

Journal of the House

Tuesday, March 16, 2010

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Nicholas Zeoli, Educator at Castleton College.

Pledge of Allegiance

Page Johannah Mitchell of Burlington led the House in the Pledge of Allegiance.

Message from the Senate No. 20

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 53. Joint resolution related to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 41. Senate concurrent resolution in memory of former Representative and Senator Nancy Chard.

S.C.R. 42. Senate concurrent resolution congratulating Ruth (Riddick) McLaine of St. Johnsbury on her 100th birthday.

S.C.R. 43. Senate concurrent resolution congratulating Julie Brill on her confirmation as a member of the Federal Trade Commission.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 271. House concurrent resolution commemorating the Green Mountain Club on its centennial anniversary.

H.C.R. 272. House concurrent resolution honoring the South Burlington Community Library children's librarian Marje Von Ohlsen.

House Bills Introduced**H. 774**

By Reps. Pugh of South Burlington, Audette of South Burlington, Geier of South Burlington and Head of South Burlington,

An act relating to approval of amendments to the charter of the city of South Burlington;

To the committee on Government Operations.

H. 775

By the committee on Government Operations,

An act relating to technical changes to the records management authority of the Vermont state archives and records administration;

Under the rule, placed on the Calendar for notice.

H. 776

By the committee on General, Housing and Military Affairs,

An act relating to rental housing;

Under the rule, placed on the Calendar for notice.

H. 777

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

An act relating to municipal lead paint inspections for rental units;

To the committee on General, Housing and Military Affairs.

H. 778

By the committee on Government Operations,

An act relating to amending miscellaneous provisions in Vermont's public retirement systems;

Under the rule, placed on the Calendar for notice.

H. 779

By the committee on Fish, Wildlife & Water Resources,

An act relating to potable water supply and wastewater system permits;

Under the rule, placed on the Calendar for notice.

H. 780

By Reps. Keenan of St. Albans City and Young of St. Albans City,

An act relating to approval of amendments to the charter of the city of St. Albans;

To the committee on Government Operations.

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Calendar, carrying appropriations, under the rule, were referred to the committee on Appropriations:

H. 470

House bill, entitled

An act relating to restructuring of the judiciary

H. 698

House bill, entitled

An act relating to services for Vermont seniors

S. 288

Senate bill, entitled

An act relating to the Vermont recovery and reinvestment act of 2010

Joint Resolution Placed on Calendar**J.R.H. 42**

Joint resolution in support of Congress's adoption of the Main Street Fairness Act

Offered by: Committee on Ways and Means

Whereas, in 1992, the U.S. Supreme Court issued its decision in the case Quill Corporation v. North Dakota, ruling that states could not collect sales taxes from businesses that lacked a physical presence within their borders, and

Whereas, this ruling was based on the theory that states' collection of sales taxes on these businesses was a burden on interstate commerce, and

Whereas, at the time of the ruling, the decision primarily affected catalogue sales, and

Whereas, in 2010, the nation's commercial marketplace has drastically changed, and online sales are now worth \$150 billion annually, and

Whereas, although consumers are not officially excused from paying sales taxes on online sales, the overwhelming majority do not pay sales tax on making an online purchase, and a University of Tennessee study concluded that billions of state sales tax dollars are lost due to nonpayment, and

Whereas, not only are states denied much-needed revenue during these difficult economic times, but local retailers must confront competition from huge merchandisers that lack the overhead expenses of a traditional store and are effectively offering their merchandise tax free, and

Whereas, although in 1992, the U.S. Supreme Court forbade the state of North Dakota from collecting sales taxes from the Quill Corporation, the court held that Congress could enact legislation granting the states the authority to collect sales taxes from retailers with no physical presence in a state, and

Whereas, in order to establish an administrative foundation for the universal collection of state sales taxes, many states, including Vermont, have adopted the Streamlined Sales and Use Tax Agreement, and

Whereas, nationwide, over 1,800 online or remote sellers are now voluntarily collecting state sales tax, and although this is a positive step, it does not address the problem of the nonpayment of state sales taxes comprehensively, and

Whereas, in past sessions of Congress, the Main Street Fairness Act, which would grant federal legislative approval for states to collect sales tax from out-of-state retailers, has been introduced but not passed, and

Whereas, it is anticipated that U.S. Senator Michael Enzi of Wyoming and U.S. Representative William Delahunt of Massachusetts will be introducing this measure in the coming weeks, and

Whereas, the economic vitality of the states demands that Congress enact the Main Street Fairness Act before final adjournment of the 111th Congress, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges U.S. Senator Michael Enzi and U.S. Representative William Delahunt to introduce the Main Street Fairness Act in their respective legislative chambers as soon as possible, and be it further

Resolved: That the General Assembly urges Congress to enact the Main Street Fairness Act following its introduction, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to U.S. Senator Michael Enzi, U.S. Representative William Delahunt, and the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Joint Resolution Placed on Calendar

J.R.H. 43

Joint resolution urging Congress to amend the Toxic Substances Control Act of 1976

Offered by: Committee on Fish, Wildlife and Water Resources

Whereas, more than three decades ago, Congress enacted the Toxic Substances Control Act of 1976, Public Law 94-469 (TSCA), to protect human beings and the environment from the adverse impact of dangerous chemicals, and

Whereas, during the 34 years it has been in force, TSCA has resulted in the testing of fewer than 200 of the roughly 80,000 chemicals known to be in industrial products and has banned only five chemicals or chemical groups, and

Whereas, in 2010, the threat that toxic substances pose to human beings has greatly increased, and

Whereas, these substances include carcinogens, mutagens, reproductive or developmental toxins, endocrine disruptors, and persistent or bioaccumulative toxins, and

Whereas, there is an urgent need to broaden and strengthen the regulation of toxic chemicals and substances in order to reduce their threat to human beings and the environment, and

Whereas, the Alliance for a Clean and Healthy Vermont recently issued a report entitled *Toxic Exposures in the Green Mountain State*, and

Whereas, in this report there were published the results of body burden testing conducted on six ordinary Vermonters, and

Whereas, they were tested to determine the presence of four broad categories of chemicals: bisphenol A (BPA), mercury, pesticides, and flame retardants, and

Whereas, the study was designed to determine the presence of any one of approximately 65 specific chemicals, and

Whereas, DDT, which was famously banned in 1972 after enormous publicity concerning its harmful effects on humans and birds, was found in five of the six persons tested, and chlordane, which has also been banned, was found in all of the test participants, and

Whereas, mercury, which is an extremely harmful neurotoxin, was present in four of the six participants, and

Whereas, within each participant's body, there was detected a minimum of 35 of the approximately 65 chemicals within the four broad categories, and

Whereas, beyond the disheartening specific findings was the overall testing result that these contaminants were present in any of the participants, because it is not natural for these "chemicals to be present in any quantity in the human body," and

Whereas, the general assembly believes that protecting Vermonters against dangerous chemicals is a core function of government, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to amend the Toxic Substances Control Act of 1976 to require broader testing and authorize stronger regulation of chemicals known to be dangerous to human health and the environment but with specific language that the states are not preempted from adopting laws that go beyond the federal requirements, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to President Obama, the Vermont Congressional Delegation and Environmental Protection Agency Administrator Lisa Jackson.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 280

Rep. Grad of Moretown, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to prohibiting texting while operating on a highway

Reported in favor of its passage in concurrence with proposal of amendment as follows:

Sec. 1. SHORT TITLE

This act shall be known as and may be cited as the "Highway Traffic Safety Act of 2010."

* * * Legislative Findings * * *

Sec. 2. LEGISLATIVE FINDINGS

The general assembly finds that:

* * * General Findings * * *

(1) In December 2006, the governor transmitted to the Division Administrator of the Federal Highway Administration the Strategic Highway Plan for Vermont that stated “The first half of 2006 was trending toward a near record-breaking year for highway deaths and incapacitating injuries.” In response to this trend, the Strategic Highway Safety Plan for Vermont was created with the mission to “minimize the occurrence and severity of crashes, related human suffering, and economic losses on the Vermont transportation network.”

(2) According to the governor’s highway safety office, traffic crashes cost the nation about \$230 billion each year in medical expenses, lost productivity, property damage, and related costs. Vermont pays \$221 million of those costs. In 2008, workplace traffic crash injuries cost Vermonters more than \$39 million.

(3) According to the governor’s highway safety program, each highway fatality cost the state of Vermont more than \$900,000.00.

(4) In recognition of the terrible toll in terms of human suffering and financial loss resulting from motor vehicle crashes, on July 6, 2006, the Vermont department of health’s injury prevention program hosted the 2006 Symposium on Preventing Crashes Among Young Drivers at the Inn at Essex, Vermont. The symposium brought together key leaders in highway safety, transportation, public health, and youth development for an in-depth multidisciplinary exploration of the causes of crashes among young drivers and opportunities for prevention.

* * * Teen Driving Safety * * *

(1) The Strategic Highway Safety Plan for Vermont of 2006, signed by the governor and endorsed by state agencies, stated that “new language” should be added to the existing graduated driver license legislation to achieve:

- (A) Restrictions on passengers in cars driven by young drivers.
- (B) Nighttime limitations for young drivers.
- (C) Primary safety belt enforcement to the age of 18.
- (D) No cell phone or electronic device use by junior operators.

(2) From a public health perspective, “motor vehicle crashes are among the most serious problems facing teenagers.” (Anatomy of Crashes Involving Young Drivers–Preventing Teen Motor Crashes.) According to the Centers for Disease Control and Prevention, highway injuries and deaths constitute the largest reason for youth injuries and deaths, and therefore constitute a public health risk warranting remedial action.

(3) According to these sources, the 2002 cost of crashes involving drivers ages 20 through 25 was \$40.8 billion (National Center for Injury Prevention and Control, 2006).

(4) According to the Vermont Safety Education Center (VSEC), junior operator passenger restrictions are essential components of graduated licensing. Crash risks for teenage drivers increase incrementally with one, two, three, or more passengers. With three or more passengers, fatal crash risk is about three times higher than if a beginner were driving alone.

(5) According to VSEC, the presence of passengers is a major contributor to the teenage death toll. About two-thirds of all crash deaths of teens that involve 16-year-old drivers occur when the beginners were driving with teen passengers. Studies indicate that passenger restrictions can reduce this problem.

(6) According to VSEC, four out of every 10 deaths of teens in motor vehicles occur between 9:00 p.m. and 6:00 a.m. Nighttime is one of the riskiest times of day for junior operators due to DUI, darkness, and sleep deprivation in teens. Midnight to 2:00 a.m. is the most dangerous nighttime period.

* * * Cell Phones and Electronic Devices * * *

(1) The National Highway Traffic Safety Administration policy on cell phones states, “The primary responsibility of the driver is to operate a motor vehicle safely. The task of driving requires full attention and focus. Cell phone use can distract drivers from this task, risking harm to themselves and others. Therefore, the safest course of action is to refrain from using a cell phone while driving.”

(2) Teens, driving, and cell phones are a dangerous mix due to teens’ vulnerability to distractions and accidents (“Most Wanted Transportation Safety Improvements,” National Transportation Safety Board, November 2008).

(3) In 2008, the National Safety Council called for a ban on cell phones while driving, stating that “drivers talking on a cell phone are four times as likely to have an accident as drivers who are not.”

* * * Safety Belts * * *

(1) States with primary enforcement average 10-percent higher usage than states with secondary enforcement.

(2) A crash involving an unrestrained person costs 55 percent more than one involving someone who was restrained.

(3) Approximately 74 percent of the costs associated with crashes are paid for by society; the victim pays the balance.

(4) Traffic crashes are not just an enforcement issue.

* * * Nighttime Restrictions * * *

Sec. 3. 23 V.S.A. § 614(c) and (d) are added to read:

(c) A person operating with a junior operator's license shall not operate a motor vehicle between midnight and 5:00 a.m. except when accompanied by a parent or guardian or when carrying the signed and dated written permission of a parent or guardian that contains the parent's or guardian's home and work addresses and telephone numbers.

(d) A person in violation of subsection (c) of this section shall be allowed to drive home, on a direct route, following issuance of a traffic ticket by a law enforcement officer.

* * * Safety Restriction on the Use of Wireless Telephones and Handheld Electronic Devices * * *

Sec. 4. 23 V.S.A. § 1095a is added to read:

§ 1095a. USE OF WIRELESS TELEPHONES AND HANDHELD ELECTRONIC DEVICES

(a)(1) For the purposes of this section, "wireless telephone" shall mean a telephone that is:

(A) capable of sending or receiving telephone communications without being physically connected to a telephone wire or cord; and

(B) used pursuant to a subscription with a commercial entity that provides wireless telephone service.

(2) "Wireless telephone" shall not be construed to include:

(A) a two-way radio that is operated by using a push-to-talk feature and does not require proximity to the ear of the user; or

(B) a communication feature of a voice-activated global positioning or navigation system that is affixed within the passenger compartment of a motor vehicle.

(b) For the purposes of this section, “hands-free use” shall refer to the use of a mobile telephone or electronic communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of the mobile telephone or electronic communication device, by which a user engages in a conversation without the use of either hand; provided, however, this definition shall not preclude the use of either hand to activate, deactivate, or initiate a function of the telephone or device.

(c) Subject to the exceptions set forth in subsection (b) of this section, for the purposes of this section, the term “use,” when referring to the utilization of a wireless telephone or handheld electronic device, shall include telephone calls, texting, and all other functions.

(d) A person under 18 years of age shall not use any wireless telephone or handheld electronic device while operating a moving motor vehicle on a highway. This prohibition shall not apply if it is necessary to place an emergency 911 call.

(e) A person 18 years of age or older shall not use a wireless telephone or electronic communication device while operating a moving motor vehicle on a highway. This prohibition shall not apply to:

(1) hands-free use;

(2) placement of an emergency 911 call; or

(3) use by the following persons for the purpose of and during the course of performing their official duties:

(A) law enforcement officers;

(B) firefighters;

(C) operators of authorized emergency vehicles as defined in section 4 of this title; and

(D) state or municipal employees and their contractors who are actively engaged in road maintenance activities.

Sec. 5. WIRELESS TELEPHONE AND HANDHELD ELECTRONIC DEVICE REPORT

By July 1, 2012, the Vermont League of Cities and Towns, Inc., the Vermont state firefighters association, and the Vermont department of public safety, after consulting with their constituents and other appropriate entities

whether or not under their direct control, shall submit to the house committee on judiciary a report regarding their constituents' progress toward utilization of hands-free communications technology in the course of motor vehicle operation.

* * * Texting Prohibition, Penalties, and Educational Campaign * * *

Sec. 6. 23 V.S.A. § 1099 is added to read:

§ 1099. TEXTING PROHIBITED

(a) As used in this section, "texting" means the composing, reading, or sending of electronic communications including text messages, instant messages, or e-mails using a portable electronic device. As used in this section, "portable electronic device" means a portable electronic or computing device including a cellular telephone, personal digital assistant (PDA), or laptop computer.

(b) A person operating a moving motor vehicle, electric personal mobility device, or farm tractor on a highway; or operating a moving snowmobile, all-terrain vehicle (as defined in section 3501 of this title), or all-surface vehicle on or off a highway; or operating a moving motorboat (as defined in section 3302 of this title) shall not engage in texting.

(c) A person who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a penalty of \$100.00 upon adjudication of a first violation and \$250.00 upon adjudication of a second or subsequent violation within any two-year period.

Sec. 7. 23 V.S.A. § 607a is amended to read:

§ 607a. RECALL OF LEARNER'S PERMIT OR JUNIOR OPERATOR'S LICENSE

(a) A learner's permit or junior operator's license shall contain an admonition that it is recallable and that the later procurement of an operator's license is conditional on the establishment of a record which is satisfactory to the commissioner and showing compliance with the motor vehicle laws of this and other states. The commissioner may recall any license issued to a minor whenever he or she is satisfied, from information provided by a credible person and upon investigation, that the operator is mentally or physically unfit or, because of his or her habits or record as to accidents or convictions, is unsafe to be trusted with the operation of motor vehicles. On recommendation of a diversion or reparative board, the commissioner may recall the learner's permit or junior operator's license of a person in a diversion or reparative program for up to 30 days. The commissioner shall also recall any learner's permit or

junior operator's license for 30 days when an operator is adjudicated of a single texting violation under section 1099 of this title, 90 days following adjudication of a single speeding violation resulting in a three-point assessment ~~or, 90 days when a total of six points has been accumulated, or 90 days when an operator is convicted for~~ adjudicated of a violation of section 678 of this title. When a learner's permit or junior operator's license is so recalled, it shall be reinstated upon expiration of a specific term, and, if required by the commissioner, when the person has passed a reexamination approved by the commissioner.

* * *

Sec. 8. 23 V.S.A. § 2502 are amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Any person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

(1) Two points assessed for:

* * *

(LL)	§ 1095.	Operating with television set installed;
<u>(MM)</u>	<u>§ 1099.</u>	<u>Texting prohibited—first offense;</u>
(MM) <u>(NN)</u>	§ 1113.	Illegal backing;
(NN) <u>(OO)</u>	§ 1114.	Illegal riding on motorcycles;
(OO) <u>(PP)</u>	§ 1115.	Illegal operation of motorcycles on roadways laned for traffic;
(PP) <u>(QQ)</u>	§ 1116.	Clinging to other vehicles;
(QQ) <u>(RR)</u>	§ 1117.	Illegal footrests and handlebars;
(RR) <u>(SS)</u>	§ 1118.	Obstructing the driver's view;
(SS) <u>(TT)</u>	§ 1119.	Improper opening and closing vehicle doors;
(TT) <u>(UU)</u>	§ 1121.	Coasting prohibited;
(UU) <u>(VV)</u>	§ 1122.	Following fire apparatus prohibited;
(VV) <u>(WW)</u>	§ 1123.	Driving over fire hose;

(WW) (XX)	§ 1124.	Position of operator;
(XX) (YY)	§ 1127.	Unsafe control in presence of horses and cattle;
(YY) (ZZ)	§ 1131.	Failure to give warning signal;
(ZZ) (AAA)	§ 1132.	Illegal driving on sidewalk;
(AAA) (BBB)	§ 1243.	Lighting requirements;
(BBB) (CCC)	§ 1256.	Motorcycle headgear;
(CCC) (DDD)	§ 1257.	Face protection;
(DDD) (EEE)	§ 800.	Operating without financial responsibility;
(EEE) (FFF)		All other moving violations which have no specified points;
		* * *

(4) Five points assessed for:

(A)	§ 1050.	Failure to yield to emergency vehicles;
(B)	§ 1075.	Illegal passing of school bus;
<u>(C)</u>	<u>§ 1099.</u>	<u>Texting prohibited—second and subsequent offenses;</u>
(C) (D)	§ 676.	Operating after suspension, revocation or refusal—civil violation;
		* * *

Sec. 9. EDUCATIONAL CAMPAIGN

The commissioner of motor vehicles, in consultation with the commissioner of education, shall formulate a plan to educate operators as to the dangers of operating while texting and the penalties that may be imposed pursuant to this act.

* * * Primary Enforcement of Safety Belt Law; Federal Funds * * *

Sec. 10. REPEAL; PRIMARY ENFORCEMENT OF SAFETY BELT LAW;
ACCEPTANCE OF FEDERAL FUNDS

(a) 23 V.S.A. § 1259(e) (secondary enforcement of safety belt law) is repealed.

(b) The state is authorized to accept any additional funding available from the federal government attributable to the passage of this section.

* * * Operation by a Junior Operator after Recall is a Civil Violation * * *

Sec. 11. 23 V.S.A. § 676 is amended to read:

§ 676. OPERATION AFTER SUSPENSION, REVOCATION, ~~OR~~ REFUSAL, OR RECALL - CIVIL VIOLATION

(a) A person whose license or privilege to operate a motor vehicle has been revoked, suspended ~~or~~, refused, or recalled by the commissioner of motor vehicles for any reason other than a violation of sections 1091(b), 1094(b), 1128(b) or (c), or 1201 or a suspension under section 1205 of this title and who operates or attempts to operate a motor vehicle upon a public highway before the license or privilege of the person to operate a motor vehicle has been reinstated by the commissioner commits a civil traffic violation.

(b) In establishing a prima facie case against a person accused of violating this section, the judicial bureau shall accept as evidence, a printout attested to by the law enforcement officer as the person's motor vehicle record showing convictions and resulting license suspensions. The admitted motor vehicle record shall establish a permissive inference that the person was under suspension or had his or her license revoked or recalled on the dates and time periods set forth in the record. The judicial bureau shall not require a certified copy of the person's motor vehicle record from the department of motor vehicles to establish the permissive inference.

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2010.

and that after passage, the title of the bill be amended to read: "An act relating to the operation of motor vehicles by junior operators, operating with wireless or handheld devices, prohibiting texting, and primary safety belt enforcement"

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committee on Judiciary agreed to.

Pending the question, Shall the bill be read the third time? **Rep. Morley of Barton** moved to amend the report of the committee on Judiciary, as follows:

By striking all except Sec. 6

Pending the question, Shall the House amend the report of the committee on Judiciary, as offered by Rep. Morley of Barton? **Rep. Morley of Barton** asked and was granted leave of the House to withdraw his amendment.

Rep. Grad of Moretown moved to suspend Rule 78 to permit reconsideration immediately.

Assuring the Chair that she voted to adopt the Judiciary proposal of amendment with the prevailing side, **Rep. Grad of Moretown** moved that the House reconsider its vote, which was agreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as proposed by the committee on Judiciary? **Rep. Koch of Barre Town** asked that the question be divided and that Sec. 6 (texting) be voted on first.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Judiciary in Sec. 6? **Rep. Wright of Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the committee on Judiciary in Sec. 6? was decided in the affirmative. Yeas, 139. Nays, 0.

Those who voted in the affirmative are:

Acinapura of Brandon	Corcoran of Bennington	Hooper of Montpelier
Adams of Hartland	Courcelle of Rutland City	Howard of Cambridge
Ainsworth of Royalton	Crawford of Burke	Howard of Rutland City
Ancel of Calais	Davis of Washington	Howrigan of Fairfield
Andrews of Rutland City	Deen of Westminster	Hubert of Milton
Aswad of Burlington	Devereux of Mount Holly	Jerman of Essex
Atkins of Winooski	Donaghy of Poultney	Johnson of South Hero
Baker of West Rutland	Donahue of Northfield	Johnson of Canaan
Bissonnette of Winooski	Donovan of Burlington	Kilmartin of Newport City
Bohi of Hartford	Edwards of Brattleboro	Kitzmiller of Montpelier
Botzow of Pownal	Emmons of Springfield	Klein of East Montpelier
Bray of New Haven	Evans of Essex	Koch of Barre Town
Brennan of Colchester	Fagan of Rutland City	Komline of Dorset
Browning of Arlington	Fisher of Lincoln	Krawczyk of Bennington
Burke of Brattleboro	Frank of Underhill	Krebs of South Hero
Canfield of Fair Haven	French of Shrewsbury	Lanpher of Vergennes
Cheney of Norwich	French of Randolph	Larocque of Barnet
Clark of Vergennes	Geier of South Burlington	Larson of Burlington
Clarkson of Woodstock	Gilbert of Fairfax	Lawrence of Lyndon
Clerkin of Hartford	Grad of Moretown	Lenes of Shelburne
Condon of Colchester	Greshin of Warren	Leriche of Hardwick
Conquest of Newbury	Haas of Rochester	Lewis of Derby
Consejo of Sheldon	Head of South Burlington	Lippert of Hinesburg
Copeland-Hanzas of Bradford	Heath of Westford	Lorber of Burlington
	Higley of Lowell	Macaig of Williston

Maier of Middlebury	Nuovo of Middlebury	Shaw of Pittsford
Malcolm of Pawlet	O'Brien of Richmond	Smith of Mendon
Manwaring of Wilmington	Obuchowski of Rockingham	South of St. Johnsbury
Marcotte of Coventry	O'Donnell of Vernon	Stevens of Waterbury
Marek of Newfane	Olsen of Jamaica	Stevens of Shoreham
Martin of Springfield	Orr of Charlotte	Sweaney of Windsor
Martin of Wolcott	Partridge of Windham	Taylor of Barre City
Masland of Thetford	Pearce of Richford	Till of Jericho
McCullough of Williston	Peaslee of Guildhall	Toll of Danville
McDonald of Berlin	Pellett of Chester	Turner of Milton
McFaun of Barre Town	Peltz of Woodbury	Waite-Simpson of Essex
McNeil of Rutland Town	Perley of Enosburg	Webb of Shelburne
Miller of Shaftsbury	Poirier of Barre City	Weston of Burlington
Minter of Waterbury	Potter of Clarendon	Wheeler of Derby
Mitchell of Barnard	Pugh of South Burlington	Wilson of Manchester
Mook of Bennington	Ram of Burlington	Winters of Williamstown
Moran of Wardsboro	Reis of St. Johnsbury	Wizowaty of Burlington
Morley of Barton	Rodgers of Glover	Wright of Burlington
Morrissey of Bennington	Savage of Swanton	Young of St. Albans City
Mrowicki of Putney	Scheuermann of Stowe	Zenie of Colchester
Myers of Essex	Shand of Weathersfield	Zuckerman of Burlington
Nease of Johnson	Sharpe of Bristol	

Those who voted in the negative are:

none

Those members absent with leave of the House and not voting are:

Audette of South Burlington	Helm of Castleton	Milkey of Brattleboro
Branagan of Georgia	Jewett of Ripton	Spengler of Colchester
Dickinson of St. Albans Town	Keenan of St. Albans City	Townsend of Randolph
	McAllister of Highgate	

Thereupon, **Rep. Zuckerman of Burlington** asked that the question be divided and Sec. 10 be voted on first.

Pending the question, Shall the House propose to the Senate to amend the bill in Sec. 10? **Rep. Higley of Lowell** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill in Sec. 10? was decided in the affirmative. Yeas, 92. Nays, 46.

Those who voted in the affirmative are:

Acinapura of Brandon	Bissonnette of Winooski	Browning of Arlington
Adams of Hartland	Bohi of Hartford	Burke of Brattleboro
Ancel of Calais	Botzow of Pownal	Cheney of Norwich
Andrews of Rutland City	Bray of New Haven	Clarkson of Woodstock
Aswad of Burlington	Brennan of Colchester	Clerkin of Hartford

Copeland-Hanzas of Bradford	Klein of East Montpelier	Myers of Essex
Courcelle of Rutland City	Koch of Barre Town	Nease of Johnson
Deen of Westminster	Krawczyk of Bennington	Nuovo of Middlebury
Devereux of Mount Holly	Krebs of South Hero	O'Brien of Richmond
Donaghy of Poultney	Lanpher of Vergennes	Orr of Charlotte
Donahue of Northfield *	Larson of Burlington	Partridge of Windham
Donovan of Burlington	Lenes of Shelburne	Pearce of Richford
Edwards of Brattleboro	Leriche of Hardwick	Pellett of Chester
Emmons of Springfield	Lippert of Hinesburg	Peltz of Woodbury
Evans of Essex	Lorber of Burlington	Perley of Enosburg
Fagan of Rutland City	Macaig of Williston	Potter of Clarendon
Fisher of Lincoln	Maier of Middlebury	Pugh of South Burlington
Frank of Underhill	Malcolm of Pawlet	Ram of Burlington
French of Shrewsbury	Marek of Newfane	Savage of Swanton
French of Randolph	Martin of Springfield	Shand of Weathersfield
Gilbert of Fairfax	Martin of Wolcott	Smith of Mendon
Grad of Moretown	Masland of Thetford	Stevens of Waterbury
Haas of Rochester	McCullough of Williston	Sweaney of Windsor
Head of South Burlington	McDonald of Berlin	Till of Jericho
Heath of Westford	McFaun of Barre Town	Turner of Milton *
Hoopier of Montpelier	McNeil of Rutland Town	Waite-Simpson of Essex
Howard of Rutland City	Minter of Waterbury	Webb of Shelburne
Jerman of Essex	Mitchell of Barnard	Weston of Burlington
Johnson of South Hero	Mook of Bennington	Wilson of Manchester
Kitzmiller of Montpelier	Moran of Wardsboro	Wizowaty of Burlington
	Mrowicki of Putney	Young of St. Albans City

Those who voted in the negative are:

Ainsworth of Royalton	Hubert of Milton	Reis of St. Johnsbury
Atkins of Winooski	Johnson of Canaan	Rodgers of Glover
Baker of West Rutland	Kilmartin of Newport City	Scheuermann of Stowe
Canfield of Fair Haven	Komline of Dorset	Sharpe of Bristol
Clark of Vergennes	Larocque of Barnet	Shaw of Pittsford
Condon of Colchester	Lawrence of Lyndon	South of St. Johnsbury
Conquest of Newbury	Lewis of Derby	Stevens of Shoreham
Consejo of Sheldon	Manwaring of Wilmington	Taylor of Barre City
Corcoran of Bennington	Marcotte of Coventry	Toll of Danville
Crawford of Burke	Morley of Barton	Wheeler of Derby
Davis of Washington	Morrissey of Bennington	Winters of Williamstown
Geier of South Burlington	Obuchowski of Rockingham	Wright of Burlington
Greshin of Warren	O'Donnell of Vernon	Zenie of Colchester
Higley of Lowell	Olsen of Jamaica	Zuckerman of Burlington
Howard of Cambridge	Peaslee of Guildhall	
Howrigan of Fairfield	Poirier of Barre City	

Those members absent with leave of the House and not voting are:

Audette of South Burlington	Dickinson of St. Albans	Helm of Castleton
Branagan of Georgia	Town	Jewett of Ripton

Keenan of St. Albans City
McAllister of Highgate

Milkey of Brattleboro
Miller of Shaftsbury

Spengler of Colchester
Townsend of Randolph

Rep. Donahue of Northfield explained her vote as follows:

“Mr. Speaker:

I oppose state intervention into private safety decisions. However, that decision was made much earlier by this body. I vote yes because secondary enforcement is an illogical mechanism of law.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

If this law generates a thousand officer discretionary stops and only saves one life, it is worth it to me.”

Rep. Donahue of Northfield asked that the question be divided and Sec. 3 be voted on first.

Thereupon, Sec. 3 was agreed to.

Thereupon, Secs. 1, 2, 4, 5, 7, 8, 9, 11 and 12 were agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Wright of Burlington** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 115. Nays, 26.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Ainsworth of Royalton
Ancel of Calais
Andrews of Rutland City
Aswad of Burlington
Bissonnette of Winooski
Bohi of Hartford
Botzow of Pownal
Bray of New Haven
Brennan of Colchester
Browning of Arlington
Burke of Brattleboro
Canfield of Fair Haven
Cheney of Norwich
Clarkson of Woodstock
Clerkin of Hartford

Conquest of Newbury
Consejo of Sheldon
Copeland-Hanzas of
Bradford
Courcelle of Rutland City
Crawford of Burke
Davis of Washington
Deen of Westminster
Devereux of Mount Holly
Donaghy of Poultney
Donovan of Burlington
Edwards of Brattleboro
Emmons of Springfield
Evans of Essex
Fagan of Rutland City
Fisher of Lincoln
Frank of Underhill

French of Shrewsbury
French of Randolph
Gilbert of Fairfax
Grad of Moretown
Greshin of Warren
Haas of Rochester
Head of South Burlington
Heath of Westford
Hooper of Montpelier
Howard of Rutland City
Howrigan of Fairfield
Hubert of Milton
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Kitzmiller of Montpelier
Klein of East Montpelier

Koch of Barre Town	Miller of Shaftsbury	Reis of St. Johnsbury
Krawczyk of Bennington	Minter of Waterbury	Savage of Swanton
Krebs of South Hero	Mitchell of Barnard	Scheuermann of Stowe
Lanpher of Vergennes	Mook of Bennington	Shand of Weathersfield
Larson of Burlington	Moran of Wardsboro	Shaw of Pittsford
Lawrence of Lyndon	Morrissey of Bennington	Smith of Mendon
Lenes of Shelburne	Mrowicki of Putney	South of St. Johnsbury
Leriche of Hardwick	Myers of Essex	Stevens of Waterbury
Lippert of Hinesburg	Nease of Johnson	Sweaney of Windsor
Lorber of Burlington	Nuovo of Middlebury	Taylor of Barre City
Macaig of Williston	O'Brien of Richmond	Till of Jericho
Maier of Middlebury	Obuchowski of Rockingham	Toll of Danville
Malcolm of Pawlet	Orr of Charlotte	Turner of Milton
Manwaring of Wilmington	Partridge of Windham	Waite-Simpson of Essex
Marek of Newfane	Pearce of Richford	Webb of Shelburne
Martin of Springfield	Pellett of Chester	Weston of Burlington
Martin of Wolcott	Peltz of Woodbury	Wilson of Manchester
Masland of Thetford	Perley of Enosburg	Wizowaty of Burlington
McCullough of Williston	Poirier of Barre City	Young of St. Albans City
McDonald of Berlin	Potter of Clarendon	Zenie of Colchester
McFaun of Barre Town	Pugh of South Burlington	Zuckerman of Burlington *
McNeil of Rutland Town	Ram of Burlington	

Those who voted in the negative are:

Atkins of Winooski *	Johnson of Canaan	Olsen of Jamaica
Baker of West Rutland	Kilmartin of Newport City	Peaslee of Guildhall
Clark of Vergennes	Komline of Dorset	Rodgers of Glover *
Condon of Colchester	Larocque of Barnet	Sharpe of Bristol
Corcoran of Bennington	Lewis of Derby	Stevens of Shoreham
Donahue of Northfield	Marcotte of Coventry	Wheeler of Derby *
Geier of South Burlington	McAllister of Highgate	Winters of Williamstown
Higley of Lowell	Morley of Barton	Wright of Burlington *
Howard of Cambridge	O'Donnell of Vernon	

Those members absent with leave of the House and not voting are:

Audette of South Burlington	Helm of Castleton	Townsend of Randolph
Branagan of Georgia	Keenan of St. Albans City	
Dickinson of St. Albans Town	Milkey of Brattleboro	
	Spengler of Colchester	

Rep. Atkins of Winooski explained his vote as follows:

“Mr. Speaker:

I voted no. I am not in favor of primary enforcement.”

Rep. Rodgers of Glover explained his vote as follows:

“Mr. Speaker:

This country was founded by people who broke unjust laws. I will not give up any freedom easily no matter how small it may seem.”

Rep. Wheeler of Derby explained his vote as follows:

“Mr. Speaker:

If our actions become law we, as legislators, need to set the example. Laws are not only made for others. They are also meant for us. How many legislators haven’t gotten a speeding ticket because of their legislative plates and celebrated that?

If we are pulled over for any of these proposed new laws, or any other motor vehicle laws, including speeding, not only should we worry about getting a ticket, but we should also expect them. Personally, I think we as lawmakers should be held to a higher standard, not a lesser standard. We must not be hypocrites.”

Rep. Wright of Burlington explained his vote as follows:

“Mr. Speaker:

My no vote on the provisions outside of the texting ban, reflects my belief that we need to pass a ban on texting while driving this year. The one thing we all agree on. The rest of this bill has already been passed and sent to the Senate.”

Rep. Zuckerman of Burlington explained his vote as follows:

“Mr. Speaker:

I vote yes because texting while driving is taking others lives into your own hands. That is where we should focus our efforts, not telling people what to do with their own lives.”

Recess

At twelve o'clock and twenty-five minutes in the afternoon, the Speaker declared a recess until one o'clock and fifteen minutes in the afternoon.

At one o'clock and twenty minutes in the afternoon, the Speaker called the House to order.

Rep. Jewett of Ripton in Chair.

Bill Amended, Read Third Time and Passed**H. 555**

House bill, entitled

An act relating to youth hunting

Was taken up and pending third reading of the bill, **Rep. Marcotte of Coventry** moved to amend the bill as follows:

By adding Sec 5a to read as follows:

**Sec. 5a. FISH AND WILDLIFE BOARD REPORT ON YOUTH DEER
HUNTING LIMITS**

On or before January 15, 2011, the fish and wildlife board shall submit to the house committee on fish, wildlife and water resources and the senate committee on natural resources and energy a recommendation as to whether a youth who hunts deer under 10 V.S.A. § 4742a should be limited to the taking of one deer prior to the youth turning 16 years of age.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Bill Amended, Read Third Time and Passed**H. 600**

House bill, entitled

An act relating to permitted investments by the state treasurer

Was taken up and pending third reading of the bill, **Rep. Atkins of Winooski** moved to amend the bill as follows:

First: In Sec.1, 32 V.S.A. § 433(a)(2), by striking “section 30101 of this title” and inserting in lieu thereof “8 V.S.A. § 30101”.

Second: By striking Sec. 2 in its entirety, and renumbering Sec. 3 to be Sec. 2.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Bill Amended; Third Reading Ordered**H. 132**

Rep. Stevens of Waterbury, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to residential electrical installations

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 26 V.S.A. § 894 is amended to read:

§ 894. ENERGIZING INSTALLATIONS; REENERGIZING AFTER EMERGENCY DISCONNECTION

(a) A new electrical installation in or on a complex structure; or an electrical installation used for the testing or construction of a complex structure shall not be connected or caused to be connected, to a source of electrical energy unless prior to such connection, either a temporary or a permanent energizing permit is issued for that installation by the commissioner or an electrical inspector.

(b) An existing electrical installation in any structure, including a single-family owner-occupied freestanding residence, that was disconnected as the result of an emergency that affects the internal electrical circuits, shall not be reconnected to a source of electrical energy until the electrical installation has been inspected and determined to be safe by a licensed journeyman or licensed master electrician.

(c) This section shall not be construed to limit or interfere with a contractor's right to receive payment for electrical work for which a certificate of completion has been granted.

Sec. 2. 26 V.S.A. § 904(a) is amended to read:

(a) To be eligible for licensure as a type-S journeyman an applicant shall:

(1) complete an accredited training and experience program recognized by the board; or

(2) have had training and experience, within or without this state, acceptable to the board; and

(3) pass an examination to the satisfaction of the board in one or more of the following fields:

- (A) Automatic gas or oil heating;
- (B) Outdoor advertising;
- (C) Refrigeration or air conditioning;
- (D) Appliance and motor repairs;
- (E) Well pumps;
- (F) Farm equipment;

(G) Renewable energy systems for one- and two-family dwellings;

(H) Any miscellaneous specified area of specialized competence.

Sec. 3. 26 V.S.A. § 910 is amended to read:

§ 910. LICENSE NOT REQUIRED

A license shall not be required for the following types of work:

(1) Any electrical work, including construction, installation, operation, maintenance, and repair of electrical installations in, on or about equipment or premises, which are owned or leased by the operator of any industrial or manufacturing plant, if the work is done under the supervision of an electrical engineer or master electrician in the employ of the operator;

(2) Installation in laboratories of exposed electrical wiring for experimental purposes only;

(3) Any electrical work by ~~an~~ the owner ~~or his or her regular employees~~ in the ~~owner's~~ owner-occupied freestanding single unit residence, ~~in~~ and outbuildings accessory to ~~such~~ the freestanding single unit residence or any structure on owner-occupied farms;

(4) Electrical installations performed as a part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building in which the installation is made, is to be used as a "complex structure";

(5) Electrical work performed by an electrician's helper under the direct supervision of a person who holds an appropriate license issued under this chapter;

(6) ~~Any electrical work in a building used for dwelling or residential purposes which contains no more than two dwelling units~~ Installation of solar electric modules and racking and erection of residential wind turbines and towers to the point of connection to field-fabricated wiring.

Sec. 4. EFFECTIVE DATE; TRANSITIONAL PROVISIONS

(a) This act shall take effect on passage.

(b) In order to provide time for the electrical licensing board to develop and conduct a test for a type-S journeyman's license for renewable energy installation and for renewable energy installers to complete the licensing requirements, a license shall not be required for renewable energy installations until 12 months after the electrical licensing board adopts this test and licensing procedure.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on General, Housing and Military Affairs agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 408

Rep. Mrowicki of Putney, for the committee on Human Services, to which had been referred House bill, entitled

An act relating to improving nutrition programs

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FEDERAL OPTIONS IN THE SUPPLEMENTAL NUTRITION PROGRAM

(a)(1) It is the intent of the general assembly that the department for children and families will implement the federal options described in this subsection by July 1, 2012.

(2) The department for children and families may implement federal options in 3SquaresVT or seek federal waivers in the supplemental nutrition program to:

(A) expand participation in 3SquaresVT by individuals applying for and receiving Supplemental Security Income (SSI), such as through the combined application project (CAP), through direct communication with potentially eligible individuals known to the department, or through other methods designed to simplify the application process or facilitate access to the program; and

(B) increase participation in 3SquaresVT by individuals age 60 or older through a simplified application process.

(b) Annually, by March 1, the department for children and families shall provide a progress report through testimony to the house committee on human services and the senate committee on health and welfare on implementation of any federal options or waivers that would simplify the administration of 3SquaresVT, simplify the application or recertification process, or increase enrollment in the program. The department's progress report shall include an explanation of any legislative, administrative, or technical challenges encountered that may affect timely implementation.

Sec. 2. AFTER-SCHOOL SNACK PROGRAM

(a) By October 1, 2010, the department of education shall require that every after-school program funded in whole or in part by a grant under the 21st Century Community Learning Center program create an after-school snack program using federal funds from the national school lunch after-school snack program or the child and adult care food program.

(b) By October 1, 2010, the department of education shall require that one or more schools in districts with organizations receiving a grant under the 21st Century Community Learning Center program for an after-school snack program provide fiscal sponsorship of the national school lunch after-school snack program for these organizations. The department shall only require the school to provide fiscal sponsorship if requested by the organization in the district providing an after-school snack program.

(c) The school board or the after-school program may apply to the department of education for a waiver of the requirements in this section. The commissioner shall grant the requested waiver if he or she finds that it is unduly difficult for the school district or after-school program to provide a snack, and if he or she finds that the school district or after-school program has exercised due diligence in its efforts to avoid the situation that gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed a school year.

Sec. 3. AFTER-SCHOOL SNACK PROGRAM; WORKGROUP

(a) By July 1, 2010, the interagency council on hunger established by Executive Order No. 11-09 shall convene a meeting, including interested parties, in order to create a plan to maximize the availability of after-school snack programs using federal funds from the national school lunch after-school snack program or the child and adult care food program. The council shall focus its efforts to expand after-school snack programs in areas where at least 50 percent of the students in a school were eligible for free or reduced-price meals under 16 V.S.A. § 1264 for at least one month in the preceding academic year.

(b) The council shall report to the house committees on education and on human services and the senate committees on education and on health and welfare on January 15, 2011, on its progress in expanding availability of after-school snack programs.

Sec. 4. 16 V.S.A. § 1264 is amended to read:

§ 1264. FOOD PROGRAM

(a)(1) Each school board ~~actually~~ operating a public school shall cause to operate within the school district a food program ~~which that~~ makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending pupil every school day.

(2) Each school board operating a public school shall offer a summer snack or meals program funded by the Summer Food Service program or the National School Lunch Program for participants in a summer educational or recreational program or camp if:

(A) At least 50 percent of the students in a school were eligible for free or reduced-price meals under subdivision (1) of this subsection for at least one month in the preceding academic year;

(B) The district operates or funds the summer educational or recreational program or camp; and

(C) The summer educational or recreational program or camp is offered 15 or more hours per week.

(b) In the event of an emergency, the school board may apply to the department for a temporary waiver of ~~this daily operating requirement~~ the requirements in subsection (a) of this section. The commissioner shall grant the requested waiver if he or she finds that it is unduly difficult for the school district to ~~serve provide~~ a school lunch ~~or~~, breakfast, or ~~both~~ summer meals program, or any combination of the three, and if he or she finds that the school district has exercised due diligence in its efforts to avoid the emergency situation ~~which that~~ gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed 20 school days or, in the case of a summer meals program, the remainder of the summer vacation.

~~(b)(c)~~ (c) The state shall be responsible for the student share of the cost of breakfasts provided to all students eligible for a reduced price breakfast under the federal school breakfast program.

Sec. 5. DIRECT CERTIFICATION FOR SCHOOL MEALS PROGRAMS

The department for children and families and the department of education shall continue to improve the monthly direct certification process through the use of automated data matches in order to certify children receiving 3SquaresVT as eligible for school breakfast, lunch, and summer meals programs.

Sec. 6. EFFECTIVE DATE

This act shall take effect on passage.

Rep. Zenie of Colchester, for the committee on Education, reported that the bill ought to pass when amended as recommended by the committee on Human Services.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Human Services and Education agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 648

Rep. Kilmartin of Newport City, for the committee on Education, to which had been referred House bill, entitled

An act relating to harassment and hazing policies at independent colleges

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 178 is added to read:

§ 178. HARASSMENT AND HAZING PREVENTION POLICIES;
POSTSECONDARY SCHOOLS

(a) The board of trustees or other governing body of each postsecondary school, as defined in subdivision 140a(1) of this title, operating in Vermont shall adopt and ensure enforcement of a policy establishing that harassment as defined in subdivision 11(a)(26) of this title is a form of unlawful discrimination and therefore prohibited. The board shall also require the establishment of procedures to address complaints of discriminatory harassment and to initiate educational programs designed to prevent such conduct.

(b) The board of trustees or other governing body of each postsecondary school, as defined in subdivision 140a(1) of this title, operating in Vermont shall adopt and ensure enforcement of a policy prohibiting hazing, which shall define hazing in a manner that is at least as stringent as the definition contained in subdivision 11(a)(30) of this title. The policy shall include penalties or sanctions or both for organizations that or individuals who engage in hazing; revocation or suspension of an organization's permission to operate or exist within the institution's purview if that organization knowingly permits, authorizes, or condones hazing; and clear delineation of circumstances under which hazing will be reported to a law enforcement agency. A summary of the policy shall be distributed to all students at least annually.

Sec. 2. 16 V.S.A. § 178a is added to read:

§ 178a. POSTSECONDARY SCHOOLS; HARASSMENT, HAZING, AND BULLYING; STATE POLICY

It is the policy of the state of Vermont that all Vermont postsecondary schools provide safe, orderly, civil, and positive learning environments. Harassment, hazing, and bullying have no place and will not be tolerated in Vermont schools. No Vermont postsecondary student should feel threatened or be discriminated against while enrolled in a Vermont postsecondary school.

Sec. 3. 16 V.S.A. § 565(b) is amended to read:

(b) Each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title harassment and hazing prevention policies which shall be at least as stringent as model policies developed by the commissioner. In this section, the definitions of ~~educational institution~~, organization, pledging, and student shall be the same as those in ~~section 140a~~ subdivisions 140a(2), (3), and (4) of this title. In this section, educational institution means public schools and independent schools as defined in section 11 of this title.

* * *

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage. Independent postsecondary schools shall develop and adopt the policies and procedures required by this act no later than July 1, 2010.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Education agreed to and third reading ordered.

Adjournment

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

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 271

House concurrent resolution commemorating the Green Mountain Club on its centennial anniversary;

H.C.R. 272

House concurrent resolution honoring the South Burlington Community Library children's librarian Marje Von Ohlsen;

S.C.R. 41

Senate concurrent resolution in memory of former Representative and Senator Nancy Chard;

S.C.R. 42

Senate concurrent resolution congratulating Ruth (Riddick) McLane of St. Johnsbury on her 100th birthday;

S.C.R. 43

Senate concurrent resolution congratulating Julie Brill on her confirmation as a member of the Federal Trade Commission.

[The full text of the concurrent resolutions appeared in the House and Senate Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2010, seventieth Biennial session.]