

Journal of the Senate

TUESDAY, FEBRUARY 5, 2019

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kenzan of East Calais.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Bill Referred to Committee on Appropriations

S. 40.

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to testing and remediation of lead in the drinking water of schools and child care facilities.

Joint Senate Resolutions Adopted on the Part of the Senate

J.R.S. 12.

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senator Ashe,

J.R.S. 12. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 8, 2019, it be to meet again no later than Tuesday, February 12, 2019.

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 Lyons, Ashe, Balint, Baruth, Benning, Bray, Brock, Campion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, MacDonald, Mazza, McNeil, Nitka, Parent, Pearson, Perchlik, Pollina, Sears, Sirotkin, Starr and Westman,

PROPOSAL 4

Sec. 1. PURPOSE

(a) This proposal would amend the Constitution of the State of Vermont to ensure that every Vermonter enjoys equal treatment and respect under the law. The Constitution is our founding legal document stating the overarching values of our society. This amendment is in keeping with the values espoused by the current Vermont Constitution. Chapter I, Article 1 declares “That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights.” Chapter I, Article 7 states “That government is, or ought to be, instituted for the common benefit, protection, and security of the people.” The core value reflected in Article 7 is that all people should be afforded all the benefits and protections bestowed by the government, and that the government should not confer special advantages upon the privileged. This amendment would reassert the principles of equality and personal liberty reflected in Articles 1 and 7 and ensure that government does not create or perpetuate the legal, social, or economic inferiority of any class of people. This proposed constitutional amendment is not intended to limit the scope of rights and protections afforded by Article 7 or any other provision in the Vermont Constitution.

(b) Providing for equality of rights as a fundamental principle in the Constitution would serve as a foundation for protecting the rights and dignity of historically marginalized populations and addressing existing inequalities. These amendments would reassert the broad principles of personal liberty and equality reflected in the Constitution of the State of Vermont with authoritative force, longevity, and symbolic importance.

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

Article 22. [Equality of rights]

That the people are guaranteed equal protection under the law. The State shall not deny equal treatment and respect under the law on account of a person’s race, ethnicity, sex, religion, disability, sexual orientation, gender identity, or national origin. Nothing in this Article shall be interpreted or applied to prevent the adoption or implementation of measures intended to provide equality of treatment and opportunity for members of groups that have historically been subject to discrimination.

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. 73.

By Senators Lyons, Cummings, Ingram, McCormack and Westman,

An act relating to licensure of ambulatory surgical centers.

To the Committee on Health and Welfare.

S. 74.

By Senators Balint, Campion and Clarkson,

An act relating to fair debt collection and consumer protection.

To the Committee on Judiciary.

S. 75.

By Senators Lyons and McCormack,

An act relating to a cap and trade program for greenhouse gas emissions caused by transportation, heating, and other energy use.

To the Committee on Natural Resources and Energy.

S. 76.

By Senators McCormack and Benning,

An act relating to the requirement to pass a civics course for high school graduation.

To the Committee on Education.

S. 77.

By Senator Starr,

An act relating to creating an exemption from the land gains tax for land sold to a governmental entity.

To the Committee on Finance.

S. 78.

By Senator Sirotkin,

An act relating to lobbying reporting dates.

To the Committee on Government Operations.

S. 79.

By Senator Starr,

An act relating to miscellaneous housing issues.

To the Committee on Judiciary.

S. 80.

By Senators Pearson and Sirotkin,

An act relating to certificates of need for hospital leases and an opt-out consent policy for the health information exchange.

To the Committee on Health and Welfare.

Standing Committee Appointed

The President, on behalf of the Committee on Committees, reported the appointment of the standing committee, as follows:

Sexual Harassment Panel

At Call

Senator Balint
Benning
Clarkson
Parent
Hooker
Hardy

**Appointment of Senate Member to the Capitol Complex Security
Advisory Committee**

Pursuant to the provisions of 2 V.S.A. § 991(b), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Capitol Complex Security Advisory Committee for a term of two years:

Senator Benning

Appointment of Senate Member to Public Transit Advisory Council

Pursuant to the provisions of 24 V.S.A. § 5084, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Public Transit Advisory Council during this biennium:

Senator Kitchel

Appointment of Senate Member to Recreational Facilities Grants Program

Pursuant to the provisions of 24 V.S.A. § 5605(b), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Recreational Facilities Grants Program for a term of two years:

Senator Rodgers

Appointment of Senate Member to Regional Economic Development Grant Advisory Committee

Pursuant to the provisions of 24 V.S.A. § 5607, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Regional Economic Development Grant Advisory Committee for a term of two years:

Senator Clarkson

Appointment of Senate Members to the Review Board on Retail Sales of Electric Energy

Pursuant to the provisions of 30 V.S.A. § 212b, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Review Board on Retail Sales of Electric Energy during this biennium:

Senator Ashe, President *pro tempore*,

ex officio

Senator Balint, Majority Leader, *ex officio*

Senator Benning, Minority Leader, *ex officio*

Senator Pearson

Appointment of Senate Members to Sunset Advisory Committee

Pursuant to the provisions of 3 V.S.A. § 268(b)(1)(B), the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Sunset Advisory Committee for the current biennium:

Senator White

Senator Collamore

Appointment of Senate Members to the Transportation Enhancement Grant Committee

Pursuant to the provisions of Sec. 41v(a) of No. 18 of Acts of 1999, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Transportation Enhancement Grant Committee during this biennium:

Senator Mazza
Senator Kitchel

Vermont Sentencing Commission

Pursuant to the provisions of Sec. 16(b) of No. 192 of the Acts of 2006, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Sentencing Commission during this biennium:

Senator Sears, *ex officio*

Vermont State Council on Interstate Adult Offender Supervision

Pursuant to the provisions of Sec. 28 of No. 190 of the Acts of 2018, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont State Council on Interstate Adult Offender Supervision during this biennium:

Senator Sears

Message from the House No. 10

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 3. An act relating to ethnic and social equity studies standards for public schools.

H. 16. An act relating to boards and commissions.

H. 47. An act relating to the taxation of electronic cigarettes.

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

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 10. Joint resolution providing for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 6, 2019.