

Journal of the House

Wednesday, January 21, 2009

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by **Rep. Timothy Jerman of Essex.**

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Komline of Dorset**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 32

By Rep. O'Donnell of Vernon,

An act relating to operating a motor vehicle with a conditional license to commute to work;

To the committee on Judiciary.

H. 33

By Reps. O'Donnell of Vernon, Donahue of Northfield and Flory of Pittsford,

An act relating to increasing the fine for illegally using parking reserved for disabled persons;

To the committee on Judiciary.

H. 34

By Reps. Lippert of Hinesburg, Bray of New Haven, Donaghy of Poultney, Johnson of S. Hero, Keenan of St. Albans City, McFaun of Barre Town, Minter of Waterbury, Pellett of Chester, Shand of Weathersfield, Sharpe of Bristol and Till of Jericho,

An act relating to automated external defibrillators;

To the committee on Human Services.

H. 35

By Reps. Krawczyk of Bennington, Morrissey of Bennington, Adams of

Hartland, Baker of West Rutland, Brennan of Colchester, Canfield of Fair Haven, Clark of Vergennes, Devereux of Mount Holly, Donaghy of Poultney, Helm of Castleton, Howrigan of Fairfield, Jerman of Essex, Johnson of Canaan, Lewis of Derby, McAllister of Highgate, McNeil of Rutland Town, Myers of Essex and Wright of Burlington,

An act relating to veterans' property tax exemption;

To the committee on Ways and Means.

H. 36

By Rep. Perley of Enosburg,

An act relating to repealing the charter of the Enosburg Falls Incorporated School District;

To the committee on Government Operations.

H. 37

By Reps. Nuovo of Middlebury, Stevens of Shoreham, Ancel of Calais, Andrews of Rutland City, Audette of S. Burlington, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Branagan of Georgia, Bray of New Haven, Browning of Arlington, Canfield of Fair Haven, Cheney of Norwich, Clarkson of Woodstock, Courcelle of Rutland City, Davis of Washington, Devereux of Mount Holly, Donahue of Northfield, Edwards of Brattleboro, Evans of Essex, Fisher of Lincoln, French of Randolph, French of Shrewsbury, Gilbert of Fairfax, Haas of Rochester, Howard of Rutland City, Jerman of Essex, Jewett of Ripton, Krawczyk of Bennington, Lanpher of Vergennes, Lenes of Shelburne, Macaig of Williston, Maier of Middlebury, Marek of Newfane, Masland of Thetford, McFaun of Barre Town, Milkey of Brattleboro, Miller of Shaftsbury, Mitchell of Barnard, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Orr of Charlotte, Pellett of Chester, Peltz of Woodbury, Poirier of Barre City, Pugh of S. Burlington, Shand of Weathersfield, Sharpe of Bristol, Stevens of Waterbury, Sweaney of Windsor, Taylor of Barre City, Webb of Shelburne, Weston of Burlington, Wilson of Manchester, Wizowaty of Burlington and Young of St. Albans City,

An act relating to the repeal of the requirement that school budgets in excess of the maximum inflation amount be presented to the voters as a divided question;

To the committee on Education.

H. 38

By Reps. McAllister of Highgate, Ainsworth of Royalton, Branagan of

Georgia, Dickinson of St. Albans Town, Komline of Dorset, Larocque of Barnet, Lawrence of Lyndon and Savage of Swanton,

An act relating to the consolidation of supervisory unions;

To the committee on Education.

H. 39

By Reps. Andrews of Rutland City, Courcelle of Rutland City, Fagan of Rutland City and Howard of Rutland City,

An act relating to increasing the fees for the reconnection of municipal water and sewer services disconnected because of nonpayment;

To the committee on Government Operations.

H. 40

By Reps. Andrews of Rutland City, Courcelle of Rutland City, Fagan of Rutland City and Howard of Rutland City,

An act relating to the maximum duration of a municipal water and sewer disconnection;

To the committee on Government Operations.

H. 41

By Rep. Till of Jericho,

An act relating to the treatment of a partner of a patient diagnosed with chlamydia;

To the committee on Health Care.

H. 42

By Rep. Turner of Milton,

An act relating to authorizing the use of electric personal assistive mobility devices on bike paths;

To the committee on Transportation.

H. 43

By Reps. Turner of Milton and Rodgers of Glover,

An act relating to the definition of "all-terrain vehicle";

To the committee on Transportation.

H. 44

By Reps. Obuchowski of Rockingham and Partridge of Windham,

An act relating to the definition of "moped";

To the committee on Transportation.

H. 45

By Reps. Obuchowski of Rockingham, Mrowicki of Putney and Partridge of Windham,

An act relating to allowing the clean energy development fund to support the development of geothermal energy;

To the committee on Natural Resources and Energy.

H. 46

By Reps. Klein of East Montpelier, Ancel of Calais, Cheney of Norwich, Clark of Vergennes, Jerman of Essex, Mitchell of Barnard, Pugh of S. Burlington, Till of Jericho, Weston of Burlington and Young of St. Albans City,

An act relating to prohibiting lighted tobacco products outside state, county, and municipal buildings;

To the committee on Human Services.

H. 47

By Rep. Branagan of Georgia,

An act relating to income tax exemptions and credits, rates, and supermajority to raise tax rates;

To the committee on Ways and Means.

H. 48

By Reps. Consejo of Sheldon, Branagan of Georgia, Devereux of Mount Holly, Mrowicki of Putney and Savage of Swanton,

An act relating to designating snowboarding as the state sport of Vermont;

To the committee on General, Housing and Military Affairs.

H. 49

By Reps. Deen of Westminster, Mrowicki of Putney, Obuchowski of Rockingham and Partridge of Windham,

An act relating to lifts and elevators and nonprofit corporations;

To the committee on General, Housing and Military Affairs.

H. 50

By Reps. Clarkson of Woodstock and Jewett of Ripton,
An act relating to uniform child custody jurisdiction and enforcement;
To the committee on Judiciary.

H. 51

By Reps. Obuchowski of Rockingham, Mrowicki of Putney, Partridge of Windham and Shand of Weathersfield,

An act relating to the duration of a certificate of public good for a cable television system;

To the committee on Commerce.

H. 52

By Reps. Obuchowski of Rockingham, Mrowicki of Putney and Partridge of Windham,

An act relating to liquor tastings on the premises of Vermont distilleries;

To the committee on General, Housing and Military Affairs.

H. 53

By Reps. Ancel of Calais, Head of S. Burlington, Andrews of Rutland City, Klein of East Montpelier, Lenes of Shelburne, Minter of Waterbury, Till of Jericho, Wizowaty of Burlington and Zenie of Colchester,

An act relating to protecting minors' health by prohibiting them from using tanning facilities;

To the committee on Human Services.

H. 54

By Reps. Obuchowski of Rockingham, Mrowicki of Putney and Partridge of Windham,

An act relating to petit larceny;

To the committee on Judiciary.

H. 55

By Reps. Donahue of Northfield, Grad of Moretown and Koch of Barre Town,

An act relating to absentee ballot confidentiality;

To the committee on Government Operations.

H. 56

By Rep. Donahue of Northfield,

An act relating to consumer education regarding the presence of mercury in compact fluorescent bulbs;

To the committee on Fish, Wildlife and Water Resources.

H. 57

By Reps. Atkins of Winooski, Audette of S. Burlington, Baker of West Rutland, Higley of Lowell, Hubert of Milton, Johnson of Canaan, Larocque of Barnet, Lewis of Derby, Rodgers of Glover, Savage of Swanton, Trombley of Grand Isle and Turner of Milton,

An act relating to the applicability of amendments to Act 250 rules;

To the committee on Natural Resources and Energy.

H. 58

By Reps. McAllister of Highgate, Botzow of Pownal, Branagan of Georgia, Donaghy of Poultney, Flory of Pittsford, Komline of Dorset, Larocque of Barnet, Pearce of Richford, Perley of Enosburg and Savage of Swanton,

An act relating to standards for goat's milk production;

To the committee on Agriculture .

H. 59

By Reps. Donaghy of Poultney, Baker of West Rutland, Flory of Pittsford and McNeil of Rutland Town,

An act relating to outdoor wood-fired boilers;

To the committee on Natural Resources and Energy.

H. 60

By Reps. Ainsworth of Royalton, Adams of Hartland, Lawrence of Lyndon, McAllister of Highgate, McNeil of Rutland Town, Townsend of Randolph and Winters of Williamstown,

An act relating to compensation for members of the general assembly;

To the committee on Government Operations.

H. 61

By Reps. Pellett of Chester, Donaghy of Poultney, Flory of Pittsford, Marek of Newfane and Martin of Springfield,

An act relating to the qualifications of attorney general, deputy and assistant attorneys general, and deputy state's attorneys;

To the committee on Government Operations.

H. 62

By Reps. Winters of Williamstown, Ainsworth of Royalton, Baker of West Rutland, Botzow of Pownal, Branagan of Georgia, Conquest of Newbury, Fisher of Lincoln, Koch of Barre Town, Lawrence of Lyndon, Lewis of Derby, Masland of Thetford, McAllister of Highgate, McFaun of Barre Town, Savage of Swanton, Taylor of Barre City and Zuckerman of Burlington,

An act relating to an exemption from municipal dog-control ordinances for working farm dogs;

To the committee on Agriculture .

H. 63

By Reps. Canfield of Fair Haven, Andrews of Rutland City, Clarkson of Woodstock, Evans of Essex, McFaun of Barre Town, Morrissey of Bennington, O'Donnell of Vernon, Sweaney of Windsor, Wilson of Manchester and Winters of Williamstown,

An act relating to insurance coverage for bone marrow transplants;

To the committee on Health Care.

H. 64

By Rep. Deen of Westminster,

An act relating to eligibility for the state youth hunting programs;

To the committee on Fish, Wildlife & Water Resources.

H. 65

By Reps. Donahue of Northfield and Grad of Moretown,

An act relating to hunting and fishing licenses for Vermont veterans;

To the committee on Fish, Wildlife & Water Resources.

H. 66

By Reps. Donahue of Northfield, Andrews of Rutland City, Frank of Underhill, French of Shrewsbury and Haas of Rochester,

An act relating to including secondary students with disabilities in senior year activities and ceremonies;

To the committee on Education.

H. 67

By Reps. Donahue of Northfield, Andrews of Rutland City, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, Haas of Rochester and Pugh of S. Burlington,

An act relating to school enrollment for state-placed children;

To the committee on Education.

H. 68

By Reps. Nuovo of Middlebury, Cheney of Norwich, Grad of Moretown and Head of S. Burlington,

An act relating to restricting a person operating a motor vehicle with an operator's license to using hands-free wireless telephones and electronic communication devices;

To the committee on Judiciary.

Joint Resolution Referred to Committee**J.R.H. 2**

Joint resolution relating to federal funding of No Child Left Behind

Offered by: Representatives Rodgers of Glover and Myers of Essex

Whereas, in fiscal year 2002, under the federal "Elementary and Secondary Education Act of 1965" (ESEA), Vermont received approximately \$44.3 million and used the funds to run many programs that accrued great benefits to low-income children and to develop and implement statewide testing in grades 4, 8, and 10 in language arts and mathematics, and

Whereas, in January 2002, the federal government enacted a comprehensive revision to the ESEA known as the "No Child Left Behind Act" (NCLB), which expanded federal requirements for primary and secondary school education, and

Whereas, the act increased every state's timetable of setting standards and testing students for achievement of the standards to once in each of grades 3–8 in language arts and mathematics and once in each of three grades in science, causing a major disruption of administrative and curriculum planning as well as a major expense to Vermont's education system, and

Whereas, the act imposed statutory requirements on local school districts, with respect to specific grades and categories of students, that if not met can result in the loss of federal funds, or in extreme instances the closure of a school, and

Whereas, the act included numerous other provisions which do not fit the Vermont situation, such as the provision that a school must pay to transport a homeless child back to the school of origin, and

Whereas, this is contrary to Vermont law, which requires that a homeless child be educated in the district nearest to where the child is located, and could cost a Vermont school district thousands of dollars in transportation costs, and

Whereas, while the expanded provisions of NCLB directed many meritorious improvements in the public education system, they have interfered severely with state and local legislative and educational administration prerogatives and have cost the state of Vermont considerably more than previously to implement, and

Whereas, Public Law 104-4 of 1995 was intended to curb the practice of imposing unfunded federal mandates on states and local government, and

Whereas, many states, including Vermont, are facing the potentially most difficult economic crisis since the Great Depression, and

Whereas, the current economic crisis is forcing states to make severe budgetary cutbacks that are impacting the essential mission of core state government services, and the implementation of unfunded federal mandates only worsens an already difficult fiscal situation, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its concern over the continuing unfunded mandates of the No Child Left Behind Act, and be it further

Resolved: That the General Assembly urges Congress, as part of its forthcoming economic stimulus package, to either include sufficient funds for the states to administer all federally required programs and policies under the No Child Left Behind Act or repeal the mandatory requirements, and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to the President of the United States, the U.S. secretary of education, the Vermont commissioner of education, and the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Education.

House Resolution Adopted

H.R. 5

House resolution, entitled

House resolution amending Rule 25 of the Rules of the House of Representatives

Was taken up and adopted on the part of the House.

Adjournment

At one o'clock and fifteen minutes in the afternoon, on motion of **Rep. Komline of Dorset**, the House adjourned until tomorrow at one o'clock in the afternoon.