

Journal of the Senate

Thursday, February 5, 2015

Pursuant to Rule 8 of the Senate Rules, in the absence of the President (who was Acting Governor in the absence of the Governor) and the President *pro tempore*, the time for convening of the Senate having been set at one o'clock in the afternoon, the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Presiding Officer Elected

Thereupon, pursuant to the provisions of Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the Senate proceeded to the election of an acting President *pro tempore* to preside.

Nominations being in order, Senator Kitchel nominated Senator Richard T. Mazza.

There being no further nominations, on motion of Senator Baruth, the nominations were closed, and the Assistant Secretary was instructed to cast one ballot for Senator Richard T. Mazza to serve as presiding officer until the return of the President or the President *pro tempore*.

Senator Mazza Assumes the Chair

Senator Campbell Assumes the Chair

Message from the House No. 15

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 14. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 61.

By Senators Ayer, Ashe and Lyons,
An act relating to fast-track Medicaid enrollment.
To the Committee on Health & Welfare.

S. 62.

By Senators Ayer and Lyons,
An act relating to surrogate decision making for do-not-resuscitate orders and clinician orders for life-sustaining treatment.
To the Committee on Health & Welfare.

S. 63.

By Senators Sirotkin, Ayer, Lyons and Westman,
An act relating to reinstating the Health Care Oversight and Mental Health Oversight Committees.
To the Committee on Health & Welfare.

S. 64.

By Senator Pollina,
An act relating to increasing Exchange cost-sharing subsidies and capping the amount of itemized deductions allowed at the State level.
To the Committee on Finance.

S. 65.

By Senators Sirotkin, Cummings and Sears,
An act relating to nonunanimous jury verdicts in civil actions.
To the Committee on Judiciary.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 4 was introduced, read the first time and referred:

By Senators Ashe and Sirotkin,

PROPOSAL 4

Sec. 1. PURPOSE

This constitutional amendment would:

(1) require reapportionment of legislative districts to be performed by an appointed public body named the Legislative Apportionment Board, rather than by the General Assembly; and

(2) limit senatorial districts to a maximum of three Senators, beginning with the first reapportionment performed by the Legislative Apportionment Board.

Sec. 2. Chapter II, Section 13 of the Vermont Constitution is amended to read:

§ 13. [REPRESENTATIVES; NUMBER]

The House of Representatives shall be composed of one hundred fifty Representatives. The voters of each representative district established by law shall elect one or two Representatives from that district, the number from each district to be established by the ~~General Assembly~~ Legislative Apportionment Board.

In establishing representative districts, which shall afford equality of representation, the ~~General Assembly~~ Legislative Apportionment Board shall seek, as nearly as is practicable, to maintain geographical compactness and contiguity ~~and to~~; adhere to boundaries of counties and other existing political subdivisions; and maintain patterns of geography, social interaction, trade, political ties, and common interests.

Sec. 3. Chapter II, Section 18 of the Vermont Constitution is amended to read:

§ 18. [SENATORS; NUMBERS; QUALIFICATIONS]

The Senate shall be composed of thirty Senators to be of the senatorial district from which they are elected. The voters of each senatorial district established by law shall elect ~~one or~~ no more than three Senators from that district, the number from each district to be established by the ~~General Assembly~~ Legislative Apportionment Board.

In establishing senatorial districts, which shall afford equality of representation, the ~~General Assembly~~ Legislative Apportionment Board shall seek, as nearly as is practicable, to maintain geographical compactness and contiguity ~~and to~~; adhere to boundaries of counties and other existing political subdivisions; and maintain patterns of geography, social interaction, trade, political ties, and common interests.

Sec. 4. Chapter II, Section 73 of the Vermont Constitution is amended to read:

§ 73. [MANNER OF APPORTIONMENT OF THE GENERAL ASSEMBLY; LEGISLATIVE APPORTIONMENT BOARD]

A Legislative Apportionment Board is created and shall comprise a Special Master designated by the Chief Justice of the Supreme Court; one resident of the State appointed by the Governor from each political party that has had more than three members serve as members of the General Assembly for at least three of the five biennial legislative sessions since the taking of the previous decennial census under the authority of Congress, which residents are not all from the same county; and one resident of the State elected by the State committee of each of those political parties.

The Special Master shall be Chair of the Board. A member of the Board shall not be a member or employee of the General Assembly. Members of the Board shall be selected on or before July 1, 2020 and decennially thereafter on or before July 1, and shall serve until their successors are selected. The appointing or electing authority shall fill any vacancy in the office of a member.

The ~~General Assembly~~ Legislative Apportionment Board shall establish senatorial districts within and including all of the ~~state~~ State, and shall further establish representative districts within and including all of the ~~state~~ State.

~~At~~ On or before January 31 of the even-numbered year of the biennial session following the taking of each decennial census under the authority of Congress, and at such other times as the ~~General Assembly~~ Legislative Apportionment Board finds necessary, it shall revise the boundaries of the legislative districts and shall make a new apportionment of ~~its~~ the membership of the General Assembly in order to maintain equality of representation among the respective districts as nearly as is practicable. ~~The General Assembly may provide for establishment of a legislative apportionment board to advise and assist the General Assembly concerning legislative apportionment.~~

If the ~~General Assembly~~ Legislative Apportionment Board fails to revise the legislative districts as required in this section, the Supreme Court in appropriate legal proceedings brought for that purpose may order reapportionment of the districts.

The General Assembly may carry the provisions of this section into effect by appropriate legislation.

Sec. 5. EFFECTIVE DATE; APPLICATION

(a) Effective date. The amendments set forth in this proposal shall become a part of the Constitution of the State of Vermont on the first Tuesday after the

first Monday of November 2018 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

(b) Application. The limit on the number of Senators in a senatorial district set forth in Sec. 3 of this proposal, in the first paragraph of Chapter II, Section 18 of the Vermont Constitution, shall apply beginning with the first reapportionment performed by the Legislative Apportionment Board in accordance with Sec. 4 of this proposal, Chapter II, Section 73 of the Vermont Constitution.

To the Committee on Government Operations.

Message from the House No. 16

A message was received from the House of Representatives by Ms. Melissa Kucserik, 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. 23. An act relating to the Uniform Transfers to Minors Act.

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

Adjournment

On motion of Senator Baruth, the Senate adjourned until eleven o'clock and thirty minutes in the morning.