

# Journal of the Senate

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WEDNESDAY, APRIL 3, 2013

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Message from the House No. 36

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 60.** An act relating to providing state financial support for school meals for children of low-income households.

**H. 329.** An act relating to the Use Value Program.

**H. 530.** An act relating to making appropriations for the support of government.

In the passage of which the concurrence of the Senate is requested.

## Message from the Governor Appointments Referred

A message was received from the Governor, by Louis Porter, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Dailey, Thomas of Bennington - Member of the Transportation Board, - from March 25, 2013, to February 29, 2016.

To the Committee on Transportation.

Kittell, Vanessa of East Fairfield - Member of the Transportation Board, - from March 25, 2013, to February 29, 2016.

To the Committee on Transportation.

Marro, Nicola of Montpelier - Member of the Transportation Board, - from March 25, 2013, to February 29, 2016.

To the Committee on Transportation.

Tallon, Keith of Reading - Member of the Children and Family Council for Prevention Programs, - from March 25, 2013 to February 28, 2015.

To the Committee on Health and Welfare.

Johnson, Linda of Cabot - Member of the Children and Family Council for Prevention Programs, - from March 25, 2013, to February 29, 2016.

To the Committee on Health and Welfare.

Loner, Michael of Hinesburg - Member of the Children and Family Council for Prevention Programs, - from March 25, 2013, to February 29, 2016.

To the Committee on Health and Welfare.

Komline, Patti of Dorset - Member of the Community High School of Vermont Board, - from March 13, 2013, to February 29, 2016.

To the Committee on Education.

### **Joint Resolution Referred**

#### **J.R.S. 24.**

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By Senator Zuckerman,

**J.R.S. 24.** Joint resolution related to the conduct of collaborative hearings and the basing of the F-35A in Vermont.

*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-16C 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

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*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 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-16C peak noise level, 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 encouraged 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*, according to U.S. Air Force Colonel Joe Beissner, Chief of the Combat Aircraft Division at Air Combat Command, two programs are now

planned to extend the life of the F-16C, which the VTANG currently flies, beyond 2030 to fill any gaps resulting from problems with the F-35A's deployment, and

*Whereas*, one program, intended to extend the life of the plane from its current 8,000 flight hours to 10,000–12,000 flight hours, will be based on a full-scale durability test of the aircraft scheduled for fiscal 2015, and

*Whereas*, upgrades or changes to the plane, based on the test results, would follow, and

*Whereas*, the second multiple component upgrade, scheduled to begin in 2018 and end by 2022, is known as the combat avionics programmed extension suite, and includes a modern replacement of the plane's scanning radar and the installation of new display screens and a new electronic warfare suite, and

*Whereas*, furthermore, this is only the first round of F-35A basing decisions, and during a future round, 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, 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 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 Vermont National Guard

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Adjutant and Inspector General Steven Cray; and to the Vermont Congressional Delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Government Operations.

#### **Bills Introduced**

Senate bills of the following titles were severally introduced, read the first time and referred:

##### **S. 163.**

By Senator Westman,

An act relating to changing provisions within the Vermont Common Interest Ownership Act related to owners of time-shares.

To the Committee on Judiciary.

##### **S. 164.**

By Senator Hartwell,

An act relating to limiting seller liability in products liability actions.

To the Committee on Judiciary.

#### **Bills Referred**

House bills of the following titles were severally read the first time and referred:

##### **H. 60.**

An act relating to providing state financial support for school meals for children of low-income households.

To the Committee on Education.

##### **H. 329.**

An act relating to the Use Value Program.

To the Committee on Agriculture.

##### **H. 530.**

An act relating to making appropriations for the support of government.

To the Committee on Appropriations.

**Appointments Confirmed**

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

Miller, Lawrence of Ripton - Secretary, Agency of Commerce and Community Development – March 1, 2013, to February 28, 2015.

Recchia, Christopher of Randolph - Commissioner, Department of Public Service – January 9, 2013, to February 28, 2013.

Recchia, Christopher of Randolph - Commissioner, Department of Public Service – March 1, 2013, to February 28, 2015.

Snyder, Michael of Stowe - Commissioner, Department of Forests, Parks and Recreation – March 1, 2013, to February 28, 2015.

Valerio, Matthew of Proctor - Defender General - March 1, 2013, to February 28, 2017.

Ross, Charles of Hinesburg - Secretary, Agency of Agriculture Food and Markets – March 1, 2013, to February 28, 2015.

Smith, Megan of Killington - Commissioner, Department of Tourism and Marketing – March 1, 2013, to February 28, 2015.

Mears, David of Montpelier - Commissioner, Department of Environmental Conservation – March 1, 2013, to February 28, 2015.

**Committee Relieved of Further Consideration; Bill Committed****S. 160.**

On motion of Senator Sears, the Committee on Judiciary was relieved of further consideration of Senate bill entitled:

An act relating to a study committee on the regulation and taxation of marijuana

Thereupon, pending entry of the bill on the Calendar for notice the next legislative day, on motion of Senator Sears, the bill was committed to the Committee on Government Operations.

**Message from the House No. 37**

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

**H. 169.** An act relating to relieving employers' experience-rating records.

In the passage of which the concurrence of the Senate is requested.

The House has considered joint resolution originating in the Senate of the following title:

**J.R.S. 23.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

### **Adjournment**

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, April 4, 2013.