

Journal of the Senate

FRIDAY, JANUARY 29, 2010

The Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend Mark Pitton of Montpelier.

Message from the House No. 13

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 passed a House bill of the following title:

H. 461. An act relating to small estates.

In the passage of which the concurrence of the Senate is requested.

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 45. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Message from the House No. 14

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 passed House bills of the following titles:

H. 485. An act relating to the use value appraisal program.

H. 533. An act relating to military parents' rights.

In the passage of which the concurrence of the Senate is requested.

Bill Introduced

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

S. 279.

By Senator Campbell,

An act relating to nonunanimous jury verdicts in civil actions.

To the Committee on Judiciary.

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. 280.

By the Committee on Transportation,

An act relating to prohibiting texting while operating on a highway.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 461.

An act relating to small estates.

To the Committee on Judiciary.

H. 485.

An act relating to the use value appraisal program.

To the Committee on Finance.

H. 533.

An act relating to military parents' rights.

To the Committee on Judiciary.

President Assumes the Chair

Senate Resolution Referred**S.R. 17.**

Senate resolution of the following title was offered, read the first time and is as follows:

Senate resolution urging Congress to authorize alternative waivers to the 21-year-old minimum drinking age that do not entail federal highway funding penalties for states.

Whereas, in 1984, Congress enacted Public Law 97-364, which in Sec. 101(a) added 23 U.S.C. § 408(f)(6) to the United States Code that established the statutory basis for the federal penalty that withholds ten percent of a state's federal highway funding if the state's drinking age is lower than 21, and

Whereas, many years of experience have shown that the 21-year-old drinking age is a contributing factor to a culture of dangerous and clandestine binge drinking, and

Whereas, raising the drinking age to 21 coincided with societal benefits, but many of these are attributable to advancements in safety, technology and education, including the encouraging of use of designated drivers, and

Whereas, many of the benefits initially achieved after the drinking age was raised to 21 are now being offset due to the primarily unintentional and negative consequences related to continued and unsupervised underage drinking, and

Whereas, law enforcement officials have stated that it is difficult to enforce laws preventing minors from possessing alcohol, and that enforcement efforts push underage drinking further underground to settings that are unsupervised, which has led to greater alcohol consumption, and

Whereas, this problem is reaching crisis proportions, and

Whereas, we consider our young adults responsible enough to defend our country and to elect our public officials at the age of 18, but we do not allow them to drink until they turn 21, and

Whereas, we do not let our soldiers go to war without training and do not let our young adults drive without training, but we prevent young persons from drinking until the age of 21, at which time they are immediately able to drink without education or training, and

Whereas, the current ten percent highway funding penalty prevents an open and informed public debate about the effects of the 21-year-old drinking age as

well as about the exploration and testing of innovative educational solutions to address what has become a secret culture of unsupervised overindulgence, and

Whereas, in September 2008 the United States Congress passed resolutions celebrating 75 years of effective state-based alcohol regulation which recognized state lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal and successful system of alcoholic beverage regulation, distribution and sale, and

Whereas, given the constitutional authority of states to regulate alcohol within their borders, Congress should consider looking at innovative solutions that reflect the current reality to address this growing problem, and

Whereas, since the 1980s, there has been significant advancement on this issue, and it deserves proper scrutiny, and

Whereas, each state has unique qualities and citizens that make a one-size-fits-all solution difficult, and each state should have the opportunity to explore solutions to the continuing drinking problem by developing a comprehensive program that addresses its unique situation, and

Whereas, policy options, such as a waiver of the ten percent highway funding penalty for any state that is willing to meet specified criteria or alternatively to implement educational or licensing programs to address the problem of binge drinking in its state, should be considered and explored, *now therefore be it*

Resolved by the Senate:

That the Senate of the State of Vermont urges Congress to grant a waiver to the financial penalty for a state that does not adhere to the federal minimum legal drinking age and to authorize the implementation of innovative state criteria for a trial period that are designed to address the growing problem of binge drinking, *and be it further*

Resolved: That the State of Vermont is interested in being a progressive leader that would take advantage of a federal waiver program that encourages innovative solutions to the growing problem of binge drinking, *and be it further*

Resolved: That the Secretary of the Senate be directed to send a copy of this resolution to the Vermont congressional delegation.

Thereupon, the President, in his discretion, treated the joint resolution as a bill and referred it to the Committee on Economic Development, Housing and General Affairs.

**Message from the Governor
Appointment Referred**

A message was received from the Governor, by David Coriell, Secretary of Civil and Military Affairs, submitting the following appointment, which was referred to a committee as indicated:

Cioffi, Frank of St. Albans – Member and Chair of the Vermont Lottery Commission, - from January 22, 2010, to February 28, 2011.

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

**Rules Suspended; Committee Relieved of Further Consideration; Bills
Committed**

S. 205.

On motion of Senator Mullin, the rules were suspended, and S. 205 was taken up for immediate consideration, for the purpose of relieving the Committee on Health and Welfare from further consideration of the bill. Thereupon, on motion of Senator Mullin, the Committee on Health and Welfare was relieved of Senate bill entitled:

An act relating to the Revised Uniform Anatomical Gift Act,
and the bill was committed to the Committee on Government Operations.

S. 226.

On motion of Senator Mullin, the rules were suspended, and S. 226 was taken up for immediate consideration, for the purpose of relieving the Committee on Health and Welfare from further consideration of the bill. Thereupon, on motion of Senator Mullin, the Committee on Health and Welfare was relieved of Senate bill entitled:

An act relating to medical marijuana dispensaries,
and the bill was committed to the Committee on Government Operations.

Bill Passed

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

S. 154. An act relating to repealing the sunset on criminal history record check fees.

Bill Amended; Bill Passed**S. 158.**

Senate bill entitled:

An act relating to marriage records.

Was taken up.

Thereupon, pending third reading of the bill, Senator Sears moved to amend the bill in Sec. 1, 18 V.S.A. § 5131(a)(2), in the forms, in the two instances after the words: “confidential information below” by inserting the following words: relating to previous marriages and civil unions

Which was agreed to.

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

Bill Passed

Senate bills of the following titles were severally read the third time and passed:

S. 161. An act relating to National Crime Prevention and Privacy Compact.

S. 165. An act relating to eliminating the statute of limitations for felonies.

S. 173. An act relating to technical corrections to the trust laws.

Bill Amended; Third Reading Ordered**S. 196.**

Senator Hartwell, for the Committee on Transportation, to which was referred Senate bill entitled:

An act relating to processing the application for motor vehicle emergency light permits.

Reported recommending that the bill be amended by adding a new section to be numbered Sec. 2 to read as follows:

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that when so amended the bill ought to pass.

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.

Adjournment

On motion of Senator Shumlin, the Senate adjourned, to reconvene on Tuesday, February 2, 2010, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 45.