

Vermont Planners Association (VPA) Legislative Report - May 17, 2021

Greetings! This week's report is slimmer than you may be accustomed to as legislators engage in negotiations to wrap up the session, and includes a summary list of where all the active bills we are following stand this week.

Daniel Jarrard, our legislative intern, attended countless legislative committee ZOOM meetings throughout the session, covering and reporting on much more than we could have done ourselves. His clear and informative reports on what he heard in those meetings were a huge help to us this year. We appreciate his work and wish him the best in future endeavours.

--Faith Ingulsrud

House and Senate Bills

Reported by Alex Weinhagen with assistance from Legislative Intern, Daniel Jarrard.

We are not going to report on committee agendas for the coming week, anticipating lots of last minute wrangling and floor votes in the run up to adjournment - still tentatively set for May 22.

New bills introduced

No new bills with a planning nexus.

Bill status & committee discussion

S.79 – Rental Registry & Code Enforcement – This bill passed the Senate and still has a chance of passage in the House. Currently still being reviewed by House Ways and Means.

S.33 – TIF Districts & Project-based TIF – This bill passed the Senate. A much reduced/gutted version still has a chance of passage in the House. Currently still being reviewed by House Ways and Means. Should it pass the House, it's unclear if the two chambers will reach concurrence over the different versions before adjournment.

S.101 – Housing and Bylaw Modernization – This bill passed the Senate and a much reduced version still has a chance of passage in the House. Last week, House Ways and Means added a funding source (extra property transfer tax surcharge), but House Appropriations expressed concern about this funding mechanism. Currently still being reviewed by House Appropriations. Should it pass the House, it's unclear if the two chambers will reach concurrence over the different versions before adjournment.

S.25 – Cannabis Revisions – This bill passed the Senate, and a revised version still has a chance of passage in the House. It was reviewed by House Ways and Means last week, and is currently still being reviewed by House Appropriations. Should it pass the House, it's unclear if the two chambers will reach concurrence over the different versions before adjournment.

Act 250 Reform – H.120 & H.400/S.112 – House Natural Resources, Fish and Wildlife discussed changing the Act 250 appeal process. On May 13, they heard testimony from a retired Act 250 attorney (Stephanie Kaplan) who encouraged returning to an Environmental Board rather than the current Superior Court (Environmental Division) process. H.120 doesn't make any changes to the appeals process, but Committee members responded favorably to the testimony.

H.108 - VT Standards for a Clean Water Act Section 401 Certification – Passed both chambers. Awaiting action by the Governor – delivered May 13.

S.1 - Energy/Baseload Renewable Power Portfolio (Ryegate) – Passed both chambers. Awaiting action by the Governor – delivered May 14.

S.66 - Transportation/Electric Bicycles – Passed both chambers. Awaiting action by the Governor – delivered May 14.

S.102 – Agricultural Designations, On Farm Composting, Food Waste – Passed both chambers. Awaiting action by the Governor – delivered May 14.

S.124 - PUC/Misc Utilities Bill (PUC Jurisdiction) – Passed both chambers. Awaiting action by the Governor – delivered May 14.

Summary List of Active Bills

Reported by Sharon Murray.

Of the bills VPA has been following this session the following list shows where remaining bills are in the legislative process.

Bills in Committee:

H.159 – Economic Development/Better Places. S. Economic Development, Monday (5/17), 9:30 AM.

S.33 – TIF Bill. House Ways & Means, Tuesday (5/18) at 9:30 AM. Meeting with state auditor.

S.79 – Rental Registry. House General, Tuesday, 1:00 PM; possible vote regarding proposed Ways & Means amendment.

Bills in Conference Committee:

H.360 – Community Broadband. Next meeting Monday (5/17), 9:00 AM

H.433 –Transportation Bill. Next meeting Monday (5/17), 10:30 AM

H.439 – Budget Bill. Next meeting Monday (5/17), 11:00 AM

Bills on the Floor:

H.88 UVA, Agricultural Certification. Scheduled for a final floor vote in the Senate on Tuesday (5/18).

H.122 Boards and Commissions – State Emergency Management Commission, Regional Emergency Management Committees, LEPCs; proposed Senate amendments warned for consideration on the House floor on Tuesday (5/18).

H.431 Misc Energy Bill – Proposed S. Finance amendments scheduled for a second reading in the Senate on Tuesday (5/18). Warned amendments retain but modify the proposed exemptions for electric generation and energy storage facilities regulated by the PUC from both Act 250 review, and from municipal regulation under Chapter 117 (Section 4413).

H.438 Capital Construction Bill – Proposed House amendments scheduled for a floor vote in the Senate on Tuesday (5/18), postponed from Friday.

S.25 Cannabis Bill. Proposed strike-all amendment is on the House Notice Calendar for Tuesday, as reported out of Government Operations, Ways and Means, and Appropriations last week. As proposed, would retain the current requirement for a municipal vote to allow for retail sales.

S.79 Rental Registry. A proposed strike-all amendment is on the House Notice Calendar for Tuesday, as reported out of General, Housing, and Military Affairs, and Ways and Means.

S.101 Smart Growth/Bylaw Modernization Grants. Also on the House Notice Calendar for Tuesday, as amended House Natural Resources, Ways and Means, and Appropriations.

Bills on the Governor’s Desk (for signing):

H.89 –Agritourism. Definition, limits on liability

H.108—VT Standards for Federal Clean Water Act 401 certifications

S.1 – Baseload Renewable Power Portfolio

S.66 – Electric Bicycles

S.102 – On-farm Composting, AAFM Rulemaking

Climate Caucus and VT Climate Council

Reported by Peg Elmer Hough

The main work of the Council is underway in the subcommittees, aiming to have a matrix of recommendations by July. The Steering Committee will meet this Thursday. At the beginning of their meetings the chairs of the subcommittees provide an update and ask questions about how they're doing. The full Council has their monthly meeting next Monday morning. Check their website for agendas and links to connect, but the recordings will also be posted later.

The Rural Resilience and Adaptation subcommittee is meeting every Friday at 1:00, for about 90 minutes, until October. They post their agenda and are quite open to public comment, in an easy and informal way. This Friday their guests will include a representative from their Maine counterparts (Maine is ahead of Vermont, in the process of implementing their adopted Climate Plan), to explore how Maine addressed resilience at the community level.

The legislative Climate Caucus held a duet of the co-chairs Senator Pearson and Rep. Hanzas reviewing where their chambers were on the rundown of small bills related to energy making it

through the hoops to pass before the end of the session. They expect to be done at the end of the week.