



VPA LEGISLATIVE UPDATE #4

February 16, 2010

Weekly Highlights

State Planning Coordination...No More? ... (H.760). As reported widely last week, based on a Tiger Team review and report, the Governor has proposed the elimination of a number of state boards and commissions established in statute or by executive order – ostensibly to save money and staff time. These include the Development Cabinet and the Council of Regional Commissions – the only two entities remaining in statute to coordinate state planning and development activities and, under Act 200, state, regional and municipal planning. They've been recommended for repeal because both have been inactive for several years – although as such no real savings are anticipated. The list of designated state agencies with programs affecting land use – and therefore required to meet Act 200 planning requirements – was repealed by Executive Order in December, as “obsolete.” Other groups on the chopping block include the Scenery Preservation Council (Scenic Byways) and the Outdoor Lighting Committee. These recommendations will be introduced as legislation (H.760) on Tuesday by House Government Operations. For a copy of the report and complete listing:

http://aoa.vermont.gov/sites/aoa/files/pdf/Final_Tiger_Team_Rpt_Boards_Commissions.pdf

Conservation Planning Assistance ... No more? Also, as widely circulated last week – along with a call for action – proposed staff reductions at the Agency of Natural Resources will eliminate or severely reduce the Department of Fish and Wildlife's conservation planning and technical assistance programs for municipalities, nonprofits and landowners, in favor of its “core functions.” The big picture – conserving wildlife habitat – apparently is viewed as less important than managing targeted game species for hunting and fishing. Federal grants provide the majority of funding for the two positions proposed for elimination – the remainder has come from license sales. Contacts: VANR Secretary Jonathan Wood (Jonathan.Wood@state.vt.us) and DFW Commissioner Wayne Laroche (wayne.laroche@state.vt.us).

Smart Growth (S.99). Last week VPA submitted written comments to Senate Natural Resources & Energy that were generally supportive of proposed changes to the Smart Growth Committee's Act 250 bill. According to those present, it's unlikely that S.99 will move this year, though transportation sections of the bill may show up in other legislation.

Growth Centers (S.64). A new draft of S.64, including proposed revisions to the growth centers designation program, as supported by VNRC and Smart Growth Vermont, may be introduced in Senate Natural Resources & Energy this week (no committee schedule available as of this writing).

Riparian/River Corridor Bills (H.323, H.763). A committee bill (H.763) is scheduled to be introduced on Tuesday by House Fish, Wildlife & Water Resources, as a less controversial (and less complicated) substitute to the riparian buffer bill (H.323). The new bill would establish the state's river corridor management program in statute, more specifically enable municipalities to adopt riparian buffer bylaws under Chapter 117, and require that financial incentives be identified to encourage municipalities to adopt shoreland, river corridor and riparian protection measures. It would not establish a minimum statewide riparian buffer requirement, as proposed under H.323.

TDRs/Act 250 (H.652). Legislative Counsel Michael O'Grady and Paul Conner, representing South Burlington, are scheduled to meet with House Natural Resources & Energy on Tuesday regarding consideration of municipal TDR programs in Act 250 for the mitigation of primary agricultural soils.

Budgets (H.534, FY11). The FY10 budget adjustment bill passed both the House and Senate last week with amendments. Appropriations committees focus this week on the FY11 budget – House Appropriations will be taking 2-minute testimony from a long list of advocates on Tuesday and Wednesday (Room 11), with markup scheduled for later in the week. The FY11 capital bill is scheduled for markup in House Corrections and Institutions. House General, Housing & Military will be taking testimony on Friday from the Vermont Affordable Housing Coalition and the Agency of Human Services on the Agency's housing budget.

Transportation. The T-bill is under consideration in House Transportation – the committee will be taking testimony from the RPCs, represented by Peter Gregory and Catherine Dimitruk, on Tuesday. Senate Transportation will be hearing from the Better Backroads and Vermont Local Roads Programs this week.

Challenges for Change Legislation (S.286)

Challenges for change legislation, as approved by the Senate last week (with only Senator McCormack voting against), was taken up in House Appropriations on Wednesday. Amid heated discussions regarding the bill's wording and proposed outcomes, the committee has called for major revisions to help clarify both its intent and language. The bill was meant to be ready for the governor's signature by Friday...

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

H. Appropriations – FY11 budget (all week), public hearings (T, W), markup
H. Commerce, Econ Dev – Jobs/ACRPC, Champlain Bridge (W); H.550/Economic Development Board (Th)
H. Corrections, Institutions – Capital bill (all week), markup
H. General, Housing, Military – AHS Housing Budget, VAHC, AHS (F)
H. Fish, Wildlife, Water Resources – H.586/municipal authority re water, wastewater permits (W); H.509/
 L. Champlain TMDLs – VLCT, VANR, VTrans (W), Budget-VANR, VDEC (W, Th)
H. Natural Resources & Energy – Renewable energy bill (all week); H.652/TDRs, Act 250 (T)
H. Transportation – Transportation bill/RPC reports (W)
S. Appropriations – FY11 Budget (all week)
S. Finance – H.485/Use Value Appraisal (T)
S. Natural Resources, Energy – not available
S. Institutions – FY11 Capital bill (all week)
S. Transportation – Better Backroads Program (T), Vermont Local Roads Program (Th)

Public Hearings

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.353 Chapter117 – state, municipal riparian buffer regs | H. Fish, Wildlife, Water Resources |
| H.470 Judicial Restructuring – E-Court? | H. Judiciary |
| H.476 Real Property – 15-yr enforcement limit on highway permits | H. Judiciary |
| H.485 Use Value Appraisal – moratorium, land use change tax | S. Finance |
| 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 |
| H.509 Lake Champlain – highway funding tied to road BMPs | H. Fish, Wildlife, Water Resources |
| H.534 FY10 Budget Adjustment | Passed House, Senate w/amendments |
| 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 |
| H.550 Economic Development Board, long-term economic plan | H. Commerce, Economic Dev |
| H.579 Merger ACCD, Department of Labor | H. Government Operations |
| H.586 Chapter 117– state water supply, wastewater permits | H. Fish, Wildlife, Water Resources |
| 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 |

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| H.677 | Chapter 117/Act 250 regulation of wind energy plants | H. Natural Resources, Energy |
| H.686 | Prohibit affordable housing discrimination in permitting | H. General, Housing, Military |
| H.714 | Authorizes citizen initiative legislative process | H. Government Operations |
| H.717 | 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 |
| H.741 | Complete street principles | H. Transportation |
| H.760 | Boards, Commissions – repeal CORC, Development Cabinet | H. Government Operations |
| H.763 | Chapter 117 – River Corridor Management Plan, Bylaws | H. Fish, Wildlife, Water Resources |
| S.64 | Growth Centers | S. Natural Resources, Energy |
| S.99 | Smart Growth/Act 250 – transportation, rural growth | Senate – Ordered to Lie |
| 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. Econ Dev, Housing, General |
| S.286 | Challenges for Change– regulatory reform, etc. | H. Appropriations |
| S.288 | 2009 Vermont Recovery & Investment Act | S. Econ Dev, Housing, General |

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