

Journal of the Senate

THURSDAY, JANUARY 17, 2019

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Rabbi Tobi M. Weisman of Montpelier.

Recess

The Chair declared a recess until the fall of the gavel.

Called to Order

The Senate was called to order by the President *pro tempore*.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated Proposal 1 was introduced, read the first time and referred:

By Senators Ashe, Balint, Brock, Campion, Collamore, Hardy, Ingram, Sears, Sirotkin, Starr, and Westman,

PROPOSAL 1

Sec. 1. PURPOSE

(a) This proposal would amend the Constitution of the State of Vermont to provide the Governor with a four-year term of office, beginning in the year 2024.

(b) This proposal would also amend Chapter II, Section 43 of the Vermont Constitution to clarify that Assistant Judges, Sheriffs, States Attorneys, and Judges of Probate—who already have a four-year term of office—are elected every four years.

Sec. 2. Section 43 of Chapter II of the Vermont Constitution is amended to read:

§ 43. [~~BIENNIAL ELECTIONS~~]

The Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, Senators, Town Representatives, shall be elected every four years on the first Tuesday next after the first Monday of November, beginning in A.D. 2024.

The Lieutenant-Governor, Treasurer, Secretary of State, Auditor of Accounts, Senators, Representatives, High Bailiffs, and Justices of the Peace shall be elected biennially on the first Tuesday next after the first Monday of November, beginning in A.D. 2022.

~~Assistant Judges of the County Court, Sheriffs, High Bailiffs, State's Attorneys, and Judges of Probate and Justices of the Peace,~~ shall be elected ~~biennially~~ every four years on the first Tuesday next after the first Monday of November, beginning in A.D. ~~1914~~ 2022.

Sec. 3. Section 47 of Chapter II of the Vermont Constitution is amended to read:

§ 47. [ELECTION OF GOVERNOR, LIEUTENANT-GOVERNOR, AND TREASURER]

The voters of each town shall, on the day of the election ~~for choosing Representatives to attend the General Assembly,~~ bring in their votes for Governor, with the name fairly written, to the Constable, who shall seal them up, and write on them, *Votes for Governor*, and deliver them to the Representatives chosen to attend the General Assembly; and at the opening of the General Assembly, there shall be a committee appointed out of the Senate and House of Representatives, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for Governor, and declare the person who has the major part of the votes, to be Governor for the ~~two~~ four years ensuing. The Lieutenant-Governor and the Treasurer shall be chosen in the manner above directed for the two years ensuing.

The votes for Governor, Lieutenant-Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and House of Representatives.

If, at any time, there shall be no election, of Governor, Lieutenant-Governor, or Treasurer, of the State, the Senate and House of Representatives shall by a joint ballot, elect to fill the office, not filled as aforesaid, one of the three candidates for such office (if there be so many) for whom the greatest number of votes shall have been returned.

Sec. 4. Section 48 of Chapter II of the Vermont Constitution is amended to read:

§ 48. [ELECTION OF SECRETARY OF STATE AND AUDITOR OF ACCOUNTS]

The Secretary of State and the Auditor of Accounts shall be elected by the voters of the State upon the same ticket with the ~~Governor,~~ Lieutenant-

Governor and Treasurer; and the Legislature shall carry this provision into effect by appropriate legislation.

Sec. 5. Section 49 of Chapter II of the Vermont Constitution is amended to read:

§ 49. [TERM OF GOVERNOR, LIEUTENANT-GOVERNOR, AND TREASURER]

The term of office of the Governor, shall be four years, and the terms of office of the Lieutenant-Governor and Treasurer of the State, respectively, shall be two years. The terms of these officers shall commence when they shall be chosen and qualified, and shall continue for the duration of their term of two years, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature at which, by the Constitution and laws, their successors are required to be chosen, and not after such adjournment.

Sec. 6. 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 2022 when ratified and adopted by the people of this State in accordance with the provisions of 17 V.S.A. chapter 32.

To the Committee on Government Operations.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 2 was introduced, read the first time and referred:

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,

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, fines, 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.

To the Committee on Government Operations.

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 3 was introduced, read the first time and referred:

By Senators Benning and McCormack,

PROPOSAL 3

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont specifically to provide that each individual has a right to privacy, including the right to keep personal information private; to communicate with others privately; and to make decisions concerning his or her body. The proposal shall not be construed to modify the public's right of access to public records and open meetings as provided by law.

Sec. 2. Article 22 of Chapter I of the Vermont Constitution is added to read:

Article 22. [RIGHT TO PRIVACY]

That each individual has a right to privacy that shall not be infringed without the showing of a compelling State interest. This right includes the

individual's right to keep personal information private; to communicate with others privately; and to make decisions concerning his or her body.

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.

To the Committee on Judiciary.

Bills Introduced

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

S. 26.

By Senators Baruth, Clarkson, Hardy and Ingram,

An act relating to firearms and three-dimensional printers.

To the Committee on Judiciary.

S. 27.

By Senators Cummings and MacDonald,

An act relating to maintaining the home health agency provider tax.

To the Committee on Finance.

S. 28.

By Senator White,

An act relating to selling or dispensing a regulated drug with death resulting.

To the Committee on Judiciary.

S. 29.

By Senators Pearson, Balint and Clarkson,

An act relating to trade in covered animal parts or products.

To the Committee on Economic Development, Housing and General Affairs.

S. 30.

By Senators Pearson and Ashe,

An act relating to the regulation of hydrofluorocarbons.

To the Committee on Natural Resources and Energy.

Adjournment

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