

Journal of the Senate

FRIDAY, FEBRUARY 14, 2014

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. 20

A message was received from the House of Representatives by Ms. Melissa Kucserik, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 612. An act relating to Gas Pipeline Safety Program penalties.

H. 739. An act relating to rulemaking by the Judicial Nominating Board.

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

The House has considered Senate proposal of amendment to House bill of the following title:

H. 655. An act relating to fiscal year 2014 budget adjustments.

And has concurred therein.

Pages Honored

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

Christian Bolding of Northfield
Harrison Bushnell of Middlesex
Izabel Estrin of Putney
Susan Flint of Springfield
Jasper Goodman of Waterbury Center
Gabriello Lewis of Burlington
Jacob Metivier of Barre Town
Lauren Polk of Hinesburg
Grace Simmons of Waitsfield
Margaret Toll of Danville

Rules Suspended; Bill Committed**S. 287.**

Appearing on the Calendar for notice, on motion of Senator Sears, the rules were suspended and Senate bill entitled:

An act relating to involuntary treatment and medication.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Judiciary, Senator Sears moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Health and Welfare with the report of the Committee on Judiciary *intact*,

Which was agreed to.

Bills Referred

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

H. 612.

An act relating to Gas Pipeline Safety Program penalties.

To the Committee on Finance.

H. 739.

An act relating to rulemaking by the Judicial Nominating Board.

To the Committee on Judiciary.

Bill Passed**S. 317.**

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

An act relating to repealing the unconstitutional Vermont statutes related to the performance of abortions.

Bill Amended; Third Reading Ordered**S. 213.**

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

An act relating to an employee's use of benefits.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

The purpose of this act is to promote a healthy work environment by ensuring that employers do not penalize employees who use employer-provided sick leave or any other employer-provided benefit.

Sec. 2. 21 V.S.A. § 496b is added to read:

§ 496b. EMPLOYEE USE OF BENEFITS

(a) An employer, employment agency, or labor organization shall not discharge or in any other manner discriminate against or penalize an employee because the employee has used, or attempted to use, accrued employer-provided sick leave or other employer-provided benefits.

(b) This section shall not:

(1) diminish any rights under this chapter or pursuant to a collective bargaining agreement;

(2) require an employer to provide sick leave or other benefits to employees; or

(3) prohibit the establishment and enforcement of other reasonable workplace policies that relate to an employee's use of benefits, such as policies addressing attendance incentives, tardiness or unexcused absences, procedures for using sick leave or other benefits, or seniority calculations.

(c) The provisions against retaliation in subdivision 495(a)(8) of this title and the penalty and enforcement provisions of section 495b of this title shall apply to this section.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

And that when so amended the bill ought to pass.

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

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:

Smith, Rachel of St. Albans - Member, Vermont Economic Progress Council - July 18, 2013, to March 31, 2017.

Flanagan, Edward F. of Montpelier - Member, Vermont State Lottery Commission - September 4, 2013, to February 29, 2016.

Nesbitt, Thomas of Waterbury Center - Member, Plumbers' Examining Board – October 9, 2013, to February 28, 2017.

Briglin, Timothy of Thetford Center - Member, Vermont Economic Progress Council - July 18, 2013, to March 31, 2017.

Appointment Confirmed

The following Gubernatorial appointment was confirmed separately by the Senate, upon full report given by the Committee to which it was referred:

Shems, Ron of Moretown - Chair, Natural Resources Board – February 1, 2013, to January 31, 2015.

Message from the House No. 21

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 809. An act relating to designation of new town centers and growth centers.

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

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

H.C.R. 222. House concurrent resolution commemorating the placement of a historic marker at Wagon Wheels Farm in South Royalton.

H.C.R. 223. House concurrent resolution honoring Windsor civic leader John Tansey.

H.C.R. 224. House concurrent resolution congratulating Carole Lacasse on her Vermont State government career.

H.C.R. 225. House concurrent resolution designating February 7, 2014 as Wear Red Day.

H.C.R. 226. House concurrent resolution honoring Ruth Levin for her community service in the town of Shaftsbury.

H.C.R. 227. House concurrent resolution congratulating *Vermont Standard* publisher Phillip Camp on his induction into the New England Newspaper Hall of Fame.

H.C.R. 228. House concurrent resolution congratulating Chris Braithwaite on his induction into the New England Newspaper Hall of Fame and the *Barton Chronicle* on its 40th anniversary.

H.C.R. 229. House concurrent resolution honoring Vermont Symphony Orchestra Chorus Director Robert De Cormier on his remarkable career in the musical arts.

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

House Concurrent Resolutions

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

By Representatives Buxton and McFaun,

By Senators Campbell, McCormack and Nitka,

H.C.R. 222.

House concurrent resolution commemorating the placement of a historic marker at Wagon Wheels Farm in South Royalton.

By Representatives Sweaney and Bartholomew,

By Senators Campbell, McCormack and Nitka,

H.C.R. 223.

House concurrent resolution honoring Windsor civic leader John Tansey.

By Representatives Donahue and Lewis,

By Senators Cummings, Doyle and Pollina,

H.C.R. 224.

House concurrent resolution congratulating Carole Lacasse on her Vermont State government career.

By Representative Krowinski and others,

By Senators Lyons, Ashe, Ayer, Baruth, Benning, Bray, Campbell, Collins, Cummings, Doyle, Flory, French, Galbraith, Hartwell, Kitchel, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Pollina, Rodgers, Sears, Snelling, Starr, Westman, White and Zuckerman,

H.C.R. 225.

House concurrent resolution designating February 7, 2014 as Wear Red Day.

By Representative Miller,

By Senators Hartwell and Sears,

H.C.R. 226.

House concurrent resolution honoring Ruth Levin for her community service in the town of Shaftsbury.

By Representatives Clarkson and Zagar,

By Senators Campbell, McCormack and Nitka,

H.C.R. 227.

House concurrent resolution congratulating *Vermont Standard* publisher Phillip Camp on his induction into the New England Newspaper Hall of Fame.

By Representative Young and others,

By Senators Benning, Rodgers and Starr,

H.C.R. 228.

House concurrent resolution congratulating Chris Braithwaite on his induction into the New England Newspaper Hall of Fame and the *Barton Chronicle* on its 40th anniversary.

By Representative Devereux and others,

By Senators Benning, Bray, Campbell, Collins, Doyle, Flory, Galbraith, Kitchel, Lyons, MacDonald, McCormack, Mullin, Nitka, Pollina, Sears, Snelling, Starr, Westman and White,

H.C.R. 229.

House concurrent resolution honoring Vermont Symphony Orchestra Chorus Director Robert De Cormier on his remarkable career in the musical arts.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 18, 2014, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 44.