



VPA LEGISLATIVE UPDATE #3

February 8, 2010

Weekly Highlights

Lake Champlain (H.509). Following a quick poll of VPA members last week, Scott Gustin appeared on our behalf before House Fish, Wildlife and Water Resources last Friday to provide input on the Lake Champlain TMDL bill. A key, controversial provision of this bill links town highway program funds to the adoption of best management practices that limit the impact of road construction and maintenance on surface waters. VPA highlighted NRCS' Better Backroads Program – already incorporated under the Clean and Clear Initiative and in use by many municipalities – as a potential model for such practices. VLCT opposes this provision as an unfunded mandate. VTrans and VANR have yet to weigh in but, as expected, are concerned about potential program costs and staffing. Additional testimony will be taken this Wednesday from a variety of groups – including VANR, Ag, the Farm Bureau, the Lake Champlain Citizens Advisory Committee, VHCB, VLCT, and Businesses for a Clean Lake.

Smart Growth (S.99). VPA also received a request from Senate Natural Resources & Energy for comments on draft revisions to S.99 (Act 250 bill) by Wednesday of this week, even though the bill has been ordered to lie. It's likely that S.99 will not move this year, though sections of the bill may show up in other legislation.

Budgets (H.534, FY11). An amended version of the FY10 budget adjustment bill passed the Senate last week and will be taken up in the House this week. House and Senate Appropriations held a joint public hearing on the Governor's FY11 Budget today (Monday) from 4:30 to 7:00. Both committees will be taking testimony from agency reps all week – ACCD reps, including Secretary Dorn and DEHCD Commissioner Tayt Brooks, are scheduled to meet with House Appropriations on Friday.

Current Use (H.485). The Use Value Appraisal Program bill is still under review in Senate Finance. The committee is considering a proposal to remove the program moratorium passed by the House last week, potentially in favor of an "easy out" provision that, for a limited amount of time, would allow land to be withdrawn without payment of the land use change tax. It's argued that, by taxing withdrawn land at its fair market value, property tax revenues would more than compensate for the \$1.6 million called for in program savings.

Courts (H.470). The Environmental Court may be folded into the current proposal to restructure Vermont's court system – House Judiciary will be taking this up on Wednesday, with scheduled testimony from Judge Durkin, Brian Shupe, VNRC and attorney Jon Anderson.

Challenges for Change Legislation (S.286) (<http://www.leg.state.vt.us/docs/2010/bills/Intro/S-286.pdf>)

Senate Appropriations introduced legislation last Friday to implement recommendations from the "Challenges for Change" report. S.286 is scheduled for second reading in the Senate tomorrow. The bill assigns each challenge presented in the report to one or more "persons" (named or unnamed) to come up with a plan to implement recommended "outcomes" within four weeks of enactment. For "regulatory reform" the stated challenge is to meet current state and federal regulatory standards, goals and requirements while spending three percent less in FY11 and FY12, through improved administrative, application review and compliance processes – as outlined under five "outcomes" for regulatory reform. In this case, the Secretaries of ANR and Ag, Food and Markets, the Chairs of the PSB and NRB, and the Administrative Judge are charged with collaboratively preparing an "initial design and implementation plan" within the four week period for consideration by the legislative committees. Should be interesting!

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

H. Appropriations – FY11 budget (all week) – hearing (M), VHCB (W), ACCD/DEHCD (F); S.286/Challenges (W, Th)
H. Commerce, Econ Dev – Jobs (W), Broadband (Th); H.489/private roads (Th)
H. Corrections, Institutions – Capital bill (all week) – Ag/Clean & Clear (T), Telecom Program (T), Transportation Planning (W), Dry Hydrant Program (F)
H. Fish, Wildlife, Water Resources – H.593/water, wastewater permits (T); H.509/L. Champlain TMDLs (W)
H. Judiciary – H.470/E-Court (W)

H. Natural Resources & Energy – Renewable energy bill (all week); VT Environmental Consortium Report (W)
 H. Transportation – Hearing/–cell phones (W); railroad grants (Th)
 H. Ways & Means – Miscellaneous tax bill – current Use (W), property transfer tax (Th)
 S. Appropriations – FY11 Budget (all week) – Hearing (M)
 S. Finance – VT Yankee (W)
 S. Natural Resources, Energy – VPSD/Energy planning (T); S.99/Smart Growth Act 250 (W), VT Yankee (W, Th)
 S. Institutions – FY11 Capital bill (all week)
 S. Transportation – FY11 Transportation bill (T,Th); Hearing/cell phones (W)

Public Hearings

Monday, February 08, 2010 – 4:30 P.M – VIT sites

Re: Governor's proposed FY2011 state budget - House & Senate Committees on Appropriations.

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

Re: Cell phone use while driving – House & Senate Committees 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)

H.470 Judicial Restructuring – E-Court?

H.476 Real Property – 15-yr enforcement limit on highway permits

H.485 Use Value Appraisal – moratorium, land use change tax

H.486 Permit Reform/E-Board – appellate E-Board

H.498 Private Roads – abutter maintenance requirements

H.503 Chapter 117 – accessory dwellings, 750 sf cap

H.504 Chapter 117 – telecom facilities permitting

H.509 Lake Champlain – highway funding tied to road BMPs

H.534 FY10 Budget Adjustment – passed Senate w/amendment

H.546 Permit Reform – consolidation, DEQ, E-Council

H.547 Permits– track permit processing over 120 days

H.550 Economic Development Board, long-term economic plan

H.579 Merger ACCD, Department of Labor

H.586 Chapter 117– state water supply, wastewater permits

H.593 Chapter 117– water supply, wastewater encumbrances

H.604 Municipal regulation of agricultural uses

H.642 Use Value Appraisal – incentives to not post land

H.652 Chapter 117/Act 250 – TDRs, off-site mitigation ag soils

H.654 Renewable energy plants – local ordinance appeals to PSB

H.664 Act 250 – 10-acre towns

H.677 Chapter 117/Act 250 regulation of wind energy plants

H.686 Prohibits affordable housing discrimination in permitting

H.714 Authorizes citizen initiative legislative process

H.717 Requires regulation, licensing of homebuilders

H.721 Chapter 117– mandates municipal plans, ridgeline plans

H.731 Chapter 117 – expedited permitting, on record proceedings

H.732 Construction within public airport hazard areas

H.741 Complete street principles

S.99 Smart Growth/Act 250 – transportation, rural growth

S.147 Chapter 117 – accessory dwellings, 750 sf cap

S.170 Chapter 117 – home occupations, accessory structures

S.198 Economic Development Board, long-term economic plan

S.204 Tax Increment Financing

S.208 Vermont Agricultural Advisory Board

H. Judiciary

H. Judiciary

S. Finance

H. Natural Resources, Energy

H. Commerce, Economic Dev

H. General, Housing, Military

H. Natural Resources, Energy

H. Fish, Wildlife, Water Resources

H. Appropriations, H. Floor

H. Natural Resources, Energy

H. Natural Resources, Energy

H. Commerce, Economic Dev

H. Government Operations

H. Government Operations

H. Fish, Wildlife, Water Resources

H. Government Operations

H. Ways & Means

H. Natural Resources, Energy

H. Natural Resources, Energy

H. Natural Resources, Energy

H. Natural Resources, Energy

H. General, Housing, Military

H. Government Operations

H. General, Housing, Military

H. Natural Resources, Energy

H. Natural Resources, Energy

H. Natural Resources, Energy

H. Transportation

S. Natural Resources, Energy

S. Natural Resources, Energy

S. Natural Resources, Energy

S. Government Operations

S. Finance

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
S.286	Challenges for Change– regulatory reform, etc.	S. Floor, second reading

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