

# Journal of the Senate

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WEDNESDAY, APRIL 24, 2019

The Senate was called to order by the President.

## Devotional Exercises

A moment of silence was observed in lieu of devotions.

## Message from the House No. 50

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 a House bill of the following title:

**H. 207.** An act relating to approval of an amendment to the charter of the City of Montpelier regarding non-citizen voting in City elections.

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

## Message from the House No. 51

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 Governor has informed the House that on April 23, 2019, he approved and signed bills originating in the House of the following titles:

**H. 7.** An act relating to second degree aggravated domestic assault.

**H. 19.** An act relating to sexual exploitation of a person in law enforcement officer custody.

**H. 394.** An act relating to the disposition of the remains of veterans.

**Bill Referred to Committee on Appropriations****H. 104.**

House 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 professions and occupations regulated by the Office of Professional Regulation.

**Bill Referred**

House bill of the following title was read the first time and referred:

**H. 207.**

An act relating to approval of an amendment to the charter of the City of Montpelier regarding non-citizen voting in City elections.

To the Committee on Rules.

**Consideration Resumed; Bill Amended; Third Reading Ordered****H. 278.**

Consideration was resumed on Senate bill entitled:

An act relating to acknowledgment or denial of parentage.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Judiciary? Senators Nitka, Baruth, Benning, Sears and White moved to amend the report of the Committee on Judiciary to read as follows:

By striking out Sec. 6 in its entirety and inserting in lieu thereof the following:

Sec. 6. 33 V.S.A. § 5111(a) is amended to read:

(a) If a child is placed in the legal custody of the Department and the identity of a parent has not been legally established at the time the petition is filed, the ~~Court~~ court may order that ~~the mother,~~ the child, and the ~~alleged father~~ child's alleged genetic parents submit to genetic testing and may issue an order establishing parentage pursuant to ~~15 V.S.A. chapter 5, subchapter 3A~~ 15C V.S.A. chapters 1–8 (parentage proceedings). A parentage order issued pursuant to this subsection shall not be deemed to be a confidential record.

And by renumbering the remaining section of the bill to be numerically correct.

Which was agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Judiciary?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered.

### House Proposals of Amendment Concurred In

#### S. 154.

House proposals of amendment to Senate bill entitled:

An act relating to miscellaneous banking provisions.

Were taken up.

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), after the 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 the following: 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.

Thereupon, the question, Shall the Senate concur in the House proposals of amendment?, was decided in the affirmative.

### **Third Reading Ordered**

#### **H. 523.**

Senator Bray, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to miscellaneous changes to the State's retirement systems.

Reported that the bill ought to pass in concurrence.

Senator McCormack, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended in Sec. 4, Law Enforcement Retirement Benefits Study Committee; Recommendations; Report, by striking out subsection (e) in its entirety and by relettering the remaining subsections in Sec. 4 to be alphabetically correct.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposal of amendment was agreed to, and third reading of the bill was ordered.

### **Proposed Amendment to the Constitution Amended; Proposed Amendment to the Constitution Adopted**

The report of the Committee on Government Operations on Proposed Amendment to the Constitution designated as Proposal 2.

Was taken up.

Senator White, for the Committee on Government Operations, to which was referred the proposed amendment, reported that the committee had considered Proposal 2 which is printed in full below:

Thereupon, Proposal 2, having appeared on the Calendar for five legislative days pursuant to Rule 77, was read the second time in full pursuant to Rule 77,

### **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.

Senator White, for the Committee on Government Operations, to which was referred Proposal 2, reported that Proposal 2 to the Constitution of the State of Vermont 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 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.

Thereupon, the pending question, Shall the Proposed Amendment to the Constitution designated as Proposal 2 be amended as recommended by the Committee on Health and Welfare? was decided in the affirmative on a roll call pursuant to Rule 77, Yeas 28, Nays 1 (the necessary majority vote having been attained).

#### Roll Call

**Those Senators who voted in the affirmative were:** Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

**Those Senators who voted in the negative were:** McCormack.

**The Senator absent and not voting was:** McNeil.

Thereupon, the pending question, Shall the Senate adopt the 2nd Proposal of Amendment to the Constitution of Vermont (as amended) as recommended by the Committee on Government Operations and request the concurrence of the House? was decided in the affirmative on a roll call, pursuant to the Vermont Constitution and Rule 80, Yeas 28, Nays 1 (the necessary two-thirds vote having been attained).

#### Roll Call

**Those Senators who voted in the affirmative were:** Ashe, Balint, Baruth, Benning, Bray, Brock, Champion, Clarkson, Collamore, Cummings, Hardy, Hooker, Ingram, Kitchel, Lyons, MacDonald, Mazza, Nitka, Parent, Pearson, Perchlik, Pollina, Rodgers, Sears, Sirotkin, Starr, Westman, White.

**Those Senators who voted in the negative were:** McCormack.

**The Senator absent and not voting was:** McNeil.

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**Committee Relieved of Further Consideration; Bill Committed**

**H. 351.**

On motion of Senator Cummings, the Committee on Finance was relieved of further consideration of House bill entitled:

An act relating to workers' compensation, unemployment insurance, and ski tramway amendments,

and the bill was committed to the Committee on Economic Development, Housing and General Affairs.

**Adjournment**

On motion of Senator Ashe, the Senate adjourned until one o'clock in the afternoon on Thursday, April 25, 2019.