



VPA LEGISLATIVE UPDATE #7

February 24, 2009

Quick Action on Stimulus Money

There seems to be general agreement between the Administration and legislators that federal stimulus money for infrastructure projects should be allocated through the state's existing priority processes – and that federal money should be used for one-time projects that do not increase base spending levels. First up: highway projects.

Vermont is expected to receive around \$125 million in federal highway funds – up to half of which must be obligated within the next 120 days. Given approaching deadlines, the Agency of Transportation today released an initial list of highway projects for the first round of funding. The “Phase I” list presented to House and Senate Transportation Committees includes 31 permitted highway and bridge projects that were culled from the top of the agency's existing priority list. Many are paving projects, located around the state, that are now going out to bid. Federal program restrictions are causing some concern. The first round of funding is limited to federal highway aid system projects; many municipal projects are not eligible. Also, the state must commit to fully funding its transportation programs. Lawmakers expect to finalize their work on the agency's list by the end of the week, with the goal of having a bill ready for the Governor's signature following town meeting break.

Next up: developing a “Phase II” list for the next round of stimulus funds and a proposed state infrastructure bond, and an application for \$20 to \$22 million in stimulus grants to finance the next phase of the Bennington Bypass.

Update: ACCD Reorganization

ACCD Secretary Kevin Dorn appeared today before Senate Government Operations to discuss the proposed reorganization of ACCD. According to accounts, very little was said about the recent proposal to eliminate the agency – Dorn noted that merging DED with the Department of Labor was not a new idea. He stressed that the agency coordinates services to other agencies, and suggested that outsourcing state jobs is a bad idea. The committee asked for more information regarding pass through funds managed by the agency, and a list of “partner organizations.” Commissioner Betsy Bishop is scheduled to meet with the committee tomorrow.

Few details beyond those outlined in the initial press release are available regarding the Smith/Shumlin proposal to eliminate ACCD. VPA's Legislative Committee on Friday recommended to the Executive Committee that we coordinate our review of the proposal, and potential response, with other organizations such as VAPDA and VLCT.

Update: Permit Reform

Douglas, joined by several representatives from the real estate and building trades, used a portion of his news conference last week to once again push for streamlined permitting. Following a discussion of the many challenges Vermonters face when applying for permits – including high costs, uncertainty, and long delays – Douglas emphasized that “...it is critical for us to get to work building the economy and growing jobs.” So far his proposal has not received much attention in the Legislature – Shumlin's response, as reported in the Times Argus: “This Legislature is not going to make it easier to build big-box stores in Vermont. That's what the Governor wants and we just

aren't going to do it. Act 250 did more to save us from the economic depression we are facing ...than it did to impede progress.”

As reported last week, one of two bills currently under development in Illuzzi's committee includes permit reform measures specific to municipal and state infrastructure projects (e.g., Act 250 exemptions for road projects). This week Senator Randy Brock (Franklin) introduced a senate bill (S.102) that more closely follows the Governor's proposal. As introduced, Brock's bill provides for “on the record appeals” of Act 250 decisions, establishes a presumption that a project approved by a local DRB complies with the municipal plan, and modifies several Act 250 criteria to also include consideration of a development's economic, social, cultural, recreational, or other benefits. The bill would also allow VANR to issue general permits under many of its permitting programs, and enable enforcement through ticketing.

Update: Riparian Legislation

A riparian bill that incorporates many of VPA's suggestions will likely be introduced by Rep. David Deen next week for committee consideration. As introduced the bill will establish a minimum buffer of 50 feet along all navigable public waters, but also include a municipal exemption for municipalities that adopt minimum state standards (under a new Chapter 117 §4428). As now drafted, minimum state riparian requirements would apply only to the municipal exemption – communities would retain the ability to adopt more stringent or comprehensive riparian regulations under their bylaws. The bill also includes a proposed redraft of §4424 that currently pertains only to flood hazard area regulation, to also establish the basis for regulating other hazard areas – including shoreland, riparian and fluvial erosion hazard areas. Deen hopes to move the legislation through the House this session, and then forward it to the Senate next year.

Update: Growth Center/Village Designation Legislation

Thanks to all VPAers who responded to the request for comments on S.64 and S.65 – especially in such detail! Comments received by last Friday were distributed to the Legislative Committee for an initial review. None were supportive of the bills in their current form. Few supported appeals to court. All noted problems with the current designation process – including designation categories, how existing statutory criteria are being applied, and the makeup of the Downtown Board. We will be consolidating comments received into a position statement, to also include a recommendation from the Legislative and Executive Committees for a summer task force to conduct a more comprehensive evaluation of current programs, as recommended by several VPA members.

In a related matter, the Executive Committee is working on a memo to Kevin Dorn/ACCD and Peter Young/Natural Resources Board that highlights concerns regarding the current growth centers program raised by Beth Humstone and Mike Munson – VPA's representatives on the Expanded Downtown Board and Planning Coordination Group. This memo will be copied to members.

This Week at the State House

(<http://www.leg.state.vt.us/schedule/schedule2.cfm> – schedules are subject to change without notice)

Representatives from the Vermont Housing & Conservation Coalition will be making the rounds on Thursday – appearing before House and Senate Agriculture, House Appropriations, House Corrections & Institutions, House General, Housing & Military, Senate Economic Development, House and Senate Natural Resources & Energy, and Senate Institutions.

Now that the FY09 budget adjustment bill (H. 232) has passed the house, House Appropriations turns this week to the Governor's proposed FY10 budget. A public hearing for advocates was held this morning – each scheduled speaker was given eight minutes. Kevin Dorn and Betsy Bishop were on the agenda to present ACCD's proposed budget this afternoon. A second public hearing is scheduled for tomorrow morning. VAPDA, represented by Peter Gregory, is on for Thursday at 10:30 am. Peter will also be meeting with Senate Transportation on Thursday to discuss proposed "change of use" legislation for state highway access permits.

The stimulus package continues to show up on the agendas of several committees including but not limited to money, institutions and transportation committees. Meanwhile, House Commerce and Senate Economic Development are finishing up their initial work on state economic stimulus bills. House Commerce has scheduled a final markup and possible vote on their omnibus economic initiatives bill for Thursday; while Senate Economic Development may be taking action Friday on their "blueprint for revitalization" – the Illuzzi bill.

In addition to hearing from ACCD this week regarding agency reorganization, Senate Government Operations is scheduled to vote on the landscape architect licensing bill (S.28) on Thursday.

Public Hearings:

Wednesday, February 25, 2009 – Room 11, 2:30 pm – 4:30 pm
House Appropriations – FY 2010 State Budget

Tuesday, March 17, 2009 – Room 11, 2:45 pm – 4:30 pm, 6:30 pm – 8:00 pm
House Ways and Means – Vermont's Revenue Situation

Bills of Interest:

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

Bills "released for introduction": House – 286, Senate–104. Of note:

H.232 FY09 budget adjustment

H.236 Planning commissioner residency requirement

H.258 Strengthening the statewide food system

H.259 Stormwater discharges to impaired waters

H.263 Limitations on liability for municipal, state landowners

H.265 Environmental court judge assignments

H.266 Local options taxes

S.99 Smart growth committee bill; Act 250 criteria

S.102 Permit reform bill (Governor's proposals)

House Introduction Deadlines:

Short form bills	Anytime
Standard form bills	February 27, 2009
Committee bills	Anytime

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