Journal of the House

Wednesday, April 13, 2016

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Zack's Place, Woodstock, Vt.

Bill Referred to Committee on Appropriations

S. 189

Senate bill, entitled

An act relating to foster parents' rights and protections

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

Joint Resolution Adopted in Concurrence

J.R.S. 51

By Senators Baruth and Benning,

J.R.S. 51. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 15, 2016, it be to meet again no later than Tuesday, April 19, 2016.

Was taken up read and adopted in concurrence.

Bill Read Third Time and Passed

H. 870

House bill, entitled

An act relating to telecommunications

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

<u>First</u>: By striking out Sec. 5, concerning a five-year, one-half of one percent increase to the Universal Service Fund rate of charge, in its entirety

<u>Second</u>: By striking out Sec. 6, concerning the allocation of funds from the USF rate increase to the Connectivity Initiative, in its entirety

Pending the question, Shall the bill be amended as recommended by Rep. Turner of Milton? **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 be amended as recommended by Rep. Turner of Milton? was decided in the negative. Yeas, 48. Nays, 79.

Those who voted in the affirmative are:

Batchelor of Derby Beyor of Highgate Branagan of Georgia Brennan of Colchester Burditt of West Rutland Canfield of Fair Haven Condon of Colchester Dame of Essex Devereux of Mount Holly Donahue of Northfield Fagan of Rutland City Feltus of Lyndon Fiske of Enosburgh Gage of Rutland City Gamache of Swanton Graham of Williamstown

Greshin of Warren Hebert of Vernon Helm of Fair Haven Higley of Lowell Komline of Dorset Krebs of South Hero LaClair of Barre Town Lawrence of Lyndon Lefebvre of Newark Lewis of Berlin Martel of Waterford McCoy of Poultney McFaun of Barre Town Morrissey of Bennington Murphy of Fairfax Myers of Essex

Eastman of Orwell

Parent of St. Albans Town Pearce of Richford Purvis of Colchester Quimby of Concord Savage of Swanton Scheuermann of Stowe Shaw of Pittsford Shaw of Derby Smith of New Haven Strong of Albany Tate of Mendon Terenzini of Rutland Town Turner of Milton * Van Wyck of Ferrisburgh Viens of Newport City Willhoit of St. Johnsbury

Those who voted in the negative are:

Ancel of Calais Bartholomew of Hartland Baser of Bristol Berry of Manchester * Bissonnette of Winooski Botzow of Pownal Briglin of Thetford Browning of Arlington Burke of Brattleboro Carr of Brandon Clarkson of Woodstock Cole of Burlington Connor of Fairfield Conquest of Newbury * Copeland-Hanzas of Bradford Corcoran of Bennington Dakin of Chester Dakin of Colchester Deen of Westminster Donovan of Burlington Stevens of Waterbury Stuart of Brattleboro

Fields of Bennington Forguites of Springfield Frank of Underhill French of Randolph Grad of Moretown Haas of Rochester Head of South Burlington Hooper of Montpelier Huntley of Cavendish Jewett of Ripton Johnson of South Hero Keenan of St. Albans City Kitzmiller of Montpelier Krowinski of Burlington Lalonde of South Burlington Lanpher of Vergennes Lenes of Shelburne Lippert of Hinesburg Macaig of Williston Marcotte of Coventry Sullivan of Burlington Sweaney of Windsor

Martin of Wolcott Masland of Thetford McCormack of Burlington McCullough of Williston Morris of Bennington Mrowicki of Putney Nuovo of Middlebury O'Brien of Richmond Olsen of Londonderry O'Sullivan of Burlington Partridge of Windham Patt of Worcester Pearson of Burlington Poirier of Barre City Potter of Clarendon Pugh of South Burlington Rachelson of Burlington Ram of Burlington Russell of Rutland City Sheldon of Middlebury Sibilia of Dover Till of Jericho Toleno of Brattleboro

Toll of Danville	Troiano of Stannard	Woodward of Johnson
Townsend of South	Walz of Barre City	Yantachka of Charlotte
Burlington	Webb of Shelburne	Young of Glover
Trieber of Rockingham	Wood of Waterbury	Zagar of Barnard

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

Bancroft of Westford	Dickinson of St. Albans	Klein of East Montpelier
Beck of St. Johnsbury	Town	Long of Newfane
Buxton of Tunbridge	Emmons of Springfield	Lucke of Hartford
Chesnut-Tangerman of	Evans of Essex	Manwaring of Wilmington
Middletown Springs	Gonzalez of Winooski	Miller of Shaftsbury
Christie of Hartford	Hubert of Milton	Ryerson of Randolph
Cupoli of Rutland City	Jerman of Essex	Sharpe of Bristol
Davis of Washington	Juskiewicz of Cambridge	Wright of Burlington

Rep. Berry of Manchester explained his vote as follows:

"Mr. Speaker:

I voted no on the amendment because I want to be able to tell the citizens from tiny Sandgate in my district (that receives only 2.2% service) that fees for broadband and the Telecom Bill will help bring their town the long awaited service they deserve."

Rep. Conquest of Newbury explained his vote as follows:

"Mr. Speaker:

Whether it's telecomm or transportation or toothpaste, if you want it you have to pay for it. You simply can't separate the two. To support something, want it for your district, but vote against the funding whether it's a fee or tax, seems like a political calculation rather than a statement about what you believe in."

Rep. Turner of Milton explained his vote as follows:

"Mr. Speaker:

I hear from the majority that ensuring every Vermonter has access to high speed/broadband internet is a top priority. However, a 1.5 billion dollar budget passed this body a few weeks ago without \$1 in it to support this priority. I'm not aware of a comprehensive plan or any other financial commitment by this legislature to achieve this priority. This is just another tax on hardworking Vermonters! Adding to the \$100 million tax and fee burdens already approved this biennium by this body. Thank you."

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Copeland-Hanzas of Bradford** 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, 96. Nays, 31.

Those who voted in the affirmative are:

Ancel of Calais Bartholomew of Hartland Baser of Bristol Batchelor of Derby Berry of Manchester Bissonnette of Winooski Botzow of Pownal * Brennan of Colchester Briglin of Thetford Burke of Brattleboro Carr of Brandon Clarkson of Woodstock Cole of Burlington Condon of Colchester Connor of Fairfield Conquest of Newbury Copeland-Hanzas of Bradford Corcoran of Bennington Dakin of Chester Dakin of Colchester Dame of Essex Deen of Westminster Devereux of Mount Holly Donovan of Burlington Eastman of Orwell Fagan of Rutland City Feltus of Lyndon Fields of Bennington Fiske of Enosburgh Forguites of Springfield Frank of Underhill French of Randolph

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Partridge of Windham Patt of Worcester Pearce of Richford Pearson of Burlington Poirier of Barre City Potter of Clarendon Pugh of South Burlington Rachelson of Burlington Ram of Burlington Russell of Rutland City Scheuermann of Stowe Sheldon of Middlebury Sibilia of Dover Stevens of Waterbury Stuart of Brattleboro Sullivan of Burlington Sweaney of Windsor Till of Jericho Toleno of Brattleboro Toll of Danville Townsend of South Burlington Trieber of Rockingham Troiano of Stannard Walz of Barre City Webb of Shelburne Willhoit of St. Johnsbury Wood of Waterbury Woodward of Johnson Yantachka of Charlotte Young of Glover Zagar of Barnard

Those who voted in the negative are:

Beyor of Highgate Branagan of Georgia Burditt of West Rutland Canfield of Fair Haven Donahue of Northfield Gage of Rutland City Gamache of Swanton Graham of Williamstown * Greshin of Warren Hebert of Vernon Helm of Fair Haven Komline of Dorset * LaClair of Barre Town Lawrence of Lyndon Lewis of Berlin Martel of Waterford McFaun of Barre Town Morrissey of Bennington Parent of St. Albans Town Purvis of Colchester Quimby of Concord Savage of Swanton Shaw of Pittsford Shaw of Derby

Smith of New Haven	Terenzini of Rutland Town	Viens of Newport City
Strong of Albany	Turner of Milton	

Tate of Mendon Van Wyck of Ferrisburgh

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

Bancroft of Westford	Davis of Washington	Juskiewicz of Cambridge
Beck of St. Johnsbury	Dickinson of St. Albans	Long of Newfane
Browning of Arlington	Town	Lucke of Hartford
Buxton of Tunbridge	Emmons of Springfield	Manwaring of Wilmington
Chesnut-Tangerman of	Evans of Essex	Miller of Shaftsbury
Middletown Springs	Gonzalez of Winooski	Ryerson of Randolph
Christie of Hartford	Hubert of Milton	Sharpe of Bristol
Cupoli of Rutland City	Jerman of Essex	Wright of Burlington

Rep. Botzow of Pownal explained his vote as follows:

"Mr. Speaker:

Connectivity is essential to our future. I want all Vermonters to have that opportunity."

Rep. Graham of Williamstown explained his vote as follows:

"Mr. Speaker:

I voted no because some of us care if people can buy food, medicines, heating oil, etc., and I guess the rest of us don't."

Rep. Komline of Dorset explained her vote as follows:

"Mr. Speaker:

Of course those of us who oppose this bill support broadband expansion. We also support expanding coverage in a fiscally responsible manner. Given the case before the AG's office we have good reason to be wary."

Rep. Mrowicki of Putney explained his vote as follows:

"Mr. Speaker:

Seeing the photo of draft horses pulling fiber optic cable up a hillside inaccessible by any other means illustrates how difficult a proposition building out broadband is. Trying to do it without funding makes it impossible. I vote for broadband expansion and the funding to do it."

Third Reading; Resolution Passed J.R.H. 26

Joint resolution, entitled

Joint resolution relating to the amendment of the federal Toxic Substances Control Act and its preemption provisions

Was taken up, read the third time and passed.

Third Reading; Bill Passed in Concurrence

S. 190

Senate bill, entitled

An act relating to maintaining prescription drugs outside the original prescription container

Was taken up, read the third time and passed in concurrence.

Senate Proposal of Amendment Concurred in

H. 458

The Senate proposed to the House to amend House bill, entitled

An act relating to automatic voter registration through motor vehicle driver's license applications

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 2145a is amended to read:

§ 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR VEHICLES

- (a) An application for, or renewal of, a motor vehicle driver's license or nondriver identification card shall serve as a simultaneous application to register to vote unless the applicant declines to sign the voter registration portion of the application checks the box on the application designating that he or she declines to use the application as a voter registration application.
- (b)(1) The voter registration portion of the \underline{A} motor vehicle driver's license or nondriver identification card application shall provide and request the following information required to be provided under section 2145 of this ehapter and shall be in the form approved by the Secretary of State:
 - (A) The applicant's citizenship.
 - (B) The applicant's place and date of birth.
 - (C) The applicant's town of legal residence.
- (D) The applicant's street address or a description of the physical location of the applicant's residence. The description must contain sufficient

information so that the town clerk can determine whether the applicant is a resident of the town.

- (E) The voter's oath.
- (F) The applicant's e-mail address, which shall be optional to provide.
- (2) A motor vehicle driver's license or nondriver identification card application shall provide the following statements:
- (A) "By signing and submitting this application, you are authorizing the Department of Motor Vehicles to transmit this application to the Secretary of State for voter registration purposes. YOU MAY DECLINE TO REGISTER. Both the office through which you submit this application and your decision of whether or not to register will remain confidential and will be used for voter registration purposes only."
- (B) "In order to be registered to vote, you must: (1) be a U.S. citizen; (2) be a resident of Vermont; (3) have taken the voter's oath; and (4) be 18 years of age or older. Any person meeting the requirements of (1)–(3) who will be 18 years of age on or before the date of a general election may register and vote in the primary election immediately preceding that general election. Failure to decline to register is an attestation that you meet the requirements to vote."
- (3) A motor vehicle driver's license or nondriver identification card application shall provide the penalties provided by law for submission of a false voter registration application and shall require the signature of the applicant, under penalty of perjury.

* * *

- (d)(1) The Department of Motor Vehicles shall transmit voter registration motor vehicle driver's license and nondriver identification card applications received under this section to the Secretary of State not later than five days after the date the application was accepted by the Department, or before the date of any primary or general election, whichever is sooner.
- (2) The Department of Motor Vehicles shall not transmit motor vehicle driver's license and nondriver identification card applications when the applicant has designated that he or she declines to be registered.
- (3) The Department of Motor Vehicles shall ensure confidentiality of records as required by subdivision (b)(2)(A) of this section.

- (f) In transmitting applications received under this section, the Secretary shall ensure compliance with the requirements of 15 V.S.A. chapter 21, subchapter 3.
- (g) If a person who is ineligible to vote becomes registered to vote pursuant to this section in the absence of a violation of subsection 2145(f) of this chapter, that person's registration shall be presumed to have been effected with official authorization and not the fault of that person.
- (h) The Secretary shall take appropriate measures to educate the public about voter registration under this section.
- Sec. 2. 17 V.S.A. § 2145 is amended to read:

§ 2145. APPLICATION FORMS

(a) The voter registration application shall be in the form approved by the Federal Election Commission or by the Secretary of State. The application form approved by the Secretary shall include:

* * *

(2) The voter's oath and a space for a person administering the voter's oath to another to execute the written notification required by section 2124 of this title.

* * *

(4) The following statements:

- (A) "If you were provided with this form when you applied for, or renewed, a motor vehicle driver's license or were provided with this application form by a voter registration agency, you may decline to register. If you decline to register, your failure to register will remain confidential and will be used only for voter registration purposes."
- (B) "If you are submitting this application in connection with a motor vehicle driver's license application, or renewal, or through a voter registration agency, the office through which you submitted this application will remain confidential and will be used only for voter registration purposes."
- (5) The following statement on applications provided by the Department of Motor Vehicles: "Keep this receipt and take it to the polls when you go to vote. This is proof you submitted an application for registration." [Repealed.]

* * *

(f) A person who makes a false statement in completing a voter registration application form or the voter registration portion of an application for a motor vehicle driver's license or nondriver identification card knowing the statement

to be false shall be subject to the penalties of perjury as provided in 13 V.S.A. § 2901, except that a person who is not eligible to register to vote and who otherwise completes the application accurately shall not be considered to have made a false statement under this subsection by his or her unintentional failure to decline to register on a motor vehicle driver's license or nondriver identification card application under section 2145a of this chapter.

* * *

Sec. 3. 17 V.S.A. § 2124 is amended to read:

§ 2124. VOTER'S OATH OR AFFIRMATION; HOW ADMINISTERED; APPLICATION

* * *

- (b) A person who administers the voter's oath or affirmation to another shall forthwith sign the appropriate place on the application or sign some other written notification giving the person's name and the date the oath or affirmation was administered. [Repealed.]
- (c) At a minimum, the town clerk shall keep the completed applications for addition to the checklist, or an electronic copy thereof, through the end of the general election cycle that follows the one in which the application was received. If the written notification that a person has taken the oath or affirmation is submitted separately from the application, it shall be filed along with the application. The town clerk shall verify, upon request, that a voter has been given the oath or affirmation.

Sec. 4. 17 V.S.A. § 2144a is amended to read:

§ 2144a. REGISTRATION

A person who desires to register to vote may apply in any of the following ways:

(1) Simultaneously with his or her application for, or renewal of, a motor vehicle driver's license or nondriver identification card as provided in section 2145a of this chapter.

* * *

- Sec. 5. 23 V.S.A. § 603(a)(4) is added to read:
- (4) Any new or renewal application form shall provide for and request the information required in 17 V.S.A. § 2145a.
- Sec. 6. 1 V.S.A. § 317(c) is amended to read:
- (c) The following public records are exempt from public inspection and copying:

* * *

(31) Records of a registered voter's month and day of birth, motor vehicle operator's license number, and the last four digits of the applicant's Social Security number contained in an application to the statewide voter checklist or the statewide voter checklist established under 17 V.S.A. § 2154 or the failure to register to vote under 17 V.S.A. § 2145a.

* * *

Sec. 7. SECRETARY OF STATE; STUDY

The Secretary of State shall consult with the Office of the Attorney General to examine ways in which to register persons 16 years of age who will be 18 years of age on or before the next general election. The Secretary of State shall issue a report to the Senate and House Committees on Government Operations on or before January 15, 2017.

Sec. 7a. 17 V.S.A. § 2546a is added to read:

§ 2546a. DAY PRECEDING ELECTION; DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN VOTE TABULATOR

(a) Generally. Notwithstanding any provision of law to the contrary, if a town will be using a vote tabulator for the registering and counting of votes in the upcoming election and will check in early voter absentee ballots in accordance with subsection 2546(a) of this chapter for that election, the board of civil authority may vote to permit elections officials to deposit those early voter absentee ballots into the vote tabulator in accordance with the provisions of this section. This depositing of these ballots shall take place at the town clerk's office on the day preceding the election.

(b) Notice.

- (1) If a board of civil authority votes to deposit ballots as described in subsection (a) of this section, the town clerk shall post notice that ballots will be so deposited in at least two public places in the municipality and in or near the town clerk's office not less than 30 nor more than 40 days before the election. If a municipality has more than one polling place and the polling places are not all in the same building, the notice shall be posted in at least two public places within each voting district and in or near the town clerk's office.
- (2) In addition, at least five days before the day preceding the election, the notice shall be published in a newspaper of general circulation in the municipality and on the municipality's website, if the municipality actively updates its website on a regular basis.

- (3) The notice shall include the date and time for the count, inspection, and depositing of the ballots and the location of the town clerk's office.
- (c) Officials. The town clerk and at least two other election officials, from different political parties to the extent practicable, shall be present for the inspection of the sealed certificate envelopes and the processing of the ballots described in this section.
- (d) Count and inspection. On the day preceding the election, at least one hour prior to depositing the ballots in the vote tabulator, the town clerk and the election officials shall:
- (1) first open the secure container marked "checked in early voter absentee ballots," count the sealed certificate envelopes containing those ballots, and record the number counted; and
- (2) permit these sealed certificate envelopes to be inspected by members of the public.

(e) Processing.

- (1) Immediately after the expiration of the period for the count and inspection described in subsection (d) of this section, the town clerk and election officials shall open each sealed certificate envelope containing an early voter absentee ballot and deposit each ballot into a vote tabulator.
- (2) The town clerk and the election officials shall ensure that all procedures for handling ballots are followed to the fullest extent practicable.
- (3) At the end of the processing, the town clerk shall verify that the vote tabulator's memory card is locked in place and shall sign a statement verifying how many early voter absentee ballots were counted by the vote tabulator and that the memory card is so locked. The town clerk shall compare the vote tabulator's number of counted ballots to the original count of those ballots described in subsection (d) of this section.
- (f) Security. The town clerk shall otherwise comply with all provisions of this title relating to the security of the vote tabulator.
- (g) Election day. On the day of the election, when the vote tabulator is turned on at the polling place, the town clerk shall verify that the number of ballots that the vote tabulator displays as having been counted matches the number that the town clerk verified the tabulator counted on the preceding day.
- (h) Rules. The Secretary of State may adopt rules to implement the provisions of this section.

Sec. 8. EFFECTIVE DATES

- (a) This section and Sec. 7 (secretary of state study) shall take effect on passage.
 - (b) Sec. 7a, 17 V.S.A. § 2546a, shall take effect on January 1, 2017.
 - (c) The remainder of the act shall take effect on July 1, 2017.

Pending the question, Shall the House concur in the Senate proposal? **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 House concur in the Senate proposal? was decided in the affirmative. Yeas, 125. Nays, 1.

Those who voted in the affirmative are:

Ancel of Calais Bartholomew of Hartland Baser of Bristol Batchelor of Derby Beyor of Highgate Bissonnette of Winooski Botzow of Pownal Branagan of Georgia Brennan of Colchester Briglin of Thetford Browning of Arlington Burditt of West Rutland Burke of Brattleboro Canfield of Fair Haven Carr of Brandon Clarkson of Woodstock Cole of Burlington Condon of Colchester Connor of Fairfield Conquest of Newbury Copeland-Hanzas of Bradford Corcoran of Bennington Dakin of Chester Dakin of Colchester Deen of Westminster Devereux of Mount Holly Donahue of Northfield Donovan of Burlington Fagan of Rutland City Feltus of Lyndon Fields of Bennington Fiske of Enosburgh Forguites of Springfield Frank of Underhill French of Randolph

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McCoy of Poultney

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McCullough of Williston

Terenzini of Rutland Town Troiano of Stannard Wood of Waterbury Till of Jericho Turner of Milton Woodward of Johnson Toleno of Brattleboro Van Wyck of Ferrisburgh Yantachka of Charlotte Toll of Danville Viens of Newport City Young of Glover Townsend of South Walz of Barre City Zagar of Barnard Burlington Webb of Shelburne Trieber of Rockingham Willhoit of St. Johnsbury

Those who voted in the negative are:

Dame of Essex

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

Bancroft of Westford	Dickinson of St. Albans	Long of Newfane
Beck of St. Johnsbury	Town	Manwaring of Wilmington
Berry of Manchester	Eastman of Orwell	Miller of Shaftsbury
Buxton of Tunbridge	Emmons of Springfield	Poirier of Barre City
Chesnut-Tangerman of	Evans of Essex	Ryerson of Randolph
Middletown Springs	Gonzalez of Winooski	Sharpe of Bristol
Christie of Hartford	Hubert of Milton	Wright of Burlington
Cupoli of Rutland City	Jerman of Essex	
Davis of Washington	Juskiewicz of Cambridge	

Rep. Pearson of Burlington explained his vote as follows:

"Mr. Speaker:

At a time when many states are putting up barriers to vote, we should be proud that not only are we making voting easier – we have passed this bill with just one member of the general assembly voting against it. Thank you all for supporting this important change."

Senate Proposal of Amendment Concurred in

H. 517

The Senate proposed to the House to amend House bill, entitled

An act relating to the classification of State waters

In Sec. 1, 10 V.S.A. § 1252, in subsection (a), after "<u>Class B(1)</u>: <u>Waters in which one or more uses are of</u>" and before "<u>higher quality than Class B(2)</u> <u>waters</u>" by inserting <u>demonstrably and consistently</u>

Which proposal of amendment was considered and concurred in.

Adjournment

At three o'clock and twenty minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.