

LEGISLATIVE UPDATE

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Issue 5

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WEEK 5

As the fifth week of the session comes to an end and the month of February begins the legislative pace seems to be picking up. However, some of the bills that are controversial are still waiting to move.

It is four weeks till Town meeting break and crossover. This is also an election year, so the legislators will not want to be in Montpelier any longer than absolutely necessary.

EDUCATION

The House Ways and Means committee is working on rewriting how the state funds education. The committee wants to bring down property taxes and create a more equitable funding source.

The proposal is a combination of property tax and income tax.

Income sensitivity would be eliminated.

The proposal would reduce the average property tax by an average of one-third. Individual towns would have control over their property taxes depending on their local spending decisions.

This proposal is in the beginning stages and has many hours of testimony and discussion before a final proposal is put forth.

There is yet to be a bill released dealing with this.

WATER QUALITY

S-260 An act relating to funding the cleanup of State waters

The Senate Natural Resources committee is recommending a strike all of **S-260**. The committee is inserting language that creates a Legislative Clean Water Planning, Funding, and Implementation Committee. The members of this committee would be the chairs of House and Senate Natural Resources, chairs of House and Senate Appropriations, chair of House Ways and Means and chair of Senate Finance. This committee would decide whether and how the State should establish an independent authority to coordinate, plan, and finance water quality programs and projects across State government.

The Clean Water Planning, Funding, and Implementation Committee shall have the administrative, technical, legal, and fiscal assistance of the Office of Legislative Council and the Joint Fiscal Office. The Committee shall also be entitled to seek financial, technical, and scientific input or services from the Office of the State Treasurer, the Agency of Natural Resources, the Agency of Agriculture, Food and Markets, the Agency of Transportation, the Vermont Center for Geographical Informational Services, Agency of Commerce and Community Development and the Department of Taxes. By November 15, 2018 this committee would report its recommendations to the legislature and cease to exist.

The new version of **S-260** also adds four members from the public to the Clean Water Fund Board. This version of the bill also retains the Citizen Right to Action language that allows for citizen lawsuits.

The Senate Natural Resources committee plans on voting out **S-260** by next Friday. The bill will then go to Senate Finance and then maybe to Senate Judiciary.

H-576 - An act relating to stormwater management

This bill deals with writing rules for those 3-acre parcels of impervious surface that were developed before the stormwater manual written in 2002. The bill also requires the establishment of a half-acre permitting threshold for stormwater discharges. All Agency of Natural Resources rules applicable to the construction of one acre or more of impervious surface shall be applicable to the construction or redevelopment of one-half of an acre or more of impervious surface. This ½ acre permit goes into effect July 1, 2022. The 3-acre rule would be required after October 1, 2023 for those projects in the Lake Champlain and Lake Memphremagog watersheds. The other watersheds would be required by October 1, 2033.

This bill will have to go to House Ways and Means when it is voted out of House Natural Resources.

FORESTRY

S-101 An act relating to the conduct of forestry operations

This bill proposes to provide that certain forestry operations would not be subject to liability as a public or private nuisance.

S-101 is now in House Agriculture and Forestry committee. The committee has yet to schedule any testimony on **S-101**.

S-276 An act relating to rural economic development

S-276 has had many changes since it was first introduced. The newest version creates a Rural Economic Development Initiative. This initiative would be administered by

Vermont Housing and Conservation Board and would promote and facilitate rural economic development. A yearly report would be required that evaluates the effectiveness of the services provided by the Initiative.

The bill also contains language:

- requiring a report on “demand charges of electricity” and its impact on businesses in rural areas of the state
- clarifying qualifications for use value appraisal
- requiring a report on the feasibility and impacts of requiring public buildings that use wood to produce heat or electricity to give preference to Vermont suppliers
- establish the Outdoor Recreation Friendly Community Program

Toxics Liability Bill

S-197 An act relating to liability for toxic substance exposures or releases

This bill proposes to hold any person who releases a toxic substance strictly, jointly, and severally liable for any harm resulting from the release. The bill also proposes to establish a private right of action for medical monitoring damages incurred due to exposure to a toxic substance.

This proposal would, in a very broad sense, make anyone that releases a toxic substance liable for any harm resulting from the release. This bill could impact agriculture. The bill continues to allow any person exposed to such substance to recover medical monitoring damages from the liable party. This person must prove a list of items in order to be eligible to receive damages. The Committee heard testimony from representatives of insurance companies and fuel dealers in Vermont that voiced strong concerns with the strict components of the bill. They also emphasized the potential problem with the broad scope of the bill and noted how provisions in it could easily bankrupt businesses. I will monitor and keep you posted.

Bills of interest introduced this week:

H-777 An act relating to the Clean Water State Revolving Loan Fund

H-791 An act relating to a carbon charge that is refunded on electric bills

H-808 An act relating to all-terrain vehicles

H-837 An act relating to solid waste management

H-838 An act relating to the priorities for water quality aid to municipalities

H-850 An act relating to liability for toxic substance exposures or releases

H-851 An act relating to certifying compliance with water quality requirements as a condition of the award of State financial assistance

Below is the link to the Vermont Legislative website
Legislature.vermont.gov

EVENTS OF INTEREST

**19th Annual
VERMONT DAIRY PRODUCERS CONFERENCE
Tuesday February 27, 2018
8:00 am to 4:00 pm
DoubleTree by Hilton Hotel
Formally the Sheraton
Register at vermontdairyproducers.com**

New Guidelines Independent Contractors

The Department of Labor, issued new guidance stating that an employer cannot be assessed workers' compensation premiums or found to be liable under the workers' compensation code for workplace injuries incurred by an independent contractor if two conditions are met: 1) the independent contractor must be registered with the Secretary of State as an LLC or corporate owner; and 2) the contractor must have filed and received approval from the Department of Labor to opt out of workers' compensation coverage. Go to Vermont Department of Labor website for the official guidelines.

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Coming together is a beginning, keeping together is progress, staying together is success”

– Henry Ford

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