

## TIE BREAKING VOTES

### 2016

**April 29, 2016**

H.571, an act relating to driver's license suspensions, driving with a suspended license, and DUI penalties

-Thereupon, pending the question, Shall the Senate propose to the House that the bill be amended as proposed by the Committee on Judiciary, as amended?, Senator Lyons moved to amend the proposal of amendment of the Committee on Judiciary, by striking out Secs. 19 through 21 in their entirety. Which was disagreed to on a roll call, Yeas 14, Nays 14.

-There being a tie, the Secretary took the casting vote of the President, who voted "Nay".

-Senator Benning 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, Campbell, Champion, Degree, Flory, Kitchel, Lyons, MacDonald, Mazza, Riehle, Sirotkin. Those Senators who voted in the negative were: Benning, Bray, Collamore, Cummings, Doyle, Mullin, Nitka, Pollina, Rodgers, Sears, Starr, Westman, White, Zuckerman. Those Senators absent and not voting were: McAllister (Suspended), McCormack.

-Thereupon, the proposal of amendment proposed by the Committee on Judiciary, as amended, was agreed to and third reading of the bill was ordered.

-roll call: 14-14

-vote: NO (because it makes motorcycle laws align with seatbelt laws – removes points for driving a motorcycle without a helmet)

-<http://legislature.vermont.gov/assets/Documents/2016/Docs/JOURNAL/sj160429.pdf>

### 2015

**April 9, 2015**

S.139, an act relating to pharmacy benefit managers, hospital observation status, and chemicals of high concern to children

- Amendment to S. 139 to be offered by Senators Flory, Benning, Degree, Mazza, McAllister, Rodgers, Sears, and Starr: Senators Flory, Benning, Degree, Mazza, McAllister, Rodgers, Sears, and Starr move to amend the bill by striking out Secs. 11 and 12 (chemicals of high concern to children) in their entirety and renumbering the remaining sections of the bill to be numerically correct.

-Thereupon, pending the question, Shall the bill be read third time?, Senators Flory, Benning, Degree, Mazza, McAllister, Rodgers, Sears, and Starr moved to amend the bill by striking out Secs. 11 and 12 (chemicals of high concern to children) in their entirety.

Which was agreed to on a division of the senate, Yeas 16, Nays 15.

There being a tie, the Secretary took the casting vote of the President, who voted "Yea".

-division, 15-15

-Senators voting in favor were Flory, Mazza, Westman, Starr, Kitchel, Collamore, Doyle, Snelling, Sears, McAllister, Bray, Nitka, Benning, Rodgers and Degree. Those voting against were Ashe, Zuckerman, Baruth, Sirotkin, Lyons, MacDonald, Balint, White, Campbell, Ayer, McCormack, Cummings, Mullin, Campion and Pollina.

-vote: YES

-<http://legislature.vermont.gov/assets/Documents/2016/Docs/JOURNAL/sj150409.pdf>

## **2013**

### **February 13, 2013**

S.77, an act relating to patient choice and control at end of life

- Thereupon, the question, Shall the bill be amended as moved by Senators Galbraith and Hartwell, as amended?, was agreed to on a roll call, Yeas 16, Nays 15. 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: Benning, Campbell, Cummings, Doyle, Flory, Galbraith, Hartwell, Kitchel, Mazza, McAllister, Mullin, Nitka, Sears, Starr, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Baruth, Bray, Collins, Fox, French, Lyons, MacDonald, McCormack, Pollina, Rodgers, Snelling, White, Zuckerman.

There being a tie, the Secretary took the casting vote of the President, who voted "Yea".

-roll call, 15-15

-vote: YES

- <http://legislature.vermont.gov/assets/Documents/2014/Docs/JOURNAL/sj130213.pdf#page=6>

### **February 14, 2013**

S.77, an act relating to patient choice and control at end of life

- Thereupon, pending the question, Shall the bill be amended as moved by Senator Rodgers?, Senator Cummings moved to substitute as follows: Sec. 1. 18 V.S.A. chapter 113 is added to read:

CHAPTER 113. IMMUNITY FOR TERMINALLY ILL PATIENT'S USE OF PRESCRIPTION MEDICATION § 5281. TERMINALLY ILL PATIENTS; IMMUNITY FOR PRESCRIBING OR BEING PRESENT WHEN MEDICATION IS TAKEN

(a) As used in this section:

(1) "Bona fide health care professional-patient relationship" means a treating or consulting relationship in the course of which a health care professional has completed a full assessment of the patient's medical history and current medical condition, including a personal physical examination.

(2) "Health care professional" means an individual licensed to practice medicine under 26 V.S.A. chapter 23 or 33.

(3) "Terminal condition" means an incurable and irreversible disease which would, within reasonable medical judgment, result in death within six months.

(b) A health care professional who has a bona fide health care professional-patient relationship with a patient with a terminal condition and who prescribes medication to that patient for the relief of symptoms associated with or caused by the terminal condition shall not be subject to criminal or civil liability or professional disciplinary action if the patient self-administers more than a prescribed dosage of the medication and dies as a result.

(c) A person shall not be subject to criminal or civil liability solely for being present when a patient self-administers a lethal dose of a medication that has been prescribed for that patient by a health care professional.

#### Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2013.

Which was agreed to on a roll call, Yeas 16, Nays 15.

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: Benning, Campbell, Cummings, Doyle, Flory, Galbraith, Hartwell, Kitchel, Mazza, McAllister, Mullin, Nitka, Sears, Starr, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Baruth, Bray, Collins, Fox, French, Lyons, MacDonald, McCormack, Pollina, Rodgers, Snelling, White, Zuckerman.

There being a tie, the Secretary took the casting vote of the President, who voted "Yea".

-roll call, 15-15

-vote: YES

-<http://legislature.vermont.gov/assets/Documents/2014/Docs/JOURNAL/sj130214.pdf#page=17>

#### **March 26, 2013**

S.30, an act relating to siting of electric generation plants

- Senator Starr, for the Committee on Appropriations, to which the bill was referred, reported that the bill be amended as recommended by the Committee on Natural Resources and Energy with the following amendment thereto: In Sec. 3 (appropriation) by striking out the words "the General Fund" and inserting in lieu thereof: Special Fund No. 21698 (Department of Public Service; Energy and Regulation Fund) And that when so amended the bill ought to pass.

Thereupon, pending the question, Shall the recommendation of amendment of the Committee on Natural Resources and Energy be amended as recommended by the Committee on Appropriations?, Senator Starr requested and was granted leave to withdraw the recommendation of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the recommendation of amendment of the Committee on Natural Resources and Energy as substituted, was agreed to.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Zuckerman moved to strike out Secs. 6, 7, 8, and 11 subdivision (2) of the bill which was disagreed to on a roll call, Yeas 15, Nays 16. Senator Snelling 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, Cummings, Doyle, Fox, Lyons, MacDonald, Mazza, McCormack, Pollina, Westman, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Campbell, Collins, Flory, French, Galbraith, Hartwell, Kitchel, McAllister, Mullin, Nitka, Rodgers, Sears, Snelling, Starr.

There being a tie, the Secretary took the casting vote of the President, who voted "Nay"

-Roll call, 15-15

-vote: NO

-<http://legislature.vermont.gov/assets/Documents/2014/Docs/JOURNAL/sj130326.pdf#page=25>

### **May 7, 2013**

S.77, an act relating to patient choice and control at end of life

- Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, Senator Ayer moved that the Senate concur in the House proposal of amendment with an amendment as follows: (SEE JOURNAL LINK)

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, Baruth, Bray, Collins, Fox, French, Lyons, MacDonald, McCormack, Pollina, Rodgers, Snelling, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Campbell, Cummings, Doyle, Flory, Galbraith, Hartwell, Kitchel, Mazza, McAllister, Mullin, Nitka, Sears, Starr, Westman.

There being a tie, the Secretary took the casting vote of the President, who voted "Nay".

-Roll call, 15-15

-vote: NO

-<http://legislature.vermont.gov/assets/Documents/2014/Docs/JOURNAL/sj130507.pdf#page=64>

**2012**

**April 26, 2012**

H.781, an act relating to making appropriations for the support of government

-Thereupon the question, Shall the Senate proposal of amendment be amended as proposed by Senator McCormack?, Senator Snelling moved to substitute a proposal of amendment for the proposal of amendment of Senator McCormack as follows:

By adding a new section to be numbered Sec. E.318.2 to read as follows:

Sec. E.318.2 CHILD CARE IMPROVEMENT WORKING GROUP

(a)(1) By July 1, 2012, the commissioner of the department of children and families shall convene a working group to study the following issues and to report to the general assembly regarding:

- (A) How to increase state subsidies for child care services.
- (B) How to increase participation by child care providers in the STARS program.
- (C) How to improve participation by child care providers in the development of state child care regulations.
- (D) An analysis of the number of child care providers receiving state subsidies.
- (E) The projected fiscal impact of allowing child care providers to bargain collectively with the state, including the impact of such bargaining on subsidy rates, an analysis of what other states have done regarding child care provider collective bargaining and the fiscal impact of collective bargaining in those states, and an analysis of any legal implications of allowing child care providers to bargain collectively with the state.

(2) The working group may utilize the services of other state agencies and departments, the joint fiscal office, and the office of legislative council in preparing its report and recommendations.

(b) In addition to any other members appointed to the working group by the commissioner, the commissioner shall appoint the following:

- (1) Two registered family day care home providers.
- (2) Two licensed family child care home providers.
- (3) Two legally exempt child care providers.
- (4) Two employees of licensed child care centers.

(5) Two employees of nonprofit child care centers.

(6) One representative from the Vermont Business Roundtable.

(c) The working group shall submit its findings and recommendations to the house committees on appropriations, on commerce and economic development, on general, housing and military affairs, and on human services and the senate committees on appropriations, on economic development, housing and general affairs, and on health and welfare by January 15, 2013.

Was agreed to on a roll call, Yeas 16, Nays 15.

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

Roll Call

Those Senators who voted in the affirmative were: Ayer, Benning, Brock, Campbell, Carris, Flory, Hartwell, Illuzzi, Kitchel, Mazza, Miller, Mullin, Nitka, Sears, Snelling.

Those Senators who voted in the negative were: Ashe, Baruth, Cummings, Doyle, Fox, Galbraith, Giard, Kittell, Lyons, MacDonald, McCormack, Pollina, Starr, Westman, White.

There being a tie, the Secretary took the casting vote of the President, who voted "Yea".

-Roll call, 15-15

-vote: YES

-<http://legislature.vermont.gov/assets/Documents/2012/Docs/JOURNAL/sj120426.pdf#page=54>

## **2011**

### **April 22, 2011**

H.436, an act relating to tax changes, including income taxes, property taxes, economic development credits, health care-related tax provisions, and miscellaneous tax provisions

-Thereupon, pending the question, Shall the bill be read a third time?, Senator Starr, moved that the Senate propose to the House to amend the bill as follows:

First: By adding a new section to be numbered Sec. 13e to read as follows:

Sec. 13e. HEALTH CARE REFORM PROPERTY TAX EXEMPTION

In fiscal year 2012, the following two properties shall be exempt from education property tax under chapter 135 of Title 32: Buildings and land owned and occupied by a health, recreation, and fitness organization which is exempt under Section 501(c)(3) of the Internal Revenue Code, the income of which is entirely used for its exempt purpose, one of which is designated by the Springfield Hospital and the other designated by the North Country Hospital, to promote exercise and healthy lifestyles for the community and to serve citizens of all income levels in this mission. This exemption shall apply, notwithstanding the provisions of 32 V.S.A. § 3832(7).

Second: By adding a new section to be numbered Sec. 13f to read as follows:

Sec. 13f. Sec. 40 of No. 190 of the Acts of 2007 Adj. Sess. (2008), as amended by Sec. 22 of No. 160 of the Acts of 2009 Adj. Sess. (2010), is further amended to read:

Sec. 40. EDUCATION PROPERTY TAX EXEMPTION FOR SKATINGRINKS USED FOR PUBLIC SCHOOLS

Real and personal property operated as a skating rink, owned and operated on a nonprofit basis but not necessarily by the same entity, and which, in the most recent calendar year, provided facilities to local public schools for a sport officially recognized by the Vermont Principals' Association shall be exempt from education property taxes for fiscal years 2009, 2010, and 2011, and 2012 only.

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

There being a tie, the Secretary took the casting vote of the President, who voted "Yea".

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, Benning, Brock, Cummings, Doyle, Fox, Giard, Illuzzi, Kitchel, Kittell, McCormack, Nitka, Pollina, Starr.

Those Senators who voted in the negative were: Ayer, Baruth, Campbell, Carris, Flory, Galbraith, Hartwell, Lyons, MacDonald, Mazza, Miller, Sears, Snelling, White.

Those Senators absent and not voting were: Mullin, Westman.

-Roll call, 14-14

-vote: YES

-<http://legislature.vermont.gov/assets/Documents/2012/Docs/JOURNAL/sj110422.pdf#page=7>