

# House Calendar

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JANUARY 15, 2009

9th DAY OF ADJOURNED SESSION

House Convenes at 1:00 P. M.

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**ACTION CALENDAR**

**Committee Bill for Second Reading**

**H. 12**

An act relating to education property tax rates.

(Rep. Hube of Londonderry will speak for the Committee on Ways and Means.)

**NOTICE CALENDAR**

**Favorable with Amendment**

**H. 11**

An act relating to the disposition of property upon death, transfer of interest in vehicle upon death, and homestead exemption.

**Rep. Jewett of Ripton**, for the Committee on **Judiciary**, recommends the bill be amended as follows:

First: In Sec. 2, 14 V.S.A. § 311(2), by striking the comma after the words “descendants of the decedent”

Second: In Sec. 2, 14 V.S.A. § 312, in the last sentence, by inserting the words “or civil union” after the word “marriage” and before the comma

Third: In Sec. 2, 14 V.S.A. § 314, by striking subdivision (b)(3) in its entirety and inserting in lieu thereof a new subdivision (b)(3) to read as follows:

(3) one-half of the intestate estate to the decedent’s paternal grandparents equally if they both survive or to the surviving paternal grandparent and one-half of the intestate estate to the decedent’s maternal grandparents equally if they both survive or to the surviving maternal grandparent but if decedent is survived by a grandparent, or grandparents on only one side, to that grandparent or those grandparents;

Fourth: In Sec. 2, 14 V.S.A. § 320, by inserting the words “or in a civil union with” after the words “married to”

Fifth: In Sec. 2, 14 V.S.A. § 321, in the first sentence, by striking the words “during marriage” and inserting in lieu thereof the words “during a marriage or

civil union and not to take effect until after the individual's death" before the comma

Sixth: In Sec. 2, 14 V.S.A. § 338, in subsection (a)(1) by striking the word "distributes" and inserting in lieu thereof the word "distributees"

Seventh: By adding a Sec. 6 to read as follows:

Sec. 6. EFFECTIVE DATE

(a) Sections 1, 2, 4, and 5 of this act shall take effect upon passage. Sec. 2 of this act shall apply only to the estates of persons dying on or after the effective date of this act.

(b) Sec. 3 of this act shall take effect July 1, 2009.

**(Committee vote: 10-0-1)**

**J. R. H. 1**

Joint resolution relating to the construction of a proposed U.S. Border Patrol Station near the Beecher Falls Port of Entry.

**Rep. Johnson of Canaan**, for the Committee on **General, Housing and Military Affairs**, recommends the resolution be amended by striking all after the title and inserting in lieu thereof the following:

Whereas, since the 1920s, a small U.S. Border Patrol Station has been located at the Beecher Falls Port of Entry, and it provides administrative support services for an area containing multiple ports of entry along northern New England's border with Canada, and

Whereas, the U. S. Border Patrol has determined there is a need for a new and far larger station in this area that is designed to satisfy certain criteria, including: (1) appropriate emergency response time to the Canadian border; (2) a minimum 10-acre site; (3) appropriate site, shape, terrain, drainage, and soil conditions; (4) availability of utilities (water, sewer, power, gas, and communications); (5) location near the Canadian border with compatible vehicle traffic, construction patterns, access roads, and zoning; (6) reasonable site acquisition, construction, and (if necessary) demolition costs; (7) that a willing seller is prepared to make the site available in a timely manner; and (8) ability of the site to accommodate facilities for a minimum of 50 U.S. Border Patrol agents in order to enable effective and efficient operational control, and

Whereas, the U.S. Border Patrol has identified two potential sites for the new station, one in Colebrook, New Hampshire (the Clark site) and one in Canaan, Vermont (the Dupont site), and

Whereas, the U.S. Border Patrol recently issued a 250-plus-page Environmental Assessment (EA) that was intended to serve as an objective and factually accurate evaluation of each site's potential to serve as the proposed station's location, and

Whereas, the document contains significant inaccuracies and lacks sufficiently comprehensive data to support its conclusion that the Clark site is the preferred alternative for constructing the U.S. Border Patrol Station, and

Whereas, among the major errors in the EA are the placement of Van Dyke Mountain in New Hampshire instead of Vermont, misstatements concerning each site's relationship to the floodplain, and the stated existence of a private school in Vermont that was actually in New Hampshire and closed more than five years ago, and

Whereas, the EA includes basic mathematical errors with respect to the cost of the Clark parcel and lacks any explanation as to why the Clark site requires a three-acre development but the Dupont site needs a 10-acre project, and

Whereas, perhaps the most glaring example of a major error is the statement that the Clark parcel is located 6.5 miles from the existing Border Patrol Station, a statistic that does not correspond with the Chair of the Canaan Planning Commission's repeated measurement of the same route which always resulted in a reading of 8.3 miles, and

Whereas, discrepancies were also identified in measuring the distance between the Dupont site and the current station, although all measurements agreed that the distance was under three miles, and

Whereas, only the Dupont site is within eight miles of the Beecher Falls Port of Entry as the U.S Border Patrol requires, and

Whereas, this inaccurate EA unfairly and arbitrarily labels the New Hampshire site as preferable without any stated rationale, and

Whereas, despite the announced January 16, 2009 deadline for receipt of comments, this deadline should be extended to allow for great scrutiny of the sites for a U.S. Border Patrol Station that will serve as a major source of local employment, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests the U.S. Border Patrol to extend the original deadline for comments on the selection of a site for the proposed U.S. Border Patrol Station near the Beecher Falls Port of Entry, and be it further

Resolved: That the General Assembly requests the Vermont Congressional Delegation to work to assure that the Dupont site for the proposed U.S. Border

Patrol Station is given accurate, fair, and unbiased consideration, and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to the Canaan Selectboard, the commissioner of the U.S. Border Patrol, and to the Vermont Congressional Delegation.

**(Committee vote: 8-0-0)**

**(For text see House Journal 1/14/09)**

**PUBLIC HEARING**  
**Joint Public Hearing on Fiscal Year 2010 budget**  
**on Vermont Interactive Television**  
**Appropriations Committees**

**Monday, February 9, 2009, 4:30 - 7:00 p.m.** – The House and Senate Appropriations Committees will hold a joint public hearing on Vermont Interactive Television (V.I.T.) to give Vermonters throughout the state an opportunity to express their views about the State budget for fiscal year 2010. All V.I.T. sites will be available for the hearing: Bennington, Brattleboro, Castleton, Johnson, Lyndonville, Middlebury, Montpelier, Newport, Randolph Center, Rutland, Springfield, St. Albans, Waterbury, White River Junction and Williston. V.I.T.'s web site has an up-to-date location listing, including driving directions, addresses and telephone numbers, .

For information about the format of this event, interested parties may call the House Appropriations Committee office at 802/828-5970. Requests for interpreters should be made to the office by 12:00 noon on Friday, January 23, 2009.