

Journal of the House

Wednesday, January 14, 2009

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. William Aswad of Burlington.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 16

By Reps. Deen of Westminster and Mrowicki of Putney,
An act relating to deer doing damage to forest resources;
To the committee on Fish, Wildlife & Water Resources.

H. 17

By Reps. Jewett of Ripton, Grad of Moretown, Marek of Newfane and Pellett of Chester,

An act relating to eliminating the statute of limitations for sexual offenses committed upon a child;

To the committee on Judiciary.

H. 18

By Rep. Nuovo of Middlebury,
An act relating to annual days of operation for motor vehicle dealers;
To the committee on Commerce.

H. 19

By Reps. Jewett of Ripton and Clark of Vergennes,
An act relating to penalties for the removal of government-issued signs;
To the committee on Judiciary.

H. 20

By Reps. Pellett of Chester, Donaghy of Poultney, Marek of Newfane and Martin of Springfield,

An act relating to operating a motor vehicle while under the influence of alcohol with a child in the vehicle;

To the committee on Judiciary.

Rules Suspended; Bill Committed**H. 12**

On motion of **Hube of Londonderry**, the rules were suspended and House bill, entitled

An act relating to education property tax rates

Appearing on the Calendar for notice, was taken up for immediate consideration.

Pending second reading of the bill, on motion of **Hube of Londonderry**, the bill was committed to the committee on Appropriations.

Joint Resolution Referred to Committee**J.R.S. 7**

By Committee on Transportation

Joint resolution providing for release of payments to towns for highway aid

Whereas, Vermont towns are experiencing fiscal cash flow issues due to the potential delay in town highway aid payments, and

Whereas, the specific level of funding is uncertain due to continuing revenue erosion and uncertainty around federal stimulus funding for Vermont, and

Whereas, there are further payments scheduled to be made in April of this year, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the agency of transportation shall make January payments for the town highway aid program as soon as practicable. The payments shall be reduced by a total of \$925,000.00 from what would otherwise have been sent in as part of the January disbursement, and be it further

Resolved: That it is the intent of the legislature that the final payments for FY 2009 shall be increased or decreased to adjust for further legislative actions and appropriations changes, and be it further

Resolved: That this joint resolution be sent to David Dill, secretary of transportation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the Committee on Transportation.

Joint Resolution Adopted in Concurrence

J.R.S. 8.

By Senator Shumlin,

Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, January 16, 2009, it be to meet again no later than Tuesday, January 20, 2009.

Was taken up read and adopted in concurrence.

Joint Resolution Referred to Committee

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

Offered by: Representative Johnson of Canaan

Whereas, since the 1920s, a small, and now extremely inadequate, 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, there is an urgent need for a new and far larger U.S. Border Patrol 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 although a local resident's repeated measurement of the distance was 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 commissioner of the U.S. Border Patrol and to the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on General, Housing and Military Affairs.

Message from Governor

A message was received from His Excellency, the Governor, by Ms. Heidi Tringe, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives that on the thirteenth day of January, 2009, pursuant to 3 V.S.A. §2002(b), I am herewith enclosing the following Executive Order:

01-09 Merger of Department of Housing and Community Affairs and Department of Economic Development within the Agency of Commerce and Community Development

STATE OF VERMONT

Executive Department

EXECUTIVE ORDER

[Merger of Department of Housing and Community Affairs and Department of Economic Development within the Agency of Commerce and Community Development]

WHEREAS, the Governor, pursuant to 3 V.S.A. § 2001, may make such changes in the organization of the executive branch or in the assignment of functions among its units as he considers necessary for efficient administration; and

WHEREAS, it is desirable to reorganize the departments and divisions of government by better coordinating certain activities and improving the coordination and effectiveness of services to the public; and

WHEREAS, the Department of Economic Development and the Department of Housing and Community Affairs administer programs and

provide services that share common policy interests and objectives; and

WHEREAS, the Department of Economic Development and the Department of Housing and Community Affairs have demonstrated effective collaboration as separate divisions within the Agency of Commerce and Community Development on a variety of issues serving Vermonters, municipalities and businesses throughout the state, including the pressing issue of providing and maintaining an adequate supply of housing for Vermont 's workforce; and

WHEREAS, the related and intersecting areas of responsibility of the Department of Economic Development and the Department of Housing and Community Affairs provide a solid foundation on which to achieve meaningful efficiencies without compromising the quality or effectiveness of the services they have consistently provided.

NOW, THEREFORE, by virtue of the power vested in me by 3 V.S.A. Chapter 41 as Governor, I, James H. Douglas, do hereby create a Department of Economic, Housing, and Community Development by merging the Department of Economic Development and the Department of Housing and Community Affairs within the Agency of Commerce and Community Development. The Department of Economic, Housing, and Community Development shall be successor to and a continuation of the Department of Economic Development and the Department of Housing and Community Affairs.

1. All duties, responsibilities and authority, including all contracts and grant agreements, of the Department of Economic Development and the Department of Housing and Community Affairs, including its Division for Historic Preservation established in 22 V.S.A. Chapter 14, are hereby transferred to the Department of Economic, Housing and Community Development and shall continue in force and effect without any interruption in their functions.
2. The positions of Commissioner of Economic Development and Commissioner of Housing and Community Affairs are abolished and all the duties, responsibilities and authority of those Commissioners are hereby transferred to the Commissioner of the Department of Economic, Housing and Community Development.
3. All other authorized positions and equipment of the Department of Economic Development and the Department of Housing and Community

Affairs are transferred to the Department of Economic, Housing and Community Development.

4. The rules of each of the former Departments in effect on the effective date of this Executive Order shall be the rules of the Department of Economic, Housing and Community Development, until amended or repealed.
5. All Boards, Commissions, and Councils of the former Departments shall be attached to the Department of Economic, Housing, and Community Development for administrative purposes including, but not be limited to: Vermont Community Development Board; Vermont Downtown Development Board; Scenery Preservation Council; Vermont Advisory Council on Historic Preservation; Vermont Commission on Native American Affairs; Council of Regional Commissions; Vermont Housing Council; Vermont Business Recruitment Partnership Advisory Committee; Vermont Economic Incentive Review Board; and Commission on the Future of Economic Development.
6. The Department of Economic, Housing, and Community Development shall administer all programs formerly administered by the Department of Economic Development and the Department of Housing and Community Affairs and its Division for Historic Preservation, including, but not limited to:
 - Vermont Community Development Program (10 V.S.A. §§ 681 – 690a);
 - Vermont Downtown Program (24 V.S.A. §§ 2790 – 2797 including
 - Village Centers, Growth Centers, and New Town Centers);
 - Historic Barns Preservation Grant Program (24 V.S.A. § 5603);
 - HOME Program (42 U.S.C.A. Chapter 130, Subchapter II; 10 V.S.A. § 321(b));
 - Certified Local Government Program (16 U.S.C. § 470a(c)(1));
 - Employment Training Program (10 V.S.A. § 531);
 - Vermont Employment Growth Initiative Program (32 V.S.A. § 5930b);
 - Vermont Procurement Technical Assistance Center Program (3 V.S.A. §§ 2471a - 2471b); and
 - Vermont World Trade Office and Vermont Global Trade Partnership (10 V.S.A. §§ 25 – 33).
7. The Department of Economic, Housing, and Community Development shall be headed by the Commissioner who shall be appointed by the

Secretary with the approval of the Governor and who shall be the chief executive and administrative officer and head of the department and shall serve at the pleasure of the Secretary. The Commissioner of Economic, Housing, and Community Development may appoint the following exempt positions: a deputy commissioner of Economic Development, a deputy commissioner of Housing, and an executive assistant.

8. The Secretary of the Agency of Commerce and Community Development and the Commissioner of Economic, Housing, and Community Development together shall further study the effectiveness, priority and delivery of services and shall report to the governor by November 15, 2009, any further recommendation for restructuring and/or statutory changes.

This Executive Order shall take effect on July 1, 2009, unless disapproved by the General Assembly pursuant to 3 V.S.A. § 2002. This Executive Order shall be submitted to the General Assembly pursuant to 3 V.S.A. § 2002(b).

Witness my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 13th day of January, 2009.

/s/James H. Douglas
Governor

By the Governor:

s/s Heidi M. Tringe
Secretary of Civil and Military Affairs

EXECUTIVE ORDER NO. 01-09

Remarks Journalized

On motion of **Rep. Lippert of Hinesburg**, the following remarks by **Rep. Aswad of Burlington** were ordered printed in the Journal:

“Mister Speaker:

We are truly living in difficult economic times. As a young boy growing up in the late 20’s and early 30’s during the great depression, I saw people lined up at soup kitchens and food distribution centers and men selling apples on the street for five cents.

My folks were of moderate means but they lost all of their life savings when their bank failed and closed and left my father to start over, with only 37

dollars in his pocket, to care for my mother, five children and my grandmother; but we survived.

I remember a song people sang during that era. The words went something like this:

“Once I built a railroad, made it run
Made it race against time
Once I built a railroad, now it’s done.
Brother can you spare a dime?

Once I built a tower up to the sun
Brick and rivets and lime.
Once I built a tower, now it’s done.
Brother, can you spare a dime?

Once in Khaki suits, gee we looked swell
Full of that Yankee Doodle Dum
Half a million boots went slugging through hell
I was the kid with the drum!

Say, don’t you remember, they called me Al,
It was Al all the time.
Say, don’t you remember, I’m your pal.
Buddy, can you spare a dime?

But through it all, there was hope and we took solace in that hope as depicted in these words:

When you walk through a storm hold your head up high
And don’t be afraid of the dark
At the end of a storm is a golden sky
And the sweet silver song of a lark
Walk on through the wind
Walk on through the rain
Tho your dreams be tossed and blown
Walk on, walk on with hope in your heart
And you’ll never walk alone
You’ll never walk alone.
Walk on, walk on, with hope in your heart
And you’ll never walk alone
You’ll never walk alone.

Thank you and Peace be with you.”

Adjournment

At one o'clock and twenty minutes in the afternoon, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at one o'clock in the afternoon.