in helping municipalities save money, which can be reinvested back into the community in ways that include reducing their reliance on carbon-based infrastructure.

Charter Changes for Stowe and Williston

On Tuesday, the House Government Operations Committee voted both [H.539](#) and [H.540](#) out of committee by votes of 10-0-1. H.539 is a proposed amendment to the Town of Stowe’s charter; H.540, which passed the House on Friday, would amend the Town of Williston’s charter.

H.539 would allow the Town of Stowe to merge with the Stowe Fire District No. 3, a merger both the town and fire district already voted to approve. If approved by the General Assembly, the fire district’s assets would be transferred to the town and the town would assume all liability. Prior to the merger, the fire district would be obligated to pursue a cure to any defects in title. If Fire District No. 3 has any bonds or other long-term debt, the owners of any lots within the district’s boundaries would have to pay a surcharge until the debt is paid off.

H.540 would allow Williston to eliminate, by a majority vote of legal voters, the office of lister or change the office to an appointed position. If the town votes to eliminate the office, the town manager would employ a qualified assessor to fill the position. Further, H.540 would allow the town to eliminate the elected position of town constable and make it an appointed position. H.540 would also allow the town manager to appoint both a town treasurer and assistant town treasurer.

Mandating Binding Arbitration in Certain Negotiations

This week, the Senate Government Operations Committee started to take testimony on [S.156](#), a bill that in part mandates binding arbitration for municipal public safety employees. Most of the bill does not concern municipalities because it largely addresses labor issues between the state and state public safety employees and unions. The portion of the bill that will affect municipalities with public safety employees proposes that when a contract impasse exists between a municipality and the exclusive bargaining agent for public safety employees, the impasse *must* be resolved through binding arbitration.

VLCT strongly opposes this state mandate on contract negotiation procedures at the municipal level. The process, according to people involved in contract negotiations, has worked. Local officials consider this an unfunded mandate and regulatory overreach on the part of the state into the contract negotiating process between the employer, the employee, and the employee’s bargaining agent. Unlike the relationship between the state and the state’s employees – where only one employer and tax base is affected – municipalities are separate governmental entities with separate employees and property tax bases unique to each municipality. These contracts involve public employees that provide essential public services at the property taxpayers’ expense. Contract terms should be determined by elected officials who are directly accountable to the taxpayers. Many communities have already decided to move contracts to an arbitrator in these sorts of situations, but those decisions have been made between the municipality, the employees, and the employees’ agents. VLCT urges the legislature to respect and protect that process.

VLCT will testify on the bill next week. Local officials who have any concerns regarding the bill are encouraged to contact their senators.

Miscellaneous Ag. Bill Proposes Expansion to Clean Water Fund Audit

This week, the House passed [H.525](#), a bill that would add several amendments to agricultural law. All but one of the amendments would affect Title 6, the statute governing agriculture. The lone amendment to Title 10 Section 1389b would apply to the Clean Water Fund Audit requirement passed last session. It is indicative of tensions between the Department of Environmental Conservation and Agency of Agriculture, Food and Markets regarding clean water funding and administration efforts as they pertain to farms.

The existing law requires the Secretary of Administration to submit an audit evaluating the Clean Water Fund by 2021 to eight different House and Senate committees. The audit is an important requirement as it describes the success in reducing pollutants in the waters of the state, the amounts of money spent to achieve those outcomes, and the sectors where those dollars were spent.

The audit must include a summary of the expenditures from the Clean Water Fund, including:

- an analysis of the effectiveness of the water quality projects funded;
- an evaluation of whether the projects funded achieved the intended water quality benefits,
- a recommendation of whether the General Assembly should continue to authorize the Clean Water Fund and at what funding level; and
- an assessment of the capacity of the Agency of Agriculture, Food and Markets to effectively administer and enforce agricultural water quality requirements.

The bill would add to the audit an assessment of the ability of the Department of Environmental Conservation to effectively administer and enforce agricultural water quality requirements.

The audit has to be conducted by a qualified independent environmental consultant who is knowledgeable of the Clean Water Act, state requirements and clean water initiatives and the Lake Champlain Total Maximum Daily Load (TMDL). The Clean Water Fund would pay for the audit.

In Memoriam Robert Forguites

This week, we were saddened to learn of the death of Representative Robert Forguites of Springfield at age 80. Forguites served three terms in the Vermont House after he retired as Springfield town manager. His service to local government spanned his entire civilian career. He served on the board of selectmen in Brandon, the town in which he was born and raised, and on the board of the Otter Valley Union High School. He worked for the Town of Springfield for 20 years –16 of them as town manager. In 2012, the Vermont Town and City Management Association gave Bob its Distinguished Service Award in recognition of his many accomplishments while serving as Springfield town manager.

Both as a municipal official and a state representative, Bob was always gracious, always interested in listening to different points of view and seeking resolution to problems that met everyone’s needs. Throughout his years in the State House, he remained an advocate for local governments.

New Bills

BILL NUMBER	SUMMARY OF NEW BILLS	CURRENT LOCATION
H.547	Would approve an amendment to the charter of the City of Montpelier regarding the powers and duties of the City Council. (Voters approved the proposal on March 5.)	House Government Operations
H.548	Would allow a school district that is forcibly reassigned to a different supervisory union by the State Board of Education's order to merge under Act 46 to choose which supervisory union to join. A majority vote of a quorum of the school district's board members would determine the supervisory union assignment for the school district. The determination would be binding even if the supervisory union disagreed with the assignment.	House Education

