

# Journal of the Senate

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MONDAY, MARCH 21, 2011

The Senate was called to order by the President.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Taihaku of East Calais.

## Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

## Message from the House No. 34

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 House bills of the following titles:

**H. 11.** An act relating to the discharge of pharmaceutical waste to state waters.

**H. 66.** An act relating to the illegal taking of trophy big game animals.

**H. 431.** An act relating to extending the implementation date of certain employment-related disclosure requirements.

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. 82.** House concurrent resolution honoring Vermont National Guard Command Sergeant Major Michael Dattilio for his 42 years of exemplary military service.

**H.C.R. 83.** House concurrent resolution honoring Calais Town Clerk and former representative Eva M. Morse for her extraordinary civic service on behalf of the citizens of Calais.

**H.C.R. 84.** House concurrent resolution congratulating Krystal Smith on winning the 25th Annual U.S. Best Bagger National Championship.

**H.C.R. 85.** House concurrent resolution congratulating Vermont State Archivist Gregory Sanford on winning the Matthew Lyon Award .

**H.C.R. 86.** House concurrent resolution honoring the civic service of Bennington Selectboard Chair Lodie Colvin.

**H.C.R. 87.** House concurrent resolution honoring Monkton town clerk Carmelita Burritt for her exemplary civic service.

**H.C.R. 88.** House concurrent resolution congratulating Cochran's Ski Area on its golden anniversary.

**H.C.R. 89.** House concurrent resolution congratulating the town of Guilford as it celebrates its 250th anniversary.

**H.C.R. 90.** House concurrent resolution in memory of Henry Blanchette.

**H.C.R. 91.** House concurrent resolution congratulating the *Addison County Independent* and its staff on winning nine New England Newspaper and Press Association awards.

**H.C.R. 92.** House concurrent resolution congratulating the 2010 Rice Memorial High School Division II championship football team.

**H.C.R. 93.** House concurrent resolution honoring employees of municipal public works departments and designating May 15–21, 2011 as Public Works Week in Vermont.

**H.C.R. 94.** House concurrent resolution congratulating the 2010 South Burlington High School Rebels 2010 Division I championship field hockey team.

**H.C.R. 95.** House concurrent resolution congratulating the 2010 South Burlington High School Rebels Division I championship girls' soccer team.

**H.C.R. 96.** House concurrent resolution congratulating the 2011 Essex High School *We the People . . . The Citizen and the Constitution* Vermont championship team.

**H.C.R. 97.** House concurrent resolution honoring the outstanding efforts of those who provide child development services in Vermont and work on behalf of our youngest citizens.

**H.C.R. 98.** House concurrent resolution congratulating the Vermont State Board of Nursing on its centennial anniversary.

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

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**Rules Suspended; Bills Committed**

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

**S. 77.** An act relating to water testing of private wells.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Natural Resources and Energy, Senator Campbell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Rules with the report of the Committee on Natural Resources and Energy *intact*,

Which was agreed to.

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

**S. 42.** An act relating to art galleries serving malt or vinous beverages.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Economic Development, Housing and General Affairs, Senator Campbell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Judiciary with the report of the Committee on Economic Development, Housing and General Affairs *intact*,

Which was agreed to.

**Bill Referred to Committee on Finance****S. 100.**

Senate bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to making miscellaneous amendments to education laws.

**Joint Senate Resolution Adopted on the Part of the Senate**

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Carris and Mullin,

**J.R.S. 23.** Joint resolution relating to weekend adjournment.

*Resolved by the Senate and House of Representatives:*

That when the two Houses adjourn on Friday, March 25, 2011, it be to meet again no later than Tuesday, March 29, 2011.

### **Committee Bill Introduced**

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

#### **S. 101.**

By the Committee on Judiciary,  
An act relating to child support enforcement.

### **Bills Referred**

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

#### **H. 11.**

An act relating to the discharge of pharmaceutical waste to state waters.  
To the Committee on Natural Resources and Energy.

#### **H. 66.**

An act relating to the illegal taking of trophy big game animals.  
To the Committee on Natural Resources and Energy.

#### **H. 431.**

An act relating to extending the implementation date of certain employment-related disclosure requirements.  
To the Committee on Judiciary.

### **Consideration Postponed**

#### **S. 52.**

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

An act to protect employees from abuse at work.

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

#### Sec. 1. FINDINGS

The general assembly finds that:

(1) Some studies have concluded that over one-third of American workers have been the targets of malicious or abusive treatment by supervisors or coworkers which is wholly unrelated to legitimate workplace goals or acceptable business practices.

(2) Some studies have concluded that 45 percent of bullied employees suffer stress-related health problems, including debilitating anxiety, panic attacks, clinical depression, and post-traumatic stress.

(3) Abusive behavior occurs even in the absence of any motive to discriminate on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, or age or against a qualified disabled individual. Such nondiscriminatory abuse is often referred to as “workplace bullying.”

(4) The Vermont office of attorney general’s civil rights unit reports that of the 1,200 to 1,300 requests for assistance it receives each year, a substantial number involve allegations of severe workplace bullying that cannot be addressed by current state or federal law or common law tort claims. Similarly, the Vermont human rights commission, which has jurisdiction in employment discrimination claims against the state, reports that it must refuse complaints of workplace bullying because the inappropriate behaviors are not motivated by the targeted employee’s membership in a category protected by antidiscrimination laws.

(5) Sweden enacted the first workplace bullying law in 1993, and since then several countries have taken a variety of approaches to the problem, including the creation of private legal remedies and the prohibition of workplace bullying through occupational safety and health laws.

(6) The general assembly recognizes that there is a need to strike a balance between affording Vermont workers relief from bullying and unduly interfering with the operation of workplaces.

(7) However, given the limited duration of the legislative session, the potential impact on existing labor contracts and personnel policies, and the various options available to address this issue, a considered approach should be presented for consideration by the 2011 adjourned session of the general assembly.

## Sec. 2. STUDY

(a) A committee is established to study the issue of workplace bullying in Vermont and to make recommendations to address the manner in which workplace bullying should be addressed by the state, by employers, and by affected employees. The committee shall examine:

(1) A definition of “workplace bullying” or “abusive conduct” in the workplace not addressed by existing law.

(2) Whether there is a need for additional laws regarding workplace bullying.

(3) Different models for remedying workplace bullying, including:

(A) Creating a private right of action that would include the recovery of damages.

(B) Creating a mechanism for injunctive relief similar to those relating to stalking, hate crimes, or relief-from-abuse orders.

(C) State enforcement similar to the employment discrimination law.

(D) State enforcement by the Vermont occupational safety and health administration.

(E) Any other issues relevant to workplace bullying.

(b) The committee established by subsection (a) of this section shall also recommend any measures, including proposed legislation, to address bullying in the workplace.

(c) The committee established by subsection (a) of this section shall consist of the following members:

(1) The attorney general or designee.

(2) The executive director of the human rights commission or designee.

(3) The commissioner of the department of labor or designee.

(4) The commissioner of the department of human resources or designee.

(5) The state coordinator of the Vermont healthy workplace advocates.

(6) Two representatives from the business community, one to be appointed by the speaker of the house and one to be appointed by the committee on committees.

(7) Two representatives from labor organizations, one to be appointed by the speaker of the house and one to be appointed by the committee on committees.

(8) The executive director of the American Civil Liberties Union of Vermont or designee.

(9) The executive director of the Vermont Bar Association or designee.

(d) The committee shall convene its first meeting no later than July 15, 2011. The commissioner of labor shall be designated as the chair of the commission, and shall convene the first and subsequent meetings.

(e) The committee shall report its findings and any recommendations to the senate committee on economic development, housing and general affairs, and the house committee on commerce and economic development on or before January 15, 2012. The report shall include any recommended legislation to address the issue of workplace bullying.

(f) The committee shall cease to function upon transmitting its report.

and that after passage the title of the bill be amended to read: "An act relating to workplace bullying".

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, and pending the question, Shall the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs?, Senator Sears moved that the bill be referred to the Committee on Appropriations?, and pending the question, Shall the bill be referred to Committee on Appropriations?, Senator Sears requested and was granted leave to withdraw the motion. Thereupon, pending the recurring question, Shall the be amended as recommended by the Committee on Economic Development, Housing and General Affairs?, Senator Sears moved that consideration be postponed, until the next legislative day, which was agreed to.

### **Bills Passed**

Senate Committee bills of the following titles were severally read the third time and passed:

**S. 91.** An act relating to motor vehicle operation and entertainment pictures.

**S. 92.** An act relating to the protection of students' health by requiring the use of safe cleaning products in schools.

**S. 96.** An act relating to technical corrections to the workers' compensation statutes.

**S. 97.** An act relating to the study of carbon monoxide detectors in school buildings.

**Third Reading Ordered****S. 18.**

Senator Brock, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to the disclosure of tax administration information to tax representatives.

Reported that the bill ought to pass.

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

**Adjournment**

On motion of Senator Carris, the Senate adjourned until one o'clock in the afternoon on Wednesday, March 23, 2011.