

# Journal of the Senate

WEDNESDAY, FEBRUARY 23, 2011

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

### S. 79.

By Senators Illuzzi, Campbell and McCormack,

An act relating to medical care for abused animals.

To the Committee on Judiciary.

## House Proposal of Amendment Concurred In

### J.R.S. 16.

House proposal of amendment to Joint Senate resolution entitled:

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.

Was taken up.

The House proposes to the Senate to amend the joint resolution by striking out all after the enacting clause and inserting in lieu thereof the following:

*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 forced to choose between losing highly qualified and effective principals and teachers or reject substantial funding, 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

*Whereas*, Congress has not thoroughly evaluated the impact of ESEA-NCLB on schools and the educational process 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, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

**Bill Passed**

**S. 31.**

Senate bill of the following title was read the third time and passed:

**S. 31.** An act relating to the Agreement Among the States to Elect the President by National Popular Vote.

**Bill Amended; Bill Passed**

**S. 37.**

Senate bill entitled:

An act relating to expungement of a nonviolent misdemeanor criminal history record.

Was taken up.

Thereupon, pending third reading of the bill, Senator Sears moved to amend the bill by in Sec. 1, § 7606(a), after the last sentence by inserting the following: The Vermont criminal information center shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

### **Bill Amended; Third Reading Ordered**

#### **S. 14.**

Senator Ayer, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to display of POW/MIA flag.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 1 V.S.A. § 374 is amended to read:

§ 374. ~~POW-MIA RECOGNITION DAY~~ DISPLAY OF POW/MIA FLAG

(a) ~~The third Friday in the month of September is designated as POW-MIA "POW/MIA Recognition Day."~~

The National League of Families POW/MIA flag, as designated in 36 U.S.C. § 189, shall be displayed, where practicable, on state-owned flagpoles, and at superior courts and city or town halls, provided the flag is donated, on the following dates:

(1) Memorial day, the last Monday in May.

(2) Armed forces day; the third Saturday in May.

(3) Flag day, the fourteenth day of June.

(4) Independence day, the fourth of July.

(5) Veterans' day, the eleventh day of November.

(6) POW/MIA recognition day, the third Friday in the month of September.

And that when so amended the bill ought to pass.

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

**Recess**

On motion of Senator Campbell the Senate recessed until 4:00 P.M.

**Called to Order**

At 4:00 P.M. the Senate was called to order by the President.

**Adjournment**

At four o'clock in the afternoon and no quorum of the Senate having assembled, pursuant to Rule 9 of the Senate Rules on motion of Senator Mazza, the Senate adjourned until eleven o'clock and thirty minutes in the morning on Thursday, February 24, 2011.