

# Journal of the House

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Wednesday, February 6, 2013

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

## Devotional Exercises

Devotional exercises were conducted by Reverend Earl Kooperkamp of the Good Shepherd Episcopal Church, Barre, Vt.

## 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. 202

By Reps. Yantachka of Charlotte, Lenes of Shelburne and Webb of Shelburne,

House bill, entitled

An act relating to the definition of farming for purposes of the Use Value Program;

To the committee on Agriculture.

### H. 203

By Rep. Botzow of Pownal,

House bill, entitled

An act relating to the Department of Financial Regulation;

To the committee on Commerce and Economic Development.

### H. 204

By Reps. Woodward of Johnson, Donovan of Burlington, Hooper of Montpelier, Kitzmiller of Montpelier, O'Sullivan of Burlington, Pearson of Burlington and Peltz of Woodbury,

House bill, entitled

An act relating to criminal history record inquiries by an employer;

To the committee on General, Housing and Military Affairs.

**H. 205**

By Rep. Sweaney of Windsor,

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation;

To the committee on Government Operations.

**H. 206**

By Reps. Stevens of Waterbury, O'Sullivan of Burlington and South of St. Johnsbury,

House bill, entitled

An act relating to establishing the Agency of Controlled Substances;

To the committee on Government Operations.

**Joint Resolution Referred to Committee****J.R.H. 2**

Rep. McCullough of Williston offered a joint resolution, entitled

Joint resolution supporting the assignment of the F-35A aircraft to the Vermont Air National Guard

Whereas, the Vermont Air National Guard Air Station at Burlington International Airport (BTV) has hosted the F-16 since 1986, and the F-16's presence has had a positive economic impact at the airport and beyond, and

Whereas, according to the Lake Champlain Chamber of Commerce, the Vermont Air National Guard (VTANG) plays an important role in the economy of Vermont including the maintaining of a contingent of 400 full-time employees and 700 part-time employees whose combined annual payroll is \$53 million, and

Whereas, annually, the VTANG provides \$2.5 million in fire and rescue services to BTV, and this expenditure represents 14 percent of the airport's total budget, and

Whereas, other annual VTANG economic contributions are the \$325,000.00 in lodging and food industry revenues associated with weekend drills and the \$50,000.00 in revenue associated with training center support activities, and

Whereas, the F-16 is aging, and the U.S. Air Force and U.S. Air National Guard intend that the more technologically advanced fifth generation F-35

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Lightning II (F-35A), the conventional takeoff and landing version of the F-35, will replace the F-16 in their respective fighter jet fleets, and

Whereas, in April 2012, the U.S. Air Force released a draft environmental impact statement (DEIS) assessing operational deployment locations for the F-35A within the continental United States, and

Whereas, according to the DEIS, the Burlington Air National Guard Station is one of the primary sites on the consideration list, and

Whereas, for several years, a number of residents of South Burlington and other nearby municipalities have expressed concern about the noise level of F-35A jets at Burlington International Airport, and

Whereas, in 2010, in response to these concerns, Brigadier General Steven Cray spoke at a forum in South Burlington about the Vermont Air National Guard's decades of experience and excellent heritage of working with neighbors on fighter jet noise problems, and he indicated this tradition will continue with the F-35A, and

Whereas, cumulative and excessive noise is a type of pollution, and

Whereas, those persons required to bear the burden of this pollution innocently suffer collateral damage for a perceived greater good, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly looks favorably upon the permanent assignment of the F-35A fighter jets to the Vermont Air National Guard's base at Burlington International Airport in South Burlington, and be it further

Resolved: That the General Assembly supports the Vermont Air National Guard's transitioning to the next generation of aviation technology provided that the proposed use of F-35A fighter jets meets acceptable noise level standards for populated areas and that the final environmental impact statement demonstrates that the use will satisfy these standards, and be it further

Resolved: That the General Assembly encourages collaboration among the Vermont Air National Guard, the Cities of South Burlington and Winooski, and the Towns of Williston and Essex, and other affected municipalities to identify and address environmental, health, housing, and workforce concerns, and be it further

Resolved: That the General Assembly encourages the U.S. Air Force to broaden the scope of the final environmental impact statement for the purpose

of real-time noise comparisons between the F-16 and the F-35A at Burlington International Airport under varying weather conditions, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to U.S. Air Force Secretary Michael Donley; the Vermont National Guard Adjutant General, Brigadier General Thomas E. Drew; and 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.

**Joint Resolution Adopted in Concurrence**

**J.R.S. 13**

Joint resolution, entitled

Joint resolution relating to weekend adjournment;

By Senators Baruth and Benning,

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, February 8, 2013, it be to meet again no later than Tuesday, February 12, 2013.

Was taken up read and adopted in concurrence.

**Rules Suspended; Bill Committed**

**H. 41**

On motion of **Rep. Sweaney of Windsor**, the rules were suspended and House bill, entitled

An act relating to civil forfeiture of retirement payments to public officials convicted of certain crimes

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

Pending the reading of the report of the committee on Government Operations, on motion of **Rep. Sweaney of Windsor**, the bill was committed to the committee on Judiciary.

**Bill Amended; Third Reading Ordered**

**H. 51**

**Rep. Marcotte of Coventry**, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to payment of workers' compensation benefits by electronic payroll card

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 21 V.S.A. § 618 is amended to read:

§ 618. COMPENSATION FOR PERSONAL INJURY

\* \* \*

(f)(1) If an injured worker voluntarily consents in writing, the worker may be paid compensation benefits by means of direct deposit or an electronic prepaid benefit card account in accord with the requirements of section 342 of this title.

(2) The issuer of the card shall comply with all of the requirements, and provide the holder of the card with all of the consumer protections, that apply to a payroll card account under the rules implementing the Electronic Fund Transfer Act, 15 U.S.C. § 1601, as may be amended.

(3) An electronic prepaid benefit card account may be used only for weekly payment of temporary benefits and not for the payment of a lump sum award or for permanent benefits.

(4) The Commissioner, in consultation with the Commissioner of the Department of Financial Regulation, may adopt rules to implement this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Commerce and Economic Development agreed to and third reading ordered.

### Adjournment

At one o'clock and twenty-five minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.