

Journal of the Senate

FRIDAY, FEBRUARY 4, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Lisa Ramson of Barre.

Message from the Governor

A message was received from His Excellency, the Governor, by Alexandra McLean, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the Second Day of February, 2011 he approved and signed a bill originating in the Senate of the following title:

S. 1. An act relating to technical amendments to the judicial restructuring act of 2010.

Message from the House No. 15

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 considered joint resolutions originating in the Senate of the following titles:

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.

J.R.S. 15. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 49.

By the Committee on Transportation,

An act relating to commercial motor vehicle operation on the interstate system.

Bills Introduced

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

S. 50.

By Senators McCormack, Benning, Flory, Giard, MacDonald and Miller,

An act relating to shared legal responsibility of children in a divorce proceeding.

To the Committee on Judiciary.

S. 51.

By Senator Hartwell,

An act relating to recovering noneconomic damages for an intentional killing of a pet.

To the Committee on Judiciary.

S. 52.

By Senators Cummings, Doyle and Pollina,

An act to protect employees from abuse at work.

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

**Proposal of Amendment Amended; Bill Passed in Concurrence with
Proposal of Amendment****H. 65.**

House bill entitled:

An act relating to fiscal year 2011 budget adjustment.

Was taken up.

Thereupon, pending third reading of the bill, Senator Kitchel moved that the Senate proposal of amendment be amended as follows:

First: In Sec. 51, by striking out Sec. 6 of No. 68 of the Acts of the 2009 Adj. Sess. (2010) in its entirety and inserting in lieu thereof a new Sec. 6 of No. 68 of the Acts of the 2009 Adj. Sess. (2010) to read as follows:

Sec. 6. EDUCATION CHALLENGES

(a)(1) ~~The focus on learning challenge is to education policy makers and school administrators to improve student learning and reduce costs—of administration, resulting in education spending savings of \$13.3 million in fiscal year 2011, and education spending savings of \$40 million in fiscal year 2012. In fiscal year 2012, 25 percent of the total savings will be reinvested in instructional activities.~~

~~(2) The special education incentives challenge is to education policy makers and school administrators to improve special education student outcomes, including graduation rates and employment, while spending five percent less in fiscal year 2011 than in fiscal year 2010, and 7.5 percent less in fiscal year 2012 than in fiscal year 2010.~~

* * *

Second: In Sec. 56, Sec. B.1103(c) of No. 156 of the Acts of the 2009 Adj. Sess. (2010), by adding before the last sentence the following:

All other factors being equal systemwide, supervisory unions and their member districts that achieve spending reductions will incur lower property taxes for every school district statewide. To the extent that supervisory unions and their member districts do not achieve spending reductions, property taxes will be higher for every school district statewide. The commissioner of education shall, in consultation with the Vermont school boards association, the Vermont superintendent's association, the Vermont principals' association, and Vermont-national education association, develop a plan by April 1, 2011 to assist Vermont schools to achieve at least \$23.2 million in reduced local education spending systemwide by fiscal year 2013. The plan would identify the technical assistance, facilitation, and adoption of best practices needed by schools to assist them in reaching this goal. To recognize the accomplishments of model supervisory unions and districts for actions in the past two fiscal years as well as the next two fiscal years, the plan would also include the ways incentives and awards for innovation could be used to promote the goal of obtaining the best educational outcomes for students in a most cost-effective way.

Third: In Sec. 68, E.338(c) of No. 156 of the Act of the 2009 Adj. Sess. (2010) by striking out the figure “\$20,000” and inserting in lieu thereof the figure \$22,000

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Third Reading Ordered

H. 8.

Senator Galbraith, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to approval of amendments to and codification of the charter of the town of Jamaica.

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.

Rules Suspended; Bill Messaged

On motion of Senator Campbell, the rules were suspended, and the following bill was ordered messaged to the House forthwith:

H.65.

Appointment of Senate Members to Legislative Committee on Administrative Rules

Pursuant to the provisions of 3 V.S.A. §817, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Committee on Administrative Rules for terms of two years ending February 1, 2013:

Senator Cummings
Senator MacDonald
Senator Snelling
Senator Westman

Appointment of Senate Members to the Senate Sexual Harassment Panel

Pursuant to the provisions of Senate Rule 101, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Senate Sexual Harassment Panel (SSHP) during this biennium:

Senator Benning
Senator Kitchel
Senator Kittell
Senator Miller
Senator Baruth
Senator Galbraith

Joint Legislative Government Accountability

Pursuant to the provisions of Sec. 5 of No. 206 of the Acts of 2008, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Legislative Government Accountability for the current biennium:

Senator White
Senator Pollina
Senator Snelling
Senator Giard

Building Bright Future Council

Pursuant to the provisions of 33 V.S.A. § 4602, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Building Bright Future Council for the current biennium:

Senator Flory
Senator Kittell

Appointment of Senate Members to Commission on Health Care Reform

Pursuant to the provisions of Sec. 277c of No. 71 of the Acts of 2005, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Commission on Health Care Reform during this biennium:

Senator Ayer
Senator Cummings
Senator Fox
Senator Kitchel
Senator Mullin

Appointment of Senate Members to National Legislative Association on Rx Pricing

The President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the National Legislative Association on Rx Pricing during this biennium:

Senator Ayer
Senator Cummings
Senator Mullin

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 Campbell
Senator Ayer
Senator Mullin

Appointment of Senate Member to the Vermont Tobacco Evaluation and Review Board

Pursuant to the provisions of 18 V.S.A. §9505, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Tobacco Evaluation and Review Board for a term of two years:

Senator Sears

Commission on Financing and Delivery of Affordable Housing Conservation

Pursuant to the provisions of § E.810.4(a) of No. 156 of the Acts of 2010, the President, on behalf of Committee on Committees, announced the appointment of the following Senator to serve on the Commission on Financing and Delivery of Affordable Housing Conservation during this biennium:

Senator White

Commission on the Future of Economic Development

Pursuant to the provisions of Sec. 17 of No. 184 of the Acts of 2005, the President, on behalf of Committee on Committees, announced the appointment of the following Senator to serve on the Commission on the Future of Economic Development during this biennium:

Senator Miller

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 Illuzzi

Appointment of Senate Members to Legislative Committee on Judicial Rules

Pursuant to the provisions of 12 V.S.A. §3, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Committee on Judicial Rules for terms of two (2) years ending February 1, 2011: (chairman of Judiciary and three members)

Senator Sears, *ex officio*
Senator Campbell
Senator Illuzzi
Senator Flory

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 Hartwell

Appointment of Senate Member to Governor's Snowmobile Council

Pursuant to the provisions of 23 V.S.A. §3216, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Governor's Snowmobile Council for a term of two years:

Senator Kitchel

Appointment of Senate Member to Petroleum Clean-Up Fund Advisory Committee

Pursuant to the provisions of 10 V.S.A. §1941(e), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Petroleum Clean-Up Fund Advisory Committee during this biennium:

Senator McCormack

Scenery Preservation Council

Pursuant to the provisions of 10 V.S.A. §425(a), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Scenery Preservation Council during this biennium:

Senator Mazza

Appointment of Senate Members to the Vermont Citizens Advisory Committee on Lake Champlain's Future

Pursuant to the provisions of 10 V.S.A. §1960, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Committee on Lake Champlain's Future for the current biennium:

Senator Lyons

Senator Giard

Appointment of Senate Member to the Vermont Veterans' Memorial Cemetery Advisory Board

Pursuant to the provisions of 20 V.S.A. §1581(a)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Veterans' Memorial Cemetery Advisory Board for a term of two (2) years:

Senator MacDonald

Appointment of Senate Member to the Vermont Web Portal Board

Pursuant to the provisions of 22 V.S.A. § 952(a)(8) (Supp.), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Web Portal Board for this biennium:

Senator Carris

Standing Committee Appointed

The President, on behalf of the Committee on Committees, reported the appointment of the following standing committee, as follows:

Rules

At Call

Senator Campbell, Chair
Carris, Vice-Chair
Mazza
Mullin
Doyle

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 8, 2011, at 9:30 A.M. in the forenoon pursuant to J.R.S. 15.