

Journal of the House

Friday, April 5, 2019

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Patrick Seymour of Sutton.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the Speaker recognized the following named Pages who are completing their service today and presented them with commemorative pins:

Isabella Bevins of Plainfield
Ella Byers of Shelburne
Jazmyn Dix of Whitingham
Maya Elliott of Middlesex
Eli Ferro of Tunbridge
Maximilian Fontana of South Burlington
Gabriel Hall of Mintpelier
Hannah Keith of Kirby
Maverick Murphy of Woodbury
Jessica Pierce of Chester

Senate Bill Referred

S. 106

Senate bill, entitled

An act relating to establishing the Municipal Self-Governance Program

Was read and referred to the committee on Government Operations.

Senate Bill Referred

S. 113

Senate bill, entitled

An act relating to the prohibition of plastic carryout bags, expanded polystyrene, and single-use plastic straws

Was read and referred to the committee on Natural Resources, Fish, and Wildlife.

Joint Resolution Placed on Calendar**J.R.H. 3**

Joint resolution authorizing the Green Mountain Boys State educational program to use the State House

Offered by: Representatives Marcotte of Coventry, Seymour of Sutton, Christie of Hartford, and Goslant of Northfield

Whereas, the American Legion Department of Vermont sponsors the Green Mountain Boys State educational program, providing a group of boys entering the 12th grade a special opportunity to study the workings of State government in Montpelier, and

Whereas, as part of their visit to the State's capital city, the boys conduct a mock legislative session in the State House, now therefore be it

Resolved by the Senate and House of Representatives:

That the Sergeant at Arms shall make available the chambers and committee rooms of the State House for the Green Mountain Boys State educational program on Thursday, June 20, 2019, from 8:00 a.m. to 4:15 p.m., and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the American Legion Department of Vermont in Montpelier

Which was read and, in the Speaker's discretion, placed on the Calendar for action on the next legislative day under Rule 52.

Bill Taken Up; Consideration Interrupted**H. 107**

House bill, entitled

An act relating to paid family and medical leave

Was taken up and pending third reading of the bill, **Rep. Murphy of Fairfax** moved to amend the bill as follows:

In Sec. 2, 21 V.S.A. chapter 5, subchapter 13, section 573, subsection (c), by striking out the words "up to the amount of the maximum Social Security Taxable Wage" and inserting in lieu thereof "in excess of the amount of the Federal Poverty Level for an individual as determined by the U.S. Department of Health and Human Services or successor agency"

Recess

At nine o'clock and fifty-six minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At ten o'clock and three minutes in the forenoon, the Speaker called the House to order.

Consideration Resumed; Third Reading; Bill Passed

H. 107

Consideration resumed on House bill, entitled
An act relating to paid family and medical leave

Thereupon, the amendment offered by **Rep. Murphy of Fairfax** was disagreed to.

Pending third reading of the bill, **Rep. Ralph of Hartland** moved to amend the bill as follows:

In Sec. 2, 21 V.S.A. chapter 5, subchapter 13, in section 573, by striking out subdivision (b)(2) in its entirety and inserting in lieu thereof a new subdivision (b)(2) to read as follows:

(2)(A) One-half of the contribution required pursuant subdivision (1) of this subsection shall be deducted and withheld by an employer from an employee's covered wages, and one-half shall be paid by the employee's employer.

(B) In lieu of deducting and withholding the full amount of the contributions due from the employee's covered wages pursuant to subdivision (A) of this subdivision (2), an employer may elect to pay all or a portion of the contributions due from the employee's covered wages.

Thereupon, **Rep. Ralph of Hartland** asked and was granted leave of the House to withdraw the amendment.

Thereupon the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Stevens of Waterbury** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass? was decided in the affirmative. Yeas, 92. Nays, 52.

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Noyes of Wolcott
Anthony of Barre City	Gardner of Richmond *	O'Brien of Tunbridge
Austin of Colchester *	Giambatista of Essex	Ode of Burlington
Bartholomew of Hartland	Grad of Moretown	O'Sullivan of Burlington
Birong of Vergennes	Haas of Rochester	Pajala of Londonderry
Bock of Chester	Hashim of Dummerston	Partridge of Windham
Briglin of Thetford	Hill of Wolcott	Patt of Worcester
Brownell of Pownal	Hooper of Montpelier	Pugh of South Burlington
Burke of Brattleboro	Hooper of Randolph	Redmond of Essex

Campbell of St. Johnsbury *	Hooper of Burlington	Rogers of Waterville
Carroll of Bennington	Houghton of Essex	Scheu of Middlebury *
Chase of Colchester	Howard of Rutland City *	Sheldon of Middlebury
Chesnut-Tangerman of Middletown Springs	James of Manchester	Squirrell of Underhill
Christensen of Weathersfield	Jerome of Brandon	Stevens of Waterbury
Christie of Hartford *	Jessup of Middlesex	Sullivan of Burlington
Cina of Burlington	Killacky of South Burlington	Szott of Barnard
Coffey of Guilford	Kimbell of Woodstock	Taylor of Colchester
Colburn of Burlington	Kitzmiller of Montpelier	Till of Jericho
Colston of Winooski	Kornheiser of Brattleboro	Toleno of Brattleboro
Conlon of Cornwall	Krowinski of Burlington	Toll of Danville
Conquest of Newbury	LaLonde of South Burlington	Townsend of South Burlington
Copeland-Hanzas of Bradford *	Lanpher of Vergennes	Trieber of Rockingham
Cordes of Lincoln	Lippert of Hinesburg	Troiano of Stannard *
Dolan of Waitsfield	Long of Newfane	Walz of Barre City
Donovan of Burlington	Macaig of Williston	Webb of Shelburne
Durfee of Shaftsbury	Masland of Thetford	White of Hartford
Elder of Starksboro *	McCarthy of St. Albans City	Wood of Waterbury
Emmons of Springfield	McCormack of Burlington	Yacovone of Morristown
Fegard of Berkshire	McCullough of Williston	Yantachka of Charlotte
Forguites of Springfield	Mrowicki of Putney *	Young of Greensboro
	Nicoll of Ludlow	
	Notte of Rutland City	

Those who voted in the negative are:

Bancroft of Westford	Gregoire of Fairfield	Norris of Shoreham
Batchelor of Derby	Hango of Berkshire	Page of Newport City
Bates of Bennington	Harrison of Chittenden	Palasik of Milton
Beck of St. Johnsbury	Helm of Fair Haven	Potter of Clarendon
Brennan of Colchester	Higley of Lowell	Quimby of Concord
Browning of Arlington *	Jickling of Randolph	Rosenquist of Georgia
Burditt of West Rutland	LaClair of Barre Town	Savage of Swanton
Canfield of Fair Haven	Lefebvre of Newark	Scheuermann of Stowe
Corcoran of Bennington	Leffler of Enosburgh	Seymour of Sutton
Cupoli of Rutland City	Marcotte of Coventry	Shaw of Pittsford
Dickinson of St. Albans Town	Martel of Waterford	Sibilia of Dover
Donahue of Northfield	Mattos of Milton	Smith of Derby
Fagan of Rutland City	McCoy of Poultney	Smith of New Haven
Feltus of Lyndon	McFaun of Barre Town	Strong of Albany
Gamache of Swanton	Morgan of Milton	Sullivan of Dorset *
Goslant of Northfield	Morrissey of Bennington	Terenzini of Rutland Town
Graham of Williamstown	Murphy of Fairfax	Toof of St. Albans Town
	Myers of Essex	

Those members absent with leave of the House and not voting are:

Brumsted of Shelburne	Gonzalez of Winooski	Ralph of Hartland
Demrow of Corinth	Rachelson of Burlington	

Rep. Austin of Colchester explained her vote as follows:

“Madam Speaker:

Thank you. After this legislative session ends I will go back to volunteering at the Vermont Respite House.

As a volunteer I spend time bringing meals to residents (not called patients), feeding them if needed, taking them out for walks, and sitting with them.

The expected life expectancy is between one to six months for a resident.

I also observe the loved ones who come to visit and sit vigil with a family member or dear friend. Some can only visit after work or on the weekends due to distance and/or work obligations.

By voting on this bill I have taken the first step in alleviating the suffering of those who cannot be at their loved one’s side to ‘walk them home.’”

Rep. Browning of Arlington explained her vote as follows:

“Madam Speaker:

I vote no because if the program defined in H.107 were to go into effect it will have a large cost that will use up \$80 million of our taxing capacity. This allocation of tax revenue to this new program will make it harder for Vermont to ensure access to health care, harder for us to address climate change, and harder for us to clean up the state’s water. We should have chosen to start the Paid Family and Medical Leave Program smaller for a better balance.”

Rep. Christie of Hartford explained his vote as follows:

“Madam Speaker:

‘May the good of the many outweigh the good of the few.’”

Rep. Copeland Hanzas of Bradford explained her vote as follows:

“Madam Speaker:

As a small business owner I am so excited to move Paid Family Leave Insurance one step closer to passage. My yes vote today is for Abby who had to come back to work when her baby was just 2 1/2 weeks old because her family finances couldn’t bear another missed paycheck. For Holly who put off a necessary medical procedure for far too long because her family depended on her paycheck and couldn’t make do without it. For every Vermonter who will no longer have to choose between family health and family finances, for every small Vermont employer who has always longed to be able to provide this peace of mind. Today we vote yes for a strong, healthy, prosperous Vermont.”

Rep. Campbell of St. Johnsbury explained his vote as follows:

“Madam Speaker:

For too many Vermonters, a medical emergency is a financial emergency. For far too many it’s financial ruin. Others have observed universal medical insurance is as important, or more so, than this bill. Yes, it is. But foregoing income, risking your job, is a terrible choice. Health care is, or should be, a right, not a privilege. Paid family and medical leave must be also.”

Rep. Elder of Starksboro explained his vote as follows:

“Madam Speaker:

I vote yes for paid family leave. H.107 creates an opportunity for workers to invest in themselves, their families, and their neighbors.”

Rep. Gardner of Richmond explained her vote as follows:

“Madam Speaker:

It is heart breaking to have to choose between paying your family’s bills and caring for a loved on. It is a choice no one should have to make. I support this bill.”

Rep. Howard of Rutland City explained her vote as follows:

“Madam Speaker:

From a family who would have benefitted greatly from this bill while my husband was sick and dying. I thank the members voting yes for this bill. Thank you.”

Rep. Mrowicki of Putney explained his vote as follows:

“Madam Speaker:

Whether it’s broadband, child care, clean water, or paid family leave, it’s essential we make these investments in Vermont and Vermonters. If we continue to think these things will happen magically without financial investments, Vermont will struggle to attract and keep people here. My vote is to invest in a brighter future for Vermont.”

Rep. Scheu of Middlebury explained her vote as follows:

“Madam Speaker:

I vote yes on the Paid Family and Medical Leave Insurance program. Experience and research has proven time and again that these programs help business improve work retention, which saves employers money through the reduced cost of turnover. Employees and families are less stressed and more productive. Smaller businesses are better able to compete with larger

businesses. We have an incredible opportunity to support not only businesses, but our hard-working Vermont families and people who are considering relocating to Vermont. This bill will help ensure that we have a Vermont that works for all of us.”

Rep. Sullivan of Dorset explained her vote as follows:

“Madam Speaker:

While I strongly support Paid Family Leave, if the state must force employers to enact such policies, then we can be pretty sure they don’t make economic sense for the firms in question. As such we may now expect employers to reduce the attractiveness of employment contracts offered to women since they are the primary benefits of pregnancy leave. This bill is not in good legal form and needs further due diligence.”

Rep. Troiano of Stannard explained his vote as follows:

“I voted yes. It has been mentioned during this debate that there are many of us who will be moving out of the labor market. This bill will allow our sons and daughters to care for us and not lose their jobs or pay while they are doing so.”

Remarks Journalized

On motion of **Rep. Till of Jericho**, the following remarks by **Rep. Lippert of Hinesburg** were ordered printed in the Journal:

“Madam Speaker:

May I speak on a point of personal privilege?

Thank you for the many well wishes following my absence last week as I traveled to be with my spouse, Enrique - the man to whom I am married - who was hospitalized in New Mexico. The good news is that he has been discharged and has recovered.

Many of you asked how my “husband” was doing?

Being in New Mexico with my spouse - in the Emergency Room and in the hospital, interacting with doctors and medical staff - I found myself reflecting on the significance of our being a married couple, of our having a legal, marriage relationship.

It is worth noting that this weekend is the 10th anniversary of creating full marriage equality here in Vermont - by the vote of this legislature, and ultimately by an override of the Governor’s veto, on a vote of 100-49.

It is also worth acknowledging that Vermont's creation of full marriage equality was the first enactment of marriage equality by the vote of a state legislature.

This legislature makes historic decisions - decisions that sometimes profoundly changes people's lives. My life - and that of my spouse - have been profoundly changed by having been joined in a legal marriage for the recent ten years of our thirty year relationship.

I want to say Thank You."

**Joint Legislative Child Protection Oversight
Committee Appointed**

Pursuant to Sec. 23 of Act 60 of 2015, the chair hereby appoints the following members to the Joint Legislative Child Protection Committee:

Rep. Pugh of South Burlington

Rep. Pajala of Londonderry

Rep. Redmond of Essex

Vermont Economic Progress Council Appointed

Pursuant to 32 V.S.A. § 3325, the Chair hereby appoints the following member to the Vermont Economic Progress Council:

Rep. Kimbell of Woodstock

State Workforce Development Board Appointed

Pursuant to 10 V.S.A. § 541a, the Chair hereby appoints the following member to the State Workforce Development Board:

Rep. Hill of Wolcott

**Legislative Oversight Committee On
Information Technology Appointed**

Pursuant to 2 V.S.A. § 751, the Chair hereby appoints the following members to the Legislative Oversight Committee on Information Technology:

Rep. Taylor of Colchester

Rep. Jickling of Randolph

Rep. Leffler of Enosburgh

Rep. Chase of Colchester

**Vermont Citizens Advisory Committee On
Lake Champlain's Future Appointed**

Pursuant to 10 V.S.A. § 1960, the Chair hereby appoints the following members to the Vermont Citizens Advisory Committee on Lake Champlain's Future:

Rep. Morgan of Milton

Rep. Ode of Burlington

Message from the Senate No. 35

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 131. An act relating to insurance and securities.

S. 163. An act relating to housing safety and rehabilitation.

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

The Senate has considered a bill originating in the House of the following title:

H. 59. An act relating to the codification of the charter of the Rutland County Solid Waste District.

And has passed the same in concurrence.

The Senate has considered bills originating in the House of the following titles:

H. 146. An act relating to increasing the number of examiners on the Board of Bar Examiners from nine to 11 members.

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

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has adopted a proposed amendment to the Vermont Constitution entitled:

Prop 5. Declaration of rights; right to personal reproductive liberty.

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

Pursuant to the request of the House for a Committee of Conference on the disagreeing votes of the two Houses on House bill entitled:

H. 39. An act relating to the extension of the deadline of school district mergers required by the State Board of Education.

The President announced the appointment as members of such Committee on the part of the Senate:

Senator Baruth
Senator Perchlik
Senator Parent

The Senate has on its part adopted Senate concurrent resolutions of the following titles:

S.C.R. 9. Senate concurrent resolution in memory of former University of Vermont Dean of the College of Education and Social Services and Associate Provost Jill Mattuck Tarule of Essex..

S.C.R. 10. Senate concurrent resolution in memory of creative mathematics educator and passionate Celtic folk musician Timothy James Whiteford..

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 121. House concurrent resolution commemorating the placement of the third statue of Agriculture atop the State House dome and honoring its creators, sculptors Chris Miller and Jerry Williams.

H.C.R. 122. House concurrent resolution congratulating Gloria Kigonya on winning the 2019 Vermont Debate and Forensics League State Forensics Tournament's performance poetry category.

H.C.R. 123. House concurrent resolution honoring Sarah E. Carpenter for her outstanding leadership as Vermont Housing Finance Agency Executive Director.

H.C.R. 124. House concurrent resolution congratulating the 2018 Thetford Academy Panthers girls' soccer team on winning a second consecutive Division III championship.

H.C.R. 125. House concurrent resolution congratulating Henry Farrington on being named the 2018 Vermont Gatorade Boys' Cross-Country Runner of the Year.

H.C.R. 126. House concurrent resolution congratulating the 2019 Essex High School Hornets State championship gymnastics team.

H.C.R. 127. House concurrent resolution congratulating the 2019 Essex High School Vermont Treasury Cup Challenge championship team.

H.C.R. 128. House concurrent resolution congratulating the 2019 Essex High School Hornets Division I girls' ice hockey championship team.

H.C.R. 129. House concurrent resolution congratulating the 2019 Essex High School Hornets boys' ice hockey team on winning the school's second-consecutive Division I championship.

H.C.R. 130. House concurrent resolution congratulating the 2019 Essex High School Hornets Division I indoor track and field championship team.

H.C.R. 131. House concurrent resolution congratulating Steve Gagner on his selection as the 2019 U.S. Small Business Administration's Vermont Small Business Person of the Year.

H.C.R. 132. House concurrent resolution congratulating Rutland High School for earning placement on the first ESPN Honor Roll, in recognition of the school's outstanding Special Olympics Unified Sports program.

H.C.R. 133. House concurrent resolution congratulating Champlain Valley Union High School Principal Adam Bunting on being named the 2018 Vermont Principal of the Year.

H.C.R. 134. House concurrent resolution congratulating the 2019 Junior Iron Chefs championship teams.

H.C.R. 135. House concurrent resolution saluting the Vermonters who served in the Vietnam War and honoring the memory of those who died in this conflict.

H.C.R. 136. House concurrent resolution congratulating Katherine Suzanne Bove on winning one gold medal and one bronze medal at the 2019 Special Olympics World Games in Abu Dhabi, United Arab Emirates.

H.C.R. 137. House concurrent resolution congratulating American Legion Post 13 in Bennington on its 100th anniversary.

Adjournment

At eleven o'clock and thirty-five minutes in the forenoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until Tuesday, April 9, 2019, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 22.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by Joint Rules of the Senate and House of

Representatives, are hereby adopted in concurrence.

H.C.R. 121

House concurrent resolution commemorating the placement of the third statue of Agriculture atop the State House dome and honoring its creators, sculptors Chris Miller and Jerry Williams;

H.C.R. 122

House concurrent resolution congratulating Gloria Kigonya on winning the 2019 Vermont Debate and Forensics League State Forensics Tournament's performance poetry category;

H.C.R. 123

House concurrent resolution honoring Sarah E. Carpenter for her outstanding leadership as Vermont Housing Finance Agency Executive Director;

H.C.R. 124

House concurrent resolution congratulating the 2018 Thetford Academy Panthers girls' soccer team on winning a second consecutive Division III championship;

H.C.R. 125

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House concurrent resolution congratulating Rutland High School for earning placement on the first ESPN Honor Roll, in recognition of the school's outstanding Special Olympics Unified Sports program;

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House concurrent resolution congratulating Champlain Valley Union High School Principal Adam Bunting on being named the 2018 Vermont Principal of the Year;

H.C.R. 134

House concurrent resolution congratulating the 2019 Junior Iron Chefs championship teams;

H.C.R. 135

House concurrent resolution saluting the Vermonters who served in the Vietnam War and honoring the memory of those who died in this conflict;

H.C.R. 136

House concurrent resolution congratulating Katherine Suzanne Bove on winning one gold medal and one bronze medal at the 2019 Special Olympics World Games in Abu Dhabi, United Arab Emirates;

H.C.R. 137

House concurrent resolution congratulating American Legion Post 13 in Bennington on its 100th anniversary;

S.C.R. 9

Senate concurrent resolution in memory of former University of Vermont Dean of the College of Education and Social Services and Associate Provost Jill Mattuck Tarule of Essex;

S.C.R. 10

Senate concurrent resolution in memory of creative mathematics educator

and passionate Celtic folk musician Timothy James Whiteford;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2019, seventy-fifth Biennial session.]