

# Senate Calendar

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WEDNESDAY, APRIL 17, 2019

SENATE CONVENES AT: 1:00 P.M.

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**ACTION CALENDAR**

**NEW BUSINESS**

**Third Reading**

**H. 204.**

An act relating to miscellaneous provisions affecting navigators, Medicaid records, and the Department of Vermont Health Access.

**Second Reading**

**Favorable**

**H. 321.**

An act relating to aggravated murder for killing a firefighter or an emergency medical provider.

**Reported favorably by Senator Benning for the Committee on Judiciary.**

(Committee vote: 4-1-0)

(No House amendments)

**NOTICE CALENDAR**

**House Proposal of Amendment**

**S. 154**

An act relating to miscellaneous banking provisions.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 2, in 8 V.S.A. § 2108(c), following the words “business days”, by inserting the words after the licensee has reason to know

Second: In Sec. 40, in 8 V.S.A. § 2500(12), following “digital electronic format,” by inserting the following: including virtual currency,

Third: In Sec. 40, in 8 V.S.A. § 2500(13), by striking out the words “prepaid access” and inserting in lieu thereof the words a digital representation of value

Fourth: In Sec. 53, in 8 V.S.A. § 2534, by striking out the second sentence in its entirety and inserting in lieu thereof a new sentence to read as follows:

A licensee shall maintain its records ~~the following~~ for at least five years, which records shall include:

- (1) a record of each payment instrument or ~~stored-value~~ prepaid access obligation sold;
- (2) a general ledger posted at least monthly containing all asset, liability, capital, income, and expense accounts;
- (3) bank statements and bank reconciliation records;
- (4) records of outstanding payment instruments and ~~stored-value~~ prepaid access obligations;
- (5) records of each payment instrument and ~~stored-value~~ prepaid access obligation paid within the five-year period;
- (6) a list of the last known names and addresses of all of the licensee's authorized delegates; and
- (7) any other records the Commissioner requires by rule.

Fifth: In Sec. 56, in 8 V.S.A. § 2546, by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

- (a) Section 2110 of this title applies to authorized delegates.

### **Proposed Amendment to the Vermont Constitution**

#### **PROPOSAL 2**

#### **(Second day on Notice Calendar pursuant to Rule 77)**

Offered by: Senators Ingram, Ashe, Kitchel, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Hardy, Hooker, Lyons, Mazza, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr and White

Subject: Declaration of rights; eliminating reference to slavery

**PENDING ACTION:** Second reading of the proposed amendment

#### **Text of Proposal 2:**

#### PROPOSAL 2

##### Sec. 1. HISTORY; PURPOSE

(a) History. While Vermont was the first state to include a prohibition on slavery in its Constitution in 1777, it was only a partial prohibition, applicable to adults reaching a certain age, "unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages,

finer, costs, or the like.” The 13th Amendment to the U.S. Constitution, ratified in 1865, prohibited slavery within the United States “except as a punishment for crime whereof the party shall have been duly convicted[.]” Despite subsequent revisions to it, the Vermont Constitution continues to contain only a partial prohibition on slavery.

(b) Purpose. This proposal would amend the Constitution of the State of Vermont to eliminate reference to slavery. Eliminating reference to slavery in the Vermont Constitution will serve as a foundation for addressing systemic racism in our State’s laws and institutions.

Sec. 2. Article 1 of Chapter I of the Vermont Constitution is amended to read:

Article 1. [~~All persons born free; their natural rights; slavery prohibited~~]

~~That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after arriving to the age of twenty-one years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.~~

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 2022 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 White for the Committee on Government Operations**

The Committee on Government Operations recommends that Proposal 2 be amended by striking out the proposal in its entirety and inserting in lieu thereof the following:

PROPOSAL 2

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to clarify that slavery and indentured servitude in any form are prohibited.

Sec. 2. Article 1 of Chapter I of the Vermont Constitution is amended to read:

Article 1. [~~All persons born free; their natural rights; slavery prohibited~~ and indentured servitude prohibited]

That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore ~~no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after arriving to the age of twenty one years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like slavery and indentured servitude in any form are prohibited.~~

### 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 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

(Committee vote: 5-0-0)

### 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 shall be fully and separately acted upon.

Cory G. Gustafson of Montpelier – Commissioner, Department of Vermont Health Access – By Sen. Westman for the Committee on Health and Welfare. (4/17/19)

Monica C. Hutt of Williston – Commissioner, Department of Disabilities, Aging and Independent Living – By Sen. Ingram for the Committee on Health and Welfare. (4/17/19)

Amy Davenport of Montpelier – Member, Children and Family Council for Prevention Programs – By Sen. Cummings for the Committee on Health and Welfare. (4/17/19)

Donn Hutchins of Dorset – Member, Children and Family Council for Prevention Programs – By Sen. Westman for the Committee on Health and Welfare. (4/17/19)

Judy P. Rosenstreich of Shelburne – Member, Board of Medical Practice –  
By Sen. Lyons for the Committee on Health and Welfare. (4/17/19)

Jason Broughton of Barre - State Librarian, Department of Libraries - By  
Sen. Baruth for the Committee on Education. (4/18/19)

### **PUBLIC HEARINGS**

**April 23, 2019 - 5:00 - 7:00 P.M.** - Room 11 - Re: H. 51, H. 175, H. 214  
Fossil fuel Infrastructure- - House Committee on Natural Resources and  
Energy and Technology.

### **FOR INFORMATIONAL PURPOSES**

### **CONSTITUTIONAL AMENDMENTS**

The 2019-2020 biennium is the second reading of a proposal of amendment;  
there is only a second reading this biennium. Third reading is during the  
2021-2022 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