

# Journal of the House

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**Friday, March 29, 2013**

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

## **Devotional Exercises**

Devotional exercises were conducted by Rep. Thomas Koch of Barre Town, Vt.

## **House Bills Introduced**

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

### **H. 531**

By the committee on Corrections and Institutions,  
An act relating to Building 617 in Essex;  
Under the rule, placed on the Calendar for notice.

### **H. 532**

By Rep. Peltz of Woodbury,  
House bill, entitled  
An act relating to the downtown and village center tax credits;  
To the committee on Ways and Means.

## **Senate Bills Referred**

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

### **S. 41**

Senate bill, entitled  
An act relating to water and sewer service;  
To the committee on Government Operations.

### **S. 58**

Senate bill, entitled  
An act relating to Act 250 and oil pipelines;

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To the committee on Fish, Wildlife & Water Resources.

**S. 128**

Senate bill, entitled

An act relating to updating mental health judicial proceedings;

To the committee on Health Care.

**S. 159**

Senate bill, entitled

An act relating to various amendments to Vermont's land use control law and related statutes;

To the committee on Natural Resources and Energy.

**S. 161**

Senate bill, entitled

An act relating to mitigation of traffic fines and approval of a DLS Diversion Program contract;

To the committee on Judiciary.

**Committee Relieved of Consideration  
and Bill Committed to Other Committee**

**S. 73**

**Rep. Pugh of South Burlington** moved that the committee on Human Services be relieved of House bill, entitled

An act relating to the moratorium on home health agency certificates of need

And that the bill be committed to the committee on Health Care, which was agreed to.

**Third Reading; Bill Passed**

**H. 60**

House bill, entitled

An act relating to providing state financial support for school meals for children of low-income households

Was taken up, read the third time and passed.

**Bill Amended, Read Third Time and Passed****H. 329**

House bill, entitled

An act relating to the Use Value Program

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

By striking out Sec. 8 (assessment of conserved property) and inserting in lieu thereof a new Sec. 8 to read:

Sec. 8. ASSESSMENT OF PROPERTY

On or before April 15, 2014, the Director of Property Valuation and Review shall publish guidance for the local assessing officials concerning:

(1) how to assess land permanently encumbered by a conservation easement;

(2) how to assess land subject to a use value appraisal; and

(3) how to apply the methodologies in subdivisions (1) and (2) of this section in a consistent manner across the State.

Which was agreed to. Thereupon, the bill was read the third time and passed.

**Bill Amended, Read Third Time and Passed****H. 530**

House bill, entitled

An act relating to making appropriations for the support of government

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

First: In Sec. E.308(a), by striking out the words “Health Access Oversight Committee” where they appear twice and inserting in lieu thereof the words “Health Care Oversight Committee” and in (a)(2), by striking out the word “Agency” and inserting in lieu thereof the word “Department”

Second: In Sec. E.323, by striking subdivision (b)(3) in its entirety and inserting in lieu thereof the following:

(3) The primary caretaker parent in a two-parent family in which one parent is able-to-work-part-time or unable-to-work, is a single parent, or is a caretaker who is caring for 12 months for a child who has not attained 24 months of age, so long as the parent or caretaker of a child older than the age

of six months but younger than 24 months cooperates in the development of and participation in a family development plan.

Third: In Sec. E.324.1, 33 V.S.A. § 2502(d), after the words “State Office of Economic Opportunity to meet the” by inserting the word “budgetary”

Which was agreed to

Pending third reading of the bill, **Reps. Till of Jericho, Martin of Wolcott, Woodward of Johnson and Fisher of Lincoln** moved to amend the bill as follows:

First: In Sec. E.307.2, reduction in Medicaid cost-shift, by adding a subsection (e) to read as follows:

(e) The Department of Vermont Health Access shall implement a new attribution model for primary care case management payments to ensure that providers seeing Medicaid patients for primary care receive those payments.

Second: In Sec. F.100, effective dates, by adding a subsection (e) to read:

(e) Sec. E.307.2 (reduction in Medicaid cost-shift) shall take effect on July 1, 2013, except that subsection (e) of that section shall take effect on passage.

Which was agreed to.

Pending third reading of the bill, **Reps. Klein of East Montpelier, Cheney of Norwich, Canfield of Fair Haven, Ellis of Waterbury, Feltus of Lyndon, Hebert of Vernon, Jerman of Essex, Malcolm of Pawlet, McCormack of Burlington, Nuovo of Middlebury, and Yantachka of Charlotte** moved to amend the bill as follows:

First: By striking Sec. B.700 in its entirety and inserting a new Sec. B.700 to read as follows

Sec. B.700 Natural resources - agency of natural resources - administration

Personal services	3,176,914
Operating expenses	799,518
Grants	<u>45,510</u>
Total	4,021,942
Source of funds	
General fund	3,739,109
Special funds	55,343
Federal funds	30,000

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Interdepartmental transfers	<u>197,490</u>
Total	4,021,942

Second: In Sec. D.101, fund reserves and transfers, in subdivision (1)(E), by striking out the figure “\$1,000,000” and inserting in lieu thereof the figure “\$900,000”

Third: By striking Secs. E.700, E.700.1, and E.700.2 in their entirety and inserting a new Sec. E.700 to read as follows

Sec. E.700. Agency of natural resources – administration; climate change

(a) The establishment of one (1) new exempt position – Principal Assistant: State Climate Change Coordinator—is authorized in fiscal year 2014 to coordinate among state agencies activities and policy positions related to climate change, including meeting the State’s emission reduction goals and the goals of the State Comprehensive Energy Plan.

Which was agreed to.

Pending third reading of the bill, **Reps. Kupersmith of South Burlington and Marcotte of Coventry** moved to amend the bill as follows:

First: In Sec. E.323.3(a), by inserting after the words “the House Committee on Human Services.” the words “the House Committee on Commerce and Economic Development,” and by inserting after the words “the Senate Committee on Health and Welfare,” the words “the Senate Committee on Economic Development, Housing and General Affairs.”

Second: In Sec. E.323.3(a), by inserting a new subdivision (2) to read:

(2) an assessment of the availability and adequacy of education and training programs, including the number of programs, the names and types of programs, the location and distribution of programs, the number of participants, whether participants have access to programs, whether barriers exist to participants accessing programs, the support services given to participants, and how successful the programs are in leading to employment;

and by renumbering the remaining subdivisions to be numerically correct

Which was agreed to.

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

First: By striking Sec. B.200 in its entirety and inserting in lieu thereof a new Sec. B.200 to read as follows:

Sec. B.200 Attorney general

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Personal services	7,633,012
Operating expenses	<u>1,084,151</u>
Total	8,717,163
Source of funds	
General fund	4,269,409
Special funds	1,253,751
Tobacco fund	348,000
Federal funds	798,366
Interdepartmental transfers	<u>2,047,637</u>
Total	8,717,163

Second: By striking out Secs. B.300, B.301, B.307, B.309, B.312, B.313, B.314, B.317, B.333, B.334, and B.338 in their entirety and inserting in lieu thereof new Secs. B.300, B.301, B.307, B.309, B.312, B.313, B.314, B.317, B.333, B.334, B.338 to read as follows:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	10,337,270
Operating expenses	3,232,916
Grants	<u>5,348,998</u>
Total	18,919,184
Source of funds	
General fund	5,015,482
Special funds	91,017
Tobacco fund	291,127
Federal funds	9,843,546
Global Commitment fund	415,000
Interdepartmental transfers	<u>3,268,012</u>
Total	18,919,184

Sec. B.301 Secretary's office - global commitment

Grants	<u>1,185,917,865</u>
Total	1,185,917,865

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Source of funds	
General fund	142,937,512
Special funds	20,795,259
Tobacco fund	35,743,693
State health care resources fund	273,531,579
Federal funds	712,869,822
Interdepartmental transfers	<u>40,000</u>
Total	1,185,917,865
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Grants	<u>640,861,244</u>
Total	640,861,244
Source of funds	
Global Commitment fund	<u>640,861,244</u>
Total	640,861,244
Sec. B.309 Department of Vermont health access - Medicaid program - state only	
Grants	<u>34,633,774</u>
Total	34,633,774
Source of funds	
General fund	27,515,947
Global Commitment fund	<u>7,117,827</u>
Total	34,633,774
Sec. B.312 Health - public health	
Personal services	33,615,712
Operating expenses	6,305,676
Grants	<u>36,782,354</u>
Total	76,703,742
Source of funds	
General fund	7,342,870

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Special funds	10,981,733
Tobacco fund	2,393,377
Federal funds	36,266,649
Global Commitment fund	18,689,873
Interdepartmental transfers	1,004,240
Permanent trust funds	<u>25,000</u>
Total	76,703,742
Sec. B.313 Health - alcohol and drug abuse programs	
Personal services	2,967,468
Operating expenses	391,758
Grants	<u>28,371,075</u>
Total	31,730,301
Source of funds	
General fund	2,922,339
Special funds	442,829
Tobacco fund	1,386,234
Federal funds	6,539,025
Global Commitment fund	20,089,874
Interdepartmental transfers	<u>350,000</u>
Total	31,730,301
Sec. B.314 Mental health - mental health	
Personal services	22,230,696
Operating expenses	1,633,320
Grants	<u>173,361,519</u>
Total	197,483,535
Source of funds	
General fund	1,048,819
Special funds	6,836
Federal funds	6,093,289
Global Commitment fund	190,314,591



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Interdepartmental transfers	<u>20,000</u>
Total	197,483,535
Sec. B.317 Department for children and families - family services	
Personal services	24,364,141
Operating expenses	3,285,261
Grants	<u>63,074,735</u>
Total	90,724,137
Source of funds	
General fund	21,918,167
Special funds	1,691,637
Federal funds	26,974,257
Global Commitment fund	39,976,022
Interdepartmental transfers	<u>164,054</u>
Total	90,724,137
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	<u>168,043,848</u>
Total	168,043,848
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	167,455,403
Interdepartmental transfers	<u>58,000</u>
Total	168,043,848
Sec. B.334 Disabilities, aging, and independent living - TBI home and community based waiver	
Grants	<u>4,806,242</u>
Total	4,806,242
Source of funds	

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Global Commitment fund	<u>4,806,242</u>
Total	4,806,242
Sec. B.338 Corrections - correctional services	
Personal services	104,070,653
Operating expenses	19,147,376
Grants	<u>8,689,559</u>
Total	131,907,588
Source of funds	
General fund	124,760,845
Special funds	483,963
Federal funds	470,962
Global Commitment fund	5,795,503
Interdepartmental transfers	<u>396,315</u>
Total	131,907,588
<u>Third:</u> By striking out Secs. B.501 and B.514 in their entirety and inserting in lieu thereof new Secs. B.501 and B.514 to read as follows:	
Sec. B.501 Education - education services	
Personal services	12,643,713
Operating expenses	1,434,792
Grants	<u>123,614,661</u>
Total	137,693,166
Source of funds	
General fund	5,768,323
Special funds	2,578,228
Federal funds	<u>129,346,615</u>
Total	137,693,166
Sec. B.514 State teachers' retirement system	
Personal services	7,277,783
Operating expenses	27,671,276

Grants	<u>77,783,200</u>
Total	112,732,259
Source of funds	
General fund	77,783,200
Pension trust funds	<u>34,949,059</u>
Total	112,732,259
<u>Fourth:</u> By striking out Secs. B.704, B.707, and B.709 in their entirety and inserting in lieu thereof new Secs. B.704, B.707 and B.709 to read as follows:	
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	4,873,548
Operating expenses	649,757
Grants	<u>521,500</u>
Total	6,044,805
Source of funds	
General fund	3,440,055
Special funds	975,000
Federal funds	1,500,000
Interdepartmental transfers	<u>129,750</u>
Total	6,044,805
Sec. B.707 Forests, parks and recreation - youth conservation corps	
Grants	<u>514,702</u>
Total	514,702
Source of funds	
General fund	42,320
Special funds	188,382
Federal funds	94,000
Interdepartmental transfers	<u>190,000</u>
Total	514,702
Sec. B.709 Environmental conservation - management and support services	
Personal services	4,505,461

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Operating expenses	1,106,590
Grants	<u>113,780</u>
Total	5,725,831
Source of funds	
General fund	680,011
Special funds	167,258
Federal funds	192,691
Interdepartmental transfers	<u>4,685,871</u>
Total	5,725,831

Fifth: By striking out Secs. B.801, B.808, B.809, B.810, B.811 and B.812 in their entirety and inserting in lieu thereof new Secs. B.801, B.808, B.809, B.810, B.811 and B.812 to read as follows:

Sec. B.801 Economic development

Personal services	2,908,179
Operating expenses	801,097
Grants	<u>1,666,501</u>
Total	5,375,777
Source of funds	
General fund	4,306,655
Special funds	313,672
Federal funds	751,550
Interdepartmental transfers	<u>3,900</u>
Total	5,375,777

Sec. B.808 Vermont council on the arts

Grants	<u>507,607</u>
Total	507,607

Source of funds

General fund	<u>507,607</u>
Total	507,607

Sec. B.809 Vermont symphony orchestra

Grants	<u>113,821</u>
Total	113,821
Source of funds	
General fund	<u>113,821</u>
Total	113,821
Sec. B.810 Vermont historical society	
Grants	<u>807,694</u>
Total	807,694
Source of funds	
General fund	<u>807,694</u>
Total	807,694
Sec. B.811 Vermont housing and conservation board	
Grants	<u>27,867,642</u>
Total	27,867,642
Source of funds	
Special funds	13,844,567
Federal funds	<u>14,023,345</u>
Total	27,867,642
Sec. B.812 Vermont humanities council	
Grants	<u>172,670</u>
Total	172,670
Source of funds	
General fund	<u>172,670</u>
Total	172,670

Sixth: By striking out Sec. D.100 in its entirety and inserting in lieu thereof a new Sec. D.100 read as follows:

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$518,000 is appropriated from the Property Valuation and Review Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$518,000 from the property transfer tax that are deposited into the Property Valuation and Review Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$13,552,967 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Trust Board. Notwithstanding 10 V.S.A. § 312, amounts above \$13,552,967 from the property transfer tax that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(3) The sum of \$3,295,476 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,295,476 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,295,476 shall be allocated as follows:

(A) \$2,508,076 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$408,7000 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b);

(C) \$378,700 to the Vermont Center for Geographic Information.

Seventh: In Sec. D.101 (Fund Transfers and Reserves), by striking out subdivisions (a)(1)(D) and (E) in their entirety and inserting in lieu thereof a new subdivision (a)(1)(D) to read as follows:

(D) General Fund Balance Reserve also known as the "Rainy Day Fund" established in 32 V.S.A. § 308c: \$14,200,000.

Eighth: By striking out Sec. D.105 in its entirety and inserting in lieu thereof a new Sec. D.105 to read as follows:

Sec. D.105 AMERICAN ELECTRIC POWER (AEP) SETTLEMENT TO  
THE GENERAL FUND

(a) Any funds recovered by the Attorney General as a result of the American Electric Power Service Corporation settlement shall be deposited into the General Fund.

Ninth: By striking out Sec. E.514 in its entirety and inserting in lieu thereof a new Sec. E.514 to read as follows:

Sec. E.514 State teachers' retirement system

(a) The annual contribution to the Vermont State Teachers' Retirement System shall be \$77,783,200, of which \$68,352,825 shall be contributed in accordance with 16 V.S.A. § 1944(g)(2) and an additional \$10,750,000 in General Funds.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$11,259,501 is the "normal contribution," and \$57,093,324 is the "accrued liability contribution."

(c) A combination of \$77,783,200 in General Funds and an estimated \$1,319,625 of Medicare Part D reimbursement funds is utilized to achieve funding at \$10,750,000 above the actuarially recommended level of \$68,352,825.

Tenth: In Sec. E.307.2 (Reduction in Medicaid Cost Shift) by striking out subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

(a) Beginning October 1, 2013, the Agency of Human Services shall increase Medicaid reimbursements to participating providers for services provided by an amount equal to one percent of fiscal year 2012 expenditures for those services.

Eleventh: In Sec. E.704 (Forests, parks and recreation-forestry) by striking out subsection (b) in its entirety

Thirteenth: By striking out Sec. E.709 (Environmental conservation-management and support services) in its entirety

Thereupon, **Rep. Hubert of Milton** asked and was granted leave of the House to withdraw his amendment.

Pending third reading of the bill, **Reps. Poirier of Barre City, Komline of Dorset and Pearson of Burlington** moved to amend the bill as follows:

First: In Sec. B.309, Medicaid program - state only, by striking out the number "36,118,235" each time it appears and inserting in lieu thereof the number "37,233,213" and by striking out the number "29,000,408" and inserting in lieu thereof the number "30,115,386"

Second: In Sec. D.101, fund reserves and transfers, in subdivision (a)(1)(D), by striking out the figure "\$4,300,000" and inserting in lieu thereof the figure "\$3,185,022"

Third: In Sec. E.307.1, 33 V.S.A. § 1812, in subdivision (b)(2)(C), by striking out "77 percent actuarial value" and inserting in lieu thereof "82 percent actuarial value"

Fourth: In Sec. E.307.3, cost-sharing subsidies; managed care entity investments, in subdivisions (b)(1)(A) and (c)(1), by striking out “77 percent” in both places and inserting in lieu thereof “82 percent”

Pending the question, Shall the bill be amended as recommended by Rep. Poirier of Barre City? **Rep. Pearson of 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 amended as recommended by Rep. Poirier of Barre City? was decided in the negative. Yeas, 29. Nays, 108.

Those who voted in the affirmative are:

Carr of Brandon	Martin of Wolcott	Rachelson of Burlington
Christie of Hartford *	McCullough of Williston	Ram of Burlington
Clarkson of Woodstock	McFaun of Barre Town	Spengler of Colchester
Consejo of Sheldon	Michelsen of Hardwick	Stevens of Shoreham
Cross of Winooski	Moran of Wardsboro	Till of Jericho
Davis of Washington	O'Brien of Richmond	Townsend of South
Evans of Essex	O'Sullivan of Burlington	Burlington
French of Randolph	Pearson of Burlington	Weed of Enosburgh
Haas of Rochester	Peltz of Woodbury	Wizowaty of Burlington
Komline of Dorset	Poirier of Barre City *	Wright of Burlington

Those who voted in the negative are:

Ancel of Calais	Dickinson of St. Albans	Johnson of South Hero
Bartholomew of Hartland	Town	Johnson of Canaan
Batchelor of Derby	Donahue of Northfield *	Juskiewicz of Cambridge
Beyor of Highgate	Donovan of Burlington	Keenan of St. Albans City
Bissonnette of Winooski	Ellis of Waterbury	Kitzmiller of Montpelier
Botzow of Pownal	Emmons of Springfield	Klein of East Montpelier
Branagan of Georgia	Fagan of Rutland City	Koch of Barre Town
Brennan of Colchester	Fay of St. Johnsbury	Krebs of South Hero
Browning of Arlington	Feltus of Lyndon	Krowinski of Burlington
Burditt of West Rutland	Fisher of Lincoln	Kupersmith of South
Buxton of Tunbridge	Frank of Underhill	Burlington
Campion of Bennington	Gage of Rutland City	Lanpher of Vergennes
Cheney of Norwich	Goodwin of Weston	Larocque of Barnet
Cole of Burlington	Grad of Moretown	Lawrence of Lyndon
Condon of Colchester	Greshin of Warren	Lenes of Shelburne
Connor of Fairfield	Head of South Burlington	Lewis of Berlin
Conquest of Newbury	Heath of Westford	Lippert of Hinesburg
Copeland-Hanzas of	Hebert of Vernon	Macaig of Williston
Bradford	Helm of Fair Haven	Malcolm of Pawlet
Corcoran of Bennington	Higley of Lowell	Manwaring of Wilmington
Cupoli of Rutland City	Hooper of Montpelier	Marcotte of Coventry
Dakin of Chester	Hubert of Milton	Marek of Newfane
Deen of Westminster	Huntley of Cavendish	Martin of Springfield
Devereux of Mount Holly	Jewett of Ripton	Masland of Thetford



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McCarthy of St. Albans City	Savage of Swanton	Toll of Danville
McCormack of Burlington *	Scheuermann of Stowe	Townsend of Randolph
Miller of Shaftsbury	Sharpe of Bristol	Trieber of Rockingham
Mook of Bennington	Shaw of Pittsford	Turner of Milton
Morrissey of Bennington	Shaw of Derby	Van Wyck of Ferrisburgh
Mrowicki of Putney	Smith of New Haven	Vowinkel of Wilder
Myers of Essex	South of St. Johnsbury	Waite-Simpson of Essex
Partridge of Windham	Stevens of Waterbury	Webb of Shelburne
Pearce of Richford	Strong of Albany	Wilson of Manchester
Potter of Clarendon	Sweaney of Windsor	Winters of Williamstown
Pugh of South Burlington	Taylor of Barre City	Yantachka of Charlotte
Quimby of Concord	Terenzini of Rutland Town	Young of Glover
Russell of Rutland City	Toleno of Brattleboro	Zagar of Barnard

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

Bouchard of Colchester	Gallivan of Chittenden	Nuovo of Middlebury
Burke of Brattleboro	Jerman of Essex	Ralston of Middlebury
Canfield of Fair Haven	Kilmartin of Newport City	Stuart of Brattleboro
Donaghy of Poultney	Mitchell of Fairfax	Woodward of Johnson

**Rep. Christie of Hartford** explained his vote as follows:

“Mr. Speaker:

In my time here this has been the most difficult vote I have had to make. After receiving over 800 votes more than the closest candidate of the four on the ballot, I have to remember what was said to me most. This is why we sent you here.”

**Rep. Donahue of Northfield** explained her vote as follows:

“Mr. Speaker:

The struggle between what the state can afford and what we seek for health access outcomes is, for the first time, facing us as a reality. It is a clear statement about the prospects of success of our health reform goals. It demonstrates how unreal many expectations are. That has been my concern from day one, and I join in opposition to an unsustainable step today.”

**Rep. McCormack of Burlington** explained his vote as follows:

“Mr. Speaker:

While I would have liked to vote for this amendment, I cannot vote for any tapping of the Reserve Fund since that fund will be needed more than ever next fall to assure adequate funding for the LIHEAP federal shortfall we are likely to see especially with looming federal sequestration.”

**Rep. Poirier of Barre City** explained his vote as follows:

“Mr. Speaker:

With this vote, it is clear to me that the path to a state run health care system will be an exercise in futility for low income working Vermonters. If this is the road to change I will not support it.”

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Turner of Milton** 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, 91. Nays, 49.

Those who voted in the affirmative are:

Ancel of Calais	Head of South Burlington	Partridge of Windham
Bartholomew of Hartland	Heath of Westford	Pearson of Burlington
Bissonnette of Winooski	Hooper of Montpelier	Peltz of Woodbury
Botzow of Pownal	Jewett of Ripton	Potter of Clarendon
Brennan of Colchester	Johnson of South Hero *	Pugh of South Burlington
Buxton of Tunbridge	Keenan of St. Albans City	Rachelson of Burlington
Campion of Bennington	Kitzmiller of Montpelier	Ram of Burlington
Carr of Brandon	Klein of East Montpelier	Russell of Rutland City
Cheney of Norwich	Krebs of South Hero	Sharpe of Bristol
Christie of Hartford	Krowinski of Burlington	South of St. Johnsbury
Clarkson of Woodstock	Kupersmith of South Burlington	Spengler of Colchester
Cole of Burlington	Lanpher of Vergennes	Stevens of Waterbury
Condon of Colchester	Lenes of Shelburne	Stevens of Shoreham
Connor of Fairfield	Lippert of Hinesburg	Stuart of Brattleboro
Conquest of Newbury	Macaig of Williston	Sweaney of Windsor
Copeland-Hanzas of Bradford	Malcolm of Pawlet	Taylor of Barre City
Corcoran of Bennington	Manwaring of Wilmington	Till of Jericho
Cross of Winooski	Marek of Newfane	Toleno of Brattleboro
Dakin of Chester	Martin of Springfield	Toll of Danville
Deen of Westminster	Martin of Wolcott	Townsend of South Burlington
Donovan of Burlington	Masland of Thetford	Vowinkel of Wilder
Ellis of Waterbury	McCarthy of St. Albans City	Waite-Simpson of Essex
Emmons of Springfield	McCormack of Burlington	Webb of Shelburne
Evans of Essex	McCullough of Williston	Wilson of Manchester
Fay of St. Johnsbury	Michelsen of Hardwick	Wizowaty of Burlington
Fisher of Lincoln	Miller of Shaftsbury	Woodward of Johnson
Frank of Underhill	Mook of Bennington	Yantachka of Charlotte
French of Randolph	Moran of Wardsboro	Young of Glover
Goodwin of Weston	Mrowicki of Putney	Zagar of Barnard
Grad of Moretown	O'Brien of Richmond	
Haas of Rochester	O'Sullivan of Burlington	

Those who voted in the negative are:

Batchelor of Derby	Helm of Fair Haven	Poirier of Barre City *
Beyor of Highgate	Higley of Lowell	Quimby of Concord
Branagan of Georgia	Hubert of Milton	Savage of Swanton *
Browning of Arlington *	Huntley of Cavendish	Scheuermann of Stowe
Burditt of West Rutland	Johnson of Canaan	Shaw of Pittsford
Consejo of Sheldon	Juskiewicz of Cambridge	Shaw of Derby
Cupoli of Rutland City	Kilmartin of Newport City	Smith of New Haven
Davis of Washington	Koch of Barre Town	Strong of Albany
Devereux of Mount Holly	Komline of Dorset	Terenzini of Rutland Town
Dickinson of St. Albans Town	Larocque of Barnet	Townsend of Randolph
Donahue of Northfield	Lawrence of Lyndon	Trieber of Rockingham
Fagan of Rutland City	Lewis of Berlin	Turner of Milton *
Feltus of Lyndon	Marcotte of Coventry	Van Wyck of Ferrisburgh
Gage of Rutland City	McFaun of Barre Town	Weed of Enosburgh
Greshin of Warren	Morrissey of Bennington	Winters of Williamstown
Hebert of Vernon	Myers of Essex	Wright of Burlington
	Pearce of Richford	

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

Bouchard of Colchester	Donaghy of Poultney	Mitchell of Fairfax
Burke of Brattleboro	Gallivan of Chittenden	Nuovo of Middlebury
Canfield of Fair Haven	Jerman of Essex	Ralston of Middlebury

**Rep. Browning of Arlington** explained her vote as follows:

“Mr. Speaker:

I vote no because this budget contains a structural imbalance of spending increases that keep the state’s finances on the current unsustainable path.”

**Rep. Johnson of South Hero** explained her vote as follows:

“Mr. Speaker:

This budget supports community based mental health, opens the state hospital after a decade of debate, helps people get back to work and grow business by investing in Regional Development Corporations, working lands and childcare. We reduced health care cost shift by increasing Medicaid payments to every provider and we left \$9M in reserves for future needs. I’m proud to vote yes.”

**Rep. Poirier of Barre City** explained his vote as follows:

“Mr. Speaker:

I voted no because of the fact that the working poor are not protected from high out-of-pocket cost. I cannot believe that a majority of the members

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believe that a family making \$23,000 a year can afford potential out-of-pocket cost of \$5,884 a year or 20% of their gross income.”

**Rep. Savage of Swanton** explained his vote as follows:

“Mr. Speaker:

I voted no on the budget, as each year this body continues to approve budgets that are unsustainable. I will not have my fingerprints on a budget that will eventually come crashing down in a financial meltdown.”

**Rep. Turner of Milton** explained his vote as follows:

“Mr. Speaker:

This House GOP-Hubert amendment achieved a number of our caucus goals which we outlined for you and the chair of Appropriations earlier in the session. It is unfortunate that your appropriations committee rejected it on a party line vote. It was fiscally responsible and we are hopeful that some of these ideas will be adopted at some point in this session for the good of Vermont and its taxpayers.

The proposal before us today, with a spending growth rate of 4.7%, is unsustainable, it establishes over 70 new positions within state government, it sets aside \$8 million in reserves which is not adequate to address the impending impact of federal sequestration, it does not implement a plan to address the pension shortfalls, especially the teachers retiree healthcare funding, and it creates new programs while expanding existing programs. Further, it relies on \$50 million of one-time money and a net of \$109.1 million in new taxes to balance. We do not feel that this proposal is fiscally responsible, is detrimental to Vermont’s economy and will have a very negative impact on working Vermonters. Therefore we cannot support its passage. Thank you.”

### Remarks Journalized

On motion of **Rep. Kitzmiller of Montpelier**, the following remarks by **Speaker Smith of Morristown** were ordered printed in the Journal:

“The flowers in the Chamber are to remind us to celebrate the strong and spirited characteristics of all Vermonters. Schools and businesses throughout the state are wearing pink today to join the efforts of those communities in the Northeast Kingdom honoring the life of Melissa Jenkins. Melissa defined the virtues and soul of a true Vermonter; growing up in a long established farm family, she was deeply committed to her family and community, possessed a strong work ethic and showed great passion for life as a loving mother, caring teacher, and was one who had the reputation of being able to turn a bad day into a good one.

Today we are reminded to take a moment to remember Melissa by lending a helping hand, expressing a kind word to someone in need and take time out of your busy day to celebrate life and enjoy friends and family.”

**Message from the Senate No. 34**

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

Mr. Speaker:

I am directed to inform the House that:

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

**S. 11.** An act relating to the Austine School.

**S. 26.** An act relating to providing state financial support for school meals for children of low-income households.

**S. 30.** An act relating to siting of electric generation plants.

**S. 61.** An act relating to alcoholic beverages.

**S. 132.** An act relating to sheriffs, deputy sheriffs, and the service of process.

**S. 152.** An act relating to the Green Mountain Care Board’s rate review authority.

**S. 157.** An act relating to modifying the requirements for hemp production in the State of Vermont.

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

The Senate has on its part adopted Senate concurrent resolution of the following title:

**S.C.R. 19.** Senate concurrent resolution in memory of Roy Jacobsen, cofounder of the first chapter of Vietnam Veterans of America.

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

**H.C.R. 73.** House concurrent resolution congratulating Townsend Swayze on his receipt of a special award from the Government of Bangladesh.

**H.C.R. 74.** House concurrent resolution congratulating the 2013 Mount Anthony Union High School Patriots’ 25th consecutive state and seventh New England championship wrestling team.

**H.C.R. 75.** House concurrent resolution congratulating the Vermont Law School 2013 National Environmental Law Moot Court Competition championship team.

**H.C.R. 76.** House concurrent resolution congratulating the 2013 Rochester High School Rockets Division IV boys' basketball championship team.

**H.C.R. 77.** House concurrent resolution congratulating Westminster Cares, Inc. on its 25th anniversary.

**H.C.R. 78.** House concurrent resolution congratulating the 2013 Vergennes Union High School Division II championship boys' basketball team.

**H.C.R. 79.** House concurrent resolution congratulating the Underhill-Jericho Fire Department on its centennial anniversary.

**H.C.R. 80.** House concurrent resolution congratulating the 2013 Rutland High School Raiders Division I championship cheerleading team.

**H.C.R. 81.** House concurrent resolution honoring the Vermont Women's History Project and its women in journalism panel's commemoration of Women's History Month.

**H.C.R. 82.** House concurrent resolution congratulating the Clarendon Fire Association, Inc. on its 50th anniversary.

**H.C.R. 83.** House concurrent resolution in memory of Jeannette Lynch.

### **Adjournment**

At twelve o'clock and fifteen minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until Tuesday, April 2, 2013, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 21.

### **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. 73**

House concurrent resolution congratulating Townsend Swayze on his receipt of a special award from the Government of Bangladesh;

#### **H.C.R. 74**

House concurrent resolution congratulating the 2013 Mount Anthony Union High School Patriots' 25th consecutive state and seventh New England championship wrestling team;

**H.C.R. 75**

House concurrent resolution congratulating the Vermont Law School 2013 National Environmental Law Moot Court Competition championship team;

**H.C.R. 76**

House concurrent resolution congratulating the 2013 Rochester High School Rockets Division IV boys' basketball championship team;

**H.C.R. 77**

House concurrent resolution congratulating Westminster Cares, Inc. on its 25th anniversary;

**H.C.R. 78**

House concurrent resolution congratulating the 2013 Vergennes Union High School Division II championship boys' basketball team;

**H.C.R. 79**

House concurrent resolution congratulating the Underhill-Jericho Fire Department on its centennial anniversary;

**H.C.R. 80**

House concurrent resolution congratulating the 2013 Rutland High School Raiders Division I championship cheerleading team;

**H.C.R. 81**

House concurrent resolution honoring the Vermont Women's History Project and its women in journalism panel's commemoration of Women's History Month;

**H.C.R. 82**

House concurrent resolution congratulating the Clarendon Fire Association, Inc. on its 50th anniversary;

**H.C.R. 83**

House concurrent resolution in memory of Jeannette Lynch;

**S.C.R. 19**

Senate concurrent resolution in memory of Roy Jacobsen, cofounder of the first chapter of Vietnam Veterans of America;

[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 2013, seventy-second Adjourned session.]