

Senate Calendar

FRIDAY, JANUARY 26, 2024

SENATE CONVENES AT: 11:30 A.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

NEW BUSINESS

Second Reading

Favorable with Recommendation of Amendment

S. 154 An act relating to the Vermont State Plane Coordinate System Transportation Report - Sen. Perchlik	102
---	-----

Proposed Amendments to the Vermont Constitution

Prop 1 Elections; sheriffs; qualifications.....	102
Government Operations Report - Sen. Hardy	103

ORDERED TO LIE

S. 94 An act relating to the City of Barre tax increment financing district...	105
---	-----

CONCURRENT RESOLUTIONS FOR ACTION

S.C.R. 8-9 (For text of Resolutions, see Addendum to Senate Calendar for January 25, 2024)	105
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H.C.R. 142-143 (For text of Resolutions, see Addendum to House Calendar for January 25, 2024)	105
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ORDERS OF THE DAY

ACTION CALENDAR

NEW BUSINESS

Second Reading

Favorable with Recommendation of Amendment

S. 154.

An act relating to the Vermont State Plane Coordinate System.

Reported favorably with recommendation of amendment by Senator Perchlik for the Committee on Transportation.

The Committee recommends that the bill be amended as follows:

In Sec. 1, 1 V.S.A. chapter 17, by striking out section 679 in its entirety and inserting in lieu thereof a new section 679 to read as follows:

§ 679. TRANSITION

The Vermont Coordinate System 1927 shall not be used for projects commenced after January 1, 2000; and the Vermont Coordinate System 1983 will be the sole system for projects commenced after this date shall not be used for projects commenced after release of the State Plane Coordinate System 2022 by the National Geodetic Survey.

(Committee vote: 4-0-1)

Proposed Amendments to the Vermont Constitution

PROPOSAL 1

(On Action Calendar for Second Reading pursuant to Rule 77)

Subject: Elections; sheriffs; qualifications

Offered by: Senators Hardy, Sears, Baruth, Clarkson, Hashim, Lyons, Vyhovsky, Watson and White

Subject: Elections; sheriffs; qualifications

PENDING ACTION: Second Reading of the proposed amendment

Text of Proposal 1:

PROPOSAL 1

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to allow the General Assembly to establish by law qualifications for individuals to be elected to and hold the office of sheriff. Currently, there are no specific qualifications for being a sheriff in Vermont, including no requirement that a sheriff have or maintain law enforcement officer certification.

Sec. 2. Section 50 of Chapter II of the Vermont Constitution is amended to read:

§ 50. ELECTION OF ASSISTANT JUDGES, SHERIFFS, AND STATE'S ATTORNEYS

The Assistant Judges shall be elected by the voters of their respective districts as established by law. Their judicial functions shall be established by law. Their term of office shall be four years and shall commence on the first day of February next after their election.

Sheriffs shall be elected by the voters of their respective districts as established by law. Their term of office shall be four years and shall commence on the first day of February next after their election. The General Assembly may establish by law qualifications for the election to and holding of such office.

State's Attorneys shall be elected by the voters of their respective districts as established by law. Their term of office shall be four years and shall commence on the first day of February next after their election.

Sec. 3. EFFECTIVE DATE

The amendment set forth in Sec. 2 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2026 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

Reported favorably with recommendation of amendment by Senator Hardy for the Committee on Government Operations

The Committee on Government Operations recommends that Proposal 1 be amended by striking out the proposal in its entirety and inserting in lieu thereof the following:

PROPOSAL 1

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to allow the General Assembly to establish by law qualifications for individuals to be elected to and hold certain county offices and to be removed from office for failure to meet or to maintain those qualifications. Further, this proposal would eliminate reference to the office of High Bailiff.

Sec. 2. Section 50 of Chapter II of the Vermont Constitution is amended to read:

§ 50. ELECTION OF ASSISTANT JUDGES, SHERIFFS, AND STATE'S ATTORNEYS

The Assistant Judges shall be elected by the voters of their respective districts as established by law. Their judicial functions shall be established by law. Their term of office shall be four years and shall commence on the first day of February next after their election. The General Assembly may establish by law qualifications for the election to and holding of such office and procedures for removal from such office for failure to meet or to maintain the required qualifications.

Sheriffs shall be elected by the voters of their respective districts as established by law. Their term of office shall be four years and shall commence on the first day of February next after their election. The General Assembly may establish by law qualifications for the election to and holding of such office and procedures for removal from such office for failure to meet or to maintain the required qualifications.

State's Attorneys shall be elected by the voters of their respective districts as established by law. Their term of office shall be four years and shall commence on the first day of February next after their election. The General Assembly may establish by law qualifications for the election to and holding of such office and procedures for removal from such office for failure to meet or to maintain the required qualifications.

Sec. 3. Section 51 of Chapter II of the Vermont Constitution is amended to read:

§ 51. ELECTION OF JUDGES OF PROBATE

Judges of Probate shall be elected by the voters of their respective districts as established by law. The General Assembly may establish by law qualifications for the election to and holding of such office and procedures for removal from such office for failure to meet or to maintain the required

qualifications. Their term of office shall be four years and shall commence on the first day of February next after their election.

Sec. 4. Section 43 of Chapter II of the Vermont Constitution is amended to read:

The Governor, Lieutenant-Governor, Treasurer, Secretary of State, Auditor of Accounts, Senators, Town Representatives, Assistant Judges of the County Court, Sheriffs, ~~High Bailiffs~~, State's Attorneys, Judges of Probate and Justices of the Peace, shall be elected biennially on the first Tuesday next after the first Monday of November, beginning in A.D. 1914.

Sec. 5. EFFECTIVE DATE

The amendments set forth in Secs. 2 through 4 shall become a part of the Constitution of the State of Vermont on the first Tuesday after the first Monday of November 2026 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

(Committee vote: 5-1-0)

ORDERED TO LIE

S. 94.

An act relating to the City of Barre tax increment financing district.

CONCURRENT RESOLUTIONS FOR ACTION

Concurrent Resolutions For Action Under Joint Rule 16

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session. Requests for floor consideration should be communicated to the Secretary's Office.

S.C.R. 8-9 (For text of Resolutions, see Addendum to Senate Calendar of January 25, 2024)

H.C.R. 142-143 (For text of Resolutions, see Addendum to House Calendar for January 25, 2024)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission, underlined below, shall be fully and separately acted upon.

Benjamin D. Battles of Waterbury – Superior Court Judge – Senator Vyhovksy for the Committee on Judiciary (1/26/2024)

NOTICE OF JOINT ASSEMBLY

Thursday, February 15, 2024 - 10:30 A.M. – House Chamber - Election of an Adjutant and Inspector General, and two legislative Trustees of the Vermont State Colleges Corporation.

Candidates for the positions of Adjutant and Inspector General, and legislative candidates for trustees of the Vermont State Colleges Corporation must notify the Secretary of State **in writing** of their candidacies not later than Thursday, February 8, 2024, by 4:00 P.M., pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

Friday, March 1, 2024 - 10:30 A.M. – House Chamber - Election of a Sergeant at Arms.

Candidates for the position of Sergeant at Arms, must notify the Secretary of State **in writing** of their candidacies not later than Friday, February 23, 2024, by 4:00 P.M., pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of this election:

First: All nominations for this office will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.

JFO NOTICE

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3):

JFO #3176: \$250,000.00 to the Agency of Human Services, Department of Mental Health from the National Association of State Mental Health Program Directors. These funds will increase rapid access to behavioral health care by supporting the peer service component of the mental health urgent care clinic being established in Chittenden County. This clinic will offer an alternative to seeking mental health care in emergency departments.

[Received January 11, 2024]

JFO #3177: **\$2,543,564.00** to the Agency of Natural Resources, Secretary's Office from the U.S. Environmental Protection Agency. Funding is phase one of a two-phase funding opportunity aimed to support Vermont with climate change mitigation planning efforts. A comprehensive climate action plan will be developed, to overlap with and be synonymous to the required update to Vermont's Climate Action Plan in 2025.

[Received January 12, 2024]

JFO #3178: **\$456,436.00** to the Agency of Natural Resources, Secretary's Office from the U.S. Environmental Protection Agency. Funds will support (1) limited-service position, Environmental Analyst IV. This position will serve as administrative lead developing the updated Climate Action Plan with the Vermont Climate Council and perform added work required by the EPA grant. Position is funded through 6/30/2027.

[Received January 11, 2024]

FOR INFORMATIONAL PURPOSES

CONSTITUTIONAL AMENDMENTS

The 2023-2024 biennium is the second reading of a proposal of amendment; there is only a second reading this biennium. Third reading is during the 2025-2026 biennium.

Upon being reported by a committee, the proposal is printed in full in the Senate Calendar on the Notice Calendar for five legislative days. Senate Rule 77.

At second reading the proposal of amendment is read in full. Senate Rule 77.

The vote on any constitutional proposal of amendment and any amendment thereto is by yeas and nays. Senate Rules 77 and 80, and Vermont Constitutional §72 (requirement of 2/3 vote of members).

At second reading, the questions is: “Shall the Senate adopt the proposal of amendment to the Constitution of Vermont (as amended) as recommended by the Committee on ____ and request the concurrence of the House?” which requires 20 votes – 2/3 of the Senate. Vermont Constitution §72. Any amendments to the proposal of amendment require a majority. Senate Rule 80.

Amendments recommended by any senator shall be submitted to the committee of reference, in written form, where they shall be acted upon by the committee. Upon adoption or rejection of any amendment by the committee, the amendment and recommendation shall be printed in the calendar at least one legislative day before second reading. Senate Rule 78.