



# WEEKLY LEGISLATIVE REPORT

January 9, 2015

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The *Weekly Legislative Report*, a publication of the Vermont League of Cities & Towns, is published each Friday during Vermont's legislative session.

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## Governor's Inaugural Speech Charts Direction for 2015 Session – Maybe

Every legislative session gets underway with a palpable sense of new beginnings and a long to-do list. The year 2015 will be remembered as the session that got rolling in earnest with legislators choosing a governor in a contested election, complete with campaign ads up until Thursday, January 8, the day of the vote. In a secret ballot the 180-member General Assembly (30 senators and 150 representatives), comprising 105 Democrats, 62 Republicans, seven Progressives (plus 2 more Progressives who also represent the Democratic Party), and six Independents – re-elected Governor Peter Shumlin by a margin of 110 to 69.

Then it was down to business. Vermont's newly re-elected chief executive thanked the assembly for the "tremendous honor and opportunity to serve again as [g]overnor." He focused his remarks in this speech on energy and water quality issues, saying "I know that economic growth, affordability and strong quality of life are the surest ways to help Vermonters prosper. I will address next week [in his budget address on Thursday, January 15] critical policy areas where we can help move the dial for struggling Vermonters and bolster our quality of life, including workforce development, education quality and spending, health care, child protection and continuing progress with drug addiction."

The governor also touted the successes of the new energy economy due to a "solid regulatory system," "thousands of committed Vermonters volunteering in energy committees at the local level in over 100 towns and villages," "forward thinking utilities and energy companies, a statewide company benefitting our ratepayers, VELCO [Vermont Energy Power Company] and the nation's first statewide efficiency utility, Efficiency Vermont" and "innovative Vermont entrepreneurs." Those efforts have had visible successes on the landscape, grown a clean energy sector, well-paying jobs, and built solar, wind, geothermal, and even some small new hydro around the state. The governor proposed a new Energy Innovation Program to promote clean energy and reduce total energy costs for Vermonters. The program would replace Vermont's Sustainably Priced Energy Enterprise Development Program (SPEED), put a premium on weatherizing and reducing energy consumption in homes, and add new community-scale and locally-generated clean energy to Vermont's energy portfolio. That proposal is based on the Department of Public Service's Total Energy Study conducted during the last two years, which is posted at [http://publicservice.vermont.gov/publications/total\\_energy\\_study](http://publicservice.vermont.gov/publications/total_energy_study).

Renewable energy projects – wind, solar, geothermal, biomass, methane recovery, and electric vehicle charging stations – are being constructed all over Vermont as

well as in many other parts of the country. The desire to build renewable and clean energy projects that reduce dependence on fossil fuels is shared by all Vermonters. That does not mean that all such projects are proposed in appropriate locations, or that abutters and host communities affected by such siting decisions shouldn't have adequate forums for their concerns to be heard and addressed. The Public Service Board (PSB) Certificate of Public Good permitting process represents a "solid regulatory process" that fails to address municipal land use concerns and priorities. The 2015 VLCT Municipal Policy calls for the PSB to:

- accord automatic party status to host municipalities in Section 248 proceedings;
- give "substantial deference" to municipal concerns and determinations by holding hearings in any municipality potentially affected by a proposed project; and
- include all local decisions concerning the project within the PSB docket, formulate areas of inquiry based on concerns raised in the local hearing process, and require any decision to address local concerns raised in local determinations and adopted municipal plans.

Vermont municipalities will be looking to the 2015 legislature to improve the energy siting process by enacting the above changes to the PSB regulatory siting process.

The governor's speech also focused on water quality, specifically the declining water quality in our lakes and rivers, especially Lake Champlain. "I have asked my Cabinet to implement the Lake Champlain restoration plan we submitted to the EPA [Environmental Protection Agency] last spring," he said. He acknowledged that the EPA has yet to approve the Vermont plan, which is prerequisite to a Total Maximum Daily Load (TMDL) being approved and implemented for the lake. The TMDL will be the plan for achieving phosphorus and sediment discharge standards in the Vermont portion of the lake. "First, with your support, we will help towns meet their obligation to properly maintain roads to prevent runoff leading to erosion ..." he said. "We will help them implement modern stormwater management systems that capture and treat the polluted runoff from dirt roads, streets and parking lots.

"Second, most of our hardworking farmers and loggers want to do the right thing ... we will direct significant new resources to help them reduce water pollution from their operations ... we will redouble our efforts to enforce existing water quality regulations, so that the good work of the many is not undone by the few.

"Third, I will ask you to help me hold those farms that have not been doing the right thing more accountable by adding teeth to our current use program ... farmers who are not following the required practices that prevent pollution should not enjoy the property tax reduction of current use until they do the work required of them."

The governor said that his capital budget proposal will include \$6.7 million for technical assistance and direct investment in water quality projects statewide. Of that amount, \$1.6 million would match \$8.2 million in federal EPA grants, equaling \$9.8 million in low interest loans (not grants) for municipalities; \$3.8 million for innovative water management projects (through the Ecosystem Restoration Program, which generally funds demonstration stormwater management projects) and \$1.4 million for the Agency of Agriculture cost-sharing for livestock fencing and other measures. As well, he proposed \$3.2 million for projects that reduce polluted runoff from back roads. Lastly, the governor said he would establish a "Clean Water Fund" and will propose a fee on agricultural fertilizers as well as an "impact payment" (most likely a fee based on the amount of impervious surface or a flat per parcel payment) from commercial and industrial parcels in the Lake Champlain watershed – but not homeowners – to capitalize the fund. He announced a \$5 million donation from Keurig Green Mountain, Inc., a Vermont-based specialty coffee company, over the next five years to the new Clean Water Fund.

The Agency of Natural Resources' Water Quality Remediation, Implementation, and Funding Report of

January 2013 indicated that the *average annual cost* over ten years to address runoff from road networks and other impervious surfaces would be \$81 million (85% of the total road miles in the state are the responsibility of local governments), and that addressing municipal wastewater, stormwater, and water supply infrastructure (mostly provided now by local governments and funded mainly through user fees) would cost \$64 million in each of those ten years. Costs attributable to agriculture and forestry operations for non-point source reduction were estimated at \$8.7 million in each of those years. The question of how to deploy stormwater management infrastructure in urban environments and what those projects might cost is not assessed in those estimates.

More recent figures based on the November 2014 Clean Water Initiative are not available. According to that report, “New revenue is needed to support capacity needs at the responsible state agencies and partner organizations, as well as to fund grant and loan programs capable of providing a state share of costs required to fulfill the obligations of municipalities, farmers, businesses and private landowners. Given, however, the wide scope of needs and diffuse sources of water pollution in the Lake Champlain Basin and around Vermont, ***the cost to fully implement the Clean Water Initiative is unknown.*** Likewise, ***the extent of support from Federal partners and private donations is also unknown.*** Finally, ***the timeline for full recovery of Lake Champlain and other surface waters cannot be estimated*** with complete precision so the State will have to continually refocus its efforts as new monitoring data is received, new results are mapped and new milestones reached, to ensure that investments continue to target the most strategic, cost-effective needs around the State.” [emphasis added]

The governor will return to the General Assembly next Thursday to deliver his budget address. The backdrop to that speech and to any revenue raising proposal from any initiative is the \$100 million deficit the state faces in Fiscal Year 2016 – which begins on July 1, 2015 – the demise of the single-payer health care initiative, and the clarion call for lower education property taxes.

Contact Karen Horn at 1-800-649-7915 or [khorn@vlct.org](mailto:khorn@vlct.org).

## House Education Committee Chair Meets with VLCT Board

The VLCT Board of Directors waded directly into the education property tax issue on Thursday as it invited newly-appointed House Education Committee Chair David Sharpe of Bristol to speak at its board meeting. The school funding situation is at the top of almost every legislator’s agenda for the 2015 session. If there is to be any relief from Vermont’s heavy overreliance on the state property tax to fund education or reduction in the myriad of state-mandated programs it is being forced to bear, it will likely start in the House Education Committee.

Rep. Sharpe indicated that he is open to all ideas at this point and that no specific direction or “marching orders” have been determined for his committee. (See list of all House committee members on page 6.) The committee begins taking testimony on the topic today (Friday) by building a solid foundation of information on the current state of affairs from legislative and administrative officials. It appears that the education funding discussion will be handled in the House differently from in the past. All bills dealing with education including spending and revenue issues will originate in the Education Committee and then be referred to the Ways and Means Committee for its input before going to the House floor. In the past, the genesis of education *finance* legislation has been mainly the Ways and Means Committee.

The VLCT Board adopted the following position regarding its hope for the 2015 legislative session: *VLCT supports a comprehensive approach to education funding reform. We support any element of that reform effort that decreases pressure on the property tax essential to funding municipal services and we oppose anything that goes in the opposite direction.*

We realize that such a comprehensive approach may include some components that may run counter to some long-held positions held by VLCT and philosophical underpinnings of local government, including possible consolidation of local school districts and state mandates penalizing local spending decisions. The VLCT Board voted to decide its position on these countervailing proposals on a case-by-case basis.

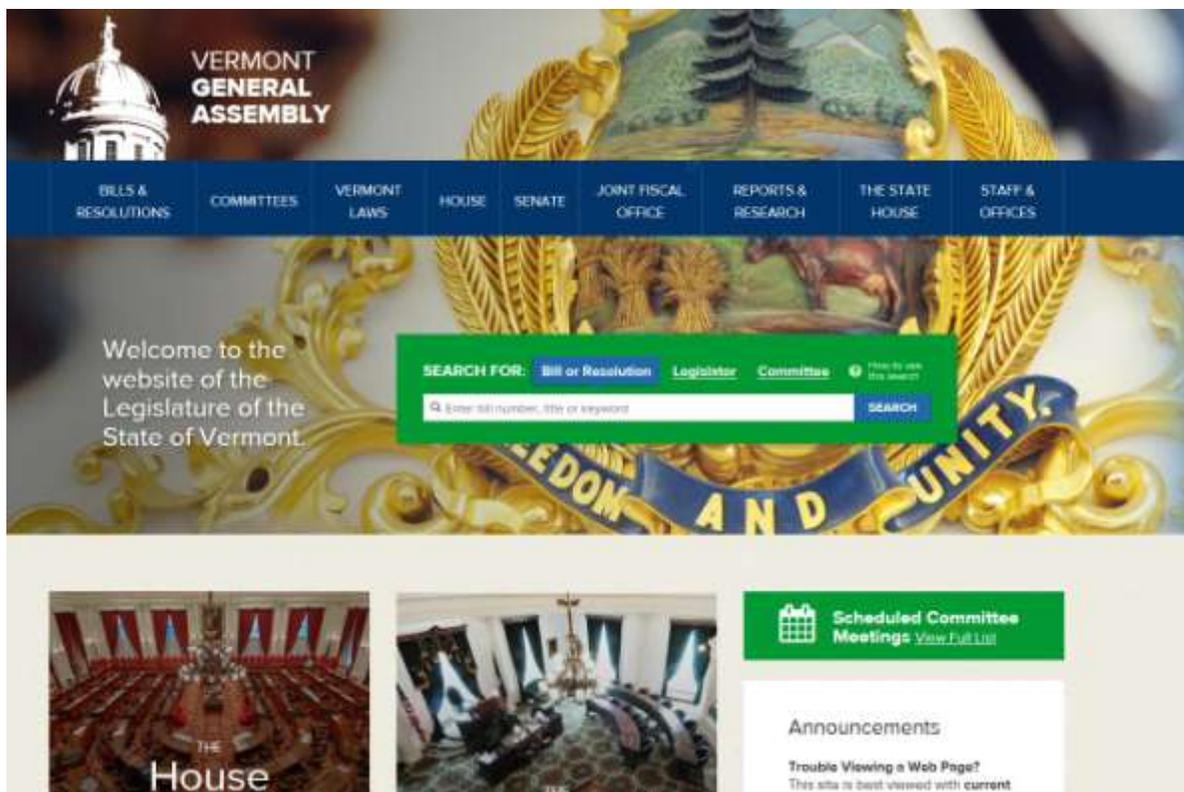
VLCT staff plan to camp out in any committees focusing on the education property tax and keep you apprised of developments and, hopefully, solutions emerging for action. Municipal officials should do everything in their power to remind their legislators of their need to address this issue before they adjourn next spring. The interaction with voters last November is already beginning to fade, and the voices of advocacy groups interested in keeping their portions of the property tax pie are constantly heard in the State House.

Might you have the perfect resolution to the education property tax problem? The committee is looking for ideas. Send it yours!

Contact Steve Jeffrey at 1-800-649-7915 or [sjeffrey@vlct.org](mailto:sjeffrey@vlct.org)

## Vermont General Assembly Website

The legislature unveiled an updated and re-organized website at the end of December. The web address, [www.leg.state.vt.us](http://www.leg.state.vt.us), didn't change. However, there are numerous changes in the way one accesses committee agendas, House and Senate Calendars and Journals, public hearings, bills, or testimony to be posted on committee webpages. Links to reports on all manner of subjects that are required by and delivered to the legislature, generally on January 15, will be at <http://legislature.vermont.gov/reports-and-research/find/2016>. There are currently a few glitches that need to be worked out. But please take a few minutes to familiarize yourself with the new organization of the site. It is certain to be a tremendous resource as the legislative session evolves.



## VLCT is Looking for a Downtown Development Board Member

The Downtown Development Board approves or denies municipal applications for downtown development districts, village centers, new town centers, growth centers, and Vermont neighborhood designations. Its mission is to support the preservation and enhancement of Vermont's distinctive landscape of compact centers surrounded by rural land with policies and programs, including the above designated programs, rehabilitation tax credits, and grants. As required by 24 V.S.A. § 2792, the board has 13 members:

- the Secretary of Commerce and Community Development;
- the Secretary of Transportation;
- the Secretary of Natural Resources;
- the Commissioner of Public Safety;
- the State Historic Preservation Officer;
- a person appointed by the Governor from three names submitted by the Vermont Natural Resources Council and the Preservation Trust of Vermont;
- a person appointed by the Governor from three names submitted by the Association of Chamber Executives;
- **three public members representative of local government, one of whom shall be designated by the Vermont League of Cities and Towns** [emphasis added], and two appointed by the Governor;
- a member of the Vermont Planners Association (VPA) designated by the Association;
- the Chair of the Natural Resources Board or a representative designated by the Chair; and
- a representative of a regional planning commission and an alternate.

The Board meets on the fourth Monday of the month at the Agency of Commerce and Community Development at the National Life campus in Montpelier, unless otherwise specified. More information about the Board is at [http://accd.vermont.gov/strong\\_communities/opportunities/revitalization/downtownboardreview/agenda](http://accd.vermont.gov/strong_communities/opportunities/revitalization/downtownboardreview/agenda).

If you are a local official currently serving on a local legislative body, planning commission, or are a manager, mayor or municipal planner and want to serve as the VLCT-designated representative on the Downtown Development Board, please email your statement of interest and resume to Karen Horn at [khorn@vlct.org](mailto:khorn@vlct.org), or send via U.S. mail to her at VLCT, 89 Main Street, Suite 4, Montpelier, VT 05602. **The deadline to do so is Friday, January 30.** The VLCT Board of Directors will make its decision on who to appoint at its February 5, 2015, meeting.

Contact Karen Horn at 1-800-649-7915 or [khorn@vlct.org](mailto:khorn@vlct.org).

## Standing Committees, Vermont House

### AGRICULTURE AND FOREST PRODUCTS

#### Rep. Carolyn Partridge, Chair

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Rep. Alyson Eastman  
Rep. Rodney Graham  
Rep. Marjorie Ryerson  
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Rep. Daniel Connor  
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Rep. Harvey Smith  
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Rep. Kathleen C. Keenan  
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Rep. Kitty Beattie Toll

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Rep. Heidi E. Scheuermann  
Rep. Valerie A. Stuart

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Rep. Terry Macaig  
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Rep. Joan G. Lenes  
Rep. Butch Shaw

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Rep. Thomas Terenzini  
Rep. Janssen Willhoit

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 Rep. Adam Greshin  
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 Rep. George W. Till

**NEW BILLS**

<b>BILL NUMBER</b>	<b>SUMMARY</b>	<b>CURRENT LOCATION</b>
H.2	Would allow a town to vote to authorize its selectboard to appoint two additional members to an elected board of cemetery commissioners; appointed commissioners would not need to be residents of the town.	Not yet assigned.
H.3	Would increase the time period within which an adverse possession claim must be brought from 15 years to 20 years after the action accrues. Would require the person claiming the property by adverse possession to have paid all taxes due on it for the 20-year period.	Not yet assigned.
S.1	Would allow a town to approve a sign visible to the traveling public that refers only to a census-designated place within the town, rather than the entire town.	Not yet assigned.
S.6	Would make several technical corrections related to civil and criminal procedure statutes.	Senate Judiciary