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Recent Highlights

Apologies for the lapse in getting this out – sometimes real work does get in the way! Fortunately it appears that the session is starting to wind down, as the Senate considers the three “must pass” bills adopted by the House in a flurry of floor activity at the end of March. The **FY05 Appropriations Bill** (H.768), as passed by the House, includes level funding for the Municipal and Regional Planning Fund in FY05 under the notwithstanding clause; but also includes the proposed changes to the funding formula as discussed in previous updates. If enacted, these changes would reduce property transfer tax revenues allocated to the MRPF from 17% to 14%, with 65% going to RPCs and 25% going to municipal planning grants. As passed, the House appropriations bill also included \$250,000 to DHCA “to implement the intent of H.175.” H.768 is currently in Senate Appropriations.

The Senate has already acted on the House **Transportation Bill (H.764)**; the Senate’s proposed amendments are on the House Notice Calendar for consideration on Tuesday. The Senate version includes changes to the I-89 paving program, deletes any reconsideration of the Bolton interchange project, reduces funding for Policy and Planning, suspends design work on the southern portion of the Bennington Bypass, adds a municipal park and ride grant demonstration project, and includes a study of local match requirements, to be conducted by VTTrans in association with VLCT, the RPCs, and the CCMPO. The **Capital Construction Bill (H.767)** was reported out of Senate Institutions on Friday, and is scheduled to be reported out of Senate Appropriations on Tuesday for consideration in the Senate.

Permit Reform. It’s been a quiet couple of weeks with regard to planning-related legislation, though there’s still much going on behind the scenes with regard to permit reform and Chapter 117 – including negotiations concerning **H.175** provisions for accessory apartments and appeals, requirements for the off-site mitigation of primary agricultural soils (and definitions of “affordable housing” to be exempted from mitigation requirements), and the proposed makeup of the environmental court.

Senate Natural Resources finally forwarded a revised version of **S.286**, the committee’s agency permit reform bill, which is now in Senate Appropriations. As reported out of committee, the bill no longer includes specific language for the re-establishment of a state planning office. It does, however, appropriate \$50,000 to the Vermont Council of Rural Development to establish a policy council, to include “lead representatives of planning” at the municipal, regional and state level, to “inventory and evaluate the system of planning in Vermont.” A final report would be due by September 2005. VCRD has scheduled an initial organizational meeting Tuesday to initiate this process. The committee’s bill also more limitedly defines “growth opportunity centers” under Act 250, to include only downtown, village and new town centers, as defined in downtown program statutes (24 VSA §2791).

Other planning related legislation currently under consideration includes:

- **Planning Board Terms (H.279)**, which passed the House, and is on the Senate Notice Calendar for consideration on Tuesday.
- **Village Designation (H.648)**, which passed the House and is now in Senate Finance, and
- **Municipal Land Records Commission (H.715)**, which passed the House and is now in Senate Rules.

Farm Bills Introduced, Finally, Fast Tracked

After months of partisan infighting in House Agriculture, the committee finally reported out two long awaited agricultural bills – one on genetically engineered seeds (H.777), and a second “Miscellaneous Agricultural Subjects” bill (H.778) that includes both updated farm permitting provisions under 6 VSA Chapter 215, and right to farm (nuisance suit) provisions under 12 VSA Chapter 195. H.778, as passed by the House on Thursday, includes:

- Provisions entitling a farm, or “agricultural activity” as defined, which was established prior to surrounding activities or reasonably changed or expanded, to a rebuttable presumption that it does not constitute a private nuisance if it conforms to accepted agricultural practices, accepted management practices, and is in compliance with issued permits. This may be rebutted by showing that the farm or activity has a substantial adverse impact on public health and safety.
- The creation of a new system of “animal waste permits” for small, medium and large farms as defined, to include large farm general permits, medium farm general permits, and for significant contributors of pollutants, individual large, medium and small farm permits. Appeals of the Secretary would go to the Environmental Court.
- The bill also requires the Secretary to adopt accepted management practices (AMPs) by rule, to establish standards for acceptable “secondary effects” of agricultural activities, defined to include noise, odors, dust, pests, fumes, glare and traffic.

State House Schedule (partial listing, subject to change):

Monday 4/12

2:00 H.767 Capital Construction Bill S. Appropriations

Tuesday 4/13

8:00 Right to farm language [Leg Council, Ag Agency] S. Agriculture
9:00 Affordable Housing Credits [VAHC, VHFA, etc.] H. Ways & Means
10:00 Water quality language [Leg Council, Ag Agency] S. Agriculture
1:00 Stormwater discussion H. Fish, Wildlife & Water Resources

Wednesday 4/14

10:00 S.311 Access Management [VTrans] H. Transportation

Thursday 4/15

9:00 Stormwater discussion, bill mark-up H. Fish, Wildlife & Water Resources
10:00 S.296 Creative Economy/Downtowns [VLCT, DHCA] S. Finance

Friday 4/16

9:00 Stormwater discussion, bill mark-up H. Fish, Wildlife & Water Resources