

in both instances and should suffer the same consequence; that is, the bill should fail. The argument for this result might be that the rush of business at the end of a session presents a risk that the Legislature will pass flawed bills, the Governor needs more than the usual five days to review these bills and, therefore, end-of-session bills should never become law without the Governor's signature.

The problem with this interpretation is that it stretches the plain meaning of the constitutional language. In effect it adds words to Section 11 and expands it to include adjournments "before the presentation" of a bill as well as adjournments "within three days after the presentation." This is a problem because the plain meaning of "after" does not include "before."

The Vermont Supreme Court has cautioned against an "excessive reliance on a plain meaning approach to constitutional interpretation." *Chittenden Town School District v. Department of Education*, 169 Vt. 310, 327 (1999). Still, the constitutional text is an essential consideration and the usual starting point for constitutional analysis. See, *id.* at 324 ("In performing this analysis, we turn first to the text of Article 3..."); and 348-49 ("Plain language should be our first resource in interpreting the law, particularly when it provides as clear a guide as the plain language of the Compelled Support Clause does here.") (Johnson, J. dissenting.)

Other resources that the Court uses to resolve constitutional claims are its own decisions, the historical context of the relevant constitutional language and judicial precedents from other states. *Id.*, 169 Vt. at 321-42. We should of course use the same approach, and there is a Vermont case that discusses Section 11 generally and the five day rule in particular. See *Hartness v. Black*, *supra*. However, the facts in that case were significantly different from those presented here. And, unfortunately for our purposes, the Court was able to decide that case without venturing beyond the plain meaning of the adjournment clause.

In *Hartness* the Court considered the validity of several bills that had been challenged by the Secretary of State. All of the disputed bills had been signed by the Governor and all but one of them had been signed within five days of presentment. The Court's first holding was simply that the bills signed within the five day period became law by virtue of their signing. The Court rejected arguments that they were invalid because they had been signed, and in some cases presented and signed, after the Legislature had adjourned. 95 Vt. at 204-05.

The Court's second holding was that the remaining bill, which was not signed until the sixth day after presentment, was not valid. The Court reasoned that the signing after the five days allowed by Section 11 was ineffective and that if the bill became law it did so by virtue of the Governor's inaction during the five day period. The Court concluded without reservation that the five day rule did not apply and that the bill did not become law because it had been presented to the Governor