

# Journal of the Senate

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Friday, April 1, 2011

Pursuant to Rule 8 of the Senate Rules, in the absence of the President (who was Acting Governor in the absence of the Governor) and the President *pro tempore*, the time for convening of the Senate having been set at eleven o'clock and thirty minutes, the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Message from the House No. 41

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. 254.** An act relating to consumer protection.

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

## Presiding Officer Elected

Thereupon, pursuant to the provisions of Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the Senate proceeded to the election of an acting President *pro tempore* to preside.

Nominations being in order, Senator Carris nominated Senator Richard T. Mazza to be acting President *pro tempore*.

There being no further nominations, on motion of Senator Carris, the nominations were closed, and the Assistant Secretary was instructed to cast one ballot for Senator Richard T. Mazza to serve as presiding officer until the return of the President or the President *pro tempore*.

## Senator Mazza Assumes the Chair

**Pages Honored**

In appreciation of their many services to the members of the General Assembly, the President recognized the following-named pages who are completing their services today and presented them with letters of appreciation.

Katie Barker of Burlington  
Tanmatra Bhanti of Brattleboro  
Amanda Dean of Pownal  
Celia Feal-Staub of Putney  
Alyssa Higgins of East Fairfield  
Lindsey Maloney of Northfield  
Alexander Pasanen of South Burlington  
Dylan Rick of Chelsea  
Luke Strohbehn of Norwich  
Victoria Svec of East Dummerston

**Senate Resolution Placed on Calendar****S.R. 8.**

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

By Senators Campbell, McCormack, Illuzzi, Galbraith, Ashe, Ayer, Baruth, Brock, Carris, Cummings, Flory, Fox, Giard, Hartwell, Kitchel, Kittell, Lyons, MacDonald, Miller, Nitka, Pollina, Sears, Snelling, Westman, and White,

**S.R. 8.** Senate resolution expressing support for the collective bargaining rights of public employees.

*Whereas*, public servants are our friends, neighbors, and constituents, and through their carrying out our legislative enactments, they enable us to meet our commitments to all citizens, and

*Whereas*, historically, labor unions are responsible for the civilized working conditions we take for granted, including the 40-hour work weeks, laws pertaining to child labor and health and safety conditions, overtime pay, and health insurance and pension coverage, and

*Whereas*, as a central part of our democracy, labor unions are the bulwark of assuring a strong middle-class society, and collective bargaining is neither a weapon nor a bludgeon but rather an enlightened method to resolve disagreements in good faith, and

*Whereas*, the state of Wisconsin recently passed legislation eliminating that state's employees' right to bargain collectively except for "base wages" of one year's duration and even then only for increases that do not exceed the

consumer price index unless a voter referendum to the contrary is approved, and

*Whereas*, the same act also terminates entirely the collective bargaining rights of the University of Wisconsin System, the University of Wisconsin Hospitals and Clinics Authority, and certain home care and child health care providers, and

*Whereas*, although a Wisconsin state judge has enjoined enforcement of this law based on the failure of the legislature to observe Wisconsin's advance notice requirements for public meetings, the legislative and executive desire to enact this measure remains strong, and it is still possible that this or a similar measure may yet become law, and

*Whereas*, other states are also proposing to roll back collective bargaining rights, and the matter is now on the forefront of legislative consideration in Ohio and Indiana, and

*Whereas*, collective bargaining is a fundamental right in accordance with Article 23 of the Universal Declaration of Rights of which the United States is a signatory, and

*Whereas*, the International Labor Organization, of which the United States is a member, in its Declaration of Fundamental Principles and Rights at Work defines the freedom of association and the effective recognition of the right to collectively bargain as essential rights of workers, and

*Whereas*, the American Baptist Church, the Episcopal Church, the Central Conference of American Rabbis, the Evangelical Lutheran Church of America, the Presbyterian Church, the Roman Catholic Church, the United Methodist Church, the United Church of Christ, and the United Universalists Association of Congregations as well as other religious organizations support the rights of employees to bargain collectively, and

*Whereas*, the United States of America is a union of many disparate states that collectively work together for their mutual well-being on many different levels, *now therefore be it*

***Resolved by the Senate:***

That the Senate of the State of Vermont, despite these hard economic times, recognize the great value of all public sector employees and reaffirm the legitimacy of their right to bargain collectively by sitting down with their employer in an atmosphere of mutual respect, *and be it further*

***Resolved:*** That workers in all states, regardless of economic sector and job title or responsibility, must have a basic right to organize and bargain collectively for a fair and just outcome, *and be it further*

**Resolved:** That the Secretary of the Senate be directed to send a copy of this resolution to Indiana Governor Mitch Daniels, Ohio Governor John Kasich, Wisconsin Governor Scott Walker, and all labor unions in Vermont.

Thereupon, in the discretion of the President, under Rule 51, the resolution was placed on the Calendar for action the next legislative day.

#### **Bills Referred**

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

#### **H. 335.**

An act relating to amending the charter of the town of Barre.

To the Committee on Government Operations.

#### **H. 444.**

An act relating to approval of amendments to the charter of the city of Burlington.

To the Committee on Government Operations.

#### **Rules Suspended; Third Readings Ordered, Rules Suspended; Bills Passed in Concurrence; Bills Messaged**

#### **H. 335.**

Pending entry on the Calendar for notice, on motion of Senator White, the rules were suspended and House bill entitled:

An act relating to amending the charter of the town of Barre.

Was taken up for immediate consideration.

Senator Pollina, for the Committee on Government Operations, to which the bill was referred, reported that the bill ought to pass in concurrence.

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

Thereupon, on motion of Senator White, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

Thereupon, the bill was read the third time and pass in concurrence.

Thereupon, on motion of Senator White, the rules were suspended and the bill was ordered messaged to the House forthwith.

#### **H. 444.**

Pending entry on the Calendar for notice, on motion of Senator White, the rules were suspended and House bill entitled:

An act relating to approval of amendments to the charter of the city of Burlington.

Was taken up for immediate consideration.

Senator Flory, for the Committee on Government Operations, to which the bill was referred, reported that the bill ought to pass in concurrence.

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

Thereupon, on motion of Senator White, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

Thereupon, the bill was read the third time and pass in concurrence.

Thereupon, on motion of Senator White, the rules were suspended and the bill was ordered messaged to the House forthwith.

#### **Message from the House No. 42**

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. 443.** An act relating to the state's transportation program.

**H. 446.** An act relating to capital construction and state bonding.

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

The House has adopted House concurrent resolutions of the following titles:

**H.C.R. 108.** House concurrent resolution congratulating the winning teams at the 4th annual Jr. Iron Chef VT competition.

**H.C.R. 109.** House concurrent resolution congratulating the 2011 Barre Blades Pee Wee B hockey team on winning the Vermont State Amateur Hockey Association championship.

**H.C.R. 110.** House concurrent resolution congratulating Amanda Eldridge on winning the 2010 Positive Youth Sports Alliance of Essex's coach of the year award.

**H.C.R. 111.** House concurrent resolution congratulating Meigan Clark on winning the 2011 Vermont state spelling bee.

**H.C.R. 112.** House concurrent resolution honoring the women and girls associated with the Wells River Congregational Church.

**H.C.R. 113.** House concurrent resolution congratulating the 2011 Norwich University Cadets NCAA Division III championship women's ice hockey team.

**H.C.R. 114.** House concurrent resolution congratulating the 2011 Poultney High School Blue Devils Division IV championship basketball team.

**H.C.R. 115.** House concurrent resolution congratulating the 2011 Windsor High School Yellow Jackets Division III championship girls' basketball team.

**H.C.R. 116.** House concurrent resolution congratulating the 2011 Middlebury Union High School Tigers Division II championship boys' ice hockey team.

**H.C.R. 117.** House concurrent resolution commemorating the 30th anniversary of the Medicare hospice program.

**H.C.R. 118.** House concurrent resolution congratulating the 2011 Lamoille Union High School Lancers Division II girls' basketball championship team.

**H.C.R. 119.** House concurrent resolution congratulating the Winooski High School Spartans Division III championship boys' basketball team.

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

#### **House Concurrent Resolutions**

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence:

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By Representative Stevens and others,

**H.C.R. 108.**

House concurrent resolution congratulating the winning teams at the 4th annual Jr. Iron Chef VT competition.

By Representative Toll and others,

By Senators Benning, Cummings, Doyle, Kitchel and Pollina,

**H.C.R. 109.**

House concurrent resolution congratulating the 2011 Barre Blades Pee Wee B hockey team on winning the Vermont State Amateur Hockey Association championship.

By Representative Waite-Simpson and others,

**H.C.R. 110.**

House concurrent resolution congratulating Amanda Eldridge on winning the 2010 Positive Youth Sports Alliance of Essex's coach of the year award.

By Representatives Ralston and Nuovo,

By Senators Ayer and Giard,

**H.C.R. 111.**

House concurrent resolution congratulating Meigan Clark on winning the 2011 Vermont state spelling bee.

By Representative Conquest,

**H.C.R. 112.**

House concurrent resolution honoring the women and girls associated with the Wells River Congregational Church.

By Representatives Donahue and Grad,

By Senators Cummings, Doyle and Pollina,

**H.C.R. 113.**

House concurrent resolution congratulating the 2011 Norwich University Cadets NCAA Division III championship women's ice hockey team.

By Representatives Donaghy and Malcolm,  
By Senators Carris, Flory, Mullin and Nitka,

**H.C.R. 114.**

House concurrent resolution congratulating the 2011 Poultney High School Blue Devils Division IV championship basketball team.

By Representative Sweaney and others,  
By Senators Campbell, McCormack and Nitka,

**H.C.R. 115.**

House concurrent resolution congratulating the 2011 Windsor High School Yellow Jackets Division III championship girls' basketball team.

By Representatives Ralston and Nuovo,  
By Senators Ayer and Giard,

**H.C.R. 116.**

House concurrent resolution congratulating the 2011 Middlebury Union High School Tigers Division II championship boys' ice hockey team.

By All Members of the House,  
By All Members of the Senate,

**H.C.R. 117.**

House concurrent resolution commemorating the 30th anniversary of the Medicare hospice program.

By Representative Woodward and others,  
By Senator Westman,

**H.C.R. 118.**

House concurrent resolution congratulating the 2011 Lamoille Union High School Lancers Division II girls' basketball championship team.

By Representative Atkins and others,

**H.C.R. 119.**

House concurrent resolution congratulating the Winooski High School Spartans Division III championship boys' basketball team.

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[The full text of the House concurrent resolutions appeared in the House calendar addendum for March 31, 2011, and, if adopted in concurrence by the House, will appear in the volume of the Public Acts and Resolves to be published for this session of the seventieth-first biennial session of the Vermont General Assembly.]

### **Adjournment**

On motion of Senator Carris, the Senate adjourned, to reconvene on Tuesday, April 5, 2011, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 24.