Montpelier Notes,  An occasional email for Pownal and Woodford residents. If you would prefer not to receive these notes please reply to botzow@sover.net and I'll remove you from the list. If you would like to be added please let me know. I do not give your email address to others. --Bill Botzow

February 21, 2010

Hello All,

Mid-winter gray skies this weekend. This is the part of winter that takes perseverance. I hope your wood pile is holding out and even more that you are in good health and good spirits. March arrives in another week and with it even more daylight.

Week after this coming one, the legislature will take time off for Town Meeting. That means this coming week will be an especially busy time as legislation comes out of committees for floor debate. The debates can be lengthy with more roll call votes. At the same time committees are working hard to take testimony on bills and rewrite them as needed. The first bills are arriving from the Senate, many of them critical pieces of legislation. Every year the leaders of the House and the Senate set a date called crossover. That is the moment that a bill has to have passed one chamber to be considered by the other. Exceptions are made for some bills which need longer such as the Appropriations Bill.

In House Commerce, for instance, I have a number of bills well under way and hope to finish our committee’s work on them next week or the week we return from Town Meeting. The end of the week after Town Meeting is crossover. Here are the bills we debated and that passed the House last week.

**H. 542** **An act relating to transfers of mobile homes and rent-to-own transactions**

H.542 is the mobile home bill I’ve often written about over the last few years. This is the bill that clarifies requirements to be treated as the owner of record for a mobile home and sets habitability standards for mobile homes. It should make improvements for towns, mobile home parks and mobile home residents. Knowing who the owner of a home is means that rights and responsibilities can be correctly determined and is critical to this housing sector. The house voted unanimously in a voice vote.

**H. 281** **An act relating to the removal of bodily remains**

This bill proposes a number of corrections to state law governing procedures for handling remains should they need to be moved. As old farms and fields merge into the woods, public cemeteries can disappear. Also more modern cemeteries, often small ones, can be subject to pressures from development. The bill clarifies who can object to moving remains and establishes a standard for any decisions regarding this matter. It also adds a new section outlining procedures on how to handle historic remains, which are defined as over one hundred years old. The bill passed on a voice vote.

**H. 562** **An act relating to the regulation of professions and occupations**

Every year the legislature reviews a portion of the professional license categories to update policy and adjust licensing fees.  This year the Government Operations Committee looked at the office of professional regulation and the following professions and occupations: opticians, pharmacists, architects, chiropractors, dentists, professional engineers, nurses, optometrists, osteopathic physicians, land surveyors, psychologists, private investigative and  security services, real estate appraisers, dieticians, electrologists, and motor vehicle racing. If you are involved in any of these professions and want to see the bill the House passed here’s the link. <http://www.leg.state.vt.us/docs/2010/bills/House/H-562.pdf>

**S. 117** **An act relating to the date of the primary election**

Last year federal legislation required states to hold primary elections early enough so that Americans overseas, especially those in the military, could receive and return ballots for the general election. Since Vermont holds its primary for the general election in early September, federal law required moving the primary into August. Here’s the key section of the bill.

§ 2351. PRIMARY ELECTION

A primary election shall be held on the fourth Tuesday in August in each even numbered year for the nomination of candidates of major political parties for all offices to be voted for at the succeeding general election, except candidates for president and vice-president of the United States, their electors, and justices of the peace.

A long debate took place on a proposed amendment that could keep the primary election in September. That proposal envisioned electronic voting.  The committee considered this approach but learned that we were not able to put a secure system in place at this time for many reasons including the need for developing election rules and changes in federal requirements. In a roll call vote the amendment failed 50 to 95. I voted no though I can see the day when electronic voting may work while protecting the security of the polling place. Internet security, particularly in a large system with many possible entry points such as an election is a very big risk at present.

In a final vote on the bill it passed 139 to 6 and I voted yes.

**H. 763** **An act relating to establishment of an agency of natural resources’ river corridor management program**

The agency of Natural Resources has a river corridor management program in place. This bill would put in statute the work they are doing to work with municipalities on all the issues that come up when dealing development along  waterways. Pownal has worked with this program to get information on how to approach flood plain development. The bill describes a program that towns can elect to participate in. It proposes fifty foot vegetative buffers for streams—a standard already set in Pownal’s bylaws. A motion was made to send the bill to the Appropriations Committee and that motion failed 49 to 95. In a final vote the bill passed 92 to 49 and I voted with the majority. Here is the stated purpose of the bill and then its findings: “This bill proposes to require the agency of natural resources to establish a river corridor management program. As part of the river corridor management program, the agency of natural resources shall provide municipalities with maps delineating river corridors in order to encourage municipal adoption of river corridor or buffer bylaws. The bill would also require the agency of natural resources to establish a shoreland protection program. The bill would also require the state to offer financial incentives for the municipal adoption of river corridor, shoreland, or buffer bylaws...”

Sec. 1. FINDINGS

The general assembly finds that:

1) The surface waters of Vermont are an invaluable resource to the state and its citizens.

2) The shorelands and floodplains adjacent to the waters of the state harbor some of the most valuable natural resources in the state and serve important functions related to the health and quality of the state’s surface waters and to public safety.

3) The shorelands adjacent to the state’s surface waters are often fragile natural resources, and their protection is necessary to maintain the vitality and health of the state’s surface waters.

4) Under current law, the potential exists for uncoordinated, unplanned, and piecemeal development along the state’s surface waters, which could result in significant negative impacts on the waters of Vermont and upon public welfare and safety.

5) Buffers consisting of trees and other vegetation adjacent to the lakes of the states and protected river corridors consisting of vegetated buffers and undeveloped lands along rivers and streams help sustain the social, economic, and ecological sustainability of Vermont communities.

**H. 524** **An act relating to interference with or cruelty to a service animal**

Guide dogs afford people the ability to do things that most of us take for granted. Sometimes though, guide dog owners encounter a situation which takes away that freedom. Sometimes another dog encounters the guide dog and interferes with the duties of the guide dog, or fights and hurts the guide dog making it unable to perform its duties. Its owner is left without help while waiting for either retraining or replacement of the guide dog. H.524 would hold the person responsible for the offending dog’s actions through penalties ranging from $100 to $3,000 depending on the severity of the attack and whether it was a repeat incident.

**S. 286** **An act relating to challenges for change**

This bill is integral to the legislature’s work to find 150 million in savings in the budget. It changes how we go about the budget. Currently, the budget annually puts another round of money and personnel into essentially the same structure, more in some years, less in others. This leads to a status quo approach to how the legislature and administration go about their work. There is a need for change driven by the revenue shortfalls we face.

 Rep. Ann Manwaring on the House Appropriations Committee says it very well. “The change is to ask a different question.  Instead of asking “What resources are needed to continue or improve the existing effort?”, we now need to ask “What does the outcome look like and how is it measured?”  We move from using tax dollars to purchase an effort to one in which we purchase an outcome, one that citizens value at a price they are willing to pay. We (the legislature) hired Public Strategies Group ([www.psg.us](http://www.psg.us/)) to guide us in what is a difficult shift in mind set, but so worth the effort when the realization sets in that the public dollar will lead more directly to results and accountability for those results.”

The policy committees have been directly involved in saying what the outcomes should be that we expect from the administration. For example, the Commerce and Economic Development Committee said more and better paying jobs and broadband access.

Here is some of the specific language in the bill that declares the legislature’s intentions in this effort to better organize how we do our work.

(a) implement the concepts laid out by the report “Challenges for Change: Results for Vermonters,” as prepared by the steering team to the joint legislative government accountability committee and presented to the committee on January 5, 2010.

(b) Vermont state government is faced with a substantial gap between available revenues and projected expenditures based on the current manner of providing services. This act challenges us to redesign how we provide government services. If the challenges are fully met, we will create better methods for providing government services, while spending less money and still achieving the outcomes specified in this act.

(c) This effort will address an estimated $38 million of the general fund projected shortfall and $11 million in property tax pressure in fiscal year 2011; and in fiscal year 2012, would reduce spending by $72 million in general funds and $26 million in property taxes from fiscal year 2010 levels.

(d) Unlike traditional cuts in spending, these challenges focus both on available funding levels and on the outcomes expected, in order to give our citizens better results with less money.

(e) These challenges would require continued efforts in design and implementation work. This act is starting the reform process by issuing challenges and providing some tools to succeed in meeting those challenges. State agencies, school districts, local governments, and other recipients of state funds will have the opportunity to use their expertise to shape the changes necessary to meet these challenges.

(f) This effort addresses only one-quarter of our fiscal year 2011 shortfall. Efforts to address the remaining budget shortfall will be part of the regular budget process.

(g) This act summarizes the eight challenges in the Challenge Report, establishes the outcomes for each challenge, and requests a design for implementation of each challenge and its related accountability measures. The legislature recognizes and expects this initiative to evolve as all parties together seek to meet these challenges.

(h) The outcomes identified for each of the challenges will be used to guide administrators, policy makers, executives, service providers, and employees in taking action to meet the challenges.

A number of other states and the private sector have used an outcomes driven budgeting process for many years and it holds promise for Vermont. The bill passed 122 to 3 and I voted yes.

**H. 765** **An act relating to establishing the Vermont agricultural innovation authority**

This bill would establish a Vermont agricultural innovation authority to promote the production and marketing of value-added agricultural products in the state. It passed unanimously on a voice vote. The authority would concentrate on value-added agriculture and would replace an existing advisory committee at the Dept. of Agriculture. This bill would help identify and make markets for the many products farmers and producers are creating as agriculture diversifies.

**H. 622** **An act relating to solicitation by prescreened trigger lead information**

This Commerce Committee bill passed easily. I wrote about it a few weeks ago as we were working on the bill in committee. It is essentially a consumer protection bill that would relieve people in the process of negotiating loan agreements with banks from unidentified and misleading calls from lenders who bought their names from the credit rating agencies.

**H. 761** **An act relating to authorization of High-Speed Intercity Passenger Rail**

This bill enables high speed rail funding to take advantage of a recent $50 million federal award to improve sections of the Amtrack line through Vermont. At the same time this award was received, rail from Albany through Bennington to Rutland received funds for a study to resolve issues on the best strategy to improve rail service on the  west side of Vermont.

**This week I am including a report from Rep. Kate Webb**, **a member of the Fish, Wildlife and Water Resources Committee on the tritium leak at Vermont Yankee**

Radiologic Health Chief Dr. William Irwin continues to keep the committee updated on the water-related activities at Vermont Yankee.

 The source of the leak has yet to be found.  Excavators’ attempts to dig deeper in order to uncover and inspect pipes and collect samples came to a halt on Wednesday.  The discovery of cement structures (placed somewhat differently on old drawings) and boulders challenged their ability to safely install shoring.  A new method using prefab shoring should allow them to continue to work without disturbing electrical and fuel lines which would have violated industrial and nuclear safety standards required for safe shutdown in the loss of electrical power.  They hope to have the new shoring in place in a day or two and then continue excavating down to about 15’ below the surface to physically inspect the piping and ducts in that area.

More importantly, Dr. Irwin stated that they had found nuclear steam and a pool of standing water in the AOG (Advanced Off-Gas) pipe tunnel.  This is of great interest as a potential source as it is capable of generating the high levels of tritium we have been hearing about.  In addition, a new well, GZ 15 sited somewhat on line between GZ10 and 14, has helped substantiate the line of the plume. Additional wells in the south area should help define the edge of the plume and any other flow characteristics. Initial analysis seems to indicate that there is an old creek bed under the surface that may be a possible channel for some contaminants.

As for our folks on the ground, we have 16 staff who have formed the radiological sampling team:  7 from Dept. of Health; 7 from Agency of Agriculture-food and markets; 2 from Dept of Environmental Conservation.  The NRC and EPA are currently comfortable with the work being completed by our state teams and continue to monitor and consult.

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**Mobile home energy efficiency workshop:** a mobile home energy efficiency workshop will be held at the Pownal Rescue Squad on Thursday, February 25th from 6:30pm to 7:30pm. The Rescue Squad is located on Route 7 at Ladd Brook Road. A representative from the Mobile Home Project will be handing out free energy saving devices like a low-flow shower head, CFL light bulbs and other energy saving devices while presenting other affordable tips to mobile home residents on saving money by saving energy. Refreshments will be served. Call 823-9308 for additional information.

Last week I enjoyed seeing Tracy Dorman from Pownal who was in the state house for Disability Awareness Day. Tracy has visited every year, well representing south west Vermont and helping bring attention to the many issues faced by disabled persons.

I hope you have a very good week.

Stay in touch,

Bill

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