

LEGISLATIVE UPDATE

April 14, 2017

Issue 14

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WEEK 14

Today was the official close of morning committees in Senate. Starting next week the afternoon committees will meet both morning and afternoon. This is the signal that the session is coming to a close. As it looks now May 6th is the adjournment date. There still are a lot of bills left to be passed but as the first year of the biennium, there is always next year.

Reminder, if you are interested in coming to the statehouse or would like more information on a bill please don't hesitate to contact me.

RURAL ECONOMIC DEVELOPMENT

S-34 An act relating to cross-promoting development incentives and State policy goals

This bill proposes to direct the Governor's Development Cabinet to review State incentive programs and propose program changes, conditions for incentives, or other strategies to cross-promote relevant State policies.

This bill passed out of the Senate and is now in the House. Both the House Agriculture and Forestry and House Economic Development are looking at this bill.

The House Ag committee has been taking testimony on Sec 3 of the bill dealing with the Vermont Milk Commission.

The bill also contains the following language that would remove the sales tax on *the following machinery, including repair parts, used for timber cutting, removal, and processing of timber or other solid wood forest products intended to be sold ultimately at retail: skidders with grapple and cable, feller bunchers, cut to length processors, forwarders, delimiters, loader slashers, log loaders, whole tree chippers, stationary screening systems, and firewood processors, elevators, and screens.*

The House Ag committee will continue to take testimony next week on this bill.

FORESTRY FRAGMENTATION

H-233 An act relating to protecting working forests and habitat

This bill proposes to amend the criteria and jurisdiction of the State land use law, known as Act 250, to protect forest resources in order to support the forest economy, water quality, and habitat.

The House Natural Resources Fish and Wildlife received a new draft of **H-233** on Tuesday. The new version removes *The construction of improvements for commercial, industrial, or residential use if such an improvement at any point is more than 350 feet within a forest block that is classified as a highest priority interior forest block or a habitat connectivity area that is classified as a highest priority connectivity block by the Vermont Conservation Design.*

New language in the bill includes the following:

(B) Forest blocks

(i) A permit will not be granted for a development or subdivision to be located on or adjacent to a tract that contains a forest block unless the applicant demonstrates that:

(I) the development or subdivision will avoid fragmentation of the forest block through the design of the project or the location of project improvements, or both;

(II) it is not feasible to avoid fragmentation of the forest block and the design of the development or subdivision minimizes fragmentation of the forest block; or

(III) it is not feasible to avoid or minimize fragmentation of the forest block and the applicant will mitigate the fragmentation in accordance with section 6094 of this title.

(ii) Methods for avoiding or minimizing the fragmentation of a forest block may include:

(I) Locating buildings and other improvements to avoid or minimize incursion into the forest block, including clustering of buildings and associated improvements.

(II) Designing roads, driveways, and utilities to avoid or minimize fragmentation of the forest block. Such design may be accomplished by following or sharing existing features on the land such as roads, tree lines, stone walls, and fence lines.

(C) Habitat connectivity areas.

(i) A permit will not be granted for a development or subdivision

to be located on or adjacent to a tract that contains a habitat connectivity area unless the applicant demonstrates that:

(I) the development or subdivision will avoid fragmentation of the habitat connectivity area through the design of the project or the location of project improvements, or both;

(II) it is not feasible to avoid fragmentation of the habitat connectivity area and the design of the development or subdivision minimizes fragmentation of the area; or

(III) it is not feasible to avoid or minimize fragmentation of the habitat connectivity area and the applicant will mitigate the fragmentation in accordance with section 6094 of this title.

(ii) Methods for avoiding or minimizing the fragmentation of a habitat connectivity area may include:

(I) locating buildings and other improvements at the farthest feasible location from the center of the area;

(II) designing the location of buildings and other improvements to leave the greatest contiguous portion of the area undisturbed, in order to facilitate wildlife travel through the area; or

(III) when there is no feasible site for construction of buildings and other improvements outside the area, designing the buildings and improvements to facilitate the continued viability of the area for use by wildlife.

There is also new language that deals with “Mitigation of Forest Blocks and Habitat Connectivity Areas”

The Committee will take more testimony on **H-233** on April 25. The Administration has not yet commented on this version on the bill.

There is language in **H-424**, the ACT 250 bill that requires a study and a report back to the legislature that includes forest fragmentation.

ACT 250

H-424 An act relating to the Commission on Act 250: the Next 50 Years

In light of the upcoming 50th anniversary of the State land use law, known as Act 250, this bill proposes to create a commission to review and make recommendations on improving the effectiveness and efficiency of the Act as currently implemented in achieving its goals.

The Senate Natural Resources committee added the following language to **H-424**. The Committee also made changes to the make-up of the Commission and the Advisory Board. The Senate Natural Resources committee has also added a \$25,000 appropriation to the bill to cover the cost of the meetings and creating the report.

COMMISSION ON ACT 250: THE NEXT 50 YEARS – 2070:

A VISION FOR VERMONT'S FUTURE; REPORT

(a) Establishment. There is established the Commission on Act 250: the Next 50 Years – 2070: A Vision for Vermont's Future (the Commission) to:

(1) review the goals of Act 250 and assess, to the extent feasible, the outcomes of Act 250's implementation from 1970 to 2017;

(2) conduct engagement and dialog with Vermonters on their priorities for the future of the Vermont landscape, including how to maintain Vermont's environment and sense of place, and address the issue of climate change;

(3) receive statistics on current Act 250 permit processing and appeals, hear from State agencies involved in land use and environmental permitting, and consider the recommendations of the working group described in Sec. 1(c) of this act;

(4) review the Capability and Development Plan and make recommendations, if any, on necessary revisions to the Plan to best protect and preserve the environment and landscape of Vermont;

(5) review and make recommendations on the issues enumerated in this section, including:

(A) seeking to understand, with the context of the criteria of Act 250, the impacts of climate change on infrastructure, development, and recreation within the State, and the ability of the Act to reduce greenhouse gas emissions from development;

(B) ensuring that the Act 250 criteria reflect current scientific knowledge and research;

(C) examining the interface between Act 250 and other current permit processes at the local and State level;

(D) evaluating how successful Act 250 has been in meeting the goals set forth in the Findings and the Plan; and

(E) evaluating how the processes for applying for and appeal Act 250 permits are serving Vermonters and how they can be improved; and

(6) recommend changes to Act 250 to achieve the desired outcomes for Vermont's future.

FROM THE LAKE CHAMPLAIN REGIONAL CHAMBER OF

[Paid Family and Medical Leave Insurance Bill](#)

The House Committee on Ways and Means has continued hearing testimony and discussing [H.196 - An act relating to paid family leave. The bill, as passed by the House Committee on General Affairs](#), proposes to create a paid leave insurance program for use related to bonding with an infant, taking care of a sick relative, or a personal injury. The bill would allow individuals that pay into the program for a year to take up to twelve weeks of fully paid leave (capped at twice the livable wage). It would be funded through a 0.93% payroll tax on the employee's wages while an employer may choose to pay for all or part of the contribution on the employee's behalf.

During Ways and Means Consideration of the bill this week, Representative Fred Baser (R-Bristol) proposed an [amendment](#) that would reduce the scope of the bill. His proposed amendment would allow employees to take six weeks of paid leave at 80% of the employee's wages and an additional six weeks of unpaid leave. The program would be funded through a 0.55% tax on the employee's wages while an employer may pay for all or part of the contribution if they wish. This amendment does not include self-employed individuals and maintains the paid family and medical leave exemptions for small employers.

Representative Kurt Wright (R-Burlington) is also proposing an [amendment](#). His proposal would allow employees to opt-in to the .55% payroll tax deduction and thus gain access to the benefit in lieu of the mandatory tax envisioned elsewhere.

Many questions related to both administering a program like this as well as the affect it could have on Vermont employers were raised during Ways and Means' discussion of the proposals. The bill as introduced as well as the bill passed by the House General, Housing and Military Affairs Committee includes a very generous benefit that makes it difficult to compare to programs in other states.

Below is the link to the Vermont Legislative website

Legislature.vermont.gov

Public Hearing on the 2018 Federal Farm Bill

The Vermont Senate Committee on Agriculture and House Committee on Agriculture and Forestry are holding a public hearing on the 2018 Federal Farm Bill.

Thursday, April 20, 10 to 12:00

Room 10 Vermont State House

Farmers and all members of the agriculture community, as well as interested food consumers, are invited to testify. Signup will be at the door the day of the hearing, and participants will speak in the order they sign up at the hearing.

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Coming together is a beginning, keeping together is progress, staying together is success”

– Henry Ford

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