

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	Kornheiser of Brattleboro	Smith of Derby
Christie of Hartford	Krowinski of Burlington	Smith of New Haven
Cina of Burlington	LaClair of Barre Town	Squirrell of Underhill
Coffey of Guilford	LaLonde of South Burlington	Stevens of Waterbury
Colburn of Burlington	Lanpher of Vergennes	Strong of Albany
Colston of Winooski	Lippert of Hinesburg	Sullivan of Dorset
Conlon of Cornwall	Long of Newfane	Sullivan of Burlington
Conquest of Newbury	Macaig of Williston	Szott of Barnard
Copeland-Hanzas of Bradford	Marcotte of Coventry	Taylor of Colchester
Corcoran of Bennington	Masland of Thetford	Till of Jericho *
Cordes of Lincoln	McCarthy of St. Albans City	Toleno of Brattleboro
Cupoli of Rutland City	McCormack of Burlington	Toll of Danville
Demrow of Corinth	McCullough of Williston *	Toof of St. Albans Town
Dickinson of St. Albans Town	McFaun of Barre Town	Townsend of South Burlington
Dolan of Waitsfield	Morgan of Milton	Troiano of Stannard
Elder of Starksboro	Morrissey of Bennington	Walz of Barre City
Fagan of Rutland City	Mrowicki of Putney	Webb of Shelburne
Fegard of Berkshire	Murphy of Fairfax	White of Hartford
Feltus of Lyndon	Myers of Essex	Wood of Waterbury *
Gamache of Swanton	Nicoll of Ludlow	Yacovone of Morristown
	Norris of Shoreham	Yantachka of Charlotte
	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	Trieber 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.