

1 H.302

2 Introduced by Representative Cross of Winooski

3 Referred to Committee on

4 Date:

5 Subject: Public safety; military affairs; airport noise; compensation

6 Statement of purpose of bill as introduced: This bill proposes to establish an
7 F-35A Adverse Impacts Compensation Board and a related fund to compensate
8 property owners, landowners, and other persons harmed or damaged by the
9 noise and other adverse impacts generated by the basing of the F-35A or any
10 other military aircraft by the Vermont Air National Guard at the Burlington
11 International Airport.

12 An act relating to establishing an F-35A Adverse Impacts Compensation
13 Board and Compensation Fund

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 20 V.S.A. §§ 370 and 371 are added to read:

16 § 370. F-35A ADVERSE IMPACTS COMPENSATION BOARD

17 (a) A F-35A Adverse Impacts Compensation Board (Board) is established
18 for the purpose of awarding compensation to property owners, landowners, and
19 other persons harmed or damaged by the noise and other adverse impacts

1 generated by the basing of the F-35A or any other military aircraft by the
2 Vermont Air National Guard at the Burlington International Airport.

3 (b)(1) The Board shall consist of the following members:

4 (A) one representative of the City of Burlington, who resides in the
5 65 decibel day-night average sound level contour zone surrounding Burlington
6 International Airport, appointed by the Burlington City Council;

7 (B) one representative of the City of South Burlington, who resides in
8 the 65 decibel day-night average sound level contour zone surrounding
9 Burlington International Airport, appointed by the South Burlington City
10 Council;

11 (C) one representative of the City of Winooski, who resides in the 65
12 decibel day-night average sound level contour zone surrounding Burlington
13 International Airport, appointed by the Winooski City Council;

14 (D) one representative of the Town of Williston, who resides in the
15 65 decibel day-night average sound level contour zone surrounding Burlington
16 International Airport, appointed by the Williston selectboard;

17 (E) one representative of the Burlington International Airport
18 Commission, appointed by the Commission;

19 (F) one representative of the Vermont medical profession appointed
20 by the Commissioner of Health; and

1 (G) one representative of the financial or auditing professions,
2 appointed by the State Auditor.

3 (2) Each member of the Board shall serve for a term of three years. A
4 vacancy shall be filled in the same manner as the original appointment for the
5 remainder of the unexpired term.

6 (3) The Governor shall appoint one representative of the Vermont Air
7 National Guard to serve as a nonvoting liaison to the Board.

8 (c) The Board shall have the authority to:

9 (1) Compensate residential property owners for the diminution in real
10 property value as a result of noise and other adverse impacts generated by the
11 F-35A or any other Vermont Air National Guard military aircraft based at the
12 Burlington International Airport. Compensation awarded under this
13 subdivision shall be no less than 100 percent of the fair market value of the
14 property or comparable properties in the city in which the property is located.

15 (2) Compensate property owners and tenants for the cost of relocating
16 away from the noise and other adverse impacts generated by the F-35A or any
17 other Vermont Air National Guard military aircraft based at the Burlington
18 International Airport, including the additional costs that may be incurred in
19 acquiring new housing or transportation to new housing.

20 (3) Compensate persons with diagnosed physical or psychological
21 impacts caused or aggravated by noise and other adverse impacts generated by

1 the F-35A or any other Vermont Air National Guard military aircraft based at
2 the Burlington International Airport.

3 (d) The Board shall function independently from the Vermont Air National
4 Guard and all local, county, and state governmental entities. The Board shall
5 meet at least monthly to review and determine applications. Members of the
6 Board are entitled to compensation and expenses as provided under 32 V.S.A.
7 § 1010.

8 (e) The Board shall adopt rules under 3 V.S.A. chapter 25 necessary to
9 carry out the purposes of this chapter, including rules relating to evaluation and
10 determination of awards under this chapter.

11 (f) The Board may employ such staff as needed to carry out the provisions
12 of this chapter. Staff retained by the Board shall not be considered state
13 employees.

14 § 371. F-35A ADVERSE IMPACTS COMPENSATION FUND

15 (a) There is hereby established in the State Treasury a special fund to be
16 known as the F-35A Adverse Impacts Compensation Fund, to be administered
17 and expended by the F-35A Adverse Impacts Compensation Board. The
18 purpose of the F-35A Adverse Impacts Compensation Fund shall be to
19 compensate property owners, landowners, and other persons harmed or
20 damaged by the noise and other adverse impacts generated by the basing of the

1 F-35A or any other military aircraft by the Vermont Air National Guard at the
2 Burlington International Airport.

3 (b) The F-35A Adverse Impacts Compensation Board may authorize
4 disbursement or expenditures from the F-35A Adverse Impacts Compensation
5 Fund as authorized under section 370 of this title.

6 (c) The F-35A Adverse Impacts Compensation Fund shall consist of:

7 (1) ten percent of the monies collected annually from the meals and
8 rooms tax imposed under 32 V.S.A. § 9241;

9 (2) private gifts, bequests, grants, or donations made to the State from
10 any public or private source for the purposes for which the F-35A Adverse
11 Impacts Compensation Fund was established; and

12 (3) any sums as may be appropriated by the General Assembly.

13 (d) Interest earned by the F-35A Adverse Impacts Compensation Fund
14 shall be credited and deposited to the Fund. All balances in the F-35A Adverse
15 Impacts Compensation Fund at the end of the fiscal year shall be carried
16 forward and remain a part of the Fund.

17 Sec. 2. 32 V.S.A. § 9241 is amended to read:

18 § 9241. IMPOSITION OF TAX

19 (a) An operator shall collect a tax of ~~nine~~ 10 percent of the rent of each
20 occupancy.

1 (b) An operator shall collect a tax on the sale of each taxable meal at the
2 rate of ~~nine~~ 10 percent of each full dollar of the total charge and on each sale
3 for less than one dollar and on each part of a dollar in excess of a full dollar in
4 accordance with the following formula:

5	\$0.01-0.11	\$0.01
6	0.12-0.22	0.02
7	0.23-0.33	0.03
8	0.34-0.44	0.04
9	0.45-0.55	0.05
10	0.56-0.66	0.06
11	0.67-0.77	0.07
12	0.78-0.88	0.08
13	0.89-1.00	0.09
14	<u>\$0.01-0.10</u>	<u>\$0.01</u>
15	<u>0.11-0.20</u>	<u>0.02</u>
16	<u>0.21-0.30</u>	<u>0.03</u>
17	<u>0.31-0.40</u>	<u>0.04</u>
18	<u>0.41-0.50</u>	<u>0.05</u>
19	<u>0.51-0.60</u>	<u>0.06</u>
20	<u>0.61-0.70</u>	<u>0.07</u>
21	<u>0.71-0.80</u>	<u>0.08</u>

- 1 (b) Secs. 2 and 3 (meals and rooms tax) of this act shall apply to the sale of
2 meals and rooms on or after that date.