

Journal of the House

Wednesday, February 13, 2013

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

Devotional Exercises

Devotional exercises were conducted by Representative Carolyn Partridge of Windham, Vt.

Message from the Senate No. 16

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 15. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

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. 257

By Reps. Canfield of Fair Haven, Fagan of Rutland City, Gage of Rutland City, Goodwin of Weston, Helm of Fair Haven, Higley of Lowell, Hubert of Milton, Potter of Clarendon, Shaw of Pittsford and Smith of New Haven,

House bill, entitled

An act relating to removing veteran's compensation from the calculation of household income;

To the committee on Ways and Means.

H. 258

By Reps. Martin of Wolcott, Consejo of Sheldon, Evans of Essex, Townsend of Randolph and Woodward of Johnson,

House bill, entitled

An act relating to providing information to the electorate about school district and supervisory union budgets;

To the committee on Education.

H. 259

By Reps. Pearson of Burlington and Woodward of Johnson,
House bill, entitled

An act relating to public ownership within Vermont's electric industry;

To the committee on Commerce and Economic Development.

H. 260

By Reps. Botzow of Pownal, Marcotte of Coventry, Bouchard of Colchester, Carr of Brandon, Dickinson of St. Albans Town, Kitzmiller of Montpelier, Kupersmith of South Burlington and Young of Glover,

House bill, entitled

An act relating to insurance notices by electronic means;

To the committee on Commerce and Economic Development.

H. 261

By Reps. Botzow of Pownal, Kitzmiller of Montpelier and Marcotte of Coventry,

House bill, entitled

An act relating to titling vehicles more than 15 years old;

To the committee on Transportation.

H. 262

By Rep. Klein of East Montpelier,

House bill, entitled

An act relating to establishing a program for the collection and recycling of paint;

To the committee on Natural Resources and Energy.

H. 263

By Rep. Pearson of Burlington,

House bill, entitled

An act relating to the prohibition of commercial poultry feed that contains

arsenic;

To the committee on Agriculture.

H. 264

By Rep. Conquest of Newbury,

House bill, entitled

An act relating to the Adjutant General;

To the committee on General, Housing and Military Affairs.

H. 265

By the committee on Ways and Means,

An act relating to the education property tax rates and base education amount for fiscal year 2014;

Under the rule, placed on the Calendar for notice.

Joint Resolution Referred to Committee

J.R.H. 4

Joint resolution related to the conduct of collaborative hearings and the basing of the F-35A in Vermont

Offered by: Representatives Cross of Winooski, Cole of Burlington, Krowinski of Burlington, McCormack of Burlington, Pearson of Burlington, and Townsend of South Burlington

Whereas, since 1946, the Vermont Air National Guard (VTANG) at the Burlington International Airport (BTV) has been an integral part of the Vermont National Guard family, and

Whereas, all Vermonters appreciate the dedication and sacrifice made by the many men and women who serve in or work for the VTANG, both those who are full-time and those who are part-time, and

Whereas, although Vermonters greatly appreciate the many contributions the VTANG has made to Vermont, the proposed basing of the F-35A fighter jets at BTV as a replacement for the currently based F-16 fighter jets raises significant noise issues that warrant the completion of a comprehensive collaborative hearing process prior to a final decision on F-35A basing at BTV, and

Whereas, the U.S. Air Force has prepared a draft Environmental Impact Statement (draft EIS) as part of the decision-making process for determining basing sites for the F-35A, and

Whereas, the statistics presented in the draft EIS were initially based on data from the 2000 U.S. Census, and

Whereas, the implementation of the F-35A proposal at BTV would result in a peak noise level of 115 decibels, which is four times louder than the current F-16 peak noise level, and

Whereas, there would be 2,944 homes and 6,675 persons located in the 65 decibel day-night average sound level contour zone, which is described as “generally not considered suitable for residential use,” and which includes more than half of the city of Winooski, and

Whereas, revised statistical estimates based on the 2010 U.S. Census increase the impacted population to 8,592 and the housing units to 4,200, and

Whereas, according to a December 19, 2012 *Burlington Free Press* article, slightly less than \$39 million of federal funds was spent to purchase 136 residential properties in South Burlington that have been or are scheduled to be torn down because the noise level to which these properties are exposed exceeds the Federal Aviation Administration’s recommended maximum level, and

Whereas, the draft EIS included a scoring system of factors at each of the proposed F-35A bases, and

Whereas, with respect to air and noise standards, the U.S. Air Force awarded BTV the maximum three points for the clear zone category, which indicates there is no development within a specific distance of BTV even though this is not an accurate fact, and

Whereas, similarly, the 65 decibel day-night average sound level contour zone score of three indicates there is no development within this zone, even though the draft EIS, using 2000 U.S. Census data, estimated that 6,675 persons reside in this zone, and

Whereas, the City of Burlington, the Burlington Airport Commission, the Congressional Delegation, the Governor of Vermont, and the U.S. Air Force have refused to respond adequately to the many questions raised by both the South Burlington City Council and concerned citizens, and

Whereas, the General Assembly’s adoption of J.R.H. 51 occurred on May 12, 2010, a full 22 months before the draft EIS was released in March 2012, and one of the clauses in J.R.H. 51 provided:

Resolved: That the General Assembly encourages collaboration among the Vermont Air National Guard, the city of South Burlington, and other affected municipalities to identify and

address environmental, health, housing, and workforce concerns,
and

Whereas, the collaborative process that the General Assembly requested in J.R.H. 51 of 2010 has yet to occur, and

Whereas, this is only the first round of F-35A basing decisions, and according to the U.S. Air Force, there will be future rounds, and

Whereas, during a future round of F-35A basing decisions, considerably more data may be available regarding the impact of basing the F-35A in Vermont, and

Whereas, in a statement released on December 11, 2012, 16 members of the Vermont clergy recommended that “Vermont be removed from the first round of basing decisions so that we Vermonters can reach a consensus, based on clearing up so many of the questions that remain unanswered in the minds of many residents,” now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly agrees with the learned clergy’s advice and requests that Vermont be removed from consideration in this round of F-35A basing decisions, and be it further

Resolved: That in accordance with the General Assembly’s adoption of J.R.H. 51 of 2010, *Joint resolution supporting the assignment of the F-35 aircraft to the Vermont Air National Guard*, the General Assembly requests the U.S. Air Force, the Vermont Air National Guard, the City of South Burlington, the City of Winooski, the Town of Williston, and the City of Burlington to conduct collaborative hearings with concerned citizens on environmental, health, housing, and workforce issues related to the F-35A prior to the issuing of a final decision on basing F-35A fighter jets at Burlington International Airport, and be it further

Resolved: That the General Assembly respectfully requests that the collaborative hearing process provide detailed responses to all concerns that affected residents may raise, 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 B. Donley; to the U.S. Air Force Chief of Staff, General Mark A. Welsh III; to the Vermont National Guard Adjutant General, Brigadier General Thomas E. Drew; 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.

Joint Resolution Adopted in Concurrence**J.R.S. 15**

By Senators Baruth and Benning,

J.R.S. 15. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 15, 2013, it be to meet again no later than Tuesday, February 19, 2013.

Was taken up read and adopted in concurrence.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 67

House bill, entitled

An act relating to the transport of election ballots by town clerks after a recount;

H. 131

House bill, entitled

An act relating to harvesting guidelines and procurement standards;

Bill Read Second Time; Consideration Interrupted by Recess**H. 240**

Rep. Branagan of Georgia spoke for the committee on Ways and Means.

House bill entitled

An act relating to Executive Branch fees

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be read the third time?

Recess

At two o'clock and fifteen minutes in the afternoon, the Speaker declared a recess until two o'clock and forty-five minutes in the afternoon.

At two o'clock and fifty minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Third Reading Ordered

H. 240

Consideration resumed on House bill, entitled
An act relating to Executive Branch fees;
Thereupon, third reading of the bill was ordered.

Adjournment

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