



VPA LEGISLATIVE UPDATE #4

February 3, 2009

Past Week: No News is Bad News

Sorry for the news gap last week – unfortunately no news was not good news. In the midst of more business closings and IBM layoffs, the Governor presented his FY2010 budget – “New Framework for Progress” – to the Joint Assembly on January 22nd and it was all pretty grim, as in grim reaper grim. Proposed cuts in budgets and programs across state government, the elimination of an additional 660 state jobs, and a freeze on school spending while killing off Acts 60 and 68 – to address a projected \$200+ million shortfall in the coming year. No new “taxes” or use of rainy day (budget stabilization) funds – just in case it’s raining even harder at the end of the fiscal year, when stabilization funds kick in to make up the deficit. As expected, the proposed budget has not been well received, especially by those advocating for the poor, the elderly and others hardest hit. While the Governor went to DC yesterday to make his pitch for state aid, and our legislators also turn to Washington for relief, Vermonters are taking to the streets...

The Administration holds that, even with federal funding, immediate, draconian cuts and systemic changes in state (and therefore local) government are needed to achieve long-term fiscal sustainability. Legislators are instead viewing the federal package as gap funding – a bridge to sustainability – giving them some more time to make better, though still difficult, decisions. March will be telling – a two week town meeting break to save taxpayers some money and consider the effects of federal largesse – and then the hard rain’s gonna fall. Get out your waders.

Governor's Budget Address: <http://www.leg.state.vt.us/docs/2010/journal/ja090122.pdf>
 Administration's Budget Summary: <http://finance.vermont.gov/news%5Cexecbudfy2010>

(Millions, rounded)	FY08 (\$)	FY10(\$)	Change
ACCD	19.9	17.3	-13%
Admin	2.9	2.8	-3%
Economic Development	5.7	5.1	-11%
Housing & Community Affairs	7.2	5.8	-19%
Tourism & Marketing	4.1	3.6	-12%
ANR	53.7	50.8	-3%
Central Office	7.4	6.5	-1%
DEC	25.7	25.2	-2%
VTrans	191.3	196.3	+3%
Natural Resources Board	2.8	2.7	-4%
Housing & Conservation Trust	15.4	6.3	-56%

An unsourced report in the Burlington Free Press (2/2/09) indicates that the Agency of Commerce and Community Development is targeted for 11 position cuts and the Department of Environmental Conservation for 25.

As of this writing, under the proposed budget for FY2010:

- RPCs and Municipal Planning Grants would be level funded at reduced, FY09, rates.
- RPC transportation planning (TPI) funds are still unknown.
- Conservation projects would be \$0 funded under the Housing Conservation Trust Fund, for at least a year.

VPA 1/23 Legislative Workshop

VPAers met on the Friday the 23rd to discuss legislation and set some priorities for the year. As a result, the Legislative Committee will focus on tracking and, as requested, responding to legislation in the following areas:

117 Technical Corrections – we'll be contacting Senator Lyons regarding reintroducing this bill

Budgets – DHCA, RPCs, Municipal Planning Grants (program changes), staffing; federal stimulus package

ACCD – Proposed merger DHCA and DED (VLS will be putting together some background info)

Development/Permit Reform – permitting, green and opportunity zones, urban homesteads, etc.

Riparian buffers – fall committee follow up with House Fish, Wildlife & Water Resources

Smart growth legislation – smart growth committee recommendations, federal stimulus package

Landscape Architects – licensing bill

Highway access – VTrans jurisdiction over changes in use (fall committee follow up)

Energy bills – as they affect local, regional planning and land use regulation.

The Executive Committee has recommended that we create a “call list” of VPA members willing to work on legislative initiatives and, when called, testify on our behalf. If you're interested in becoming more involved in legislative work over the next two years, please contact Sharon Murray at smurrayvt@aol.com or 434-4118, and indicate which of the above areas you'd like to follow.

Federal Stimulus Package: American Recovery and Reinvestment Act of 2009

The House approved its \$819 billion bill (HR 1) on January 28th (244-188). A separate stimulus package of \$888 billion (S.1) was approved by the Senate's Appropriations and Finance Committees last week, and is scheduled this week for floor debate and votes. The hope is to have legislation ready for signing by President's Day break. To avoid “earmarks” the federal bills do not reference specific projects, but allocate funds through existing programs (FHA, CDBG, etc.) and distribution formulas. Current concerns include the relatively small amount being budgeted for infrastructure projects, compared with other programs, and the short time frames specified for states to obligate these funds. Funded projects and programs will be tracked on www.recovery.gov.

At the state level, everyone is in close contact with our delegation to figure out how much money Vermont will be getting. The Governor has established the **Vermont Federal Recovery Office** within the Agency of Administration, as a single point of contact. In addition to state lists, VLCT has been compiling a comprehensive list of municipal infrastructure projects, currently totaling more than \$792 million, which is being updated every Friday (www.vlct.org).

This Week at the State House

The Governor's **permit reform proposals**, though not yet available as introduced legislation, have been getting some air time in H. Natural Resources & Energy. Environmental Court Judges Meredith Wright and Thomas Durkin both testified last week against on the record review at the local level, noting that many towns are not prepared to handle the legal requirements for establishing records that can be heard on appeal. Judge Wright reported that the records for many cases they receive are inadequate and have to be returned, which delays rather than expedites the appeal process. VNRC's Brian Shupe and Jon Groveman are scheduled to testify Thursday. Permit reform

– in this form – is expected to die a quick death in committee. Of more concern are discussions, at both the federal and state level, to weaken environmental reviews to expedite stimulus projects.

On the Senate side, Legislative Counsel Aaron Adler presented the results of the **“Smart Growth Report”** to S. Natural Resources on Tuesday; Betsy Bishop will be testifying on **DHCA’s budget** on Wednesday, and a joint meeting with HNR&E is scheduled for Thursday to look at the “environmental economics” of Vermont Yankee.

H. Appropriations is focusing on FY09 budget adjustments, while their counterparts in the Senate look to the future FY10 budget– largely at proposed cuts in human services. **A joint public hearing on the FY2010 budget is scheduled for Monday (2/9), 4:30–7:00 pm on VIT sites.**

Budgets are also taking up committee time in Transportation and Institutions. House and Senate Transportation Committees will be holding a joint hearing on Friday, 11:00 am, Room 10, to discuss proposed rest area closings. S. Government Operations is taking a closer look at proposed job cuts in the Departments of Human Services and Environmental Conservation and, on Wednesday, the bill to license **landscape architects** (S.28).

Reports

Vermont in Transition. VCRD’s Council on the Future of Vermont’s data report, “Vermont in Transition,” prepared by St. Michaels College researchers, is now available at www.futureofvermont.org. The Council’s final report and recommendations are due in April

Legislative Reports. A full list of study reports submitted to the legislature and, as of January 1st many reports, are now available on-line: <http://www.leg.state.vt.us/reports/externalreports.cfm>. Copies may otherwise be obtained through the Secretary of the Senate office.

Bills (<http://www.leg.state.vt.us/database/database2.cfm>)

Bills "released for introduction": House – 150, Senate–59 Of note:

- H.108 State agency permits, recording in municipal land records
- H.112 Solid waste management, extends plans, certifications from five to ten years
- H.113 Brownfields, changes to technical requirements
- H.114 VANR authority re hazardous waste reporting
- H.119 Transfers Historic Preservation from DHCA to Buildings & General Services
- H.130** State, local permitting authority re renewable energy project wildlife impacts
- H.128 Extends public trust doctrine to high water mark
- H.135 Municipal, cooperative wireless communications facilities, approvals
- H.139** Municipal “green growth zones” – tax credits, expedited permits, TIF
- S.40** Agritourism, defines as “farming” and AAP for purposes of regulation
- S.47 Salvage yards, transfers regulatory jurisdiction to ANR
- S.54 Clean energy assessment districts
- S.57** Enables municipal water system capacity allocation ordinances

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