

Journal of the Senate

WEDNESDAY, JANUARY 6, 2016

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kim Kie of Barre.

Rules Suspended; Bill Recommitted

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

S. 114. An act relating to the Open Meeting Law.

Was taken up for immediate consideration.

Thereupon, pending second reading of the bill, on motion of Senator White the bill was recommitted to the Committee on Government Operations.

Senate Resolution; Substitute Resolution Introduced; Consideration Interrupted by Recess

S.R. 8.

Senate resolution entitled:

Senate resolution relating to the suspension of Senator Norman H. McAllister.

Having been placed on the Calendar for action, was taken up.

Thereupon, pending the question, Shall the Senate adopt the resolution?, Senators Flory, Collamore, Mazza, McCormack, Starr and White moved to substitute the resolution with the following:

S.R. 8. Senate resolution postponing suspension or any other action as to Senator McAllister until there is a verdict in his criminal trial.

Whereas, the rights of victims should not be jeopardized, nor the right of a person charged with a crime to be considered innocent until proven guilty, and

Whereas, all Vermonters have a right to equal representation and that right should not be abridged by reducing the number of Senators who represent any district or part of this State, and

Whereas, all Senators swear, pursuant to Chapter II, §§ 16 and 17 of the Constitution of the State of Vermont, to “not propose, or assent to, any bill,

vote or resolution, which shall ... have a tendency to lessen or abridge” Vermonters’ “rights and privileges, as declared by the Constitution of this State,” *now therefore be it*

Resolved by the Senate:

That the Senate shall postpone any action concerning suspending, expelling, or taking any other action pertaining to Senator McAllister until entry of judgment or, if entry of judgment is stayed pending appeal, after a plea has been entered or a verdict returned in his criminal trial.

Thereupon, pending the question, Shall the resolution be substituted as recommended by Senators Flory, Collamore, Mazza, McCormack, Starr and White?, Senator Sears raised a *point of order* under that the resolution was impermissible as it required the Senate to interpret the Constitution obligations of Senators.

The President *overruled* the point of order.

Thereupon, the question, Shall the resolution be substituted as recommended by Senators Flory, Collamore, Mazza, McCormack, Starr and White?, on motion of Senator McAllister the Senate recessed until 2:15 P.M.

Called to Order

The Senate was called to order by the President.

Consideration Resumed; Consideration Interrupted by Recess

S.R. 8.

Consideration was resumed on Senate resolution entitled:

Senate resolution relating to the suspension of Senator Norman H. McAllister.

Thereupon, the question, Shall the resolution be substituted as recommended by Senators Flory, Collamore, Mazza, McCormack, Starr and White?, was disagreed to on a roll call, Yeas 10, Nays 20.

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

Roll Call

Those Senators who voted in the affirmative were: Ayer, Collamore, Flory, MacDonald, Mazza, McAllister, McCormack, Mullin, Starr, White.

Those Senators who voted in the negative were: Ashe, Balint, Baruth, Benning, Bray, Campbell, Campion, Cummings, Degree, Doyle, Kitchel, Lyons, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Westman, Zuckerman.

Thereupon, the question, Shall the Senate adopt the resolution?, on motion of Senator McAllister the Senate recessed for five minutes.

Called to Order

The Senate was called to order by the President.

Consideration Resumed; Senate Resolution Adopted

S.R. 8.

Consideration was resumed on Senate resolution entitled:

Senate resolution relating to the suspension of Senator Norman H. McAllister.

Thereupon, the question, Shall the Senate adopt the resolution?, was agreed to on a roll call, Yeas 20, Nays 10.

Senator Campbell 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, Balint, Baruth, Benning, Bray, Campbell, Campion, Cummings, Degree, Doyle, Kitchel, Lyons, Pollina, Rodgers, Sears, Sirotkin, Snelling, Westman, Zuckerman.

Those Senators who voted in the negative were: Collamore, Flory, MacDonald, Mazza, McAllister, McCormack, Mullin, Nitka, Starr, White.

Message from the House No. 1

A message was received from the House of Representatives by Mr. Jeremy Weiss, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has adopted joint resolution of the following title:

J.R.H. 17. Joint resolution urging FIFA to institute equal payment plans for men's and women's World Cup soccer teams.

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

The House has considered joint resolutions originating in the Senate of the following titles:

J.R.S. 30. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

J.R.S. 33. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, January 7, 2016.