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To: Vermont Planners Association
Subject: Legislative Update #13 [4.19.16]



VPA LEGISLATIVE UPDATE #13

April 19, 2016

Vermont Legislature: <http://legislature.vermont.gov/>
Streaming, Floor: <http://digital.vpr.net/online-streams#stream/>
Committees: <http://legislature.vermont.gov/committee/list/2016/>
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ALERT: S.114 Open Meeting Law—including Rep. McCullough’s amendment, as highlighted in Alex’s e-mail alert (to extend the posting of minutes from five to seven calendar days)—is scheduled for a floor vote in the House on Wednesday at 1:00 pm. Good time to [contact your representative](#)...

Weekly Update

Sorry no update last week—too much going on at the State House. Not as exciting as today’s NY primary, but it’s been a real roller coaster ride—especially for H.367 which, at the start of last week, was ripe for the compost pile. Thanks to some behind the scenes finagling, a receptive committee chair, and the hard work and testimony of several VPA members yesterday in S. Natural Resources and Energy, it looks like H.367 may be back on track to get passed this year—fingers crossed! Special shout outs to our President, Sarah Hadd, Paul Conner, Rod Francis, Bonnie Waninger and Kate McCarthy for taking the time to testify yesterday—and to everyone who contacted the committee and their senators. It worked—the bill was voted out this morning, *as the SNRE’s final bill of the session*. I’d also like to thank all of our partners, who negotiated in good faith with us over the summer, and over the past couple week, even though we weren’t able to address everyone’s concerns. If passed, hopefully we can make this work to everyone’s satisfaction. VPA also weighed in last week in S. Natural Resources and Energy on H.789, VNRC’s forest integrity bill, and reviewed and provided comments on proposed amendments to S.230 (siting bill), now in H. Natural Resources and Energy.

The bulk of committee work in the Senate finished up last Friday, to clear the schedule for floor votes on remaining bills, including the FY16/17 budget bills. Some House committees—including House Natural Resources and Energy—are still going strong, but will be wrapping up within the next week, in preparation for the end of the session. Here’s the skinny on planning bills as of today...

Planning Bill (H.367). Our bill was amended in SNRE to incorporate VPA recommendations that reflect compromises negotiated over the past couple of weeks. This included, at Senator Bray’s suggestion, going from a 5-year to an 8-year plan (consistent with the timing for regional plans) to address the concerns of some that 10 years between plan updates was too long. This will still allow more time for plan implementation, and more abbreviated updates through the plan amendment process. Given that the life of the plan was reduced from 10 to 8 years, VPA also suggested eliminating the 5-year (interim) review and reporting requirement (as opposed by VLCT), instead defaulting to the current RPC municipal consultation and confirmation process (two RPC consultations within the eight year period) – to now also include, as part of the confirmation process, a review of municipal plan implementation activities. VPA also asked that the bill be made retroactive so that plans adopted after July 1, 2015 (under the bill as introduced) would fall under the new 8-year cycle. As noted, our bill, [as amended](#), was voted out of committee this morning, and should come up soon

(Thursday?) on the Senate calendar for a floor vote. If it passes, it will go back to the House—hopefully for a vote in concurrence.

Energy Facility Siting (S.230). The siting bill is being pulled apart and put back together again in HNRE, with no assurance that it will make it out of committee—especially given [testimony from PSB member Margaret Cheney last week](#) that the bill is flawed, and not especially wanted or needed. Rep. Klein, HNRE Chair, is also yet to be convinced—his committee has already stripped out Senate floor amendments related to wind energy development, portions of the bill that would define and provide incentives for siting in “preferred locations” and the position of “public assistance officer” that was intended to assist the public and participants in getting through the 248 process. At best, the committee may retain the planning portions of the bill (including Ch.117 goals and expanded energy elements) that would give more weight to “certified” regional and municipal plans in Section 248 proceedings that incorporate “deep” energy planning, and that are consistent with state energy plans and policies. The form and manner of “certification” is still under discussion. If the bill makes it out of committee this week (Wednesday?), floor amendments are certain—as is a conference committee, if/when it passes the House. Rep. Klein also announced last week that he would not be running again, leaving the door open much wider for additional siting legislation next year.

Regional COGs (H.249). As noted earlier, “COGs” per se have been stripped from the bill (as a perceived form of county government), but the bill survives in amended form, to give RPCs greater ability to coordinate inter-municipal services, on behalf of and between interested members. The bill as amended in S. Government Operations passed its second reading today on the floor of the Senate, and is scheduled for a final floor vote tomorrow.

Ch.117/Forestry Bill (H.789/H.857). H.789, VNRC’s bill to amend Chapter 117 to highlight forest fragmentation and forest integrity, was added onto H.857 (Timber Harvesting Bill), as voted out of S. Natural Resources and Energy last week. As amended, the bill adds definitions to Ch.117 for “forest block,” “forest fragmentation,” “habitat connector,” and also “recreation trail” (as referenced under the definitions of forest block and habitat connector). Despite VPA’s concerns, stated in testimony before the committee, that these definitions will be more broadly controlling (especially “recreational trail”), they were added to the general statutory definitions under Section 4303 – with the understanding that they would also be reviewed again by a proposed study committee, *before going into effect in 2018*. The bill also amends existing goals under Section 4302 (in effect July 1), and land use elements (in effect for plans adopted after July 1, 2018). In the meantime, it creates a study committee, with representation from VAPDA and VLCT, to review the definitions, and related regulatory provisions under Ch.117 (and Act 250) pertaining to forest integrity. H.857 also includes the language, passed by the House, that exempts “forest operations” from local regulation under Section 4413(d). H.857 is now in S. Appropriations.

Ch.117/Ag Enterprise Bill (H.779). AAFM clarified that this bill is not expected, at this late date, to move—especially given that many of us have opposed the bill in its current form. That said, we have all agreed to work with the agency over the summer to come up with language that is more acceptable to everyone who will have to administer and enforce it.

Weekly Calendar Highlights

(Subject to Change; Full committee schedule: <http://legislature.vermont.gov/committee/meetings/2016>)

Monday

1:00	H.875 FY17 Budget—deliberations	S. Appropriations
1:00	H.518 Clean Water Fund Board	S. Natural Resources, Energy
1:30	H.367 Planning Bill—VPA, VLCT, etc.	S. Natural Resources, Energy
3:45	H.580 Conservation Easements	S. Natural Resources, Energy

Tuesday

8:30	H.367 Planning Bill—vote	S. Natural Resources, Energy
9:00	S.91 Judicial Nominating Board (inc. PSB Chair)	H. Judiciary
1:15	H.878 Capital Bill	S. Institutions

1:30	H.875 FY17 Budget—deliberations	S. Appropriations
2:30	H.876 Transportation Bill—Senate strike-all	H. Transportation
3:15	EB5 Update—ACCD	S. Finance
4:00	LIHEAP, Weatherization	S. Finance

Wednesday

8:45, 2:30	S.230 Energy Siting—walk-through	H. Natural Resources, Energy
9:00	H.829 Water Quality on Small Farms	H. Agriculture, Forest Products
9:00	H.595 Potable Water Supplies— <i>markup</i>	H. Fish, Wildlife, Water Resources
10:00	H.878 Capital Bill	S. Institutions
11:00	Carbon Tax—UVM	H. Transportation

Thursday

9:00	H.595 Potable Water Supplies— <i>markup</i>	H. Fish, Wildlife, Water Resources
9:00	S.230 Energy Siting—<i>possible vote</i>	H. Natural Resources, Energy
10:00, 2:30	H.868 Economic Development	S. Finance
10:00	H.878 Capital Bill	S. Institutions
1:00, Floor	H.130 Agency of Public Safety	S. Government Operations
2:30	S.123 DEC Permitting Bill—DEC, VNRC	H. Natural Resources, Energy

Friday

9:30, 1:00	H.595 Potable Water Supplies— <i>markup, vote</i>	H. Fish, Wildlife, Water Resources
10:00	H.878 Capital Bill	S. Institutions
2:30	S.123 DEC Permitting Bill— <i>possible vote</i>	H. Natural Resources, Energy

Dates and Deadlines

Apr 28 **VPA Awards Presentations, Reception Cedar Creek Room**

Legislative Reports

Legislative Reports: <http://legislature.vermont.gov/reports-and-research/find/2016>

Includes some late postings...

[Government Restructuring & Operational Review Commission Interim Report \(2015, Act 58, Sec. C 107\)](#)

[County Forester Staffing and UVA Delivery Legislative Report \(2015, Act 57\)](#)

[Savings Realized Through the Use of Smart Meters Legislative Report \(30 V.S.A. § 2811\(c\)\)](#)

[Recommendations in Support of Forest Health and Integrity \(2015, Act 61\)](#)

[Budget Adjustment Report on Housing and Shelter Assistance \(2016, H.611 Sec. 72\)](#)

[Quality of Prekindergarten Education Legislative Report \(2014, Act 166 Sec 3\(b\)\)](#)

[VHFA Down Payment Assistance Activity Report \(3-31-2016\) \(2015, S-138 \(ACT 51\)\)](#)

[Lead Poisoning Prevention: Report on 2015 Program Outcomes and Activities \(18 V.S.A. §§ 1755 \(b\) and 1756 \(b\)\)](#)

[Vermont State Housing Authority 2015 Annual Report \(24 V.S.A. § 4025\)](#)

[Economic Advancement Tax Incentives Legislative Report \(32 V.S.A. § 5930a\(j\)\)](#)

[Receipts and Expenditures of the EB-5 Fund Legislative Report \(2011, Act 52, Section 21\)](#)

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