

2/26/07

VPA LEGISLATIVE REPORT #8

Committee agenda items of note this week:

HOUSE GOVERNMENT OPERATIONS

Thursday, March 1, 2007

9:00am **Discussion of H.111 - Unidentified Corridors**

HOUSE COMMERCE

Wednesday, February 28, 2007

2:00 p.m. **H.248 - Telecommunications Authority**
Roger Nishi, Waitsfield/Champlain Valley Telecom
Kim Gates-Maynard, Franklin Telephone Company
Mike Reed, TDS

3:00 p.m. **Floor Action**

Thursday, March 1, 2007

9:00 a.m. **H.248 - Telecommunications Authority**
John Shullenberger, Selectboard, Jericho - Fiber Optic Working Group
Tim Nulty, Burlington Telecom (10:00 a.m.)
Tom Evslin, Stowe (11:00 a.m.)

1:00 p.m. **H.248 - Telecommunications Authority**
Michel Guite, VTel
Lisa Birmingham, Comcast (2:00 p.m.)

3:00 p.m. **Floor Action**

Friday, March 2, 2007

9:30 a.m. **Floor Action**

10:30 a.m. **H.248 - Telecommunications Authority**
Paul Giuliani, Attorney, Montpelier

1:00 p.m. **H.248 - Telecommunications Authority**
Jolinda LeClair, State Director, USDA Rural Development Agency
Rhonda Shippe, Business & Cooperatives Program Director, USDA Rural
Development Agency

HOUSE FISH, WILDLIFE & WATER RESOURCES

H.70 – Small Hydro Bill:

Tuesday, February 27, 2007

2:30PM **H.70: Committee Vote**

H.296 & H.303: Wastewater Permitting

Thursday, March 1, 2007

- 9:00AM **H.296 & H.303: Universal Jurisdiction**
Town of Colchester
Karen Horn, VT League of Cities & Towns
Anne Whiteley, Agency of Natural Resources
Roger Thompson, Agency of Natural Resources
- 1:00PM **H.296 & H.303: Universal Jurisdiction**
Kim Greenwood, VNRC
Jim Saudade, Agency of Commerce (1:30)

Friday, March 2, 2007

- 9:30AM **Floor**
- 11:00AM-12:00PM **H.194 & H.163: Stormwater Management**
Agency of Natural Resources
- 1:00PM **H.194 & H.163: Stormwater Management**
Town of Georgia Selectboard
Town of Fairfax Selectboard

HOUSE GENERAL, HOUSING & MILITARY AFFAIRS

Wednesday, February 28, 2007

- 10:00 **Vermont Housing & Conservation Coalition - Legislative Day**
a.m. *Joint Meeting with Senate Committee On Economic Development, Housing & General Affairs. Room: 11, State House*
Chip Hart, Allen Agency & Board Chair, Housing Vermont, Burlington
Liz Nickerson, Senior Community Investment Manager, Federal Home Loan Bank of Boston
Kathy Luce, Partner/Vice President, Maloney Properties, Inc., Charlotte
Open testimony from VT Housing and Conservation Coalition members (10:45 a.m.)
Ed Stretch, Executive Director, Gilman Housing Trust, Newport (11:00 a.m.)
- 1:00 **H.299 - New Neighborhood Initiative for Housing Development**
p.m.
Molly Dugan, Agency of Commerce & Community Affairs (tentative)

HOUSE TRANSPORTATION

Tuesday, February 27, 2007

- 9:30 a.m. **Policy Issues**
Peter Gregory, Regional Commissions

HOUSE NATURAL RESOURCES & ENERGY

HOUSE & SENATE AGRICULTURE *joint meeting*

Wednesday, February 28, 2007

11:15 AM-
12:15 PM

Vermont Housing and Conservation Coalition
Room 11

Alex Wylie, Agricultural Director, Vermont Land Trust
David Montagne, Dairy Farmer, Swanton
Jack Lazor, Butterworks Farm, Westfield
Travis Forgues, Dairy Farmer, Alburg
Jeep Madison, Dairy Farmer, Shoreham
Claude Charron, Conserved Farm Owner,

SENATE ECONOMIC DEVELOPMENT, HOUSING & GENERAL AFFAIRS

Thursday, March 1, 2007

9:00 a.m. **S.66 - Requiring a Community and Regional Impact Study of the Projected Effects of Large-Scale Retail Uses**
Proposed Amendment; Committee Discussion; Possible Vote

10:00 a.m. **Brownfields Program and Redevelopment of Contaminated Properties Program**
Proposed Draft Legislation

SENATE FINANCE

Tuesday, February 27, 2007

1:30 p.m. **Energy: Vermont Energy Efficiency Potential Study for Oil, Propane, Kerosene and Wood Fuels, Vermont Department of Public Service**
Dick Spellman, President, GDS; Consultant, Department of Public Service (via telephone)
Riley Allen, Director of Regulated Planning, Department of Public Service

2:15 p.m. **Energy: Electric Affordability Report: Recommendations and Draft Legislation**
Deena Frankel, Executive Director, Public Service Board

2:45 p.m. **Energy: Payment Program for Essential Electricity Service for Low Income Vermonters**
Philene Taromina, AARP

3:30 p.m. **Energy: A Decade for Change: A Vision for Vermont's Renewable Energy Future, Vermont Public Interest Research Group**
James Moore, Vermont Public Interest Research Group

4:00 p.m. **Energy: Vermont Community Energy Development, Ten Recommendations, Renewable Energy Vermont**
Renewable Energy Vermont

SENATE NATURAL RESOURCES & ENERGY

Wednesday, February 28, 2007

9:00 a.m. **S.94 - Energy Efficiency**

Tayt Brooks, Home Builders Assn.

Jim Volz, Chair, Public Service Board (9:20 a.m.)

Committee Discussion (11:15 a.m.)

New Bills of Interest introduced this week:

S.110 AN ACT RELATING TO MUNICIPAL [REPEAL OF SCHOOL] IMPACT FEES Introduced by Senator Collins of Franklin District

Statement of purpose: This bill proposes to eliminate the authority of municipalities to levy impact fees for school capital projects and require that if a municipality does not spend an impact fee within six years, the municipality shall notify the owner of the property by certified mail that he or she is entitled to a refund of those fees and shall refund those fees at the request of the owner of the property.

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 24 V.S.A. § 5200 is amended to read:

§ 5200. PURPOSE

It is the intent of this chapter to enable municipalities to require the beneficiaries of new development to pay their proportionate share of the cost of municipal **and school** capital projects which benefit them and to require them to pay for or mitigate the negative effects of construction.

Sec. 2. 24 V.S.A. § 5203(e) is amended to read:

(e) The municipality shall provide an annual accounting for each impact fee showing the source, amount of each fee collected, and project that was funded with the fee. The municipality ~~must~~ shall spend the fee on the capital project, for which the fee was intended, within six years of when the fee was paid. ~~If it fails to do this, the owner of the property at the expiration of the six year period may apply for and receive a refund of his or her proportionate share of that fee during the year following the date on which the right to claim the refund began. If a municipality does not spend the fee within this time period, the municipality shall notify the owner of the property by certified mail that he or she is entitled to a refund of the fee and shall refund the fee at the request of the owner of the property~~

And its House version:

- H.383 AN ACT RELATING TO MUNICIPAL IMPACT FEES Introduced by Representatives Howrigan of Fairfield and Valliere of Barre City

Statement of purpose: This bill proposes to eliminate the authority of municipalities to levy impact fees for school capital projects and require that if a municipality does not spend an impact fee within six years, the municipality shall notify the owner of the property by certified mail that he or she is entitled to a refund of those fees and shall refund those fees at the request of the owner of the property.

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 24 V.S.A. § 5200 is amended to read:

§ 5200. PURPOSE

It is the intent of this chapter to enable municipalities to require the beneficiaries of new development to pay their proportionate share of the cost of municipal ~~and school~~ capital projects which benefit them and to require them to pay for or mitigate the negative effects of construction.

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- H.354 AN ACT RELATING TO PROVIDING THAT THE PUBLIC TRUST DOCTRINE AS APPLIED TO RIVERS AND STREAMS EXTENDS TO THE 10-YEAR HIGH WATERMARK Introduced by Representative Obuchowski of Rockingham

Statement of purpose: This bill proposes to provide that the public trust resource that exists in the navigable rivers, streams, brooks, and creeks of the state extends to the 10-year high watermark. It proposes to require the department of environmental conservation to act to protect the public's interests in these waters: to provide information to municipalities, law enforcement personnel, and landowners with respect to the interests of the general public in these waters; and to recommend a process by which a landowner may apply for an abatement of taxes for those lands that are subject to this policy, and whereby a municipality would compute the acreage that would be subject to the abatement and grant the abatement. Finally, it proposes to require the agency of

natural resources to provide each town with a notice with respect to the rights of the general public in these waters, and it requires the towns to include a copy of the notice in each tax bill mailed during 2008, and every five years thereafter, to property owners in the town.

- **S.107 AN ACT RELATING TO MAPPING CLASS FOUR TOWN HIGHWAYS AND TRAILS AND MASS DISCONTINUANCES OF UNMAPPED TOWN HIGHWAYS** Introduced by Senator White of Windham District

Statement of purpose: This bill proposes to: (1) eliminate the requirement that class four town highways and trails appear on town highway maps by July 1, 2015; and (2) limit a municipality's ability to discontinue town highways to only those highways that are unmapped and not otherwise clearly observable by physical evidence of their use as a highway or trail.

- **H.364 AN ACT RELATING TO REQUIRING THAT ACT 250 APPEALS FROM THE DISTRICT ENVIRONMENTAL COMMISSIONS BE HEARD BEFORE THE LAND USE PANEL** Introduced by Representative Nuovo of Middlebury

Statement of purpose: This bill proposes to remove certain restrictions on the ability of the administrative judge to assign the environmental judges. It also proposes to redirect appeals of the district environmental commissions' decisions to the land use panel of the natural resources board.

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- **S.127 AN ACT RELATING TO A LOCAL OPTION ACT 250 EXEMPTION FOR CONSTRUCTION WITHIN A TRADITIONAL INDUSTRIAL DISTRICT** Introduced by Senator Carris of Rutland District, Senator Coppenrath of Caledonia District, Senator Maynard of Rutland District, Senator Mullin of Rutland District, Senator Nitka of Windsor District, Senator Sears of Bennington District and Senator Starr of Essex-Orleans District

Statement of purpose: This bill proposes to allow municipalities that have a zoning administrator and that have adopted permanent zoning and subdivision bylaws to determine by ordinance to exempt from Act 250 the construction of improvements on one or more tracts of land lying entirely within a traditional industrial district that was in

existence on June 1, 1970 and that still exists, whether or not currently subject to an Act 250 permit.

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 6001(3)(D) is amended to read:

(D) The word “development” does not include:

(i) The construction of improvements for farming, logging, or forestry purposes below the elevation of 2,500 feet.

(ii) The construction of improvements for an electric generation or transmission facility that requires a certificate of public good under ~~section~~ 30 V.S.A. § 248 or a natural gas facility as defined in ~~subdivision~~ 30 V.S.A. § 248(a)(3).

(iii) [Repealed.]

(iv) The construction of improvements for agricultural fairs that are open to the public for 60 days per year, or fewer, provided that any improvements constructed do not include one or more buildings.

(v) The construction of improvements for the exhibition or showing of equines at events that are open to the public for 60 days per year, or fewer, provided that any improvements constructed do not include one or more buildings.

(vi) The construction of improvements for commercial or industrial purposes, or substantial or material changes to improvements, on a tract or tracts of land, owned or controlled by a person, that lie entirely within a traditional industrial district that was in existence on June 1, 1970 and still exists, whether or not currently subject to a permit issued under this chapter, within a municipality that:

(I) has a zoning administrator;

(II) has adopted permanent zoning and subdivision bylaws;

(III) has elected by ordinance, adopted under chapter 59 of Title 24, to have jurisdiction under this subdivision (3)(D)(vi) apply, instead of jurisdiction that would otherwise be in effect under this chapter.

- H.349 AN ACT RELATING TO CONTINUED ACT 250 JURISDICTION OVER EXPIRED PERMITS, AS NECESSARY TO PROTECT THE ENVIRONMENT Introduced by Representative Obuchowski of Rockingham

Statement of purpose: This bill proposes to make it clear that Act 250 jurisdiction over an expired permit continues as necessary to assure proper site reclamation, the maintenance of monitoring, the remediation of ongoing environmental impacts, and the protection of the environment, public safety, and other values protected by this chapter.

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 6090(d) is added to read:

(d) Despite the fact that a permit may have expired under this chapter, jurisdiction under this chapter shall continue to exist as necessary to assure one or more of the following:

(1) Compliance with the permit and any permit conditions.

(2) The completion of proper site reclamation measures.

- (3) The maintenance of any required monitoring capability.
- (4) The identification and remediation of any ongoing environmental impacts.
- (5) The protection of the environment, public safety, and other values protected by this chapter

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