

# Journal of the House

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Thursday, April 25, 2013

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

## Devotional Exercises

Devotional exercises were conducted by Women's barbershop quartet, "Rearranged", Debra Drury from Essex, Nancy L'Ecuyer of Essex, Irene Knight of South Burlington and Robyn Myers Moore of Essex, Vt.

## Senate Bill Referred

### S. 119

Senate bill, entitled

An act relating to amending perpetual conservation easements

Was read and referred to the committee on Natural Resources and Energy.

## Bill Referred to Committee on Ways and Means

### S. 152

Senate bill, entitled

An act relating to the Green Mountain Care Board's rate review authority

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

## Action on Bill Postponed

### H. 270

House bill, entitled

An act relating to providing access to publicly funded prekindergarten education

Was taken up and pending the reading of the report of the committee on Education, on motion of **Rep. Buxton of Tunbridge**, action on the bill was postponed until the next legislative day.

## Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

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**H. 403**

House bill, entitled

An act relating to community supports for persons with serious functional impairments;

**H. 450**

House bill, entitled

An act relating to expanding the powers of regional planning commissions;

**Third Reading; Bill Passed in Concurrence  
With Proposal of Amendment**

**S. 1**

Senate bill, entitled

An act relating to consideration of financial cost of criminal sentencing options

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Third Reading; Bill Passed in Concurrence  
With Proposal of Amendment**

**S. 151**

Senate bill, entitled

An act relating to miscellaneous changes to the laws governing commercial motor vehicle licensing and operation

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Consideration Interrupted by Recess**

**H. 538**

House bill, entitled

An act relating to making miscellaneous amendments to education funding laws

Was taken up and pending third reading of the bill, **Reps. McCormack of Burlington, Cross of Winooski, Krowinski of Burlington, Moran of Wardsboro, Pearson of Burlington and Poirier of Barre City** moved to amend the bill as follows:

By striking Sec. 8 in its entirety and inserting in lieu thereof a new Sec. 8 to read:

Sec. 8. [Deleted.]

and in Sec. 13, in subsection (f), by striking the words "Secs. 8 (renter rebate) and" and inserting in lieu thereof the word "Sec."

Pending the question, Shall the bill be amended as recommended by Rep. McCormack of Burlington?

### **Recess**

At one o'clock and thirty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At two o'clock and thirty-five minutes in the afternoon the Speaker called the House to order.

### **Consideration Resumed; Bill Amended; Read the Third Time and Passed**

#### **H. 538**

Consideration resumed on House bill, entitled

An act relating to making miscellaneous amendments to education funding laws;

Thereupon, the recurring question, Shall the bill be amended as recommended by Rep. McCormack of Burlington? was disagreed to.

Pending third reading of the bill, **Reps. McCormack of Burlington and Krowinski of Burlington** moved to amend the bill as follows:

By adding a Sec. 8a to read:

Sec. 8a. RENTER STUDY

The Joint Fiscal Office shall report to the General Assembly on how the State can provide assistance to renters. The report shall review issues with the current renter rebate program and examine other ways to provide assistance to renters with high rents and low incomes. The report shall be due on or before January 15, 2014 and shall include specific findings and recommendations. The Joint Fiscal Office shall have the assistance of the Department of Taxes and the Office of Legislative Council.

and in Sec. 14, in subsection (g), before "Sec. 10" by inserting "Sec. 8a (renter rebate study) and"

Which was agreed to.

Pending third reading of the bill, **Reps. Donovan of Burlington and Cross of Winooski** moved to amend the bill as follows:

In Sec. 12 (student-to-staff ratios), subsection (c), subdivision (1), after the words: “and other factors”, by inserting the words: “such as the unique needs of students from economically deprived backgrounds and students who are English language learners”

Which was agreed to on a Division vote. Yeas, 86. Nays, 32.

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

### **Proposal of Amendment Agreed to; Third Reading Ordered**

#### **S. 14**

**Rep. Moran of Wardsboro**, for the committee on General, Housing and Military Affairs, to which had been referred Senate bill, entitled

An act relating to payment of fair-share fees

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

By striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* State Employees \* \* \*

Sec. 1. 3 V.S.A. § 902 is amended to read:

§ 902. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

\* \* \*

(19) “Collective bargaining service fee” means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization which is the exclusive bargaining agent for the bargaining unit of the employee. The collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization, and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization, and shall be used to defray the costs ~~incurred by the employee organization in fulfilling its duty to represent the employees in their employment relations with the state~~ of chargeable activities.

Sec. 2. 3 V.S.A. § 903 is amended to read:

§ 903. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

(a) Employees shall have the right to self-organization; to form, join, or assist employee organizations; to bargain collectively through representatives of their own choice, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities, except as provided in ~~subsection (b)~~ subsections (b) and (c) of this section, and to appeal grievances as provided in this chapter.

(b) ~~No~~ A state employee may not strike or recognize a picket line of an employee or labor organization while in the performance of his or her official duties.

(c) An employee who exercises the right not to join the employee organization representing the employee's collective bargaining unit shall pay the collective bargaining service fee to the representative of the bargaining unit in the same manner as employees who pay membership fees to the representative. The employee organization shall indemnify and hold the employer harmless from any and all claims stemming from the implementation or administration of the collective bargaining service fee. Nothing in this section shall require an employer to discharge an employee who does not pay the collective bargaining service fee.

(d) All employers, their officers, agents, and employees or representatives shall exert every reasonable effort to make and maintain agreements concerning matters allowable under section 904 of this title and to settle all disputes, whether arising out of the application of those agreements, or growing out of any dispute between the employer and the employees thereof.

Sec. 3. 3 V.S.A. § 904 is amended to read:

§ 904. SUBJECTS FOR BARGAINING

(a) All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining except those matters which are prescribed or controlled by statute. Such matters appropriate for collective bargaining to the extent they are not prescribed or controlled by statute include ~~but are not limited to:~~

\* \* \*

(9) ~~Rules~~ rules and regulations for personnel administration, except the following: rules and regulations relating to persons exempt from the classified

service under section 311 of this title and rules and regulations relating to applicants for employment in state service and employees in an initial probationary status, including any extension or extensions thereof provided such rules and regulations are not discriminatory by reason of an applicant's race, color, creed, sex, or national origin; and

(10) ~~A collective bargaining service fee~~ the manner in which to enforce an employee's obligation to pay the collective bargaining service fee.

\* \* \*

Sec. 4. 3 V.S.A. § 941 is amended to read:

§ 941. UNIT DETERMINATION, CERTIFICATION, AND  
REPRESENTATION

\* \* \*

(k) Nothing in this chapter requires an individual to seek the assistance of his or her collective bargaining unit or its representative(s) in any grievance proceeding. He or she may represent himself or herself or be represented by counsel of his or her own choice or may avail himself or herself of the unit representative in grievance proceedings. ~~Employees who are eligible for membership in a collective bargaining unit who exercise their right not to join such unit may upon agreement with the unit representative avail themselves of the services of the unit representative(s) in grievance proceedings upon payment to the unit of a fee established by the unit representative, provided that in the event a collective bargaining service fee is negotiated, the unit representative shall represent nonmember employees in grievance proceedings without charge.~~

Sec. 5. 3 V.S.A. § 962 is amended to read:

§ 962. EMPLOYEES

It shall be an unfair labor practice for an employee organization or its agents:

\* \* \*

(10) To charge a collective bargaining fee ~~negotiated pursuant to section 904 of this title~~ unless such employee organization has established and maintained a procedure to provide nonmembers with:

(A) an audited financial statement that identifies the major categories of expenses, and divides them into chargeable and nonchargeable expenses;

(B) an opportunity to object to the amount of the agency fee sought, any amount reasonably in dispute to be placed in escrow;

(C) prompt arbitration by the board to resolve any objection over the amount of the collective bargaining fee.

\* \* \* Judiciary Employees \* \* \*

Sec. 6. 3 V.S.A. § 1011 is amended to read:

§ 1011. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

\* \* \*

(4) “Collective bargaining service fee,” means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, and that fee is paid to the employee organization that is the exclusive bargaining agent for the bargaining unit of the employee. A collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization; shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization; and shall be used to defray the costs ~~incurred by the employee organization in fulfilling its duty to represent the employees in their employment relations with the employer~~ of chargeable activities.

\* \* \*

Sec. 7. 3 V.S.A. § 1012 is amended to read:

§ 1012. EMPLOYEES’ RIGHTS AND DUTIES; PROHIBITED ACTS

(a) Employees shall have the right to self-organization; to form, join, or assist employee organizations; to bargain collectively through their chosen representatives; to engage in concerted activities of collective bargaining or other mutual aid or protection; to refrain from any or all those activities, except as provided in ~~subsection (b)~~ subsections (b) and (c) of this section; and to appeal grievances as provided in this chapter.

(b) ~~No~~ An employee may not strike or recognize a picket line of an employee organization while performing the employee’s official duties.

(c) An employee who exercises the right not to join the employee organization representing the employee’s certified unit pursuant to section 1021 of this title shall pay a collective bargaining service fee to the representative of the bargaining unit in the same manner as employees who pay membership fees to the representative. The employee organization shall

indemnify and hold the employer harmless from any and all claims stemming from the implementation or administration of the collective bargaining service fee. Nothing in this section shall require an employer to discharge an employee who does not pay the collective bargaining service fee.

(e)(d) The employer and employees and the employee's representative shall exert every reasonable effort to make and maintain agreements concerning matters allowable under section 1013 of this title and to settle all disputes, whether arising out of the application of those agreements or growing out of any dispute between the employer and the employees.

Sec. 8. 3 V.S.A. § 1013 is amended to read:

§ 1013. SUBJECTS FOR BARGAINING

All matters relating to the relationship between the employer and employees are subject to collective bargaining, to the extent those matters are not prescribed or controlled by law, including:

\* \* \*

(10) A collective bargaining service fee the manner in which to enforce an employee's obligation to pay the collective bargaining service fee.

Sec. 9. 3 V.S.A. § 1027 is amended to read:

§ 1027. EMPLOYEES

It shall be an unfair labor practice for an employee organization or its agents:

\* \* \*

(10) To charge a ~~negotiated~~ collective bargaining fee unless the employee organization has established and maintained a procedure to provide nonmembers with all the following:

(A) An audited financial statement that identifies the major categories of expenses and divides them into chargeable and nonchargeable expenses.

(B) An opportunity to object to the amount of the fee requested and to place in escrow any amount reasonably in dispute.

(C) Prompt arbitration by the board to resolve any objection over the amount of the collective bargaining fee.

\* \* \* Teachers \* \* \*

Sec. 10. 16 V.S.A. § 1981 is amended to read:



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 § 1981. DEFINITIONS

As used in this chapter unless the context requires otherwise:

\* \* \*

(7) “Agency fee” ~~means a fee for representation in collective bargaining, not exceeding teachers’ or administrators’ organization dues, payable to the organization which is the exclusive bargaining agent for teachers or administrators in a bargaining unit, from individuals who are not members of the organization~~ means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization that is the exclusive bargaining agent for the bargaining unit of the employee. The collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization and shall be used to defray the costs of chargeable activities.

\* \* \*

Sec. 11. 16 V.S.A. § 1982 is amended to read:

## § 1982. RIGHTS

(a) Teachers shall have the right to or not to join, assist, or participate in any teachers’ organization of their choosing. However, teachers ~~may be required to pay an agency fee~~ who choose not to join the teachers’ organization, recognized as the exclusive representative pursuant to an agreement negotiated under section 1992 of this chapter, shall pay the agency fee in the same manner as teachers who choose to join the teachers’ organization pay membership fees. The teachers’ organization shall indemnify and hold the school board harmless from any and all claims stemming from the implementation or administration of the agency fee.

(b) Principals, assistant principals, and administrators other than superintendent and assistant superintendent shall have the right to or not to join, assist, or participate in any administrators’ organization or as a separate unit of any teachers’ organization of their choosing. However, subject to the provisions of subsection (d) of this section, administrators other than the superintendent and assistant superintendent may be required to pay an agency fee who choose not to join the administrators’ organization, recognized as the exclusive representative pursuant to an agreement negotiated under section 1992 of this chapter, shall pay the agency fee in the same manner as

administrators who choose to join the administrators' organization pay membership fees. The administrators' organization agrees to indemnify and hold the school harmless from any and all claims stemming from the implementation or administration of the agency fee.

(c) ~~Neither the~~ The school board ~~nor or~~ any employee of the school board serving in any capacity, ~~nor or~~ any other person or organization shall not interfere with, restrain, coerce, or discriminate in any way against or for any teacher or administrator engaged in activities protected by this legislation.

(d) A teachers' or administrators' organization shall not charge the agency fee unless it has established and maintained a procedure to provide nonmembers with:

(1) an audited financial statement that identifies the major categories of expenses and divides them into chargeable and nonchargeable expenses;

(2) an opportunity to object to the amount of the agency fee sought, and to place in escrow any amount reasonably in dispute;

(3) prompt arbitration by an arbitrator selected jointly by the objecting fee payer and the teachers' or administrators' organization or pursuant to the rules of the American Arbitration Association to resolve any objection over the amount of the agency fee. The costs of arbitration shall be paid by the teachers' or administrators' organization.

(e) Nothing in this section shall require an employer to discharge an employee who does not pay the agency fee.

Sec. 12. 16 V.S.A. § 2004 is amended to read:

§ 2004. AGENDA

The school board, through its negotiations council, shall, upon request, negotiate with representatives of the teachers' or administrators' organization negotiations council on matters of salary, related economic conditions of employment, ~~an~~ the manner in which it will enforce an employee's obligation to pay the agency service fee, procedures for processing complaints and grievances relating to employment, and any mutually agreed upon matters not in conflict with the statutes and laws of the ~~state~~ State of Vermont.

\* \* \* Certain Private Sector Employees \* \* \*

Sec. 13. 21 V.S.A. § 1502 is amended to read:

§ 1502. DEFINITIONS

~~In~~ As used in this chapter the following words shall have the following meaning:

\* \* \*

(14) "Agency fee" means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization that is the exclusive bargaining agent for the bargaining unit of the employee. A collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization and shall be used to defray the costs of chargeable activities.

Sec. 14. 21 V.S.A. § 1503 is amended to read:

§ 1503. RIGHTS OF EMPLOYEES; MUTUAL DUTY TO BARGAIN

(a) Employees shall have the right to self-organization; to form, join, or assist labor organizations; to bargain collectively through representatives of their own choice, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities, except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in ~~section~~ subsection 1621(a) of this title. An employee who exercises the right not to join the labor organization representing the employee's certified unit pursuant to section 1581 of this title shall, subject to subsection (b) of this section, pay the agency fee to the representative of the bargaining unit in the same manner as employees who pay membership fees to the representative. The labor organization agrees to indemnify and hold the employer harmless from any and all claims stemming from the implementation or administration of the agency fee.

(b) A labor organization shall not charge the agency fee unless it has established and maintained a procedure to provide nonmembers with:

(1) an audited financial statement that identifies the major categories of expenses and divides them into chargeable and nonchargeable expenses;

(2) an opportunity to object to the amount of the agency fee sought, and to place in escrow any amount reasonably in dispute;

(3) prompt arbitration by an arbitrator selected jointly by the objecting fee payer and the teachers' or administrators' organization or pursuant to the rules of the American Arbitration Association to resolve any objection over the amount of the agency fee. The costs of arbitration shall be paid by the labor organization.

Sec. 15. 21 V.S.A. § 1621 is amended to read:

§ 1621. UNFAIR LABOR PRACTICES

(a) It shall be an unfair labor practice for an employer:

\* \* \*

(6) Nothing in this chapter or any other statute of this state shall preclude an employer from making an agreement with a labor organization (not established, maintained or assisted by any action defined in this subsection (a) as an unfair labor practice) to require as a condition of employment membership in such labor organization on or after the 30th day following the beginning of such employment or the effective date of such agreement, whichever is the later, (i) if such labor organization is the representative of the employees as provided in section 1583 of this chapter, in the appropriate collective bargaining unit covered by such agreement when made; and (ii) unless following an election held as provided in section 1584 of this chapter within one year preceding the effective date of such agreement, the ~~board~~ Board shall have certified that at least a majority of the employees eligible to vote in such election have voted to rescind the authority of such labor organization to make such an agreement. Nothing in this section shall require an employer to discharge an employee in the absence of such an agreement. ~~No~~ An employer shall not justify any discrimination against an employee for nonmembership in a labor organization:

(A) ~~If~~ if the employer has reasonable grounds for believing that membership was not available to the employee on the same terms and conditions generally applicable to other members; or

(B) ~~If~~ if the employer has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.

\* \* \*

(b) It shall be an unfair labor practice for a labor organization or its agents:

\* \* \*

(5) To require employees covered by a the agency fee requirement or other union security agreement authorized under subsection (a) of this section to pay, as a condition precedent to becoming a member of such organization, a fee in an amount which the ~~board~~ Board finds excessive or discriminatory under all the circumstances. In making such a finding, the ~~board~~ Board shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected.

\* \* \*

\* \* \* Municipal Employees \* \* \*

Sec. 16. 21 V.S.A. § 1722 is amended to read;

§ 1722. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

(1) “Agency service fee” means a fee ~~for representation in collective bargaining not exceeding employee organization dues, payable to an employee organization which is the exclusive bargaining agent for employees in a bargaining unit from individuals who are not members of the employee organization~~ a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization that is the exclusive bargaining agent for the bargaining unit of the employee. A collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization and shall be used to defray the costs of chargeable activities.

\* \* \*

Sec. 17. 21 V.S.A. § 1726 is amended to read:

§ 1726. UNFAIR LABOR PRACTICES

(a) It shall be an unfair labor practice for an employer:

\* \* \*

(8) ~~Nothing in this chapter or any other statute of this state shall preclude a municipal employer from making an agreement with the exclusive bargaining agent to require an agency service~~ A municipal employer and the

exclusive bargaining agent may agree to require the agency service fee to be paid as a condition of employment, or to require as a condition of employment membership in such employee organization on or after the 30th day following the beginning of such employment or the effective date of such agreement, whichever is the later. Nothing in this section shall require an employer to discharge an employee in the absence of such an agreement. No A municipal employer shall not discharge or discriminate against any employee for nonpayment of an the agency service fee or for nonmembership in an employee organization:

(A) ~~If~~ if the employer has reasonable grounds for believing that membership was not available to the employee on the same terms and conditions generally applicable to other members; or

(B) ~~If~~ if the employer has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.

(b) It shall be an unfair labor practice for an employee organization or its agents:

\* \* \*

(6) ~~To~~ to require employees covered by ~~an~~ the agency service fee ~~agreement~~ requirement or other union security agreement authorized under subsection (a) of this section to pay an initiation fee which the ~~board~~ Board finds excessive or discriminatory under all the circumstances, including the practices and customs of employee organizations representing municipal employees; and the wages paid to the employees affected.

\* \* \*

(12) to charge the agency service fee unless the employee organization has established and maintained a procedure to provide nonmembers with all the following:

(A) an audited financial statement that identifies the major categories of expenses and divides them into chargeable and nonchargeable expenses;

(B) an opportunity to object to the amount of the fee requested and to place in escrow any amount reasonably in dispute; and

(C) prompt arbitration by an arbitrator selected jointly by the objecting fee payer and the employee organization or pursuant to the rules of the American Arbitration Association to resolve any objection over the amount of the agency service fee. The costs of arbitration shall be paid by the employee organization.

Sec. 18. 21 V.S.A. § 1734 is amended to read:

§ 1734. MISCELLANEOUS

(a) Municipal employees and exclusive bargaining agents are authorized to negotiate provisions in a collective bargaining agreement calling for:

(1) ~~Payroll~~ payroll deduction of employee organization dues and initiation fees; ~~or an agency service fee;~~

(2) ~~Binding~~ binding arbitration of grievances involving the interpretation or application of a written collective bargaining agreement. The cost of arbitration shall be shared equally by the parties.

\* \* \*

(d) In the absence of an agreement requiring an employee to be a member of the employee organization, an employee choosing not to be a member of the employee organization shall pay the agency service fee in the same manner as employees who choose to join the employee organization pay dues. The employee organization shall indemnify and hold the employer harmless from any and all claims stemming from the implementation or administration of the agency service fee.

\* \* \* Moderation of Union Dues \* \* \*

Sec. 19. MODERATION OF UNION DUES

An employee organization shall use any increased revenue resulting from the implementation of this act solely for the purpose of moderating its existing membership dues.

\* \* \* Effective Dates \* \* \*

Sec. 20. EFFECTIVE DATES

This act shall take effect on June 30, 2013 and apply to employees subject to 3 V.S.A. chapters 27 and 28, 16 V.S.A. chapter 57, and 21 V.S.A. chapters 19 and 22 on the date following the expiration date stated in the collective bargaining agreement, if any, then in effect, but in no event shall an employee be required to pay an agency fee under this act for any period prior to July 1, 2013 unless an existing collective bargaining agreement requires

payment of the fee. In the event that no collective bargaining agreement is in effect on June 30, 2013, this act shall take effect on June 30, 2013 and apply to employees subject to 3 V.S.A. chapters 27 and 28, 16 V.S.A. chapter 57, and 21 V.S.A. chapters 19 and 22 on July 1, 2013.

and that after passage the title of the bill be amended to read: "An act relating to payment of agency fees and collective bargaining service fees"

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on General, Housing and Military Affairs? **Rep. Townsend of Randolph** moved to amend the report of the committee on General, Housing and Military Affairs as follows:

By striking Sec. 20 in its entirety and inserting in lieu thereof a new Sec. 20 to read:

Sec. 20. EFFECTIVE DATES; TRANSITIONAL PROVISIONS

(a) This act shall take effect on June 30, 2013 and apply to employees hired after the effective date of this act and who are subject to 3 V.S.A. chapters 27 and 28, 16 V.S.A. chapter 57, and 21 V.S.A. chapters 19 and 22.

(b) Notwithstanding any provision of law to the contrary, this act shall not apply to employees subject to 3 V.S.A. chapters 27 and 28, 16 V.S.A. chapter 57, and 21 V.S.A. chapters 19 and 22 who have not paid a negotiated agency fee prior to the effective date of this act.

Pending the question, Shall the report of the committee on General, Housing and Military Affairs be amended as recommended by Rep. Townsend of Randolph? **Rep. Townsend of Randolph** 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 report of the committee on General, Housing and Military Affairs be amended as recommended by Rep. Townsend of Randolph?? was decided in the negative. Yeas, 50. Nays, 89.

Those who voted in the affirmative are:

Batchelor of Derby	Cross of Winooski	Fagan of Rutland City
Beyor of Highgate	Cupoli of Rutland City	Feltus of Lyndon
Bouchard of Colchester	Dakin of Chester	Gage of Rutland City
Browning of Arlington	Devereux of Mount Holly	Goodwin of Weston
Burditt of West Rutland	Dickinson of St. Albans	Greshin of Warren
Canfield of Fair Haven	Town	Hebert of Vernon
Condon of Colchester	Donaghy of Poultney	Helm of Fair Haven
Corcoran of Bennington	Donahue of Northfield	Higley of Lowell



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Johnson of Canaan	Morrissey of Bennington	Smith of New Haven
Juskiewicz of Cambridge	Myers of Essex	Stevens of Shoreham
Koch of Barre Town	Pearce of Richford	Strong of Albany
Komline of Dorset	Potter of Clarendon	Townsend of Randolph
Krebs of South Hero	Quimby of Concord	Turner of Milton
Larocque of Barnet	Savage of Swanton	Van Wyck of Ferrisburgh
Lawrence of Lyndon	Scheuermann of Stowe	Wilson of Manchester
Lewis of Berlin	Shaw of Pittsford	Winters of Williamstown
Marcotte of Coventry	Shaw of Derby	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Jewett of Ripton	Peltz of Woodbury
Bartholomew of Hartland	Johnson of South Hero	Poirier of Barre City
Botzow of Pownal	Keenan of St. Albans City	Pugh of South Burlington
Burke of Brattleboro	Kitzmiller of Montpelier	Rachelson of Burlington
Buxton of Tunbridge	Klein of East Montpelier	Ralston of Middlebury
Campion of Bennington	Krowinski of Burlington	Ram of Burlington
Carr of Brandon	Kupersmith of South Burlington	Russell of Rutland City
Cheney of Norwich	Lanpher of Vergennes	Sharpe of Bristol
Christie of Hartford	Lenes of Shelburne	South of St. Johnsbury
Clarkson of Woodstock	Lippert of Hinesburg	Spengler of Colchester
Cole of Burlington	Macaig of Williston	Stevens of Waterbury
Connor of Fairfield	Malcolm of Pawlet	Stuart of Brattleboro
Conquest of Newbury	Manwaring of Wilmington	Sweaney of Windsor
Davis of Washington	Marek of Newfane	Taylor of Barre City
Deen of Westminster	Martin of Springfield	Terenzini of Rutland Town
Donovan of Burlington	Martin of Wolcott	Till of Jericho
Ellis of Waterbury	Masland of Thetford	Toleno of Brattleboro
Emmons of Springfield	McCarthy of St. Albans City	Toll of Danville
Evans of Essex	McCormack of Burlington	Townsend of South Burlington
Fay of St. Johnsbury	McCullough of Williston	Trieber of Rockingham
Fisher of Lincoln	McFaun of Barre Town	Waite-Simpson of Essex
Frank of Underhill	Michelsen of Hardwick	Webb of Shelburne
French of Randolph	Miller of Shaftsbury	Weed of Enosburgh
Gallivan of Chittenden	Mook of Bennington	Wizowaty of Burlington
Grad of Moretown	Moran of Wardsboro	Woodward of Johnson
Haas of Rochester	Mrowicki of Putney	Yantachka of Charlotte
Head of South Burlington	Nuovo of Middlebury	Young of Glover
Heath of Westford	O'Sullivan of Burlington	Zagar of Barnard
Hooper of Montpelier	Partridge of Windham	
Huntley of Cavendish	Pearson of Burlington	
Jerman of Essex		

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

Bissonnette of Winooski	Copeland-Hanzas of Bradford	Mitchell of Fairfax
Branagan of Georgia	Hubert of Milton	O'Brien of Richmond
Brennan of Colchester	Kilmartin of Newport City	Vowinkel of Hartfor
Consejo of Sheldon		

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on General, Housing and Military Affairs? **Rep. Bouchard of Colchester** moved to amend the report of the committee on General, Housing and Military Affairs as follows:

In Sec. 20 by striking out the section in its entirety and inserting in lieu thereof the following:

Sec. 20. EFFECTIVE DATE; TRANSITIONAL PROVISIONS

(a) This act shall take effect on June 30, 2013 and apply to employees subject to 3 V.S.A. chapters 27 and 28, 16 V.S.A. chapter 57, and 21 V.S.A. chapters 19 and 22 on the date following the expiration date stated in the collective bargaining agreement, if any agreement is then in effect.

(b) Notwithstanding subsection (a) of this section, this act shall not apply to employees subject to 3 V.S.A. chapter 27 who have not paid an agency fee prior to June 30, 2013.

(c) In no event shall an employee be required to pay an agency fee under this act for any period prior to July 1, 2013 unless an existing collective bargaining agreement requires payment of the fee.

(d) In the event that no collective bargaining agreement is in effect on June 30, 2013, this act shall take effect on June 30, 2013 and apply to employees subject to 3 V.S.A. chapters 27 and 28, 16 V.S.A. chapter 57, and 21 V.S.A. chapters 19 and 22 on July 1, 2013.

Pending the question, Shall the report of the committee on General, Housing and Military Affairs be amended as recommended by Rep. Bouchard of Colchester? **Rep. Donaghy of Poultney** 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 report of the committee on General, Housing and Military Affairs be amended as recommended by Rep. Bouchard of Colchester? was decided in the negative. Yeas, 56. Nays, 78.

Those who voted in the affirmative are:

Batchelor of Derby	Corcoran of Bennington	Fagan of Rutland City
Beyor of Highgate	Cross of Winooski	Feltus of Lyndon
Bouchard of Colchester	Cupoli of Rutland City	Gage of Rutland City
Browning of Arlington	Dakin of Chester	Goodwin of Weston
Burditt of West Rutland	Devereux of Mount Holly	Greshin of Warren
Canfield of Fair Haven	Dickinson of St. Albans	Hebert of Vernon
Carr of Brandon	Town	Helm of Fair Haven
Condon of Colchester	Donaghy of Poultney	Higley of Lowell
Consejo of Sheldon	Donahue of Northfield	Huntley of Cavendish

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Johnson of Canaan	Myers of Essex	Smith of New Haven
Juskiewicz of Cambridge	Pearce of Richford	Spengler of Colchester
Koch of Barre Town	Peltz of Woodbury	Stevens of Shoreham
Komline of Dorset	Potter of Clarendon	Strong of Albany
Krebs of South Hero	Quimby of Concord	Townsend of Randolph
Lawrence of Lyndon	Ralston of Middlebury	Turner of Milton
Lewis of Berlin	Savage of Swanton	Van Wyck of Ferrisburgh
Marcotte of Coventry	Scheuermann of Stowe	Wilson of Manchester
McFaun of Barre Town	Shaw of Pittsford	Winters of Williamstown
Morrissey of Bennington	Shaw of Derby	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Jewett of Ripton	Pearson of Burlington
Bartholomew of Hartland	Johnson of South Hero	Poirier of Barre City
Botzow of Pownal	Keenan of St. Albans City	Pugh of South Burlington
Burke of Brattleboro	Kitzmiller of Montpelier	Rachelson of Burlington
Buxton of Tunbridge	Klein of East Montpelier	Ram of Burlington
Campion of Bennington	Krowinski of Burlington	Russell of Rutland City
Cheney of Norwich	Kupersmith of South Burlington	Sharpe of Bristol
Christie of Hartford	Lanpher of Vergennes	South of St. Johnsbury
Clarkson of Woodstock	Lenes of Shelburne	Stevens of Waterbury
Cole of Burlington	Lippert of Hinesburg	Stuart of Brattleboro
Conquest of Newbury	Macaig of Williston	Sweaney of Windsor
Davis of Washington	Malcolm of Pawlet	Taylor of Barre City
Deen of Westminster	Marek of Newfane	Terenzini of Rutland Town
Donovan of Burlington	Martin of Springfield	Till of Jericho
Ellis of Waterbury	Martin of Wolcott	Toleno of Brattleboro
Evans of Essex	Masland of Thetford	Toll of Danville
Fay of St. Johnsbury	McCarthy of St. Albans City	Townsend of South Burlington
Fisher of Lincoln	McCormack of Burlington	Trieber of Rockingham
Frank of Underhill	McCullough of Williston	Waite-Simpson of Essex
French of Randolph	Michelsen of Hardwick	Weed of Enosburgh
Gallivan of Chittenden	Miller of Shaftsbury	Wizowaty of Burlington
Grad of Moretown	Mook of Bennington	Woodward of Johnson
Haas of Rochester	Moran of Wardsboro	Yantachka of Charlotte
Head of South Burlington	Mrowicki of Putney	Young of Glover
Heath of Westford	Nuovo of Middlebury	Zagar of Barnard
Hooper of Montpelier	O'Sullivan of Burlington	
Jerman of Essex		

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

Bissonnette of Winooski	Emmons of Springfield	O'Brien of Richmond
Branagan of Georgia	Hubert of Milton	Partridge of Windham
Brennan of Colchester	Kilmartin of Newport City	Vowinkel of Hartford
Connor of Fairfield	Larocque of Barnet	Webb of Shelburne
Copeland-Hanzas of Bradford	Manwaring of Wilmington	
	Mitchell of Fairfax	

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on General, Housing and Military Affairs? **Rep. Bouchard of Colchester** moved to amend the report of the committee on General, Housing and Military Affairs as follows:

In Sec. 20 by striking out the section in its entirety and inserting in lieu thereof the following:

Sec. 20. EFFECTIVE DATE; TRANSITIONAL PROVISIONS

(a) This act shall take effect on June 30, 2013 and apply to employees subject to 3 V.S.A. chapters 27 and 28, 16 V.S.A. chapter 57, and 21 V.S.A. chapters 19 and 22 on the date following the expiration date stated in the collective bargaining agreement, if any agreement is then in effect.

(b) Notwithstanding subsection (a) of this section, this act shall not apply to noncertified employees of a school district subject to 21 V.S.A. chapter 22 who have not paid an agency fee prior to June 30, 2013.

(c) In no event shall an employee be required to pay an agency fee under this act for any period prior to July 1, 2013 unless an existing collective bargaining agreement requires payment of the fee.

(d) In the event that no collective bargaining agreement is in effect on June 30, 2013, this act shall take effect on June 30, 2013 and apply to employees subject to 3 V.S.A. chapters 27 and 28, 16 V.S.A. chapter 57, and 21 V.S.A. chapters 19 and 22 on July 1, 2013.

Pending the question, Shall the Report of the General, Military and Housing Committee be amended as recommended by Rep. Bouchard of Colchester? **Rep. Bouchard of Colchester** 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 Report of the General, Military and Housing Committee be amended as recommended by Rep. Bouchard of Colchester? was decided in the negative. Yeas, 50. Nays, 86.

Those who voted in the affirmative are:

Batchelor of Derby	Dickinson of St. Albans	Johnson of Canaan
Beyor of Highgate	Town	Juskiewicz of Cambridge
Bouchard of Colchester	Donaghy of Poultney	Koch of Barre Town
Browning of Arlington	Donahue of Northfield	Komline of Dorset
Burditt of West Rutland	Fagan of Rutland City	Krebs of South Hero
Canfield of Fair Haven	Feltus of Lyndon	Lawrence of Lyndon
Consejo of Sheldon	Gage of Rutland City	Lewis of Berlin
Corcoran of Bennington	Goodwin of Weston	Marcotte of Coventry
Cross of Winooski	Greshin of Warren	Morrissey of Bennington
Cupoli of Rutland City	Hebert of Vernon	Myers of Essex
Dakin of Chester	Helm of Fair Haven	Pearce of Richford
Devereux of Mount Holly	Higley of Lowell	Potter of Clarendon

Quimby of Concord	Smith of New Haven	Turner of Milton
Savage of Swanton	Spengler of Colchester	Van Wyck of Ferrisburgh
Scheuermann of Stowe	Stevens of Shoreham	Winters of Williamstown
Shaw of Pittsford	Strong of Albany	Wright of Burlington
Shaw of Derby	Townsend of Randolph	Young of Glover

Those who voted in the negative are:

Ancel of Calais	Jerman of Essex	Partridge of Windham
Bartholomew of Hartland	Jewett of Ripton	Pearson of Burlington
Botzow of Pownal	Johnson of South Hero	Peltz of Woodbury
Burke of Brattleboro	Keenan of St. Albans City	Poirier of Barre City
Buxton of Tunbridge	Kitzmiller of Montpelier	Pugh of South Burlington
Campion of Bennington	Klein of East Montpelier	Rachelson of Burlington
Carr of Brandon	Krowinski of Burlington	Ralston of Middlebury
Cheney of Norwich	Kupersmith of South	Russell of Rutland City
Christie of Hartford	Burlington	South of St. Johnsbury
Clarkson of Woodstock	Lanpher of Vergennes	Stevens of Waterbury
Cole of Burlington	Lenes of Shelburne	Stuart of Brattleboro
Connor of Fairfield	Lippert of Hinesburg	Sweaney of Windsor
Conquest of Newbury	Macaig of Williston	Taylor of Barre City
Davis of Washington	Malcolm of Pawlet	Terenzini of Rutland Town
Deen of Westminster	Manwaring of Wilmington	Till of Jericho
Donovan of Burlington	Marek of Newfane	Toleno of Brattleboro
Ellis of Waterbury	Martin of Springfield	Toll of Danville
Emmons of Springfield	Martin of Wolcott	Townsend of South
Evans of Essex	Masland of Thetford	Burlington
Fay of St. Johnsbury	McCarthy of St. Albans City	Trieber of Rockingham
Fisher of Lincoln	McCormack of Burlington	Waite-Simpson of Essex
Frank of Underhill	McCullough of Williston	Webb of Shelburne *
French of Randolph	McFaun of Barre Town	Weed of Enosburgh
Gallivan of Chittenden	Michelsen of Hardwick	Wilson of Manchester
Grad of Moretown	Miller of Shaftsbury	Wizowaty of Burlington
Haas of Rochester	Mook of Bennington	Woodward of Johnson
Head of South Burlington	Moran of Wardsboro	Yantachka of Charlotte
Heath of Westford	Mrowicki of Putney	Zagar of Barnard
Hooper of Montpelier	Nuovo of Middlebury	
Huntley of Cavendish	O'Sullivan of Burlington	

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

Bissonnette of Winooski	Copeland-Hanzas of	Mitchell of Fairfax
Branagan of Georgia	Bradford	O'Brien of Richmond
Brennan of Colchester	Hubert of Milton	Ram of Burlington
Condon of Colchester	Kilmartin of Newport City	Sharpe of Bristol
	Larocque of Barnet	Vowinkel of Hartford

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**Rep. Kate Webb of Shelburne** explained her vote as follows:

“Mr. Speaker:

As a teacher in my district, the cost of my union dues is less than 1% of my salary. For paraeducators, on an hourly wage, the cost is almost 2%. I would hope that the gain in dues for support staff would offset the cost for support staff members.”

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on General, Housing and Military Affairs? **Rep. Bouchard of Colchester** moved to amend the report of the committee on General, Housing and Military Affairs as follows:

First: By adding Sec. 5a to read:

Sec. 5a. 3 V.S.A. § 1008 is added to read:

§ 1008. CERTIFICATION

On or before December 1, 2018 and every five years thereafter, the Board shall conduct an election to certify the exclusive representative of the collective bargaining unit. The Board shall certify any exclusive representative that receives at least 51 percent of the votes of all employees in the bargaining unit. If no representative receives at least 51 percent of the votes of all the employees in the bargaining unit, at the expiration of the collective bargaining agreement, the Board shall decertify the current representative and the employees shall not be represented.

Second: By adding Sec. 9a to read:

Sec. 9a. 3 V.S.A. § 1044 is added to read:

§ 1044. CERTIFICATION

On or before December 1, 2018 and every five years thereafter, the Board shall conduct an election to certify the exclusive representative of the collective bargaining unit. The Board shall certify any exclusive representative that receives at least 51 percent of the votes of all employees in the bargaining unit. If no representative receives at least 51 percent of the votes of all the employees in the bargaining unit, at the expiration of the collective bargaining agreement, the Board shall decertify the current representative and the employees shall not be represented.

Third: By adding Sec. 13a to read:

Sec. 13a. 16 V.S.A. § 2028 is added to read:

§ 2028. CERTIFICATION

On or before December 1, 2018 and every five years thereafter, the Board shall conduct an election to certify the exclusive representative of the collective bargaining unit. The Board shall certify any exclusive representative that receives at least 51 percent of the votes of all employees in the bargaining unit. If no representative receives at least 51 percent of the votes of all the employees in the bargaining unit, at the expiration of the collective bargaining agreement, the Board shall decertify the current representative and the employees shall not be represented.

Fourth: By adding Sec. 15a to read:

Sec. 15a. 21 V.S.A. § 1624 is added to read:

§ 1624. CERTIFICATION

On or before December 1, 2018 and every five years thereafter, the Board shall conduct an election to certify the exclusive representative of the collective bargaining unit. The Board shall certify any exclusive representative that receives at least 51 percent of the votes of all employees in the bargaining unit. If no representative receives at least 51 percent of the votes of all the employees in the bargaining unit, at the expiration of the collective bargaining agreement, the Board shall decertify the current representative and the employees shall not be represented.

Fifth: By adding Sec. 18a to read:

Sec. 18a. 21 V.S.A. § 1736 is added to read:

§ 1624. CERTIFICATION

On or before December 1, 2018 and every five years thereafter, the Board shall conduct an election to certify the exclusive representative of the collective bargaining unit. The Board shall certify any exclusive representative that receives at least 51 percent of the votes of all employees in the bargaining unit. If no representative receives at least 51 percent of the votes of all the employees in the bargaining unit, at the expiration of the collective bargaining agreement, the Board shall decertify the current representative and the employees shall not be represented.

Sixth: In Sec. 20, EFFECTIVE DATES, by adding a sentence at the end of the section to read: "Secs. 5a, 9a, 13a, 15a, and 18a of this act shall take effect on July 1, 2018."

Which was disagreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on General, Housing and Military

Affairs? **Rep. Browning of Arlington** moved to amend the report of the committee on General, Housing and Military Affairs as follows:

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 3 V.S.A. § 902 is amended to read:

§ 902. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

\* \* \*

(6) “Employee organization,” means an organization of any kind in which employees participate and which exists for the purpose of representing its members, if certified by the board as ~~an exclusive~~ a representative for the purposes of collective bargaining.

\* \* \*

~~(19) “Collective bargaining service fee” means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization which is the exclusive bargaining agent for the bargaining unit of the employee. The collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization, and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization, and shall be used to defray the costs incurred by the employee organization in fulfilling its duty to represent the employees in their employment relations with the state. [Repealed.]~~

Sec. 2. 3 V.S.A. § 904 is amended to read:

§ 904. SUBJECTS FOR BARGAINING

(a) All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining except those matters which are prescribed or controlled by statute. Such matters appropriate for collective bargaining to the extent they are not prescribed or controlled by statute include ~~but are not limited to:~~

\* \* \*

(9) Rules and regulations for personnel administration, except the following: rules and regulations relating to persons exempt from the classified service under section 311 of this title and rules and regulations relating to applicants for employment in state service and employees in an initial



probationary status including any extension or extensions thereof provided such rules and regulations are not discriminatory by reason of an applicant's race, color, creed, sex or national origin; ~~and~~

~~(10) A collective bargaining service fee.~~

\* \* \*

Sec. 3. 3 V.S.A. § 962 is amended to read:

§ 962. EMPLOYEES

It shall be an unfair labor practice for an employee organization or its agents:

\* \* \*

~~(10) To charge a collective bargaining fee negotiated pursuant to section 904 of this title unless such employee organization has established and maintained a procedure to provide nonmembers with:~~

~~(A) an audited financial statement that identifies the major categories of expenses, and divides them into chargeable and nonchargeable expenses;~~

~~(B) an opportunity to object to the amount of the agency fee sought, any amount reasonably in dispute to be placed in escrow;~~

~~(C) prompt arbitration by the board to resolve any objection over the amount of the collective bargaining fee. [Repealed.]~~

Sec. 4. 3 V.S.A. § 1008 is added to read:

§ 1008. EMPLOYEE ORGANIZATION; MEMBERS AND NONMEMBERS; SEPARATE AGREEMENTS

Notwithstanding any provision of law to the contrary, the employee organization shall be the representative only of those employees that join the organization. The employee organization is not required to represent nonmembers in grievance proceedings. The State shall negotiate a separate agreement regarding the terms and conditions of employment with those employees who choose not to join the employee organization.

Sec. 5. 3 V.S.A. § 1011 is amended to read:

§ 1011. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

\* \* \*

~~(4) “Collective bargaining service fee,” means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, and that fee is paid to the employee organization that is the exclusive bargaining agent for the bargaining unit of the employee. A collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization; shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization; and shall be used to defray the costs incurred by the employee organization in fulfilling its duty to represent the employees in their employment relations with the employer. [Repealed.]~~

\* \* \*

(9) “Employee organization,” means an organization of any kind in which employees participate and that exists for the purpose of representing its members, if certified by the board as ~~an exclusive~~ a representative for the purposes of collective bargaining.

\* \* \*

Sec. 6. 3 V.S.A. § 1013 is amended to read:

§ 1013. SUBJECTS FOR BARGAINING

All matters relating to the relationship between the employer and employees are subject to collective bargaining, to the extent those matters are not prescribed or controlled by law, including:

\* \* \*

~~(10) A collective bargaining service fee. [Repealed.]~~

Sec. 7. 3 V.S.A. § 1027 is amended to read:

§ 1027. EMPLOYEES

It shall be an unfair labor practice for an employee organization or its agents:

\* \* \*

~~(10) To charge a negotiated collective bargaining fee unless the employee organization has established and maintained a procedure to provide nonmembers with all the following:~~

~~(A) An audited financial statement that identifies the major categories of expenses and divides them into chargeable and nonchargeable expenses.~~

~~(B) An opportunity to object to the amount of the fee requested and to place in escrow any amount reasonably in dispute.~~

~~(C) Prompt arbitration by the board to resolve any objection over the amount of the collective bargaining fee. [Repealed.]~~

Sec. 8. 3 V.S.A. § 1044 is added to read:

§ 1044. EMPLOYEE ORGANIZATION; MEMBERS AND NONMEMBERS; SEPARATE AGREEMENTS

Notwithstanding any provision of law to the contrary, the employee organization shall be the representative only of those employees that join the organization. The employee organization is not required to represent nonmembers in grievance proceedings. The State shall negotiate a separate agreement regarding the terms and conditions of employment with those employees who choose not to join the employee organization.

Sec. 9. 16 V.S.A. § 1981 is amended to read:

§ 1981. DEFINITIONS

As used in this chapter unless the context requires otherwise:

\* \* \*

~~(7) "Agency fee" means a fee for representation in collective bargaining, not exceeding teachers' or administrators' organization dues, payable to the organization which is the exclusive bargaining agent for teachers or administrators in a bargaining unit, from individuals who are not members of the organization. [Repealed.]~~

\* \* \*

Sec. 10. 16 V.S.A. § 1991 is amended to read:

§ 1991. SELECTION OF REPRESENTATION

(a) Teachers and administrators may select organizations to represent them on their negotiations council in collective negotiations with the school board negotiations council. The school board shall recognize an organization as ~~the exclusive~~ a representative of the teachers or of the administrators in the school district ~~when that organization has proved its claim to sole and exclusive representative status of the respective group as hereinafter provided.~~ The superintendent, the assistant superintendent, and the principal shall not serve as negotiating agents for the teachers' organization.

(b) When close or disputed questions of eligibility to vote and inclusion in the unit to be represented by the teachers' organization arise, the general

principle to be adhered to shall be that eligibility to vote and inclusion in that negotiating unit will be limited to all teachers in the school district under contract and actually engaged in full-time or part-time positions which are not that of administrator.

(c) ~~The organizations selected to represent teachers or administrators shall represent without discrimination or prejudice all of those eligible for inclusion in the negotiating unit without regard to organizational affiliation or membership. [Repealed.]~~

Sec. 11. 16 V.S.A. § 2028 is added to read:

§ 2028. EMPLOYEE ORGANIZATION; MEMBERS AND NONMEMBERS; SEPARATE AGREEMENTS

Notwithstanding any provision of law to the contrary, the teachers' or administrators' organization shall be the representative only of those teachers or administrators that join the organization. The organization is not required to represent nonmembers in grievance proceedings. The school board negotiations council shall negotiate a separate agreement regarding the terms and conditions of employment with those teachers or administrators who choose not to join the organization.

Sec. 12. 21 V.S.A. § 1583 is amended to read:

§ 1583. POWERS OF REPRESENTATIVES

Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes shall be the ~~exclusive~~ representatives of all ~~the employees~~ members of the labor organization in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment. However, any individual employee or group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective bargaining contract or agreement then in effect, provided that the bargaining representative has been given an opportunity to be present at such adjustment.

Sec. 13. 21 V.S.A. § 1624 is added to read:

§ 1624. LABOR ORGANIZATION; MEMBERS AND NONMEMBERS; SEPARATE AGREEMENTS

Notwithstanding any provision of law to the contrary, the labor organization shall be the representative only of those employees that join the organization. The labor organization is not required to represent nonmembers in grievance proceedings. The State shall negotiate a separate agreement regarding the terms and conditions of employment with those employees who choose not to join the labor organization.

Sec. 14. 21 V.S.A. § 1722 is amended to read:

§ 1722. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

(1) ~~“Agency service fee” means a fee for representation in collective bargaining not exceeding employee organization dues, payable to an employee organization which is the exclusive bargaining agent for employees in a bargaining unit from individuals who are not members of the employee organization. [Repealed.]~~

\* \* \*

(8) ~~“Exclusive bargaining agent” means the employee organization certified by the board or recognized by the employer as the only an organization to bargain collectively for all employees in the bargaining unit, including persons who are not members of the employee organization.~~

\* \* \*

Sec. 15. 21 V.S.A. § 1736 is added to read:

§ 1736. EMPLOYEE ORGANIZATION; MEMBERS AND  
NONMEMBERS; SEPARATE AGREEMENTS

Notwithstanding any provision of law to the contrary, the employee organization shall be the representative only of those employees that join the organization. The employee organization is not required to represent nonmembers in grievance proceedings. The State shall negotiate a separate agreement regarding the terms and conditions of employment with those employees who choose not to join the employee organization.

Sec. 16. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

Which was disagreed to.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on General, Housing and Military Affairs? **Rep. Browning of Arlington** moved to amend the report of the

committee on General, Housing and Military Affairs as follows:

By striking Sec. 19 in its entirety and inserting in lieu thereof a new Sec. 19 to read:

**Sec. 19. RETIREMENT FUNDS; PROCEEDS OF AGENCY FEE**

Any increased revenue resulting from the implementation of this act shall be paid into the appropriate retirement fund for employees organized pursuant to 3 V.S.A. chapters 27 and 28, 16 V.S.A. chapter 57, and 21 V.S.A. chapters 19 and 22. In the event that there is no retirement fund, the increased revenue shall be used to reduce the dues paid by union members.

Pending the question, Shall the report of the committee on General, Housing and Military Affairs be amended as recommended by Rep. Browning of Arlington? **Rep. Gage of Rutland City** 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 report of the committee on General, Housing and Military Affairs be amended as recommended by Rep. Browning of Arlington? was decided in the negative. Yeas, 39. Nays, 99.

Those who voted in the affirmative are:

Batchelor of Derby	Gage of Rutland City	Pearce of Richford
Beyor of Highgate	Goodwin of Weston	Quimby of Concord
Bouchard of Colchester	Hebert of Vernon	Savage of Swanton
Browning of Arlington	Helm of Fair Haven	Scheuermann of Stowe
Burditt of West Rutland	Higley of Lowell	Shaw of Pittsford
Canfield of Fair Haven	Johnson of Canaan	Shaw of Derby
Cupoli of Rutland City	Juskiewicz of Cambridge	Smith of New Haven
Devereux of Mount Holly	Koch of Barre Town	Strong of Albany
Dickinson of St. Albans Town	Komline of Dorset	Turner of Milton
Donaghy of Poultney	Lawrence of Lyndon	Van Wyck of Ferrisburgh
Donahue of Northfield	Lewis of Berlin	Winters of Williamstown
Fagan of Rutland City	Marcotte of Coventry	Wright of Burlington
Feltus of Lyndon	Morrissey of Bennington	
	Myers of Essex	

Those who voted in the negative are:

Ancel of Calais	Clarkson of Woodstock	Deen of Westminster
Bartholomew of Hartland	Cole of Burlington	Donovan of Burlington
Botzow of Pownal	Connor of Fairfield	Ellis of Waterbury
Burke of Brattleboro	Conquest of Newbury	Emmons of Springfield
Buxton of Tunbridge	Consejo of Sheldon	Evans of Essex
Campion of Bennington	Corcoran of Bennington	Fay of St. Johnsbury
Carr of Brandon	Cross of Winooski	Fisher of Lincoln
Cheney of Norwich	Dakin of Chester	Frank of Underhill
Christie of Hartford	Davis of Washington	French of Randolph

Gallivan of Chittenden	Martin of Springfield	Sharpe of Bristol
Grad of Moretown	Martin of Wolcott	South of St. Johnsbury
Greshin of Warren	Masland of Thetford	Spengler of Colchester
Haas of Rochester	McCarthy of St. Albans City	Stevens of Waterbury
Head of South Burlington	McCormack of Burlington	Stevens of Shoreham
Heath of Westford	McCullough of Williston	Stuart of Brattleboro
Hoopier of Montpelier	McFaun of Barre Town	Sweaney of Windsor
Huntley of Cavendish	Michelsen of Hardwick	Taylor of Barre City
Jerman of Essex	Miller of Shaftsbury	Terenzini of Rutland Town
Jewett of Ripton	Mook of Bennington	Till of Jericho
Johnson of South Hero	Moran of Wardsboro	Toleno of Brattleboro
Keenan of St. Albans City	Mrowicki of Putney	Toll of Danville
Kitzmiller of Montpelier	Nuovo of Middlebury	Townsend of Randolph
Klein of East Montpelier	O'Brien of Richmond	Townsend of South
Krebs of South Hero	O'Sullivan of Burlington	Burlington
Krowinski of Burlington	Partridge of Windham	Trieber of Rockingham
Kupersmith of South	Pearson of Burlington	Waite-Simpson of Essex
Burlington	Peltz of Woodbury	Webb of Shelburne
Lanpher of Vergennes	Poirier of Barre City	Weed of Enosburgh
Lenes of Shelburne	Potter of Clarendon	Wilson of Manchester
Lippert of Hinesburg	Pugh of South Burlington	Wizowaty of Burlington
Macaig of Williston	Rachelson of Burlington	Woodward of Johnson
Malcolm of Pawlet	Ralston of Middlebury	Yantachka of Charlotte
Manwaring of Wilmington	Ram of Burlington	Young of Glover
Marek of Newfane	Russell of Rutland City	

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

Bissonnette of Winooski	Copeland-Hanzas of	Larocque of Barnet
Branagan of Georgia	Bradford	Mitchell of Fairfax
Brennan of Colchester	Hubert of Milton	Vowinkel of Hartford
Condon of Colchester	Kilmartin of Newport City	Zagar of Barnard

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on General, Housing and Military Affairs? **Rep. Browning of Arlington** moved to amend the report of the committee on General, Housing and Military Affairs as follows:

By striking Sec. 20 in its entirety and inserting in lieu thereof a new Sec. 20 to read:

#### Sec. 20. EFFECTIVE DATES; TRANSITIONAL PROVISIONS

This act shall take effect on June 30, 2013 and apply to employees subject to 3 V.S.A. chapters 27 and 28, 16 V.S.A. chapter 57, and 21 V.S.A. chapters 19 and 22 only when the employer and the employee organization enter into a collective bargaining agreement that contains an explicit provision regarding merit pay. The provision shall contain factors for determining merit

pay and pay increases and shall include a factor based on employee performance as evaluated by standards determined by the employer.

Thereupon, **Rep. Browning of Arlington** asked and was granted leave of the House to withdraw her amendment.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on General, Housing and Military Affairs?, **Reps. Champion of Bennington, South of St. Johnsbury and Terenzini of Rutland** moved to amend the report of the committee on General, Housing and Military Affairs as follows:

By adding a new section to be Sec. 19a to read:

Sec. 19a. SCHOOL EMPLOYEES; MERIT PAY; ANALYSIS

(a) The Secretary of Education shall analyze whether and in what ways public education in Vermont would benefit from including merit pay provisions in school employee contracts under 16 V.S.A. chapter 57 and 21 V.S.A. chapter 22. Among other considerations, the Secretary shall examine whether merit pay would improve the quality of education and increase opportunities available to Vermont students.

(b) The Secretary shall consult with members of the House Committee on General, Housing and Military Affairs, the Senate Committee on Economic Development, Housing and General Affairs, and the House and Senate Committees on Education, with stakeholders, and with other interested parties.

(c) On or before January 15, 2014, the Secretary shall submit a report to the committees identified in subsection (b) of this section regarding the analysis, including the factors considered, the results of the analysis, whether merit pay provisions would benefit Vermont students, and recommendations, if any.

Pending the question, Shall the Report of the General, Military and Housing Committee be amended as recommended by Reps. Champion of Bennington, Terenzini of Rutland Town and South of St. Johnsbury? **Rep. Terenzini of Rutland Town** 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 Report of the General, Military and Housing Committee be amended as recommended by Reps. Champion of Bennington, Terenzini of Rutland Town and South of St. Johnsbury? was decided in the affirmative. Yeas, 133. Nays, 2.

Those who voted in the affirmative are:

Bartholomew of Hartland  
Batchelor of Derby

Beyor of Highgate  
Botzow of Pownal

Bouchard of Colchester  
Browning of Arlington



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Burditt of West Rutland	Hooper of Montpelier	Pearson of Burlington
Burke of Brattleboro	Huntley of Cavendish	Peltz of Woodbury
Buxton of Tunbridge	Jerman of Essex	Poirier of Barre City
Campion of Bennington	Jewett of Ripton	Potter of Clarendon
Canfield of Fair Haven	Johnson of South Hero	Pugh of South Burlington
Carr of Brandon	Johnson of Canaan	Quimby of Concord
Cheney of Norwich	Juskiewicz of Cambridge	Rachelson of Burlington
Christie of Hartford	Keenan of St. Albans City	Ralston of Middlebury
Clarkson of Woodstock	Kitzmiller of Montpelier	Ram of Burlington
Cole of Burlington	Klein of East Montpelier	Russell of Rutland City
Connor of Fairfield	Koch of Barre Town	Savage of Swanton
Conquest of Newbury	Komline of Dorset	Scheuermann of Stowe
Consejo of Sheldon	Krebs of South Hero	Shaw of Pittsford
Corcoran of Bennington	Krowinski of Burlington	Shaw of Derby
Cross of Winooski	Kupersmith of South Burlington	Smith of New Haven
Cupoli of Rutland City	Lanpher of Vergennes	South of St. Johnsbury
Davis of Washington	Lawrence of Lyndon	Spengler of Colchester
Deen of Westminster	Lenes of Shelburne	Stevens of Waterbury
Devereux of Mount Holly	Lewis of Berlin	Stevens of Shoreham
Dickinson of St. Albans Town	Lippert of Hinesburg	Strong of Albany
Donaghy of Poultney	Macaig of Williston	Sweaney of Windsor
Donahue of Northfield	Malcolm of Pawlet	Taylor of Barre City
Donovan of Burlington	Manwaring of Wilmington	Terenzini of Rutland Town
Ellis of Waterbury	Marcotte of Coventry	Till of Jericho
Emmons of Springfield	Marek of Newfane	Toleno of Brattleboro
Evans of Essex	Martin of Springfield	Toll of Danville
Fagan of Rutland City	Martin of Wolcott	Townsend of Randolph
Fay of St. Johnsbury	Masland of Thetford	Townsend of South Burlington
Feltus of Lyndon	McCarthy of St. Albans City	Trieber of Rockingham
Fisher of Lincoln	McCormack of Burlington	Turner of Milton
Frank of Underhill	McCullough of Williston	Waite-Simpson of Essex
French of Randolph	McFaun of Barre Town	Webb of Shelburne
Gage of Rutland City	Michelsen of Hardwick	Weed of Enosburgh
Gallivan of Chittenden	Miller of Shaftsbury	Wilson of Manchester
Goodwin of Weston	Mook of Bennington	Winters of Williamstown
Grad of Moretown	Moran of Wardsboro	Wizowaty of Burlington
Greshin of Warren	Morrissey of Bennington *	Woodward of Johnson
Haas of Rochester	Myers of Essex	Wright of Burlington
Head of South Burlington	Nuovo of Middlebury	Yantachka of Charlotte
Heath of Westford	O'Brien of Richmond	Young of Glover
Hebert of Vernon	O'Sullivan of Burlington	Zagar of Barnard
Helm of Fair Haven	Partridge of Windham	
Higley of Lowell	Pearce of Richford	

Those who voted in the negative are:

Mrowicki of Putney

Van Wyck of Ferrisburgh

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

Ancel of Calais	Copeland-Hanzas of	Larocque of Barnet
Bissonnette of Winooski	Bradford	Mitchell of Fairfax
Branagan of Georgia	Dakin of Chester	Sharpe of Bristol
Brennan of Colchester	Hubert of Milton	Stuart of Brattleboro
Condon of Colchester	Kilmartin of Newport City	Vowinkel of Hartford

**Rep. Morrissey of Bennington** explained her vote as follows:

“Mr. Speaker:

Amazing – another study, only this time we’re going to fool Vermonters by calling it an analysis. Wow!”

Thereupon, the recommendation of proposal of amendment offered by the committee on General, Housing and Military Affairs, as amended, was agreed to.

Pending the question, Shall the bill be read a third time? **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 bill be read a third time? was decided in the affirmative. Yeas, 78. Nays, 51.

Those who voted in the affirmative are:

Ancel of Calais	Grad of Moretown	McCullough of Williston
Botzow of Pownal	Haas of Rochester	McFaun of Barre Town
Burke of Brattleboro	Head of South Burlington	Michelsen of Hardwick
Buxton of Tunbridge	Heath of Westford	Miller of Shaftsbury
Campion of Bennington	Hooper of Montpelier	Mook of Bennington
Carr of Brandon	Jerman of Essex	Moran of Wardsboro
Cheney of Norwich	Jewett of Ripton	Mrowicki of Putney
Christie of Hartford	Keenan of St. Albans City	Nuovo of Middlebury
Clarkson of Woodstock	Kitzmiller of Montpelier	O'Sullivan of Burlington
Cole of Burlington	Klein of East Montpelier	Partridge of Windham
Connor of Fairfield	Krowinski of Burlington	Pearson of Burlington
Consejo of Sheldon	Kupersmith of South	Poirier of Barre City
Davis of Washington *	Burlington	Pugh of South Burlington
Deen of Westminster	Lanpher of Vergennes	Rachelson of Burlington
Donovan of Burlington	Lenes of Shelburne	Ralston of Middlebury
Ellis of Waterbury	Lippert of Hinesburg	Russell of Rutland City *
Emmons of Springfield	Macaig of Williston	Sharpe of Bristol
Evans of Essex	Marek of Newfane	South of St. Johnsbury
Fay of St. Johnsbury	Martin of Springfield	Spengler of Colchester
Fisher of Lincoln	Martin of Wolcott	Stevens of Waterbury *
Frank of Underhill	McCarthy of St. Albans City	Stuart of Brattleboro
Gallivan of Chittenden	McCormack of Burlington	Sweaney of Windsor

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Taylor of Barre City	Townsend of South	Wizowaty of Burlington
Terenzini of Rutland Town	Burlington	Woodward of Johnson
Till of Jericho	Trieber of Rockingham	Yantachka of Charlotte
Toleno of Brattleboro	Waite-Simpson of Essex	Young of Glover
Toll of Danville	Weed of Enosburgh	

Those who voted in the negative are:

Batchelor of Derby	Goodwin of Weston	Myers of Essex
Beyor of Highgate	Greshin of Warren	O'Brien of Richmond
Bouchard of Colchester	Hebert of Vernon *	Pearce of Richford
Browning of Arlington	Helm of Fair Haven	Potter of Clarendon
Burditt of West Rutland	Higley of Lowell	Quimby of Concord
Canfield of Fair Haven	Huntley of Cavendish	Savage of Swanton
Conquest of Newbury	Johnson of South Hero	Shaw of Pittsford
Corcoran of Bennington	Johnson of Canaan	Shaw of Derby
Cross of Winooski	Juskiewicz of Cambridge	Smith of New Haven
Cupoli of Rutland City	Koch of Barre Town	Stevens of Shoreham
Dakin of Chester	Komline of Dorset	Strong of Albany
Devereux of Mount Holly	Krebs of South Hero *	Turner of Milton
Dickinson of St. Albans Town	Lawrence of Lyndon	Van Wyck of Ferrisburgh
Donahue of Northfield	Lewis of Berlin *	Wilson of Manchester
Fagan of Rutland City	Malcolm of Pawlet	Winters of Williamstown
Feltus of Lyndon	Manwaring of Wilmington	Wright of Burlington *
Gage of Rutland City	Marcotte of Coventry	
	Morrissey of Bennington	

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

Bartholomew of Hartland	Donaghy of Poultney	Peltz of Woodbury
Bissonnette of Winooski	French of Randolph	Ram of Burlington
Branagan of Georgia	Hubert of Milton	Scheuermann of Stowe
Brennan of Colchester	Kilmartin of Newport City	Townsend of Randolph
Condon of Colchester	Larocque of Barnet	Vowinkel of Hartford
Copeland-Hanzas of Bradford	Masland of Thetford	Webb of Shelburne
	Mitchell of Fairfax	Zagar of Barnard

**Rep. Bouchard of Colchester** explained his vote as follows:

“Mr. Speaker:

Passing S.14 shows the meaning of transparency in government. This is a big gift to the unions wrapped in a see-through box using see-through plastic wrap.”

**Rep. Davis of Washington** explained her vote as follows:

“Mr. Speaker:

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For me, S.14 is about fairness. When I worked for the state, I was a member of the union. When I moved into a management role, I continued to pay union dues because I felt that if, as a manager I received an extension of benefits that had been bargained for, that I should pay my fair share. I voted ‘yes’ for fairness.”

**Rep. Fagan of Rutland City** explained his vote as follows:

“Mr. Speaker:

The Constitution of Vermont states (in part) that ‘all persons are born equally free and independent and have certain natural, inherent and inalienable rights, amongst which are enjoying and defending life and liberty.’ Our Constitution does not mention fairness but does prominently mention, and hold dear, Liberty. Today we have trodden upon and weakened our right of liberty. I vote ‘no’.”

**Rep. Hebert of Vernon** explained his vote as follows:

“Mr. Speaker:

I vote ‘no’ in support of working Vermonters and their freedom of choice, not the union hierarchy’s special interests.”

**Rep. Krebs of South Hero** explained his vote as follows:

“Mr. Speaker:

The underlying theme of the discussion today, and the rationale for rejecting amendments, has been mostly limited to ‘fairness’. I assume this is why the bill is called Fair Share. Is it fair that those choosing not to join the union receive all the benefits of collective bargaining on their behalf? I would say ‘no.’ And, similarly, is it fair for those paying agency fees to have to carry what is known as ‘free riders’? Again, I would say ‘no.’

But, I also have to ask myself if it is fair for employees that have made a career choice and understand that they are exempt because of an agreement in place to have to now pay agency fees. I would say ‘no.’ Most importantly, I reflect on when a group of employees choose to organize and form a union. At that point in history, there should be a clear and unambiguous understanding that the newly formed union may have to represent both members and non-members AND that all costs may have to be supported by only 51% of the employees.

The fundamental fairness issue starts there and legislation should not be used to redefine prior agreements and understandings. Vermonters, and especially us in the legislature, need to honor that history.”

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**Rep. Lenes of Shelburne** explained her vote as follows:

“Mr. Speaker:

I prefer contract negotiations to deal with the real educational issues that truly help student learning.”

**Rep. Lewis of Berlin** explained her vote as follows:

“Mr. Speaker:

I cannot support Agency Fees. It should not be government and business to dictate that an employee must pay a fee to a union. If they choose not to join, that is their personal choice. This bill will affect those earning the lowest wages in schools and municipalities.”

**Rep. Poirier of Barre City** explained his vote as follows:

“Mr. Speaker:

I voted ‘yes’ because it is the right thing to do. I look forward to the future support of all my Republican friends who are concerned with the plight of the low-income workers in our state in my next attempt to protect them from further economic decline.”

**Rep. Russell of Rutland** explained his vote as follows:

“Mr. Speaker:

I was a dues paying member of the Crewmembers’ Union for 34 years at American Airlines. The good quality of life, work rules and benefits gained through hard fought negotiations were also enjoyed by those who did not wish to be a part of the Union, for a fee. I vote ‘yes’ for fairness in the workplace.”

**Rep. Stevens of Waterbury** explained his vote as follows:

“Mr. Speaker:

This is a bill that brings a little economic justice to union members in our State Police, our teachers, and in every department of state government that provides services to Vermonters every day, which is a special interest to all of us.”

**Rep. Wright of Burlington** explained his vote as follows:

“Mr. Speaker:

I vote ‘no’ because this bill forces non-union members to pay an agency fee for the first time, despite the fact that they cannot participate in union elections or even vote on ratification of a contract that may not even ultimately benefit

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them. We, as a legislature, are forcing agency fees on people and interfering with a decision best left to local school boards. Why? This is not about fairness.”

### **Action on Bill Postponed**

#### **S. 30**

House bill, entitled

An act relating to siting of electric generation plants

Was taken up and pending the reading of the report of the committee on Natural Resources and Energy, on motion of **Rep. Klein of East Montpelier**, action on the bill was postponed until the next legislative day.

### **Bill Committed**

#### **S. 77**

Senate bill, entitled

An act relating to patient choice and control at end of life

Appearing on the Calendar for action, was taken up and pending the reading of the report of the committee on Human Services, on motion of **Rep. Pugh of South Burlington**, the bill was committed to the committee on Judiciary.

### **Adjournment**

At six o'clock and forty minutes in the evening, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.