

# Journal of the House

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**Thursday, January 15, 2009**

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

## **Devotional Exercises**

Devotional exercises were conducted by Rev. Paul Essoff of Lighthouse Christian Church, Montpelier.

## **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. 21**

By Reps. Adams of Hartland, Krawczyk of Bennington, Acinapura of Brandon, Ainsworth of Royalton, Baker of West Rutland, Bohi of Hartford, Brennan of Colchester, Canfield of Fair Haven, Devereux of Mount Holly, Dickinson of St. Albans Town, Donaghy of Poultney, Flory of Pittsford, Howrigan of Fairfield, Johnson of Canaan, Lawrence of Lyndon, Lewis of Derby, Marcotte of Coventry, McAllister of Highgate, McNeil of Rutland Town, Moran of Wardsboro, Morrissey of Bennington, Myers of Essex, O'Donnell of Vernon, Pearce of Richford, Perley of Enosburg and Wilson of Manchester,

An act relating to an appropriation for the boys and girls state programs;  
To the committee on Appropriations.

### **H. 22**

By Reps. Fisher of Lincoln and Minter of Waterbury,  
An act relating to diesel fuel and gasoline taxes;  
To the committee on Ways and Means.

### **H. 23**

By Reps. Emmons of Springfield and Grad of Moretown,  
An act relating to improving Vermont's sexual abuse response system;  
To the committee on Judiciary.

**H. 24**

By Rep. Maier of Middlebury,

An act relating to insurance coverage for colorectal cancer screening;

To the committee on Health Care.

**H. 25**

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

An act relating to shooting victims;

To the committee on Judiciary.

**H. 26**

By Reps. Consejo of Sheldon, Branagan of Georgia, Bray of New Haven, Browning of Arlington, Copeland-Hanzas of Bradford, Gilbert of Fairfax, Kitzmiller of Montpelier, Lorber of Burlington, Malcolm of Pawlet, Manwaring of Wilmington, Martin of Springfield, McAllister of Highgate, Moran of Wardsboro, Pearce of Richford, Perley of Enosburg, Savage of Swanton, Shand of Weathersfield, Stevens of Shoreham, Taylor of Barre City, Wheeler of Derby, Young of St. Albans City and Zenie of Colchester,

An act relating to plans for treatment of unmarked burial sites;

To the committee on General, Housing and Military Affairs.

**H. 27**

By Reps. Aswad of Burlington, Atkins of Winooski, Audette of South Burlington, Deen of Westminster, Howard of Rutland City, Macaig of Williston and Marek of Newfane,

An act relating to diesel fuel and gasoline fees;

To the committee on Ways and Means.

**H. 28**

By Rep. O'Donnell of Vernon,

An act relating to temporary wastewater system permits;

To the committee on Fish, Wildlife & Water Resources.

**Bill Committed****H. 12**

House bill, entitled

An act relating to education property tax rates;

Pending second reading of the bill, **Rep. Hube of Londonderry** moved to commit the bill to the committee on Appropriations.

Which was agreed to.

**Rules Suspended; Resolution Read Second Time and Amended;  
Rules Suspended; Resolution Read Third Time and Adopted;  
Rules Suspended and Resolution Messaged to Senate Forthwith**

**J.R.H. 1**

On motion of **Rep. Johnson of Canaan**, the rules were suspended and Joint Resolution, entitled

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

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

**Rep. Johnson of Canaan**, for the committee on General, Housing and Military Affairs, to which the resolution had been referred, reported in favor of its passage when amended as follows:

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

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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.

Which was agreed to and third reading was ordered.

On motion of **Rep. Johnson of Canaan**, the rules were suspended and the resolution placed on all remaining stages of passage.

Thereupon, the resolution was read the third time and adopted and, on motion of **Rep. Johnson of Canaan**, the rules were suspended and the resolution was ordered messaged to the Senate forthwith.

### **Adjournment**

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