



## VPA LEGISLATIVE UPDATE #3

January 25, 2016

Vermont Legislature: <http://legislature.vermont.gov/>

Streaming, Floor: <http://digital.vpr.net/online-streams#stream/>

Committees: <http://legislature.vermont.gov/committee/list/2016/>

Bills: <http://legislature.vermont.gov/bill/search/2016>

### Weekly Update

**FY16/17 Budget.** The Governor gave his last [budget address](#) on Thursday, presenting a \$7.6 billion FY16/17 budget that closes a projected \$68 million budget gap, and includes a modest 3.1% increase in general fund spending. In addition to managing health care costs, he also called for ending family homelessness by 2020, by ensuring that 15% of taxpayer-funded housing in Vermont is dedicated to homeless families and those with special needs. DHCD has been directed to work with the Vermont Housing Conservation Board, nonprofit housing developers, service providers, the Poverty Council, and others to develop a way to meet this target. Key budget issues identified by DHCD this year include maintaining high levels of service and program outcomes with a lean staff and operating budget, continued uncertainty with regard to federal program funding, and requirements associated with increased HUD program oversight (higher environmental review standards, more aggressive program monitoring and documentation). Municipal and regional planning are level funded within the department's budget (at \$3,381,899), as are municipal grants under the Downtown Transportation and Capital Improvement Fund (at \$335,151). Community Development Block Grants are budgeted at \$6,249,045 (+1.2%)—but as noted, may come with more strings attached.

**Solar Siting Task Force, Energy Bills.** The [Siting Task Force](#) (on which VPA was represented) finished up its work on Friday, sending its [final report](#) to House and Senate Natural Resources and Energy. The recommendations included in the report reflect the consensus of the group and, as a result, are not as comprehensive or definitive as we'd hoped – but they do recognize the importance of, and need for, more integrated energy and land use planning and the development of best siting practices—to guide distributed energy development, and to better inform the Section 248 process. Regional planning recommendations are based in large part on the DPS's initial [pilot project](#) work with three RPCs, as presented to the task force. Summary of key recommendations:

- Clarify and enhance energy planning responsibilities of regions and municipalities under Chapter 117 (planning goals, plan elements, maps).
- Strengthen regional energy planning under contract with DPS (similar to current arrangements with ANR, VTrans; need for ongoing funding).
- Make RPCs parties by right in Section 248 proceedings.
- Strengthen municipal energy planning, with guidance, tools, and assistance from RPCs.
- Explore options for municipal review, regulation of small (<15 kW) systems (e.g., under 24 VSA § 4413).
- Develop solar siting best practices (PSD working group, representative of state, regional, municipal and industry stakeholders).
- Provide financial, regulatory incentives for development in preferred locations (e.g., buildings, parking lots, brownfields, landfills, gravel pits).
- Encourage solar projects to locate within locally-designated areas.

- Create incentives for projects that directly benefit local communities, and that help meet other state energy, environmental and development goals.
- Enhance customer services, access to information regarding PSB proceedings.
- Allow for mediation (pre-application consultations, early off-ramp for mediation/negotiation, mediation process for contested cases).
- Create customer-assistance role (review ANR permitting programs, electronic filing, forms and templates, etc.).
- Make Ag, Food and Markets Agency a party by right; provide notice and developer agreements to VDHP.
- Improve PSB review of aesthetic impacts, developer compliance with conditions of approval (notifications, site plans, aesthetic guidance, Quechee guidance).

Many thanks to VPAers who participated on our advisory group during this process, those who took time to testify and present information, and especially to Dana Hanley, who attended several meetings as VPA's alternate. The documents we submitted during the process, including a [Chapter 117 overview](#), an initial [issues list](#), [draft recommendations](#), and [list of siting resources](#) (for consideration in developing best practices) are available on the Task Force website, along with other interesting information—including a separately issued [ANR Report on Environmental and Land Use impacts of Renewable Energy Generation](#). Not a perfect process by any means, but hopefully a constructive step forward. Now we wait and see which (if any) recommendations end up in **S.230**—SNRE will be devoting their committee time Tuesday and Wednesday to solar siting legislation. Several other siting bills were introduced in the House last week, in association with VLCT's organized day of testimony Wednesday under the dome. Also out last week: the final version of the PSD's [Comprehensive Energy Plan](#).

**Forestry Bills (S.237, H.584).** House Natural Resources and Energy takes up H.584 this week—its version of the Senate forestry bill. Word on the street: a separate forest planning/fragmentation bill may be introduced in the House, if drafting and introduction deadlines can be met. Otherwise, relevant language may be inserted into one of these bills...

**Regional Planning.** RPC and RDC contracts are the subject of DHCD and VAPDA testimony in H. Commerce, scheduled for Tuesday. Activity on the RPC's Regional Councils of Government bill (**H.249**) moves from H. Government Operations to H. General this week, with testimony from RPCs, VLCT and others scheduled for Friday afternoon.

## Weekly Calendar Highlights

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

### Tuesday

AM	S.202 Farm-to-School Pilot Project (after floor)	S. Agriculture
9:00	<b>RPC, RDC Contracts</b>	H. Commerce, Econ Development
10:00	<b>S.230 Energy Project Siting</b>	S. Natural Resources, Energy
11:00	Rest Areas Update	S. Transportation
1:30	S.170 Open Meeting Law—Markup, vote(?)	S. Government Operations
2:30	<b>H.584 Forestry Bill</b>	H. Natural Resources, Energy
3:00	S.184 State Ethics Commission	S. Government Operations

### Wednesday

8:30	H.601 Water, Wastewater RLFs	H. Corrections, Institutions
9:00	<b>S.230 Energy Project Siting</b>	S. Natural Resources, Energy

10:30 Municipal Assistance Bureau (VT Local Roads) S. Transportation  
 3:00 H.518 Clean Water Fund Board—Markup H. Fish, Wildlife, Water

**Thursday**

9:00 H.522 Threatened, Endangered Species—Markup H. Fish, Wildlife, Water  
 9:00 Municipal Assistance Bureau (VT Local Roads) H. Transportation  
 9:00 **S.123 DEC Permit Bill** S. Natural Resources, Energy  
 9:30 **H.584 Forestry Bill** H. Natural Resources, Energy  
 10:00 Building Communities Grant Program H. Corrections, Institutions  
 10:15 H.518 Clean Water Fund Board—Markup H. Fish, Wildlife, Water  
 10:45 **S.237 Forestry Bill** S. Natural Resources, Energy

**Friday**

AM VHCB (after floor) H. General, Housing, Military  
 9:00 **S.123 DEC Permit Bill** S. Natural Resources, Energy  
 10:30 Public Transit, Go!VT Programs H. Transportation  
 1:00 **H.249 Regional Councils of Government** H. General, Housing, Military  
 1:00 Act 250 Process, Improvements (NRB) H. Natural Resources, Energy

**Deadlines**

January 29 Bill introduction deadline (standard form), House  
 January 29 Public Comments: [DPS Energy Efficiency Utility Report](#), [Joint Energy Committee](#)  
 February 16 Public comments: [Proposed Logging AMP Rule Change](#)

**Bill Tracking List**

(Highlighted are currently active; bills <http://legislature.vermont.gov/bill/search/2016>)

In addition to holdovers from last year, the following are new bills of interest that we will also be tracking this session:

No.	Description	Location
<b><a href="#">H.249</a></b>	<b>Regional councils of government</b>	<b>H. Government Operations</b>
<a href="#">H.367</a>	10-Year plan/implementation (VPA Ch.117)	S. Natural Resources, Energy
<a href="#">H.513</a>	Repeal PSB authority over telecom facilities (Section 248a)	H. Commerce, Econ Develop
<b><a href="#">H.517</a></b>	<b>Classification of state waters</b>	H. Fish, Wildlife, Water
<a href="#">H.552</a>	Threatened and endangered species	H. Fish, Wildlife, Water
<a href="#">H.558</a>	Solar generation on impervious surfaces (Ch.117)	H. Natural Resources, Energy
<a href="#">H.569</a>	Blighted properties (municipal ordinance)	H. Government Operations
<a href="#">H.578</a>	Water supply, wastewater system permits (30 day issuance)	H. Fish, Wildlife, Water
<a href="#">H.580</a>	Conservation easements (tax liens)	H. Natural Resources, Energy
<a href="#">H.581</a>	Municipal directional signs, designated centers	H. Transportation
<b><a href="#">H.584</a></b>	<b>Forestry Bill</b>	H. Agriculture, Forest Products
<a href="#">H.589</a>	Ban on industrial wind	H. Natural Resources, Energy
<a href="#">H.595</a>	Potable water supplies, surface waters, individual dwellings	H. Fish, Wildlife, Water
<a href="#">H.596</a>	Land use regulation of electric generation facilities	H. Natural Resources, Energy
<a href="#">H.597</a>	PSB consideration of municipal siting standards, bylaws	H. Natural Resources, Energy
<a href="#">H.598</a>	PSB siting proceedings, adjoiners rights to participate	H. Natural Resources, Energy
<a href="#">H.599</a>	PSB energy facility siting, public notice, access to info	H. Natural Resources, Energy

<a href="#">H.605</a>	PSB telecommunications siting, municipal default	H. Commerce, Econ Dev
<a href="#">H.606</a>	Act 250 settlement pattern (9L), relief due to site constraints	H. Natural Resources, Energy
<a href="#">H.607</a>	Net metering system cap, increase to 25%	H. Natural Resources, Energy
<a href="#">H.608</a>	Solid waste management, exemption litter collection events	H. Natural Resources, Energy
<a href="#">H.609</a>	Water supply rates	H. Government Operations
<a href="#">H.610</a>	Water, wastewater revolving loan funds	H. Corrections, Institutions
<a href="#">H.624</a>	Use value appraisal, open land appraisal	H. Ways, Means
<a href="#">H.633</a>	Distributed energy generation, renewable energy standard	Released for introduction
<a href="#">H.634</a>	Solar energy, renewable energy credits	Released for introduction
<a href="#">H.635</a>	Local bylaws, affordable housing	Released for introduction
<a href="#">S.114</a>	Open meeting law	
<a href="#">S.123</a>	<b>DEC permitting bill</b>	<b>S. Natural Resources, Energy</b>
<a href="#">S.162</a>	Public-private partnerships	S. Econ Dev, Housing, General
<a href="#">S.166</a>	Development cabinet, cross promotion of state policies	S. Government Operations
<a href="#">S.170</a>	Open meeting law (along w/ S.114 from last year)	S. Government Operations
<a href="#">S.191</a>	Wind facility siting, municipal, regional recommendations	S. Finance
<a href="#">S.195</a>	Solar on large buildings (study)	S. Natural Resources, Energy
<a href="#">S.204</a>	Siting renewable electric generation (Ch. 117)	S. Finance
<a href="#">S.205</a>	Renewable energy development, ag and forestry soils	S. Agriculture
<a href="#">S.210</a>	Ban on industrial wind	S. Natural Resources, Energy
<a href="#">S.226</a>	Energy facility siting, RPC and municipal plans	S. Finance
<a href="#">S.229</a>	State interchange development policies, guidance	S. Natural Resources, Energy
<a href="#">S.230</a>	<b>Energy facility siting (Task Force, Ch. 117, 248)</b>	<b>S. Natural Resources, Energy</b>
<a href="#">S.231</a>	Immunity from liability for agritourism activities (definitions)	S. Judiciary
<a href="#">S.236</a>	Solar ready roofs on new construction (Ch.117)	S. Natural Resources, Energy
<a href="#">S.237</a>	<b>Forestry bill (Ch.117, nuisances)</b>	<b>S. Natural Resources, Energy</b>

## Legislative Reports

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

[Vermont Interactive Technologies Working Group Legislative Report With Appendices \(2015, Act 58, Sec. E.602.1\)](#)

[Vermont Interactive Technologies Working Group Minority Report \(2015, Act 58, Sec. E.602.1\)](#)

[Vermont Housing Budget and Investment Report 2015 \(24 V.S.A. §4498\)](#)

[Vermont Transportation Funding Options \(2015, Act 40, Sec. 10 \(a\)\)](#)

[Regional Greenhouse Gas Initiative Annual Report 2015 \(30 V.S.A. § 255 \(e\)\)](#)

[A Report and Recommendations on Implementation and Enforcement of Mandatory Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont \(2015, Act 64, Sec. 50\)](#)

[Report on Sugarbush Enrollment Options in UVA \(2015, Act 64, Sec. 50\)](#)

[Act 165 Report: A Report to the Vermont General Assembly on Progress toward an MOU Program for Expediting Development of Small and Micro Hydroelectric Projects \(2012, Act 165\)](#)

[Vermont Community Development Program FY 2015 Annual Report \(10 V.S.A. § 685\(g\)\)](#)

[Use Value Appraisal Municipal Reimbursement Study Committee Report \(2015, Act 57, Sec. 54\)](#)

[Annual Report on Bill-Backs Authorized Under 30 VSA § 21](#)

[Permit Activity for State Fiscal Year 2015 Annual Report \(3 V.S.A. § 2822\(g\)\)](#)

[State of Vermont Workforce Report - Fiscal Year 2015 \(3 V.S.A. § 309\)](#)

[Management of Wastewater Treatment Sludge and Septage in Vermont: An Analysis of the Current Status and Alternatives to Land Application \(2015, Act 64, Sec. 34\(b\)\)](#)

[\*\*Comprehensive Energy Plan 2016 \(30 V.S.A. § 202 and 202b\)\*\*](#)

[\*\*River Basin Water Quality Management Planning During 2015 \(10 V.S.A. § 1253\(d\)\(1\)\)\*\*](#)

[Wood Product Manufacture Study \(Act 174, Sec. 34\)](#)

[\*\*Agency of Transportation Fact Book and Annual Report \(V.S.A. 19 Sec. 42\(b\)\)\*\*](#)

[\*\*Regulatory Threshold for Permitting Stormwater Runoff from Impervious Surfaces \(2015 Act 64 Sec. 32\(a\)\)\*\*](#)

[Clean Energy Development Fund Fiscal Year 2015 Annual Report \(30 V.S.A. § 8015\)](#)

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