

2/5/07

VPA LEGISLATIVE REPORT #5

Committee agenda items of note this week:

Senate Natural Resources & Energy Committee

Wednesday, February 7, 2007 9:00 a.m. **Energy Efficiency**

James Reardon, Comm., Finance & Management

Anthony Morgan, Chief Administrator, Office of Economic Opportunity (9:30 a.m.)

Bill Maclay, William Maclay Architects & Planners (10:00 a.m)

Bill Calfee, Peak Energy Solutions (10:20 a.m.)

Andy Shapiro, Energy Balance Inc. (10:40 a.m.)

Donna Leban, Light/Space/Design (11:00 a.m.)

Keith Abbott, Thermal House (11:30 a.m.)

Senate Transportation Committee

Tuesday, February 6, 2007 11 a.m **Policy and Planning** Mel Adams, VTrans

Wednesday, February 7, 2007

9:30 a.m **Access Management, Scenic Byways Program**

Peter Gregory, Regional Planning Commissions

10:00 a.m. **Budget Overview, Prioritization System, Asset Management**

Neale Lunderville, VTrans

Dave Dill, VTrans

House Natural Resources & Energy Committee

Tuesday, February 6, 2007 2:15PM **H.71: Surcharges on new residential construction**

Joe Sinagra, Executive Officer, Home Builders and Remodelers Association

Nancy Mears, Exec Director, VT Green Building Network (2:35)

Tom Good, President, VT Green Building Network (2:35)

Steve Kimbell, Green Mountain Power (3:15)

VPSSA (3:35)

Scott Anderson, CVPS (3:55)

Avram Patt, Washington Electric Co-op (4:15)

House Fish, Wildlife & Water Resources Committee

Wednesday, February 7, 2007

9:00AM **H.70: Permitting of small renewable energy facilities**

Ron Rhodes, Trout Unlimited (9:00)

Department of Public Service (9:30)

George Young, Public Service Board (10:45)

Kim Greenwood, VNRC (11:15)

1:00-3:00PM **H.70: Committee discussion**

Friday, February 9, 2007

11:00AM-12:00PM **H.154: Stormwater Management**

Michael O'Grady, Legislative Council

Pete LaFlamme, DEC, Stormwater Division

Mary Borg, DEC

1:00PM Juli Beth Hinds, South Burlington Stormwater Utility

Steve Stitzel, Stitzel Page & Fletcher, P.C. (1:30)

Jon Groveman, VNRC (2:00)

House Transportation Committee

Wednesday February 7, 2007, 1:00 p.m.

Roadway Budget and Traffic and Safety Budget Kevin Marshia, VTrans

Transportation Priorities: Each Regional Planning Commission will have approximately 20 minutes for their presentation.

Friday, February 9, 2007 9:00 a.m Public & Joint Hearings **TBA**

Senate Finance Committee

Wednesday, February 7, 2007 Room 11 - Convenes at 1:45 p.m. or after Senate Adjourns

Housing: Proposed initiatives to foster development of and access by homebuyers to non-subsidized, moderately-priced housing

Sarah Carpenter, Director, Vermont Housing Finance Agency

John Hall, Commissioner, Department of Housing and Community Affairs (2:30 p.m.)

3:30 p.m. **Housing: Roundtable Discussion - Proposed initiatives to foster development of and access by homebuyers to non-subsidized, moderately-priced housing** *Witnesses in process of being scheduled*

Caryl Stewart, President, Opportunites Credit Union, Burlington

Erhard Mahnke, Lobbyist, Vermont Affordable Housing Coalition

Liz Curry, Chaplain Housing Trust

Tayt Brooks, Builders and Remodelers Association of Vermont
Peter Gregory, Director, Two Rivers Ottauquechee Regional Planning Commission
Andy Broderick, Housing Vermont
Kenn Sassarossi, Vermont Housing Conservation Coalition
Jeff Staudinger, Director, Rockingham Area Community Land Trust

ADMINISTRATIVE RULES

Wednesday, February 7, 2007

8:05 a.m. **06-P23 - Agency of Natural Resources, Department of Environmental Conservation/Air Contaminants**

Richard Valentinetti, Director, Air Pollution Control Div., Department of Environmental Conservation

Elaine O'Grady, Counsel, Air Pollution Control Div., Department of Environmental Conservation

8:30 a.m. **06-P30 - Natural Resources Board/Vermont Use of Public Waters Rules (2007 Amendments)**

John Hasen, Counsel, Natural Resources Board

Peter Young, Chair, Natural Resources Board

PLEASE NOTE: To be placed on the committee's agenda to testify on a rule, please contact Katie Pickens at 828-5760 or by email at kpickens@leg.state.vt.us at least 24 hours before the committee is scheduled to review the rule.

New Bills of Interest introduced this week:

S.66 AN ACT RELATING TO REQUIRING A COMMUNITY AND REGIONAL IMPACT STUDY OF THE PROJECTED EFFECTS OF LARGE-SCALE RETAIL USES

Introduced by Senator Illuzzi of Essex-Orleans District, Senator Ayer of Addison District, Senator Condos of Chittenden District, Senator Cummings of Washington District, Senator Flanagan of Chittenden District, Senator Giard of Addison District, Senator Hartwell of Bennington District, Senator Lyons of Chittenden District, Senator MacDonald of Orange District, Senator McCormack of Windsor District, Senator Miller of Chittenden District and Senator White of Windham District

Subject: Conservation; Act 250; municipal and regional planning; large-scale retail stores; community and regional impact study

Statement of purpose: This bill pertains to Act 250 and municipal applications for large-scale retail businesses of 75,000 square feet or more, in the case of projects located outside designated downtowns, and applications for large-scale retail businesses of 100,000 square feet or more, in the case of projects located within designated downtowns. In each case, it requires that an applicant for a large-scale retail use must fund the procurement, by the municipality or the district environmental commission, of an unbiased, independent consultant who will conduct a community and regional impact study of matters specified in the bill relating to the anticipated economic effects of granting the application. A study completed on behalf of a municipality may be submitted to a district commission and accepted in whole or part by the district commission, which retains the right to waive its own procured study or to complement or replace the study procured by the municipality. The bill proposes to require that large-scale retail use, if allowed in a municipality, shall be subject to conditional use review as part of the municipal regulatory process. It also requires local consideration of whether the proposal would cause an undue adverse effect on the capacity of community facilities, on the character of the area where the use is proposed, on traffic in the vicinity of the project, on the viability of agriculture, and on the utilization of renewable energy resources.

The full text of this Bill is separately attached and sent out with this legislative report

H.234 AN ACT RELATING TO ESTABLISHING A UNIVERSAL ENERGY EFFICIENCY PROGRAM AND INCREASING INCENTIVES AND REQUIREMENTS FOR THE CONSTRUCTION OR RETROFITTING OF HOMES

Introduced by Representatives Maier of Middlebury, Clarkson of Woodstock, Edwards of Brattleboro, Jewett of Ripton, Klein of East Montpelier, Masland of Thetford, Nuovo and others.

Subject: Conservation; public service; universal thermal energy efficiency program

Statement of purpose: This bill proposes to establish an energy efficiency program for unregulated fuels, which is to be run by an entity named by the public service board. The program is to be constructed so as to be available eventually to all heated buildings located within the state, whether or not served by the electricity grid. The bill proposes to require the public service board to develop a program which may include loans and other incentives, and, in this process, to consider an option whereby customers would pay for installed efficiency improvements, through the electric bill, with tariffed charges that are less than the savings that the improvements are estimated to produce. The program is to

be developed in conjunction with the office of state treasurer, with the goal being to develop a program acceptable to the treasurer that provides up-front capitalization for the program from the state pension fund, and which has sufficient assurances that investments from the state pension fund will be assured a market rate of return. The bill proposes that the establishment and administration of the program be financed by a gross receipts tax of 0.03 percent on the retail sale of heating oil and kerosene not used to propel a motor vehicle, propane, and coal, when any of these are sold by sellers receiving more than \$10,000.00 annually for the sale of those fuels. The bill proposes to establish a schedule by which new homes constructed in the state must meet increasing federal energy star home standards. It proposes to establish time of purchase energy efficiency standards for residential rental property sold on or after December 31, 2008, and for residential nonrental property sold on or after December 31, 2013. It proposes to establish tax credits for the construction of energy efficient homes. It proposes to require the property transfer return to indicate that the seller has made certain energy consumption disclosures to the buyer.

H.246 AN ACT RELATING TO RESIDENTIAL NET METERING SYSTEM TAX CREDIT

Introduced by Representatives Fisher of Lincoln, Copeland-Hanzas of Bradford, Donahue of Northfield, Haas of Rochester, Masland of Thetford, Mrowicki of Putney,

Subject: Taxation; tax incentive; net metering system

Statement of purpose: This bill proposes to provide an income tax credit of 80 percent of the cost of purchase and installation of a residential net metering system, with a maximum credit of \$8,000.00.

H.193 AN ACT RELATING TO WETLANDS PROTECTION

Introduced by Representative Deen of Westminster

Subject: Conservation and development; water resources; wetlands

Statement of purpose: This bill proposes to authorize the secretary of natural resources to make certain wetland determinations and modify the Vermont significant wetlands inventory maps. The bill would also provide for an appeal of the secretary's determinations, amend the wetland value relating to hydrophytic vegetation habitat, and appropriate \$700,000 for the updating and improvement of the Vermont significant wetlands inventory maps.

H.192 AN ACT RELATING TO GROUNDWATER MAPPING

Introduced by Representative Deen of Westminster

Subject: Conservation; groundwater resources; groundwater mapping.

This bill proposes to require the agency of natural resources to map the groundwater resources of the state by county including public water supply sources and groundwater sources that may serve as future public water supply sources, with mapping of regions to commence in the order below. The office of the state geologist shall also identify areas of interest that require additional mapping, including location of water wells, mapping of surficial geology and bedrock, and, if funds are available, seismic studies. The bill has an appropriation of \$350,000.

- (1) Franklin County in 2007;
- (2) Washington, Bennington, and Addison Counties in 2008;
- (3) Rutland, Windham, and Caledonia Counties in 2009;
- (4) Lamoille and Windsor Counties in 2010;
- (5) Chittenden, Essex, and Orleans Counties in 2011;
- (6) Orange and Grand Isle Counties in 2012.

S.74 AN ACT RELATING TO *(a laundry list of)* VOLUNTARY ENERGY CONSERVATION MEASURES *(including laundry)*

Statement of purpose: This bill proposes to expedite voluntary energy conservation efforts by increasing the extent to which the state's highway shoulders are paved as a means to allow greater use by bicycles and pedestrians. It also proposes to prohibit state or local laws or regulations or private contracts from limiting the ability of dwellers to erect and use clotheslines for the drying of clothes. The bill proposes to void existing regulations and contracts that conflict with its terms, but not to limit the reasonable regulation of clotheslines as necessary to allow access to buildings, to allow rapid evacuation in case of fire, and to protect aesthetic values. Finally, it proposes to appropriate funds to the efficiency utility.

Fred S. Dunnington
fdunnington@town.middlebury.vt.us
VPA Legislative Liaison
(802) 388-8106