

# Journal of the Senate

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FRIDAY, FEBRUARY 1, 2013

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Message from the House No. 11

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. 63.** An act relating to repealing an annual survey of municipalities.

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

## Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

### S. 68.

By Senators Starr, Bray, French, McAllister and Zuckerman,

An act relating to requiring a study and report on using methane gas to power farm equipment.

To the Committee on Agriculture.

### S. 69.

By Senators Rodgers, McAllister and Starr,

An act relating to the use of secure residential recovery facilities for a person charged with a violent felony and found incompetent to stand trial or not guilty by reason of insanity.

To the Committee on Judiciary.

**S. 70.**

By Senator Rodgers,

An act relating to the sale of raw milk at farmers' markets.

To the Committee on Agriculture.

**S. 71.**

By Senators Rodgers, McAllister and Starr,

An act relating to expanding prohibitions related to odometer and clock meter readings.

To the Committee on Judiciary.

**S. 72.**

By Senator Rodgers,

An act relating to expanding eligibility under the new motor vehicle arbitration law.

To the Committee on Judiciary.

**S. 73.**

By Senators Ashe, Westman, Baruth, Cummings, Flory, Fox, Lyons, Mazza and Mullin,

An act relating to the moratorium on home health agency certificates of need.

To the Committee on Health and Welfare.

**S. 74.**

By Senator Sears,

An act relating to immunity from liability for volunteer athletic coaches, managers, and officials.

To the Committee on Judiciary.

**Bill Referred**

House bill of the following title was read the first time and referred:

**H. 63.**

An act relating to repealing an annual survey of municipalities.

To the Committee on Government Operations.

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**Senate Resolution Placed on Notice Calendar****S.R. 6.**

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

By the Committee on Rules,

**S.R. 6.** Senate resolution relating to amending the permanent rules of the Senate.

***Resolved by the Senate:***

***First:*** In Rule 24, fourth paragraph, after the word “labor” by striking out the following: “, including unemployment and workers’ compensation insurance”

***Second:*** In Rule 24, sixth paragraph, after the word “insurance” by inserting a comma and by striking out the word “and”

***Third:*** In Rule 24, seventh paragraph, after the word “defense” by inserting the following: “; public records and open meetings”

***Fourth:*** In Rule 24, tenth paragraph, after the word “affairs” by inserting the following: “; and motor vehicle and homeowner liability insurance”

Thereupon, pursuant to Rule 34, the resolution was placed on the Calendar for notice the next legislative day.

**Bill Amended; Third Reading Ordered****S. 14.**

Senator Baruth, for the Committee on Economic Development, Housing and General Affairs, to which was referred Senate bill entitled:

An act relating to payment of agency fees by teachers, school administrators, and municipal employees.

Reported recommending that the bill be amended by striking out 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”~~ “Fair-share 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~~ fair-share 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.

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 fair-share 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 fair-share fee. Nothing in this section shall require an employer to discharge an employee who does not pay the fair-share 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 fair-share 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. ~~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~~ to charge a ~~collective bargaining fee negotiated pursuant to section 904 of this title~~ the fair-share fee 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~~ fair-share 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~~ fair-share 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,”~~ “Fair-share 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~~ fair-share 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.

\* \* \*

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 fair-share 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 fair-share fee. Nothing in this section shall require an employer to discharge an employee who does not pay the fair-share fee.

~~(c)~~(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 fair-share 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~~ the fair-share fee unless the employee organization has established and maintained a procedure to provide nonmembers with all the following:

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

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

(C) ~~Prompt~~ prompt arbitration by the ~~board~~ Board to resolve any objection over the amount of the ~~collective bargaining fee~~ fair-share fee.

Sec. 10. 3 V.S.A. § 1041 is amended to read:

§ 1041. GRIEVANCES; APPLICANTS AND EXCLUDED PERSONNEL

\* \* \*

(c) Any dispute concerning the amount of ~~a collective bargaining service~~ the fair-share fee may be grieved to the ~~board~~ Board in accordance with the rules of the ~~board~~ Board.

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

Sec. 11. 16 V.S.A. § 1981 is amended to read:

§ 1981. DEFINITIONS

As used in this chapter unless the context requires otherwise:

\* \* \*

(7) ~~“Agency fee”~~ “Fair-share 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.

\* \* \*

Sec. 12. 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 fair-share 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 fair-share 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 fair-share 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 fair-share 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 fair-share 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 fair-share 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 fair-share 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 fair-share fee.

Sec. 13. 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 agency service fee~~ the manner in which it will enforce an employee's obligation to pay the fair-share 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. 14. 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) “Fair-share fee” means the portion of an employee organization’s dues attributable to activities stemming from its duty to represent all employees in a collective bargaining unit without regard to membership in the employee organization, to be paid by those employees in a collective bargaining unit who are not members of the employee organization. It includes the cost of all activities germane to collective bargaining, administering and enforcing collective bargaining agreements, representing employees in their employment relations with their employer, professional development, and the employee organization’s governance and administration. It does not include the cost of any political activities, lobbying over matters that are not germane to either collective bargaining or employer-employee relations, or community service activities undertaken by the employee organization.

Sec. 15. 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 fair-share 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 fair-share fee.

(b) A labor organization shall not charge the fair-share 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 fair-share 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 fair-share fee. The costs of arbitration shall be paid by the labor organization.

Sec. 16. 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 fair-share 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. 17. 21 V.S.A. § 1722 is amended to read:

§ 1722. DEFINITIONS

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

(1) ~~“Agency service fee”~~ “Fair-share 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

\* \* \*

Sec. 18. 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 fair-share 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 agency service fee~~ the fair-share 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 agency service fee agreement~~ the fair-share fee 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 fair-share 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 fair-share fee. The costs of arbitration shall be paid by the employee organization.

Sec. 19. 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 fair-share 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 fair-share fee.

\* \* \* 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 a fair-share 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 fair-share fees.

And that when so amended the bill ought to pass.

Senator Baruth, for the Committee on Education, to which the bill was referred, reported that the bill ought to pass when so amended.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be amended as recommended by the Committee of Economic Development, Housing and General Affairs?, Senator Nitka moved to amend the recommendation of amendment of the Committee on Economic Development, Housing and General Affairs by striking out Secs. 17, 18 and 19.

Thereupon, pending the question, Shall the recommendation of amendment of the Committee on Economic Development, Housing and General Affairs be amended by striking out Secs. 17, 18, and 19? Senator Sears, pursuant to Rule 53 of the Permanent Rules of the Vermont Senate, requested the amendment be reduced to writing. Thereupon, the President required the motion be reduced to writing.

Thereupon, the recurring question, Shall the recommendation of amendment of the Committee on Economic Development, Housing and General Affairs be amended by striking out sections 17, 18 and 19, was disagreed to on a roll call, Yeas 4, Nays 25.

Senator Nitka having demanded the yeas and nays, they were taken and are as follows:

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Flory, McAllister, Nitka, Westman.

**Those Senators who voted in the negative were:** Ashe, Ayer, Baruth, Benning, Bray, Campbell, Collins, Cummings, Doyle, Fox, French, Galbraith, Hartwell, Kitchel, MacDonald, Mazza, McCormack, Mullin, Pollina, Rodgers, Sears, Snelling, Starr, White, Zuckerman.

**The Senator absent and not voting was:** Lyons.

Thereupon, the recommendation of amendment was agreed to on a roll call, Yeas 26, Nays 3.

Senator McCormack having demanded the yeas and nays, they were taken and are as follows:

#### **Roll Call**

**Those Senators who voted in the affirmative were:** Ashe, Ayer, Baruth, Bray, Campbell, Collins, Cummings, Doyle, Fox, French, Galbraith, Hartwell, Kitchel, MacDonald, Mazza, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Snelling, Starr, Westman, White, Zuckerman.

**Those Senators who voted in the negative were:** Benning, Flory, McAllister.

**The Senator absent and not voting was:** Lyons.

Thereupon, third reading of the bill was ordered.

**Appointments Confirmed**

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator White, the following Gubernatorial appointments were confirmed together as a group by the Senate, without reports given by the Committees to which they were referred and without debate:

Gallagher, Thomas of St. Albans - Member, Liquor Control Board – July 3, 2012, to January 31, 2015.

Clark, Edward of Guildhall - Member, State Labor Relations Board – December 18, 2012, to June 30, 2018.

Williams, Robert of Poultney - Member, Electricians' Licensing Board – August 15, 2012, to June 30, 2015.

Sbardella, Julian of Fair Haven - Member, Liquor Control Board – July 12, 2012, to January 31, 2013.

Mazza, Melissa of Essex Junction - Member, Liquor Control Board – June 14, 2012, to January 31, 2017.

Watkins, Timothy of Colchester - Member, Electricians' Licensing Board – August 15, 2012, to June 30, 2015.

Larocque, Leo of Whiting - Member, Electricians' Licensing Board – October 23, 2012, to June 30, 2015.

Pallito, Patti of Richmond - Member, State Police Advisory Commission – August 15, 2012, to June 30, 2013.

Sartorelli, Ugo of Barre - Member, State Police Advisory Commission – August 15, 2012, to June 30, 2016.

Crowley, Thomas of South Burlington - Member, State Police Advisory Commission – July 20, 2012, to June 30, 2016.

Willard, Alan of Woodstock - Member, State Labor Relations Board – December 28, 2012, to June 30, 2018.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 5, 2013, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 9.