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

May 2, 2010

Hello All,

Pownal Elementary School’s annual spring trip to Montpelier took place last Friday. It was a pleasure to welcome the fifth grade students, their teachers, and parents to the state house. Though it was an extra busy day for me as my committee was taking testimony on a legislative proposal to fix the deficit in the Unemployment Trust Fund, I was able to spend time with the group between meetings. Just before they left the Governor was able to join us for a group photo. The Pownal group also enjoyed a tour of the statehouse that focused on how an idea becomes law. The students brought their own “Big Idea” –a recreation center for Pownal and then followed their bill through the state house to learn how an idea can become law. They also enjoyed a pizza party for lunch. The trip also include a trip to Barre to see the Rock of Ages Granite quarry and then a trip to Ben and Jerry’s in Waterbury. The Pownal school trip was started by Rep. Charlie Palmer many years ago and remains an exciting part of our students’ civics education thanks to the continuing efforts of parents and teachers.

The beautiful early spring weather this weekend was great for Green Up Day Saturday and the opening of the Youth Baseball season Sunday. The roads are looking better. Thanks to all those who helped clean up our towns. Opening Day was a success too. Scott Morse and all the board members, parents and friends for Youth Baseball work very hard to make sure our young people can enjoy the great American pastime.

Also this weekend, Pownal 250th celebrations continued. On Saturday Charlotte Comar, Wendy Hopkins and Ray Rodrigues, the three authors and compilers of the Pownal Historical Society’s newly published book of historical photographs, spoke about many of the photographs and the stories behind them at the Methodist Church. The book is a very handsome publication, a labor of love and a meaningful tribute to Pownal. If you would like a copy, contact Ray Rodrigues at raymond\_rodrigues@msn.com.

More events are in store. As part of Pownal's 250th celebration, there will be a wildflower walk from 10 – 11:30am (rain or shine) on **Saturday, May 15th** at the South Stream Water Management Area on South Stream Road.  This will be an easy walk on a flat trail, round trip less than 1 mile. Participants will learn to identify the native wildflowers in bloom along with some of the less desirable weeds and invasive plants.  Handouts and refreshments will be provided. Call 802-823-5415 or email tjn18@hotmail.com to pre-register, so we will have some idea on the number of handouts and refreshments needed. (Walk-ins are welcome on the day of the event!) Additionally, a table will be available with information about other Pownal 250th events and related merchandise.

**This week in Montpelier**

The hard work to bring the session to conclusion continues. We are down to the last days as bills are messaged between the House and Senate, conference committees appointed to resolve differences and bills brought to final votes before being sent to the Governor. Here’s what we voted in the House this week.

**S. 97** **An act relating to a Vermont state employees’ cost-savings incentive program**

The program will provide financial incentives to state and judiciary employees who make suggestions that are adopted and result in financial savings for any agency, department, board, bureau, commission, or other administrative unit of the state, or for the judiciary department. As we work to find savings and efficiencies in state government, the best ideas often come from those doing the work. The bill passed on a unanimous voice vote. I look forward to seeing what comes forward.

**S. 295** **An act relating to the creation of an agricultural development director**

The House Agriculture Committee amended this Senate bill to put in place an agriculture development board of experts in all forms of agriculture. Here are the findings in the bill.

The general assembly finds:

 (1) Vermont agriculture is the most visible industry in Vermont. Farmers provide food, and they steward the land, which provides natural habitat and scenery that is central to Vermont’s character and working landscape.

(2) Forestry is also central to Vermont’s character and working landscape, and 75 percent of Vermont is forested.

(3) Agriculture and forestry are major drivers of the tourism industry and offer many other recreational values and benefits.

(4) Ninety-five percent of Vermont’s visitors purchase locally produced food items while in the state, and two-thirds of these visitors report purchasing Vermont-made products while at home.

(5) The Vermont brand, which signals quality and value and reminds consumers of the rural beauty of Vermont, presents considerable opportunities for expanding out-of-state markets for value-added Vermont products.

(6) Vermont agricultural producers should play an important role in supplying the regional food system while enhancing and expanding the development of regional agriculturally related markets.

(7) Vermont agriculture’s impact on the state’s economy is significant. The total value of direct, indirect, and value-added Vermont agricultural products sold in 2008 was $2.3 billion. The farm-gate revenue generated by Vermont agricultural products sold in 2008 was $673.7 million. Agri-tourism and recreational services related to agriculture had a 2008 market value of $1.5 million.

(8) Vermont’s tourism industry is highly dependent on the pervasiveness of agriculture and forestry in the state and contributes $2 billion to the state’s economy each year.

(9) Ninety-seven percent of Vermonters also support the state’s agriculture and working landscape, and support for the viability of agriculture, including innovative agriculture, is long recognized.

(A) Relationship-based food systems such as farm-to-school programs, community supported agriculture (CSA) programs, farmers’ markets, and pick-your-own operations are increasingly popular and offer areas of opportunity for farmers.

(B) The Vermont council on rural development, the Vermont housing and conservation board, the sustainable agriculture council, and others have each issued detailed reports on how to enhance the sustainability of agriculture and forestry in this state.

 (C) The general assembly enacted No. 38 of the Acts of 2007, an act relating to the viability of Vermont agriculture, with specific recommendations as to how to “support and develop a more robust and self-sustaining

agricultural sector that also promotes agricultural industries.”

(D) The Farm-to-Plate Investment Program, approved at the end of the 2009 Vermont legislative session, directs the Vermont sustainable jobs fund, in consultation with the sustainable agriculture council and other stakeholders, to develop a 10-year strategic plan to strengthen Vermont’s farm and food sector.

(10) Over the years there have been many reports and plans produced by a variety of stakeholders, including the agency of agriculture, food and markets. While some of the resulting recommendations have been adopted, such as the buy local program, the small business development center, and the installation of electronic benefits transfer machines at farmers’ markets, the successful implementation of other recommendations could be enhanced through the sustained attention and actions of an entity such as the proposed agricultural development board.

(11) The agency of agriculture, food and markets has a broad range of expertise and experience that can contribute to the success of the agricultural development board.

(12) In order to provide continuity for the development and implementation of a comprehensive agricultural economic development policy, and to protect and promote Vermont’s agricultural and working landscape, a new body of state leaders and creative thinkers is needed to implement agricultural development strategies, including the Farm-to-Plate Investment Program’s strategic plan.

(13) In order to provide continuity of agricultural development work within the agency of agriculture, food, and markets, the leadership role within the agency’s agricultural development division should return to a classified position.

The bill goes on to lay out an agriculture development board which passed on a unanimous voice vote.

**J.R.S. 54** **Joint resolution related to the payment of dairy hauling costs**

The same day the Agriculture Committee also recommended their rewrite of a resolution that will be sent to Washington concerning dairy hauling. Because of federal law, solutions to our current dairy crisis will need to be addressed at the Federal level. I’m including the resolution because of the importance of dairy to our state and local economy. It gives a very good picture of a major challenge dairy farmers face.

*Whereas*, in the past three years, the Vermont General Assembly has carefully considered the issue of dairy hauling costs and the impact upon Vermont dairy farmers, and

*Whereas*, New England dairy farmers typically are responsible for the majority of the costs of hauling milk from the farm to a buyer’s processing plant or similar facility, and

*Whereas*, dairy hauling costs are incurred by dairy farmers, regardless of the price of milk, and

*Whereas*, dairy hauling costs for a Vermont farm milking 200 cows can exceed $20,000.00 per year, and

*Whereas*, according to a recent New York study of dairy hauling costs, hauling charges paid by dairy producers range from an annual average of $0.50 to $0.57 per hundredweight of milk for all size farms, and the average hauling charge, including transportation credits, ranges from 3.1 to 4.4 percent of the gross value of the farm milk, and

*Whereas*, pursuant to Vermont’s Act 50 (2007), the Vermont Milk Commission carefully considered the potential economic impacts of shifting responsibility for dairy hauling costs from the producer to the purchaser of milk, and

*Whereas*, the Vermont Milk Commission has concluded, and legislative testimony received from the Vermont agency of agriculture, food and markets, industry representatives, and dairy farmers has confirmed that shifting the payment of dairy hauling costs from producer to purchaser will increase the price of Vermont milk, making Vermont milk more expensive and less competitive than milk produced in neighboring states, and

*Whereas*, Vermont, or any other state which unilaterally mandates a shift in the cost of dairy hauling from producer to purchaser, will suffer a competitive disadvantage relative to neighboring producer states due to the increased cost of its milk, and

*Whereas*, given this reality and the economic crisis facing dairy farmers throughout New England, it is extremely unlikely that any state will elect to be the first to mandate this shift in dairy hauling costs, therefore requiring a  solution that is national in scope, and

*Whereas*, in November 2009, United States Representatives Michael Arcuri and Chris Lee of New York introduced federal legislation (H.R. 4117) to eliminate all hauling costs for milk producers, and

*Whereas*, United States Secretary of Agriculture Thomas Vilsack has convened a 17-member United States Department of Agriculture Dairy Industry Advisory Committee to review the issues of farm milk price volatility and dairy farmer profitability, and to offer suggestions and ideas on how the United States Department of Agriculture can best address these issues to meet the dairy industry’s needs,

*now therefore be it*

*Resolved by the Senate and House of Representatives*: That the Vermont General Assembly urges United States Secretary of Agriculture Thomas Vilsack and the United States Department of Agriculture Dairy Industry Advisory Committee to pursue a national policy requiring that dairy hauling costs be borne by the marketplace rather than dairy producers as a means to address dairy farmer profitability,

*and be it further Resolved*: That the Secretary of State be directed to send a copy of this resolution to United States Secretary of Agriculture Thomas Vilsack, the Vermont Congressional Delegation, and the members of the United States Department of Agriculture Dairy Industry Advisory Committee.

**S. 58** **An act relating to electronic payment of wages**

This bill would allow employers to pay wages through a payment card that would work like a debit card. Employees would have the choice of electing to receive their wages this way or to continue with their current form of payment. The House Commerce Committee worked closely with House General c

Committee on the banking details to make sure employees would have access to their wages in a timely fashion and that Vermont’s banking industry could provide the necessary services. The bill will be especially helpful to seasonal employees who often find it difficult to cash pay checks.

**S. 122** **An act relating to recounts in elections for statewide offices**

This bill lowers the threshold for a recount in statewide races from 5% to 2%. The 5% threshold remains for other contests. The bill also moves the date up for nominating candidates for Justice of the Peace in order to comply with the earlier date for primaries which will be held in late August instead of early September.

**S. 161 An act relating to National Crime Prevention and Privacy Compact**

This bill would align Vermont with most other states on providing criminal records to other jurisdictions. The House added language to the Senate bill concerning an interstate commission and compact, juvenile supervision, school employees criminal records, and other technical amendments to judiciary law.

**S. 103 An act relating to the study and recommendation of ignition interlock device legislation**

This bill would allow for a device to control drunk driving and reduce penalties for those who elect to use it. People convicted of driving under the influence could choose to use the device which is basically a breath test. If you fail the car won’t start. This bill stops those who might consider driving under the influence in Vermont after having been caught doing so before. Our current ways of dealing with the problem of multiple offenses hasn’t been working. This system has worked well in other states. There was a roll call vote on the bill which passed 141 to 0.

**S. 138** **An act relating to unfair business practices of credit card companies and fraudulent use of scanning devices and re-encoders**

My Commerce Committee took a great deal of testimony then recommended this bill to the House. Basically it would allow competition at stores among credit card companies and protect merchants from penalties if they elect to set a minimum amount for credit card purchases. We worked hard to find the right balance between the interests of grocers, retailers, credit unions and banks and especially consumers. Here are the findings in the bill.

(a) While credit card use offers benefits to consumers and merchants, including safety of financial information, convenience, and guaranteed payment to merchants, courts have found that Visa and MasterCard and their member banks have major market power.

(b) Electronic payment system networks, such as those incorporated by Visa and MasterCard, set the level of credit and debit card interchange fees charged by their member banks, even though those banks are supposed to be competitors.

(c) Credit and debit card interchange fees inflate the prices consumers pay for goods and services. Competitors should set their own prices and compete on that basis.

(d) Consumers are increasingly using credit and debit card electronic payment systems to purchase goods and services.

(e) In order to provide the desired convenience to consumers, most merchants agree to accept credit and debit cards.

(f) Some electronic payment system networks market themselves as currency and promote use of their products as though they were a complete substitution for legal tender.

(g) Due to the market power of the two largest electronic payment system networks, merchants do not have negotiating power with regard to the contract for acceptance of credit and debit cards and the cost of the interchange fees for such acceptance.

(h) Merchants are subject to contracts that allow the electronic payment system networks to change the terms without notice, subject merchants to substantial fines, or reinterpret the rules and hold the merchant responsible.

(i) Merchants have expressed interest in working with customers to give customers the types of pricing options they would like but that are currently blocked by the terms or interpretations of contracts necessary to accept credit and debit cards.

(j) Businesses in Vermont are also consumers. The protections of this bill are intended to apply to all consumers, including businesses, in Vermont.

The bill passed Yeas, 139. Nays, 0.

**S. 222** **An act relating to recognition of Abenaki tribes**

For the last few years the legislature has continued to work with indigenous peoples to find the best way to balance their competing interests concerning recognition. Here are the findings in the bill.

 (1) At least 1,700 Vermonters claim to be direct descendants of the several indigenous Native American peoples, now known as Western Abenaki tribes, who originally inhabited all of Vermont and New Hampshire, parts of western Maine, parts of southern Quebec, and parts of upstate New York for hundreds of years, beginning long before the arrival of Europeans.

(2) There is ample archaeological evidence that demonstrates that the Missisquoi Abenaki were indigenous to and farmed the river floodplains of Vermont at least as far back as the 1100s A.D.

(3) The Western Abenaki, including the Missisquoi, have a very definite and carefully maintained oral tradition that consistently references the Champlain valley in western Vermont.

(4) State recognition confers official acknowledgment of the longstanding existence in Vermont of Native American Indians who predated European settlement and enhances dignity and pride in their heritage and community.

(5) Many contemporary Abenaki families continue to produce traditional crafts and intend to continue to pass on these indigenous traditions to the younger generations. In order to create and sell Abenaki crafts that may be labeled as Indian- or Native American-produced, the Abenaki must be recognized by the state of Vermont in order to gain approval by the Indian Arts and Crafts Board (IACB) of the Bureau of Indian Affairs.

(6) State recognition will also increase access to federal programs and resources to Vermont tribes that support culture and language preservation, social services, education, and other benefits.

(7) In May 2006, the general assembly passed S.117, Act No. 125, which created the Vermont Commission on Native American affairs and recognized the Abenaki and all other Native American people living in Vermont as a minority population. According to Indian case law, recognition as a racial minority population prevents the group from being recognized as a tribal political entity, a designation that would provide the group with access to federal resources.

(8) According to a public affairs specialist with the U.S. Bureau of Indian Affairs (BIA), state recognition of Indian tribes plays a very small role with regard to federal recognition. The only exception is when a state recognized a tribe before 1900.

(9) At least 15 other states have recognized their resident indigenous people as Native American Indian tribes without any of those tribes previously or subsequently acquiring federal recognition.

(10) State-recognized Native American Indian tribes and their members will continue to be subject to all laws of the state, and recognition shall not be construed to create any basis or authority for tribes to establish or promote any form of prohibited gambling activity or to claim any interest in land or real estate in Vermont.

The bill goes on to make changes to the Vermont Commission on Native American affairs. The vote on the bill was Yeas, 132. Nays, 5 and I voted yes.

**S. 263** **An act relating to the Vermont Benefit Corporations Act**

Commerce also reviewed and made a few changes to this bill after it came over from the Senate. It would allow corporations to organize as benefit corporations. To do so a corporation would have to appoint a director to their board who oversaw an annual report on the corporation’s public benefit activities. It would also have to make clear to its stockholders what public benefits the corporation would set as its goal and would also have to account for progress towards that goal. A number of Vermont corporations such as King Arthur Flower or Green Mountain Power are interested in this status and see it as a way to strengthen their companies. The bill passed Yeas, 108 - Nays, 30 and I voted yes.

**S. 278 An act relating to the department of banking, insurance, securities, and health care administration**

Every year the Commerce Committee works on a housekeeping bill that makes technical corrections to the law governing BISHCA, Vermont’s financial regulators. The changes are often measures to keep Vermont in line with changing federal law and adopt best practices that keep Vermont competitive with other states in this industry sector.

**S. 292** **An act relating to term probation, the right to bail, medical care of inmates, and a reduction in the number of nonviolent prisoners, probationers, and detainees**

This bill addressed the problem of spiraling costs in the corrections system in our dealing with non-violent offenders. People have come to recognize that better use of parole, probation, home detention would lead to better outcomes and less recidivism. The measures in the bill have been adopted by many other states and the federal government. The goal is to reduce costly incarceration for those non-violent offenders where it is ineffective and the public can be as well if not better protected through better corrections techniques. The vote on the bill was 113 to 25 and I voted yes.

**S. 187** **An act relating to municipal financial audits**

This bill provides guidelines for towns for better auditing practices including disclosure to the public of the results of a town’s audit if material weaknesses or significant deficiencies are found in the audit. Audits would have to be conducted according to generally accepted government accounting standards. Towns would also make the audit more readily available to the public. Here’s a link to the bill as passed the Senate and agreed to by the House <http://www.leg.state.vt.us/docs/2010/bills/Senate/S-187.pdf>

**H. 689** **An act relating to the Uniform Common Interest Ownership Act**

The Senate made minor changes to this Commerce bill that the House agreed to. This bill sets a level playing field between home owner associations and the people who live in the associations.

**H. 524** **An act relating to interference with or cruelty to a guide dog**

The Senate added new sections to this bill that would have allowed for monkeys to be used as assistance animals. A pilot program would allow for importing highly trained Cebus appella monkeys into Vermont, to assist people with a permanent disability or disease. After discussion between the health department and the House Fish and Wildlife Committee those sections were removed as unnecessary because the one individual currently affected would be able to get a license.

**S. 207** **An act relating to handling of milk samples;**

This bill would provide a process for determining consensus findings and recommendations regarding the use of the preliminary incubation (PI) count of raw milk as a quality indicator.

**H. 782** **An act relating to a voluntary school district merger incentive program, supervisory union duties, and other education issues;**

The legislature decided to approach school consolidation issues through a voluntary grassroots approach that would ensure that schools in neighboring districts meet to address the issue. Consolidation has been a much discussed topic in the education community. Here are the bill’s findings.

The general assembly finds that:

(1) the voluntary merger of Vermont’s education governing units will support opportunities for students, increased economies of scale, and enhanced cost efficiencies available in personnel assignment and the management of resources, particularly at a time when many districts are experiencing declining enrollment;

(2) providing incentives, technical assistance, and statutory changes to encourage voluntary merger of school districts will allow governance changes to occur while preserving the authority of voters to make local decisions that are appropriate for their communities; and

(3) the voluntary merger of Vermont’s education governing units will assist schools and education governing units to obtain meaningful, standardized metrics for evaluating programs; comparing local, national, and international student data; assessing and identifying system improvements; and analyzing the costs and benefits of resource allocations.

The bill puts in place a process for school districts to make their own decisions on consolidation that would offer better opportunities for students and improve cost efficiencies. It also includes modest incentives and reduces technical barriers for communities that do consolidate. Also it does not change current school choice options. Because communities and schools vary it is best they engage and come to their own conclusions for local voters’ approval. The bill passed 85 to 50 and I voted yes.

**S. 247** **An act relating to bisphenol A**

This bill would ban the manufacture, sale, and distribution of infant formula or baby food stored in a plastic container, jar, or can that contains bisphenol A (BPA) and the manufacture, sale, and distribution of any reusable food or beverage container containing BPA. There was much discussion in the Senate on this bill and the compromise that was reached was to recognize the problem for baby foods and for reusable food containers. The findings section of the bill presents the legislature’s thinking on this subject.

The general assembly finds that:

(1) Bisphenol A (BPA) is a synthetic estrogen that was originally considered for use in managing challenging pregnancies. Low-dose exposure to BPA has been linked to breast cancer, prostate cancer, recurrent miscarriages, early onset puberty, reduced sperm count, delayed development, heart disease, diabetes, and obesity.

(2) Over 90 percent of the more than 100 government-funded studies of low-dose exposure to BPA have demonstrated adverse health effects.

(3) According to the Centers for Disease Control 1 and Prevention, more than 90 percent of Americans have detectable levels of BPA in their bodies, and children have higher concentrations of BPA in their bodies than do  adolescents or adults.

(4) Approximately seven billion pounds of BPA is produced globally each year for use in baby bottles, dental sealants, compact discs, water bottles, food cans, and a wide variety of other items.

(5) BPA is one of the most frequently detected industrial chemicals in groundwater and is also found in landfill leachate, surface water, sewage, sludge, and treated wastewater discharge.

(6) The use of BPA should be limited in order to protect the health of the citizens and environment of Vermont.

(7) Alternatives to BPA exist, including glass, stainless steel, and aluminum bottles; BPA-free plastic containers, some of which are already used by several manufacturers of infant formula; foil packets; and powdered foods stored in cardboard boxes.

The House agreed with the Senate’s recommendations on a 127 t0 1 vote and I voted yes.

This coming week we will meet on Monday and may convene on Saturday if necessary to finish the work of this biennium. I am optimistic, but guardedly so, that we will be through soon. Many bills are still being worked on in the Senate and conference committees on the money bills still need to be resolved. Also, I am hopeful that we will have a resolution to the Unemployment Trust Fund issue. A solution is particularly difficult because it requires sacrifice on all sides. We need to put a plan in place that moves us to a solid fiduciary position and restores financial stability to the fund.

All the very best to you and your families, I hope you are enjoying this warm spring weather.

Stay in touch,

Bill

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