Journal of the House

Tuesday, April 23, 2019

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rep. Thomas Stevens of Waterbury.

Pledge of Allegiance

Page Zane Mawhinney of Lyndonville led the House in the Pledge of Allegiance.

Bill Referred to Committee on Appropriations

S. 40

Senate bill, entitled

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

Appearing on the Calendar, carrying an appropriation, under rule 35(a), was referred to the committee on Appropriations.

Remarks Journalized

On motion of Rep. Brennan of Colchester, the following remarks by Rep. Helm of Fair Haven were ordered printed in the Journal:

“Madam Speaker:

I would like to take a moment to re-introduce to the body, the whitetail deer mount, shot by James Faulkenbury, in 1920 on Bald Mountain in West Haven, VT. This deer is a 13 point buck and is on the Big Buck list of trophy deer.

This mount first entered into the Fish, Wildlife, and Water Resource committee room in 2002. The Mount had a great life until 2018.

Then mold was discovered on the third floor.

After nearly losing the 13 Point beauty, the Vermont Federation of Sportsmen offered to refurbish the mount a second time.

A special thanks should be given to Rodney and Theresa Elmore of Mountain Deer Taxidermy. A wonderful job was done.
The mount was returned to the committee room this morning and expects an eternal life experience as is described in the 2002 House Journal of April 30, pages 909, 910, and 928, and referred to in HR 47.

It’s my district's distinct honor to have the mount rehung in the Natural Resources, Fish, and Wildlife committee room, and my district and all the sportsmen thank the Legislature for re-accommodating the mount.

Please stop by and view this magnificent animal.”

**Message from Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 19th day of April, 2019, he signed bills originating in the House of the following titles:

**H. 58**  An act relating to approval of amendments to the charter of the Town of Barre

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

**H. 73**  An act relating to approval of amendments to the charter of the City of Barre

**H. 218**  An act relating to lead poisoning prevention

**Message from Governor**

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 22nd day of April, 2019, he signed a bill originating in the House of the following title:

**H. 532**  An act relating to fiscal year 2019 budget adjustments

**Message from the Senate No. 42**

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 considered a bill originating in the House of the following title:

**H. 321.** An act relating to aggravated murder for killing a firefighter or an emergency medical provider.

And has passed the same in concurrence.

The Governor has informed the Senate that on the 18th of April, 2019, he approved and signed a bill originating in the Senate of the following title:

**S. 109.** An act relating to captive insurance companies and risk retention groups.

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

**H.C.R. 143.** House concurrent resolution congratulating Olivia Shively on qualifying for the 2019 Snowboarding Junior World Championships.

**H.C.R. 145.** House concurrent resolution honoring the 26th President of the University of Vermont, E. Thomas Sullivan, for his leadership accomplishments.

**Message from the Senate No. 43**

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 adopted joint resolution of the following title:

**J.R.S. 25.** Joint resolution regarding weekend adjournment.

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

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

**J.R.H. 5.** Joint resolution authorizing the Green Mountain Girls State educational program to use the State House.

And has adopted the same in concurrence.

The Governor has informed the Senate that on the 19th of April, 2019, he approved and signed a bill originating in the Senate of the following title:

**S. 14.** An act relating to extending the moratorium on home health agency certificates of need.
Second Reading; Proposal of Amendment Agreed to; Third Reading Ordered

S. 86

Rep. Brumsted of Shelburne, for the committee on Human Services, to which had been referred Senate bill, entitled

An act relating to increasing the legal age for buying and using cigarettes, electronic cigarettes, and other tobacco products from 18 to 21 years of age

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking out Sec. 8, effective date, in its entirety and inserting in lieu thereof a new Sec. 8 to read as follows:

Sec. 8. EFFECTIVE DATE

This act shall take effect on September 1, 2019.

Rep. Till of Jericho, for the committee on Ways and Means, recommended that House propose to the Senate to amend the bill as recommended by the committee on Human Services

The bill having appeared on the Calendar one day for notice, was taken up, read the second time and the reports of the committee on Human Services and Ways and Means were agreed to.

Pending the question, Shall the bill be read a third time? Rep. Pugh of South Burlington 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 be read a third time? was decided in the affirmative. Yeas, 124. Nays, 14.

Those who voted in the affirmative are:

Ancel of Calais  Gannon of Wilmington  O'Brien of Tunbridge
Anthony of Barre City  Gardner of Richmond  Ode of Burlington
Austin of Colchester  Goslant of Northfield  O'Sullivan of Burlington
Bancroft of Westford  Grad of Moretown  Pajala of Londonderry
Bartholomew of Hartland  Graham of Williamstown  Palasik of Milton
Batchelor of Derby  Gregoire of Fairfield  Partridge of Windham
Bates of Bennington  Haas of Rochester  Patt of Worcester
Beck of St. Johnsbury  Hango of Berkshire  Potter of Clarendon
Birong of Vergennes  Harrison of Chittenden  Pugh of South Burlington
Brennan of Colchester  Hashim of Dummerston  Rachelson of Burlington
Briglin of Thetford  Hooper of Randolph  Ralph of Hartland
Brownell of Pownal  Hooper of Burlington  Redmond of Essex
Browning of Arlington  Houghton of Essex  Rogers of Waterville
Brumsted of Shelburne  Howard of Rutland City  Rosenquist of Georgia
Burke of Brattleboro  James of Manchester  Savage of Swanton  
Campbell of St. Johnsbury  Jerome of Brandon  Scheu of Middlebury  
Canfield of Fair Haven  Jessup of Middlesex  Scheuermann of Stowe  
Carroll of Bennington  Jickling of Randolph  Shaw of Pittsford  
Chase of Colchester  Killacky of South Burlington  Sheldon of Middlebury  
Chesnut-Tangerman of Middletown Springs  Kitzmiller of Montpelier  Sibilia of Dover  
Christensen of Weathersfield  Krowinski of Burlington  Smith of New Haven  
Christie of Hartford  LaClair of Barre Town  Squirrel of Underhill  
Cina of Burlington  LaLonde of South  Stevens of Waterbury  
Coffey of Guilford  Burlington  Strong of Albany  
Colburn of Burlington  Lanpher of Vergennes  Sullivan of Dorset  
Colston of Winooski  Lippert of Hinesburg  Sullivan of Burlington  
Conlon of Cornwall  Long of Newfane  Szott of Barnard  
Conquest of Newbury  Macaig of Williston  Taylor of Colchester  
Copeland-Hanzas of Bradford  Marcotte of Coventry  Till of Jericho *  
Cordes of Lincoln  McCormack of Burlington  Toof of St. Albans Town  
Cupoli of Rutland City  McCullough of Williston *  Townsend of South  
Demrow of Corinth  McFaun of Barre Town  Burlington  
Dickinson of St. Albans Town  Morgan of Milton  Troiano of Stannard  
Dolan of Waitsfield  Morrisey of Bennington  Walz of Barre City  
Elder of Starksboro  Murphy of Fairfax  White of Hartford  
Fagan of Rutland City  Myers of Essex  Wood of Waterbury *  
Fegard of Berkshire  Nicoll of Ludlow  Yacovone of Morristown  
Feltus of Lyndon  Norris of Shoreham  Yantachka of Charlotte  
Gamache of Swanton  Notte of Rutland City  Noyes of Wolcott  

Those who voted in the negative are:

Donahue of Northfield  Leffler of Enosburgh *  Seymour of Sutton *  
Helm of Fair Haven  Martel of Waterford  Terenzini of Rutland Town  
Higley of Lowell  Mattos of Milton  Triebel of Rockingham  
Kimbell of Woodstock  McCoy of Poultney  Young of Greensboro  
Lefebvre of Newark  Quimby of Concord  

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

Bock of Chester  Emmons of Springfield  Hooper of Montpelier  
Burditt of West Rutland  Giambatista of Essex  Page of Newport City  
Donovan of Burlington  Gonzalez of Winooski  
Durfee of Shaftsbury  Hill of Wolcott  

Rep. Gardner of Richmond explained her vote as follows:

“Madam Speaker:

I started smoking in high school. My parents didn’t smoke but my friends did. Had cigarettes not been legal for us to buy, we probably would never
have started and I would have never had to go through the difficult process of quitting. I voted yes.”

**Rep. Gregoire of Fairfield** explained his vote as follows:

“Madam Speaker:

I voted yes. Tobacco and nicotine are indeed bad, for individuals and society, yet it’s hard to rationalize robbing adults of their rights. I have a hard time with the concept of being a probationary adult with only partial rights. T21 will happen at the national level soon regardless of our actions today.”

**Rep. Leffler of Enosburgh** explained her vote as follows:

“Madam Speaker:

We cannot have an expected and anticipated age of adulthood, with all of the rights, liberties, and responsibilities entailed and continue to carve out pieces and parts because we desire the authority to make better choices. The autonomy and responsibility of adulthood cannot be piecemealed. Either we allow individuals to make their own choices, albeit some bad choices, or we drop the pretense.”

**Rep. McCullough of Williston** explained his vote as follows:

“Madam Speaker:

I vote yes for S.86; quoting the American Lung Association of Vermont, ‘If you can’t breathe, nothing else matters.’”

**Rep. Seymour of Sutton** explained his vote as follows:

“Madam Speaker:

I do not believe it is the responsibility of the legislature to determine choices that individuals must make for themselves. Individual choices require individual responsibility.”

**Rep. Till of Jericho** explained his vote as follows:

“Madam Speaker:

This is the 4th biennium that I have proposed raising the smoking age to 21. Since the beginning there has been tri-partisan support with 25 co-sponsors in the 2013-2014 session. Tobacco 21 is a critical tool in fighting big tobacco’s ongoing attempts to ensnare our children. I am proud today to say that Vermont is joining the 12 other states and over 450 towns and counties that have already taken this step to protect our children.”

**Rep. Wood of Waterbury** explained her vote as follows:

“Madam Speaker:
Today, on the 4th anniversary of my father’s death from lung cancer, I proudly vote yes to reduce the opportunity for today’s youth to become addicted to what he called ‘cancer sticks.’”

Bill Called Up

H. 97

Rep. Toll of Danville called up House bill, entitled

An act relating to fiscal year 2019 budget adjustments

Which had been ordered to lie. Thereupon, under the rule, the bill was ordered placed on the Calendar for action on the next legislative day.

Adjournment

At eleven o'clock and twenty-three minutes in the forenoon, on motion of Rep. McCoy of Poultney, the House adjourned until tomorrow at one o'clock in the afternoon.