

# TOWN MEETING LEGISLATIVE REPORT

## Rep. Cynthia Browning

*Arlington, Manchester, Sandgate, & Sunderland*

Please feel free to contact me with questions, criticisms, or comments on these and other issues. In each topic section the objective material is in regular font, and *my perspective is in italics like this.*

### PAID FAMILY AND MEDICAL LEAVE.

The House is considering a proposal to provide paid leave if an employee is ill or injured and temporarily unable to work, if an employee needs to care for a family member, and if an employee has a new baby. This would be a MANDATORY program financed with a payroll tax on both businesses and workers, with 12 weeks of eligible leave at 100% replacement of compensation up to some level. This program could cost over \$100 million a year.

The Governor has proposed a VOLUNTARY program that would be based on state employees of both Vermont and New Hampshire as the central insurance pool, with the state governments paying the premiums for their employees, and then other Vermonters would be able to buy the insurance as well if they choose to do so. There would be 60% wage replacement for up to six weeks of eligible paid leave. I am not sure, but just based on the more moderate benefits this might cost around \$30 million a year.

*I would like to see a program that is voluntary like the Governor's proposal but without bringing in New Hampshire, as I think it would be hard to work out that coordination. A program with 60% wage replacement for up to four weeks of paid leave would be a good start. I would use the payroll withholding for the premium, but with the ability to OPT OUT – employers and employees could choose not to participate, so it would not be a mandatory payroll tax. I believe that there is a CHANCE that something like this, starting out small and voluntary, might go forward, along with an intent to expand the program as we understand more about the costs. There are substantial uncertainties about the costs to start the program up and the costs as the program operates across changing economic conditions. I want to provide some level of paid family and medical leave support, but I don't want to create an expensive new benefit that we will have to raise taxes repeatedly to support in the future and that will create a burden on Vermont workers and businesses that they cannot afford. We shall see.*

### EDUCATION PROPERTY TAXES.

Last year the overall rate of growth of education spending was low, so that increases in education property tax rates were also low. This year the rate of growth is faster, almost 4%. Fortunately, various sources of revenue in the fund have also grown, but not as fast as that. The current expectation is that the average education property tax rate will probably rise by about one and a half cents, primarily due to the increase in spending. This will mean that the average education tax bill may increase by about 2.4%, whether the tax is based solely on property value or also adjusted for income. There will be higher and lower increases depending on local factors.

*Unfortunately, there are still continual efforts to either put added costs into the Education Fund or to take revenue out of it, either of which will drive property tax rates higher. While some of these uses involve worthy programs like child care or support for college, I continue to believe that the Education Fund should only be used for pre-K through 12 education costs to keep property taxes under control.*

## **LEGALIZATION OF CULTIVATION AND SALE OF RECREATIONAL CANNABIS.**

There are several bills in the Legislature that would create a system for regulating the cultivation and taxing the sale of recreational marijuana. Medical marijuana is already legal in Vermont, and cultivation and possession of marijuana for a person's own use has been legalized.

*I have not yet seen a version of the taxation and regulation of cannabis that I could support. I find the regulation too lenient. I don't think the black market will be eliminated. I believe that most of the tax revenue will be used up by the regulation of this industry. I am concerned that more Vermonters will use more cannabis, especially more young people. And I am concerned about a growing threat to highway safety through more driving under the influence. I am also worried that the tobacco companies will come in to control cannabis and spread their marketing across our communities. They will develop political power and influence, and they will push for even more lenient rules.*

*I could consider a proposal that results in very few licenses and allows cultivation and sale only through cooperatives or designated clubs. I would like restrictions on advertising, and communities should have to have to vote affirmatively to allow such establishments. Also enhanced highway safety.*

## **OPIATE ADDICTION.**

Vermont has made great progress in providing treatment to those addicted to opioids and in slowing the growth in opiate overdose deaths. We have a great deal of work left to do.

*As one component of this work Rep. Linda Joy Sullivan of Dorset and I have co-sponsored a bill to prevent new opioid addictions by putting into law the current medical guidelines for opioid prescriptions. The bill would allow patients to sue doctors, hospitals, and pharmaceutical companies if a physician prescribes in violation of those guidelines and the patient becomes addicted to opioids as a result. Just addiction is not sufficient to sue, the doctor must have violated the guidelines for prescribing these drugs.*

*This kind of approach is important to reduce the number of newly addicted Vermonters, because most people become addicted through legal prescriptions – they don't start with heroin.*

## **H.47 TAXATION OF E-CIGARETTES.**

The House has passed a bill that would tax E-Cigarettes at the same rate as tobacco products. This is important to prevent the use of these nicotine delivery devices by young people, since their behavior is very sensitive to cost. *We must prevent a new generation from becoming addicted to nicotine while their brains are still forming.*

## **MORE MINIMUM WAGE INCREASES?**

The Senate is likely to pass and send to the House a bill that would require increases in the minimum wage to \$15 an hour by 2024. Vermont has already increased the minimum wage from \$8.73 in 2014 to \$10.78 shortly. Entry level wages are already above this minimum in some parts of the state.

*I continue to have grave reservations about further mandated increases in the minimum wage at this time. It is important to allow businesses to adjust to the changes that have already occurred. Further increases now will likely result in loss of work hours, reduction in job growth, and faster automation of tasks through substituting machines for workers. In addition, we are likely to have a recession soon, and raising the minimum wage when the job market is slow could result in more unemployment. More increases would also make it more costly for people who use home health care workers as the federal subsidies would not increase. Increasing the Earned Income Tax Credit or*

*child care subsidies would be more effective and reliable ways to support low income working Vermonters. We can revisit this issue when we know more about economic conditions in the future.*

### **H.3 ETHNIC AND SOCIAL EQUITY IN EDUCATION.**

**This bill has passed the House and is under consideration in the Senate. It creates the Ethnic and Social Equity Standards Advisory Working Group to advise the State Board of Education on the adoption of ethnic and social equity studies into statewide education standards. The goal is to fully recognize the history, contributions, and perspectives of all ethnic and social groups, especially those that have been subject to discrimination or persecution, and to incorporate such material in the education of our young Vermonters.**

*This is a useful educational addition to ongoing initiatives to combat racism, religious intolerance, and discrimination based on gender or any other characteristic. Unless we all have the same rights and recognition, none of us really have those rights.*

### **H.57 ABORTION RIGHTS.**

**H.57 puts into law the current framework surrounding abortion access in Vermont, which allows abortion without restriction. The bill neither expands nor restricts current access and it does not make a policy change. It has passed the House and is under consideration in the Senate.**

**Over 90 percent of all abortions in Vermont happen in the first twelve weeks, and only about 1% occur after 21 weeks. No abortion providers in Vermont perform elective abortions in the third trimester – any such procedures would only be for fetal anomaly or a threat to the life of the mother. The bill does not allow partial birth abortions as those are prohibited by federal law.**

*I supported H.57 because medical decisions should be made by a patient in consultation with a doctor without undue interference from the state. However, I also supported restrictions on late term abortions that would have been in line with current practice. I am concerned about parental notification or consent when minors are having abortions, but the amendments that were offered on this topic were not well crafted or balanced enough for me to vote for them.*

*Access to contraception is the key to reducing abortions. We need to increase our efforts to educate women about their rights and their responsibilities and to increase access to family planning.*

### **ACT 46 MERGER ISSUES.**

*As many may know, I voted against Act 46 when it was passed, and I have sought to alter it several times since then. One of my central objections was that the State Board of Education was given the power to force school district mergers against the voted decision of the communities involved. Since the SBE has now done that, and lawsuits are proceeding, I supported hitting the pause button on those mergers until the judiciary weighed in..... The school districts and supervisory unions in this legislative district are not directly affected by the forced mergers. However, I will be introducing a bill that would allow a school district to choose which supervisory to be re-assigned to, and that would affect where Arlington and Sandgate end up.*

### **PLASTIC POLLUTION & RECYCLING.**

*To reduce plastic pollution of rivers and lakes and to support re-use and recycling I have introduced a bill to expand the beverage container deposit-redemption system to include water bottles, wine bottles, sodas, and other beverages. The only exceptions would be dairy products, cereal-based “milk” products, and juices. It makes sense to hold the producers of these additional beverages responsible for taking containers back and recycling them, and to have those who purchase the beverages share that cost. Our current recycling system puts that cost on municipal property tax*

*payers, and problems with the market for recyclables has meant that this cost is growing in an unsustainable way. Also, I would seriously consider some method of reducing the use of plastic grocery bags, perhaps a state wide fee or ban that is phased in..*

#### **BIAS-MOTIVATED CRIMES.**

All Vermonters should have the right to live free of harassment and intimidation, and only if all of us have that right do any of us really have that right. The House Judiciary Committee is studying ways to define bias-motivated crimes that could be prosecuted in an effort to ensure that Vermonters do not have to fear for their safety or the safety of their families because of others' prejudice against their race, religion, sex, gender identity, or disability.

#### **REFORMING ACT 250'S LAND USE PLANNING.**

The Legislature is considering ways to update our foundational statewide land use law. Act 250 was enacted in 1970 to address concerns about the impacts of unregulated development on our environment and on our communities. The law regulates certain kinds of developments at the state level, in addition to local reviews, in order to protect and conserve the lands and environment of the state and to ensure they will be devoted to uses not detrimental to the public.

Act 250 has served us well in regulating large developments to protect our landscapes, our water, and our air from ill-considered projects, and to channel development into areas that are already built up. It has done this through establishing a list of criteria for permit approval and a process that includes local participation. However, there can be long and unpredictable delays in the process that may discourage useful projects. In addition, most developments today have only 2 to 4 lots, well below Act 250's jurisdictional threshold of six or ten lots.

The main reform proposal that is under consideration in the legislature may propose that the location of a project near critical economic and natural resources could trigger Act 250 review, not just project size. It could also channel development even more strongly to designated downtowns and village centers. It could create additional administrative hurdles, and remove jurisdiction over some appeals from our courts to a new appointed board. There could be a requirement that in order to have standing in the Act 250 process Town Plans and Zoning would have to be in accord with state priorities. A new criterion could be added that would require consideration of climate change through directing that projects must eliminate, mitigate, or offset carbon dioxide emissions from fossil fuels in the construction and use of a project.

*I support reforms that would streamline the legal procedures in ways to make it faster for applicants while retaining balance and thoroughness. I would also be interested in provisions that would make it easier to protect important agricultural and forestry resources, wildlife habitat, and drinking water resources. I am interested in taking emissions of greenhouse gases into consideration by focusing development in already built up areas and considering use of renewable energy in projects as long as this is done in a balanced way. However, I am concerned that the bill that emerges may severely restrict town planning jurisdiction, putting state priorities above the concerns of local communities. I am also concerned that the courts may be further removed from the process, with more power vested in unelected boards.*

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**Legislative Office Hours: March 2 & April 6 at Chauncey's in Arlington 8 to 9:30**

**March 9 & April 13 at the Next Chapter Café in Manchester 8 to 9:30.**