

# Journal of the Senate

TUESDAY, FEBRUARY 1, 2011

The Senate was called to order by the President.

## **Devotional Exercises**

Devotional exercises were conducted by the Reverend Ann Grady of Montpelier.

## **Pledge of Allegiance**

The President then led the members of the Senate in the pledge of allegiance.

## **Bill Referred to Committee on Appropriations**

### **S. 12.**

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to adding a member from the area agencies on aging to the governor's commission on Alzheimer's disease and related disorders.

## **Joint Senate Resolution Adopted on the Part of the Senate**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Campbell,

**J.R.S. 14.** Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

## ***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, February 17, 2011, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

**Joint Senate Resolution Adopted on the Part of the Senate**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Carris and Mullin,

**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 4, 2011, it be to meet again no later than Tuesday, February 8, 2011.

**Joint Resolution Placed on Calendar****J.R.S. 16.**

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

By the Committee on Education,

**J.R.S. 16.** Joint resolution requesting that penalties under the No Child Left Behind Act be suspended until the Elementary and Secondary Education Act is reauthorized in a revised form.

*Whereas*, the No Child Left Behind Act (NCLB) is incorporated into the Elementary and Secondary Education Act (ESEA), and

*Whereas*, in accordance with the provisions of NCLB, public schools must focus on math and reading, and

*Whereas*, in a 2007 study, the Center for Education Policy found that 44 percent of United States school districts have reduced the amount of time spent on science, social studies, and the arts, and

*Whereas*, focusing only on math and reading will not adequately prepare Vermont students for the responsibilities of citizens in a democracy, and

*Whereas*, the test score gains on the National Assessment of Educational Progress have been lower since the enactment of NCLB, and

*Whereas*, NCLB measures are narrow and imprecise, and they ignore other factors in student academic performance, and

*Whereas*, many Vermont schools are in danger of losing highly qualified and effective principals and teachers due to punitive sanctions for their failure to make adequate yearly progress under NCLB, and

*Whereas*, it is the responsibility of the United States Congress periodically to evaluate the effectiveness of this legislation and reauthorize ESEA, and

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*Whereas*, Congress has not evaluated ESEA-NCLB since NCLB was first enacted in 2001, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the General Assembly urges Congress to suspend immediately the punitive sanctions under the No Child Left Behind Act until the act is reauthorized in a revised form, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

**Bills Introduced**

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

**S. 39.**

By Senator Giard,

An act relating to public buildings.

To the Committee on Economic Development, Housing and General Affairs.

**S. 40.**

By Senators Doyle, Cummings and Pollina,

An act relating to killing of domestic animals by dogs.

To the Committee on Judiciary.

**S. 41.**

By Senators McCormack, Giard and Illuzzi,

An act relating to the animal abuse registry.

To the Committee on Judiciary.

**S. 42.**

By Senators McCormack, Campbell, Giard and Nitka,

An act relating to art galleries serving malt or vinous beverages.

To the Committee on Economic Development, Housing and General Affairs.

**S. 43.**

By Senators McCormack and Giard,

An act relating to nonpayment of wages.

To the Committee on Economic Development, Housing and General Affairs.

**S. 44.**

By Senators McCormack, Giard and MacDonald,

An act relating to public funding of independent schools.

To the Committee on Education.

**S. 45.**

By Senators Sears, Campbell, Cummings, Mullin, Snelling and White,

An act relating to human trafficking.

To the Committee on Judiciary.

**Consideration Postponed**

Senate bill entitled:

**S. 2.**

An act relating to sexual exploitation of a minor and the sex offender registry.

Was taken up.

Thereupon, without objection consideration of the bill was postponed until the next legislative day.

**Third Reading Ordered****H. 1.**

Senator Pollina, for the Committee on Health and Welfare, to which was referred House bill entitled:

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An act relating to challenges for change outcomes for persons with disabilities.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

### **Joint Resolution Adopted in Concurrence**

Joint House resolution entitled:

**J.R.H. 9.** Joint resolution explaining the importance and value of maple syrup and the University of Vermont's Proctor Maple Research Center.

Having been placed on the Calendar for action, was taken up.

Thereupon, the resolution was adopted in concurrence.

### **Senate Concurrent Resolution**

The following joint concurrent resolution, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, is hereby adopted on the part of the Senate:

By Senator Mullin,

By Representative Mook,

### **S.C.R. 3.**

Senate concurrent resolution designating May as Lupus Awareness Month in Vermont.

[The full text of the Senate concurrent resolutions appeared in the Senate calendar addendum for January 28, 2011, and, if adopted in concurrence by the House, will appear in the volume of the Public Acts and Resolves to be published for this session of the seventieth-first biennial session of the Vermont General Assembly.]

### **House Concurrent Resolutions**

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence:

By Representative Klein and others,

**H.C.R. 31.**

House concurrent resolution congratulating the Vermont Jazz Ensemble on its 35th anniversary.

By Representative Till and others,

By Senators Ashe, Baruth, Fox, Lyons, Mazza, Miller and Snelling,

**H.C.R. 32.**

House concurrent resolution congratulating the 2010 Rice Memorial High School Division III championship field hockey team.

By Representative Taylor and others,

**H.C.R. 33.**

House concurrent resolution congratulating the Vermont Refugee Resettlement Program and the U.S. Committee for Refugees and Immigrants on their respective 30th and 100th anniversaries.

By Representative Klein and others,

By Senators Cummings, Doyle and Pollina,

**H.C.R. 34.**

House concurrent resolution honoring Michael Law on his outstanding career as a secondary school athletic coach.

By Representative Keenan and others,

By Senators Ayer and Kittell,

**H.C.R. 35.**

House concurrent resolution recognizing the week of January 23, 2011 as Nurse Anesthetist Week in Vermont.

By Representative Klein and others,

By Senators Doyle, Cummings and Pollina,

**H.C.R. 36.**

House concurrent resolution congratulating Keith Gerritt on his designation as the Vermont Principals' Association's 2010 High School Principal of the Year.

By Representative Savage and others,

By Senators Brock and Kittell,

**H.C.R. 37.**

House concurrent resolution congratulating the 2010 Missisquoi Valley Union High School Thunderbirds Division II championship boys' soccer team.

By Representative Campton and others,

By Senators Sears and Hartwell,

**H.C.R. 38.**

House concurrent resolution congratulating Congregation Beth El of Bennington as it commences its second century.

[The full text of the House concurrent resolutions appeared in the Senate calendar addendum for January 28, 2011, and, if having been adopted by the House, will appear in the volume of the Public Acts and Resolves to be published for this session of the seventieth-first biennial session of the Vermont General Assembly.]

**Adjournment**

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, February 2, 2011.

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“The Journal of the Senate for Friday, January 25, 2011 inadvertently omitted the following appointments announced by the President:

**Vermont Child Poverty Council**

Pursuant to the provisions of No. 68 § 1(b) of the Acts of 2007, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Vermont Child Poverty Council during this biennium:

Senator Flory  
 Senator Fox  
 Senator Hartwell

**Commission on International Trade and State Sovereignty**

Pursuant to the provisions of 3 V.S.A. §23(b)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Commission on International Trade and State Sovereignty for a term of two years:

Senator Galbraith

**Appointment of Senate Members to the Joint Legislative Corrections Oversight Committee**

Pursuant to the provisions of Sec. 170d of No. 142 of Acts of 2002, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Legislative Corrections Oversight Committee for terms of two years:

Senator Ashe  
Senator Carris  
Senator Hartwell  
Senator Sears  
Senator Snelling

**Appointment of Senate Member to Art in State Buildings Advisory Panel**

Pursuant to the provisions of 29 V.S.A. §47, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Art in State Buildings Advisory Panel during this biennium:

Senator Campbell

The permanent Journal of the Senate for Friday, January 25, 2011 shall reflect these announced appointments.”

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