

April 06, 2014

Hello All,

When I left home on Monday the ground was mostly snow covered, now the fields are bare and warm weather is on the way. At the state house, the grounds are snow covered - about a foot deep - but noticeably less every day.

Here are the results of the 2014 Doyle poll. There were fifty nine responses from Pownal and forty from Woodford, a small sampling but the results are largely similar to the statewide numbers. Thank you to all who sent in responses.

1) SHOULD DRIVERS BE PROHIBITED FROM USING CELL PHONES WHILE DRIVING?

	% Yes	% No	% Not Sure
Pownal	79.7	20.3	0
Woodford	72.5	25	2.5
State	74	19	7

2) SHOULD VERMONT LEGALIZE MARIJUANA?

	% Yes	% No	% Not Sure
Pownal	42.4	45.8	11.8
Woodford	57.5	30	12.5
State	48	33	19

3) SHOULD WIND TURBINES BE CONSTRUCTED ON VERMONT RIDGE LINES?

	% Yes	% No	% Not Sure
Pownal	76.3	11.9	11.8
Woodford	65	27.5	7.5
State	48	33	19

4) SHOULD VERMONT INCREASE ITS MINIMUM WAGE?

	% Yes	% No	% Not Sure
Pownal	69.5	16.9	13.6
Woodford	75	17.5	7.5
State	71	20	9

5) ARE YOU CONCERNED ABOUT THE INCREASING USE OF OPIATES IN VERMONT?

	% Yes	% No	% Not Sure
Pownal	94.9	0	5.1
Woodford	80	7.5	12.5
State	89	5	6

6) SHOULD WE REDUCE THE VERMONT PRISON POPULATION THROUGH THE USE OF ALTERNATIVES FOR NONVIOLENT OFFENDERS?

	% Yes	% No	% Not Sure
Pownal	74.6	8.5	16.9
Woodford	55	25	20
State	71	17	12

7) SHOULD FOOD PRODUCTS SOLD IN VERMONT PRODUCED WITH GENETIC ENGINEERING BE LABELED?

	% Yes	% No	% Not Sure
Pownal	74.6	11.9	13.5
Woodford	85	12.5	2.5
State	76	15	9

8) DO YOU BELIEVE THAT VERMONT IS AN AFFORDABLE PLACE TO LIVE?

	% Yes	% No	% Not Sure
Pownal	44.1	39	16.9
Woodford	45	40	15
State	26	60	14

9) ARE STATEWIDE CELL SERVICE AND BROADBAND IMPORTANT TO THE FUTURE OF VERMONT'S ECONOMY?

	% Yes	% No	% Not Sure
Pownal	91.5	5.1	3.4
Woodford	82.5	10	7.5
State	87	5	8

10) SHOULD NATURAL GAS BE AN IMPORTANT PART OF VERMONT'S ECONOMY?

	% Yes	% No	% Not Sure
Pownal	52.5	13.6	33.9

Woodford	35	32.5	32.5
State	55	21	24

11) SHOULD VERMONT CREATE A STATE BANK?

	% Yes	% No	% Not Sure
Pownal	20.3	22.1	57.6
Woodford	17.5	40	42.5
State	23	38	39

12) DO YOU BELIEVE THAT VERMONT HEALTH CARE IS MOVING IN THE RIGHT DIRECTION?

	% Yes	% No	% Not Sure
Pownal	55.9	27.1	17
Woodford	35	40	25
State	41	38	21

13) DO YOU BELIEVE THAT INCREASING COSTS OF EDUCATION ARE UNSUSTAINABLE?

	% Yes	% No	% Not Sure
Pownal	66.1	20.3	13.6
Woodford	72.5	17.5	10
State	69	18	13

14) DO YOU BELIEVE THAT OUR NATIONAL GOVERNMENT COLLECTS TOO MUCH INFORMATION ON THE LIVES OF AMERICAN CITIZENS?

	% Yes	% No	% Not Sure
Pownal	66.1	23.7	10.2
Woodford	70	27.5	2,5
State	69	17	14

Several bills passed the House last week. Here is my weekly list.

H. 441 An act relating to changing provisions within the Vermont Common Interest Ownership Act related to owners of time-shares

This bill that originated in House Commerce came back from the Senate with only a minor change. We agreed and the bill now goes to the Governor. It will clarify the rights of time-share owners in condominium properties.

H. 609 An act relating to terminating propane service

Commerce's propane bill came back from the Senate with a small change. In this case we further clarified the change and sent it back to the Senate. This bill will help customers receive payment for any propane left in the propane tank when they switch companies.

S. 86 An act relating to miscellaneous changes to election laws

This bill made numerous small improvements to election law to clarify procedures for the voter check list, declaring a candidacy, recounts and other matters. It did not change the primary date for the coming statewide elections but shortened some of the statutory time requirements so that ballots can go to overseas voters. An earlier primary date was contemplated, but when the committee looked at the timeline to move the bill through the legislature and put procedures in place there is not enough time for the coming election cycle. The bill passed on a voice vote. I voted yes.

H. 740 An act relating to transportation improvement fees

This bill proposes to authorize the District Act 250 Commissions and the Agency of Transportation through highway access permits to assess fees to fund improvements to address the transportation impacts of development projects. Here are the findings and intent sections of the bill.

The General Assembly finds that:

- (1) To issue a land use permit under 10 V.S.A. chapter 151 (Act 250), a District Commission must make required findings, including that the proposed development and subdivision does not cause unreasonable traffic congestion or unsafe traffic conditions and does not materially interfere with or jeopardize the function, safety, and efficiency of Vermont's public highway and transportation systems.
- (2) To ensure that the development or subdivision meets the statutory requirements related to transportation impacts, District Commissions often require physical improvements or other measures to mitigate those impacts.
- (3) Because the District Commissions address mitigation on a case-by-case basis, the obligation to mitigate transportation impacts often falls on the development or subdivision whose traffic impacts cause existing traffic conditions to become unsafe or unreasonably congested.
- (4) This approach, often referred to as "last-one-in," can require an applicant to bear the entire burden of installing mitigation measures that benefit not only the applicant's project, but existing and future developments or subdivisions, as well as regional and statewide through traffic. The potential for this outcome is high in areas that are already developed and experiencing significant traffic volumes.
- (5) Physical improvements to mitigate transportation impacts can be costly and exceed the cost of a proposed development and subdivision, particularly if the proposal is a small project in an already developed area.

The General Assembly intends:

- (1) to establish an alternative to the "last-one-in" approach that enables the costs to mitigate transportation impacts to be allocated proportionally among the State and the land use projects that have traffic impact and that will benefit from the mitigation;
- (2) to foster in-fill development, further Vermont's planning goals set forth in 24 V.S.A § 4302, and encourage economic growth by creating a mechanism to apportion the cost of new transportation infrastructure in already developed areas; and
- (3) to encourage planning for the establishment of transportation improvement districts in which the costs of transportation infrastructure are allocated proportionally and hereby to support economic growth, the construction of needed transportation improvements, and Vermont's planning goals.

The bill goes on to lay out the procedure for accomplishing its purpose.

H. 889 An act relating to setting the statewide education tax base rates and base education amount for fiscal year 2015 and making several changes to Vermont's education financing laws

The most debated bill of the week was the education finance bill. When we arrived in Montpelier we faced a seven cent increase in the statewide education tax rate. Through the committee's work, the House voted to decrease that by three cents to a four cent increase. This is a 43% decrease in the projected increase of seven cents.

Here is the stated purpose of the bill. It addresses concerns about the immediate homestead rate increase and long-term unsustainable education costs.

“This bill proposes to establish the statewide education tax base rates and base education amount for fiscal year 2015. The bill also requires that the Commissioner of Taxes, when formulating his or her rate recommendations under statute for fiscal year 2016 and after, assume that the applicable percentage base for the purpose of calculating income sensitivity is 1.94.

The bill also makes several changes to Vermont's education financing laws. It requires that school budgets be voted in a form that provides information about how spending and rates are linked. It alters the way average daily membership is calculated by eliminating a provision that increased the counting of pupils for fast growing schools. The bill adds language that, starting in fiscal year 2019, eliminates small school support grants over three years, except for geographically necessary schools. It alters the taxation of municipally owned lakeshore property in another town so that the hosting municipality can vote to exempt such property. The bill allows a homestead to be rented for part of the year. The bill anchors excess spending increases to inflation in a set year, as opposed to current law which ties the increase to the previous year's spending. The bill lowers the calculation of allocable rent for purposes of the renter rebate, and requires a report on how best to support renters in Vermont. The bill extends the slope for people who phase out of receiving income sensitivity payments, and it reduces the total cap on income sensitivity payments from \$8,000.00 to \$6,000.00 for households that do not have a member 65 years of age or older. The bill also requires that one-third of any unreserved surplus over forecast be transferred to the Education Fund, and requires the Emergency Board to determine how much of that amount can be sustainably added to the General Fund transfer in the next year. The bill provides a payment for the school district in Thetford to compensate that community for an error in its excess spending calculation. It appropriates \$6,000,000.00 from the Supplemental Property Tax Relief Fund to help lower property tax rates. The bill creates a study to examine how a reduction in listed property value affects towns, and the costs to towns of defending property tax appeals. It expresses a commitment by the General Assembly to incorporate an education income tax into the current education financing system. And it requires the Agency of Education to file a report on school tuition practices in Vermont.”

Here is a statement from Ways and Means member Rep. Jim Condon about the section of the bill that deals with reforming the education tax.

“Section 23 of H.889 puts in statute the intent of the House Ways and Means Committee to simplify our education financing system and to shift away from over-reliance on the homestead property tax. The concept we will look at includes creation of a significantly lower and flat property tax rate for homesteads, complemented by a progressive education income tax.

Last year, we passed legislation that will give our Joint Fiscal Office access to Federal AGI data through the Vermont Department of Taxes. This change will give Ways and Means the ability to better model different rate scenarios under a new system, so that we can better determine appropriate rates moving forward. There will be winners and losers, as under any new system, and it will be important to have a clear understanding of the real-world ramifications.

Adopting a progressive income tax will eliminate the need for our income sensitivity system and will eliminate the "cliff", the big difference faced by taxpayers who just miss qualifying for the current sensitivity reductions. Setting a lower and flat property tax rate will eliminate the need for our property tax credit system, the homestead declaration and the household income calculations. As currently envisioned, the statewide education income tax would be administered by the Department of Taxes.

Although the proposal doesn't directly affect education spending, the hope is that a simpler system will be easier for everyone to understand and will lead to a better informed public. This plan is not set in stone, and I expect there will be many deliberations to be had. Any and all ideas are welcome as we move ahead.”

--Rep. Jim Condon

Education funding bills always draw many floor amendments. Some are accepted and some rejected. Some were decided by roll call votes. I supported the committee on these votes recognizing the many hours of testimony the committee received and knowing the many and diverse view points of committee members who worked to balance out as fairly as possible those points of view. One vote was on whether to appropriate money to improve our access to data to understand the intricacies of spending passed 93 to 47. Another vote on removing the section phasing out the small school grants failed 61 to 77. This grant shifts costs from community to community without regard for a community's ability to raise revenue. This was a very hard vote and I believe the proposition will change as it doesn't come into effect until the FY2019 budget and then reduces the grant by a third for three years. An amendment to get rid of the current funding system offered no replacement and it failed 49 to 83. A last minute and poorly constructed amendment to study small school granting also failed 61 to 72. An amendment to

require a fiscal note before a vote for any law mandating policy with a cost to schools but no funding passed. An amendment to spend all of the education reserves failed 35 to 103. This fund smoothes out volatility in education financing and most but not all was employed this year. A final vote on the bill was 89 to 51 and I voted yes.

S. 296 An act relating to the Defender General's duty to investigate issues related to the health, safety, and welfare of inmates in correctional facilities

This bill clarifies the Defender General's duty to investigate issues related to the health, safety, and welfare of inmates in correctional facilities and the role of other government agencies in assisting with this responsibility. It says, "Issues that require an investigation by the Defender General shall, at a minimum, include:

- (1) the death of an inmate;
- (2) a suicide attempt that requires more than 24 hours of emergency hospitalization; and
- (3) a critical incident that results in injury to an inmate from an assault, use of force, or accident in a correctional facility that requires more than 24 hours of emergency hospitalization

This bill is greatly needed, especially in regard to inmates in out of state facilities. It passed on a unanimous voice vote.

H. 757 An act relating to exemptions to the Public Records Act

This year the House Government Operations Committee reviewed then recommended this bill which closely examined exemptions to public records. Some records need to be exempt because of proprietary, commercial or privacy concerns but over the years many of the exemptions in law have become obsolete. The bill was non-controversial and passed on a voice vote.

On Friday we honored our second group of eighth grade pages and thanked them for their work over the last six weeks. This marks the twelve week point of the session as Monday we will welcome the third and final group. At this point bills that need to pass are defined and moving between the House and Senate as differences are reconciled. Next week the House will address a minimum wage bill and a prevailing wage bill, a miscellaneous transportation bill, a bill regulating pension advances and others. I look forward to hearing from you on these or any other issues.

I hope you enjoy a very good week,

Stay in touch,

Bill

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