



## VPA LEGISLATIVE UPDATE #3

February 2, 2010

### Weekly Summary

The FY10 budget adjustment bill (H.524) advanced through Senate Appropriations last week with MPG funding still intact. A committee amendment (Section 82) specifically allocates unencumbered funds in the Municipal & Regional Planning Fund from previous years for 2010 municipal planning grants. The bill is scheduled for third reading in the Senate tomorrow.

The "Challenge for Change" report for reforming government is still in circulation - several committees have set aside time to define related outcomes for state agencies and departments, but there's reportedly some confusion regarding how to legislatively implement report recommendations.

The Governor's FY11 capital budget recommends \$72.2 million in capital spending, including federal stimulus matching funds. Funding for a number of grant programs, including historic preservation, barn and cultural facilities grants is reduced, but not eliminated. The Vermont Telecommunications Authority (VTA) would receive \$5 million to further expand the state's telecommunications network, including new tower construction, which is now regulated under Section 248, rather than local zoning. The Administration also eliminated school construction funding in the capital budget - proposing that it school construction instead be funded through the Education Fund.

House Commerce took testimony on H.550 - the proposal to create an Economic Development Board charged with developing a long-term economic development plan for the state.

House Fish, Wildlife & Water Resources continued to work on riparian buffer legislation, and on Friday considered a strike-all that would eliminate a statewide buffer requirement in favor of more specifically enabling municipalities to adopt riparian buffer bylaws. On Friday they will be taking up H.509 - the Lake Champlain bill that includes recommendations to tie town highway funds to the adoption of best management practices.

House Natural Resources & Energy advanced an anti-idling bill that would restrict commercial vehicles from idling for more than five minutes (with exceptions). Passenger vehicles were added to and then removed from the bill.

House and Senate Economic Development Committees heard from a variety of interests, including regional development corporations, on how to promote job creation in the state. Senator Illuzzi and the Senate Economic Development will be crafting a "Jobs and Economic Development Bill" this session.

The current use bill (H.485) passed the House last week, and is now in Senate Finance. The bill now includes a controversial moratorium intended to cover much of the targeted \$1.6 million in program cuts. A related bill (H.642) would provide incentives (higher valuations) for program participants that do not post their land.

### Bills of Interest:

An additional permit reform bill (H.731) was introduced today by Reps. Turner, Condon and Dickinson which is intended to expedite state and local permitting processes. At the local level, review boards would be given 45 days from filing to determine whether an application is complete, and 45 days following this decision to issue a permit or approval. Hearings would be required to be conducted on the record (under MAPA), if requested by an applicant or interested persons. Local Act 250 decisions would be considered conclusive with regard to municipal impacts, including aesthetics. The bill has been referred to House Natural Resources & Energy.

Another bill (H.579) that would merge the Agency of Commerce and Community Affairs with the Department of Labor has been introduced and will be discussed in House Government Operations this week. As proposed, the agency would be renamed the "Agency of Commerce and Labor," The new agency would have three departments (Promotion, Commerce, and Labor), two divisions (Administration, Historic Preservation), and Vermont Life. Presumably community affairs and planning will be handled through the Department of Commerce. A separate bill (H.715) would transfer Historic Preservation from the agency to Forest, Parks and Recreation.

Chapter 117 bills are being directed to several committees including, on the House side, Government Operations, Fish, Wildlife and Water Resources, Natural Resources & Energy, and General, Housing and Military Affairs. Chapter 117-related bills have been introduced in the past few days including:

- H.586 Allows conditioning the issuance of municipal permits on state water supply and wastewater permits
- H.593 Addresses water supply and wastewater system encumbrances on adjoining properties
- H.604 Allows municipal regulation under zoning of defined agricultural uses in higher density zones
- H.652 Use of TDRs for off-site mitigation of primary ag soils under Act 250
- H.664 Authorizes 10-acre towns to amend and enforce prior Act 250 permits for development on 10 acres or less as conditional uses
- H.677 Enables municipalities, Act 250 to regulate wind energy plants not owned by a Vermont utility
- H.686 Prohibits discrimination in land use decisions, the permitting of development because a development includes affordable housing units
- H.721 Requires that all municipalities adopt municipal plans, including ridgeline protection plans, "ridgeline protection area" defined in statute
- H.731 Land use and environmental permitting (see discussion above)
- H.732 State regulation of construction within public airport hazard areas, if no local regulations apply
- H.741 Complete street principles in transportation planning, development (AARP/VPA supported initiative)

**Committee Calendar** (<http://www.leg.state.vt.us/schedule/schedule2.cfm>):

- H. Appropriations - FY11 budget (all week), local options taxes (Tu), NR Board (Th)
- H. Commerce, Econ Dev - VEPC (W), Broadband (Th)
- H. Corrections, Institutions - Capital bill (all week), orthos-VGIS (W), ACCD (Th), VANR (Th)
- H. Fish, Wildlife, Water Resources - H.323/Buffers (Tu), L. Champlain TMDLs (Th), H.509/TMDLs (F)
- H. General, Housing, Military - H.579/ACCD Merger (W), H.586/Condition municipal permits (F)
- H. Transportation - UVM Transportation Research Center (W), H.741/Complete streets – AARP (F)
- S. Agriculture - Current use (T)
- S. Appropriations - Challenges for change (T, W), JFO Update (W), FY11 budget overview (Th,F)
- S. Finance - H.485/current use (T)
- S. Natural Resources, Energy - Lake Champlain TMDLs, Stormwater (Th) w/ F,W & WR
- S. Transportation - FY11 T-bill (T, W), UVM Transp Research Ctr (W), H.741/Complete streets – AARP (F)

### **Public Hearings**

**Wednesday, February 10, 2010** - 9:00 A.M. - Room 10

Re: Cell phone use while driving - Senate Committee on Transportation.

**Tuesday, February 16, 2010** - 2:45 - 4:00 P.M. - Room 11

Re: Governor's proposed FY2011 state budget - House Committee on Appropriations.

**Wednesday, February 17, 2010** - 9:30-10:45 P.M. - Room 11

Re: Governor's proposed FY2011 State Budget - House Committee on Appropriations.

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

(Highlighted active this week)

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| H.476 Real Property - 15-yr enforcement limit on highway permits   | H. Judiciary                              |
| <b>H.485 Use Value Appraisal - moratorium, land use change tax</b> | <b>S. Finance</b>                         |
| H.486 Permit Reform/E-Board - appellate E-Board                    | H. Natural Resources, Energy              |
| H.498 Private Roads - abutter maintenance requirements             | H. Commerce, Economic Dev                 |
| H.503 Chapter 117 - accessory dwellings, 750 sf cap                | H. General, Housing, Military             |
| H.504 Chapter 117 - telecom facilities permitting                  | H. Natural Resources, Energy              |
| <b>H.509 Lake Champlain - highway funding tied to road BMPs</b>    | <b>H. Fish, Wildlife, Water Resources</b> |
| <b>H.534 FY10 Budget Adjustment - passed House 1/22/10</b>         | <b>S. Floor, Third Reading</b>            |
| H.546 Permit Reform - consolidation, DEQ, E-Council                | H. Natural Resources, Energy              |
| H.547 Permits- track permit processing over 120 days               | H. Natural Resources, Energy              |

<b>H.550</b>	<b>Economic Development Board, long-term economic plan</b>	<b>H. Commerce, Economic Dev</b>
<b>H.579</b>	<b>Merger ACCD, Department of Labor</b>	<b>H. Government Operations</b>
<b>H.586</b>	<b>Chapter 117- state water supply, wastewater permits</b>	<b>H. Government Operations</b>
H.593	Chapter 117- water supply, wastewater encumbrances	H. Fish, Wildlife, Water Resources
H.604	Municipal regulation of agricultural uses	H. Government Operations
H.642	Use Value Appraisal - incentives to not post land	H. Ways & Means
H.652	Chapter 117/Act 250 - TDRs, off-site mitigation ag soils	H. Natural Resources, Energy
H.654	Renewable energy plants - local ordinance appeals to PSB	H. Natural Resources, Energy
H.664	Act 250 - 10-acre towns	H. Natural Resources, Energy
H.677	Chapter 117/Act 250 regulation of wind energy plants	H. Natural Resources, Energy
H.686	Prohibits affordable housing discrimination in permitting	H. General, Housing, Military
H.714	Authorizes citizen initiative legislative process	H. Government Operations
H.717	Requires regulation, licensing of homebuilders	H. General, Housing, Military
H.721	Chapter 117- mandates municipal plans, ridgeline plans	H. Natural Resources, Energy
H.731	Chapter 117 - expedited permitting, on record proceedings	H. Natural Resources, Energy
H.732	Construction within public airport hazard areas	H. Natural Resources, Energy
<b>H.741</b>	<b>Complete street principles</b>	<b>H. Transportation</b>
S.147	Chapter 117 - accessory dwellings, 750 sf cap	S. Natural Resources, Energy
S.170	Chapter 117 - home occupations, accessory structures	S. Natural Resources, Energy
S.198	Economic Development Board, long-term economic plan	S. Government Operations
S.204	Tax Increment Financing	S. Finance
S.208	Vermont Agricultural Advisory Board	S. Agriculture
S.214	Permit Reform - abolish VANR; DEQ, E-Council	S. Natural Resources & Energy
S.231	Planning - VLS land use/energy planning bill	S. Natural Resources & Energy
S.233	Chapter 117/Act 250 - TDRs, off-site mitigation ag soils	S. Natural Resources & Energy
S.237	Salvage Yards - operational standards, buffers	S. Natural Resources & Energy
S.238	Planning Coordination - VLS state planning bill	S. Natural Resources & Energy
S.263	Jobs, Economic Development - for-benefit corps (Shumlin)	S. Economic Development

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