

# Journal of the Senate

WEDNESDAY, FEBRUARY 10, 2016

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. 17

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 passed a House bill of the following title:

**H. 575.** An act relating to eliminating the role of town service officers in administering General Assistance benefits.

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

## Bill Referred

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

### H. 575.

An act relating to eliminating the role of town service officers in administering General Assistance benefits.

To the Committee on Health & Welfare.

## Consideration Reconsidered; Substitute Proposal of Amendment; Bill Read the Third Time; Bill Passed

### H. 187.

Reconsideration was resumed on House bill entitled:

An act relating to absence from work for health care and safety.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as moved by Senator Champion?, Senator Campbell moved to substitute a proposal of amendment for the proposal of amendment of Senator Champion as follows:

First: After Sec. 6a, by inserting a new section to be numbered Sec. 6b to read as follows:

Sec. 6b. COST TO SMALL EMPLOYERS; SURVEY; REPORT

(a) The Department of Labor and the Agency of Commerce and Community Development shall conduct a survey of Vermont employers with five or fewer employees regarding the following:

(1) the number of employees employed by each employer;

(2) the hourly wages paid by each employer to its employees; and

(3) whether each employer provides its employees with paid time off from work that satisfies the requirements of 21 V.S.A. § 482–484 as enacted pursuant to Sec. 4 of this act.

(b) The Department of Labor and the Agency of Commerce and Community Development shall, on or before January 15, 2017, report to the General Assembly regarding the results of the survey and an estimate of the total additional cost to employers with five or fewer employees of providing earned sick time pursuant the requirements of this act.

Second: In Sec. 8, subdivision (a)(1), after the words “This section” by striking out the following: “and Sec. 6a” and inserting in lieu thereof the following: , Sec. 6a, and 6b

Which was agreed to on a roll call, Yeas 15, Nays 14.

Senator Starr 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, Bray, Campbell, Cummings, Lyons, MacDonald, McCormack, Pollina, Sears, Sirotkin, White, Zuckerman.

**Those Senators who voted in the negative were:** Benning, Campion, Collamore, Degree, Doyle, Flory, Kitchel, Mazza, Mullin, Nitka, Rodgers, Snelling, Starr, Westman.

**The Senator absent and not voting was:** McAllister (suspended).

Thereupon, the proposal of amendment of Senator Campion, as substituted, was agreed to.

Thereupon, pending third reading of the bill, Senators Zuckerman and Campbell moved that the Senate proposal of amendment be amended in Sec. 2, Purpose, by striking out subsection (b) in its entirety and inserting a new subsection (b) to read:

(b) It is the intent of the General Assembly that:

(1) all employers doing business in or operating in the State of Vermont shall be required to provide earned sick time to their employees as provided by this act; and

(2) all employers that currently offer any type of paid time off from work that may, at a minimum, be used by the employer's employees in the amounts and for the purposes required pursuant to this act shall not be required to change their paid time off policy or offer additional paid leave.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment.

**Proposal of Amendment Amended; Bill Passed in Concurrence with  
Proposals of Amendment**

**H. 611.**

House bill entitled:

An act relating to fiscal year 2016 budget adjustments.

Was taken up.

Thereupon, pending third reading of the bill, Senator Kitchel moved that the Senate proposal of amendment be amended in the *Eleventh* proposal of amendment in Sec. 74, subsection (b) by striking out the following: "Secs. 60a and 60b" and inserting in lieu thereof the following: Sec. 60a

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment on a roll call, Yeas 25, Nays 4.

Senator Sears 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, Bray, Campbell, Campion, Cummings, Doyle, Flory, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

**Those Senators who voted in the negative were:** Benning, Collamore, Degree, Mullin.

**The Senator absent and not voting was:** McAllister (suspended).

**Joint Resolution Adopted on the Part of the Senate****J.R.S. 40.**

Joint Senate resolution entitled:

Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

Having been placed on the Calendar for action, was taken up and adopted on the part of the Senate.

**Joint Resolution Adopted on the Part of the Senate****J.R.S. 41.**

Joint Senate resolution entitled:

Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2016.

Was taken up.

Senator MacDonald moved to amend the joint resolution by striking out all after the title and inserting in lieu thereof the following:

*Whereas*, in recent years it has become increasingly necessary to shorten the length of time spent by the General Assembly in joint session for the election of various officials, and

*Whereas*, if elections for multiple vacancies were to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of two legislative trustees of the Vermont State Colleges Corporation at a Joint Assembly to be held on February 18, 2016, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be two.

(2) The two candidates receiving the greater number of votes shall be declared elected to fill the two vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or both of the two vacant positions, then voting shall

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continue on successive ballots for the unfilled position or positions until the vacancies have been filled by election declared of the two candidates receiving the greater number of votes, *and be it further*

**Resolved:** That the Joint Rules Committee propose to the Senate Rules Committee and the House Rules Committee legislation to amend 2 V.S.A. § 10 to change the hour of the day of future joint assemblies held for the purpose of electing legislative trustees of the University of Vermont and State Agricultural College and legislative trustees of the Vermont State Colleges from 10 o'clock and 30 minutes, forenoon, to a time in the afternoon that will not conflict with regularly scheduled meetings of House or Senate standing committees.

Thereupon, pending the question, Shall the joint resolution be amended as recommended by Senator MacDonald?, Senator MacDonald requested and was granted leave to withdraw his recommendation of amendment.

Thereupon, the recurring question, Shall the joint Senate resolution having been placed on the Calendar for action, be adopted on the part of the Senate?, was agreed to.

#### **Message from the House No. 18**

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 considered joint resolution originating in the Senate of the following title:

**J.R.S. 39.** 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, February 11, 2016.