

Senate Calendar

WEDNESDAY, FEBRUARY 23, 2011

SENATE CONVENES AT: 1:15 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

CONSIDERATION POSTPONED UNTIL FEBRUARY 23, 2011

House Proposal of Amendment

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.

The House proposes to the Senate to amend the resolution by striking out all after the title 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

NEW BUSINESS

Third Reading

S. 31.

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

S. 37.

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

Second Reading

Favorable with Recommendation of Amendment

S. 14.

An act relating to display of POW/MIA flag.

Reported favorably with recommendation of amendment by Senator Ayer for the Committee on Government Operations.

The Committee recommends 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.

(Committee vote: 5-0-0)

NOTICE CALENDAR

Second Reading

Favorable

S. 48.

An act relating to prohibiting a sex offender from using a false name when creating a social networking website profile.

Reported favorably by Senator White for the Committee on Judiciary.

(Committee vote: 5-0-0)

Favorable with Recommendation of Amendment

S. 73.

An act relating to raising the penalties for attempting to elude a police officer.

Reported favorably with recommendation of amendment by Senator Snelling for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 1133 is amended to read:

§ 1133. ~~ATTEMPTING TO ELUDE~~ ELUDING A POLICE OFFICER

(a) No operator of a motor vehicle shall fail to bring his or her vehicle to a stop when signaled to do so by an enforcement officer:

(1) displaying insignia identifying him or her as such; or

(2) operating a law enforcement vehicle sounding a siren and displaying a flashing blue or blue and white signal lamp.

(b)(1) A person who violates subsection (a) of this section shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both.

(2)(A) In the event that death ~~or serious bodily injury~~ to any person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator shall be imprisoned for ~~not more than five years~~ less than one year nor more than 15 years or fined not more than ~~\$3,000.00~~ \$10,000.00, or both.

(B) If death ~~or serious bodily injury~~ to more than one person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator may be convicted of a separate violation of this subdivision for each decedent ~~or person injured~~.

(3)(A) In the event that serious bodily injury to any person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator shall be imprisoned for not more than 15 years or fined not more than \$5,000.00, or both.

(B) If serious bodily injury to more than one person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator may be convicted of a separate violation of this subdivision for each person injured.

(4) A person who violates subsection (a) of this section while operating the vehicle in a negligent or grossly negligent manner in violation of section 1091 of this title shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.

* * *

(Committee vote: 5-0-0)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Kate Duffy of Williston – Commissioner of the Department of Human Resources– By Sen. Flory for the Committee on Government Operations. (1/25/11)

Jim Reardon of Essex Junction – Commissioner of the Department of Finance and Management – By Sen. White for the Committee on Government

Operations. (1/28/11)

Chuck Ross of Hinesburg – Secretary of the Agency of Agriculture – By Sen. Kittell for the Committee on Agriculture. (1/28/11)

Robert D. Ide of Peacham – Commissioner of the Department of Motor Vehicles – By Sen. Kitchel for the Committee on Transportation. (1/28/11)

Jeb Spaulding of Montpelier – Secretary of the Agency of Administration – By Sen. Pollina for the Committee on Government Operations. (1/28/11)

Mary Peterson of Williston – Commissioner of the Department of Taxes – By Sen. Westman for the Committee on Finance. (1/28/11)

Steve Kimbell of Tunbridge – Commissioner of the Department of Banking, Insurance, Securities and Health Care Administration – By Sen. Cummings for the Committee on Finance. (1/28/11)

Brian Searles of Burlington – Secretary of the Agency of Transportation – By Sen. Mazza for the Committee on Transportation. (2/1/11)

Bruce Post of Essex Junction – Member of the Board of Libraries – By Sen. Baruth for the Committee on Education. (2/4/11)

Jason Gibbs of Duxbury – Member of the Community High School of Vermont Board – By Sen. Doyle for the Committee on Education. (2/15/11)

John Fitzhugh of West Berlin – Member of the Board of Libraries – By Sen. Doyle for the Committee on Education. (2/15/11)

Susan Wehry of Burlington – Commissioner of the Department of Disabilities, Aging and Independent Living – By Sen. Pollina for the Committee on Health and Welfare. (2/15/11)

Dave Yacavone of Morrisville – Commissioner of the Department of Children and Families – By Sen. Fox for the Committee on Health and Welfare. (2/15/11)

Christine Oliver of Montpelier – Commissioner of the Department of Mental Health – By Sen. Mullin for the Committee on Health and Welfare. (2/15/11)

Doug Racine of Richmond – Secretary of the Agency of Human Services – By Sen. Ayer for the Committee on Health and Welfare. (2/15/11)

Michael Obuchowski of Montpelier – Commissioner of the Department of Buildings and General Services – By Sen. Hartwell for the Committee on Institutions. (2/17/11)

Susan Besio of Jericho – Commissioner of the Department of Vermont

Health Access – By Sen. Miller for the Committee on Health and Welfare. (2/18/11)

Susan Besio of Jericho – Commissioner of the Department of Vermont Health Access – By Sen. Miller for the Committee on Health and Welfare. (2/18/11)

Harry Chen of Mendon – Commissioner of the Department of Health – By Sen. Mullin for the Committee on Health and Welfare. (2/18/11)

Andrew Pallito of Jericho – Commissioner of the Department of Corrections – By Sen. Hartwell for the Committee on Institutions. (2/18/11)

Keith Flynn of Derby Line – Commissioner of the Department of Public Safety – By Sen. Flory for the Committee on Transportation. (2/22/11)

Elizabeth Strano of Bennington – Member of the State Board of Education – By Sen. Baruth for the Committee on Education. (2/24/11)

Amy W. Grillo of Dummerston – Member of the Community High School of Vermont Board – By Sen. Baruth for the Committee on Education. (2/24/11)

PUBLIC HEARINGS

Wednesday, February 23, 2011 – Room 11 – 9:00-11:00 A.M. – Re: Governor’s Proposed FY2012 State Budget – House Committee on Appropriations.

Thursday, February 24, 2011 – Room 11 – 7:00 P.M. – Re: Retention of Judges – Joint Committee on Judicial Retention.

Wednesday, March 9, 2011 – Room 11 – 5:30-7:30 P.M. – Re: Gubernatorial appointment of the Secretary of Education and the structure of the State Board of Education – House Committee on Education.

CROSSOVER DEADLINES

The following bill reporting deadlines are established for the 2011 session:

(1) From the standing committee of last reference (excluding the Committees on Appropriations and Finance), all Senate bills must be reported out of committee on or before March 11, 2011.

(2) Senate bills referred pursuant to Senate Rule 31, must be reported out of the Committees on Appropriations and Finance on or before March 18, 2011.

(3) These deadlines may be waived for any bill or committee **only** by consent given by the Committee on Rules.

Exceptions to the foregoing deadlines include the major money bills (Appropriations, Transportation, Capital, and Miscellaneous Taxes).

REPORTS ON FILE

Pursuant to the provisions of 2 V.S.A. §20(c), one (1) hard copy of the following reports is on file in the office of the Secretary of the Senate. Effective January 2010, pursuant to Act No. 192, Adj. Sess. (2008) §5.005(g) some reports will automatically be sent by electronic copy only and can be found on the State of Vermont webpage.

15. Vermont Coalition of Runaway & Homeless Youth Programs Annual Report. (February 2011).

16. Uniform Enforcement Act 2010 Report. (Agency of Natural Resources, Department of Environmental Conservation Compliance & Enforcement Division) (February 2011).

17. Vermont Center for Geographic Information 2010 Annual Report. (February 2011).

18. Management of Stormwater Impaired Waters Annual Report. (Agency of Natural Resources, Department of Environmental Conservation) (February 2011).