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:

First: 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

Second: 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 Greshin of Warren Parent of St. Albans Town
Beyor of Highgate Hebert of Vernon Pearce of Richford
Branagan of Georgia Helm of Fair Haven Purvis of Colchester
Brennan of Colchester Higley of Lowell Quimby of Concord
Burditt of West Rutland Komline of Dorset Savage of Swanton
Canfield of Fair Haven Krebs of South Hero Scheuermann of Stowe
Condon of Colchester LaClair of Barre Town Shaw of Pittsford
Dame of Essex Lawrence of Lyndon Shaw of Derby
Devereux of Mount Holly Lefebvre of Newark Smith of New Haven
Donahue of Northfield Lewis of Berlin Strong of Albany
Fagan of Rutland City Martel of Waterford Tate of Mendon
Feltus of Lyndon McCoy of Poulnney Terenzini of Rutland Town
Fiske of Enosburgh McFaun of Barre Town Turner of Milton *
Gage of Rutland City Morrissey of Bennington Van Wyck of Ferrisburgh
Gamache of Swanton Murphy of Fairfax Viens of Newport City
Graham of Williamstown Myers of Essex Willhoit of St. Johnsbury

Those who voted in the negative are:

Ancel of Calais Eastman of Orwell Martin of Wolcott
Bartholomew of Hartland Fields of Bennington Masland of Thetford
Baser of Bristol Forguites of Springfield McCormack of Burlington
Berry of Manchester * Frank of Underhill McCullough of Williston
Bissonnette of Winooski French of Randolph Morris of Bennington
Botzow of Pownal Grad of Moretown Mrowicki of Putney
Brigin of Thetford Haas of Rochester Nuovo of Middlebury
Browning of Arlington Head of South Burlington O'Brien of Richmond
Burke of Brattleboro Hooper of Montpelier Olsen of Londonderry
Carr of Brandon Huntley of Cavendish O'Sullivan of Burlington
Clarkson of Woodstock Jewett of Ripton Partridge of Windham
Cole of Burlington Johnson of South Hero Patt of Worcester
Connor of Fairfield Keenan of St. Albans City Pearson of Burlington
Conquest of Newbury * Kitzmiller of Montpelier Poirier of Barre City
Copeland-Hanzas of Krowinski of Burlington Potter of Clarendon
Bradford Lalonde of South Burlington Pugh of South Burlington
Corcoran of Bennington Lanpher of Vergennes Rachelson of Burlington
Dakin of Chester Lenes of Shelburne Ram of Burlington
Dakin of Colchester Lippert of Hinesburg Russell of Rutland City
Deen of Westminster Macaig of Williston Sheldon of Middlebury
Donovan of Burlington Marcotte of Coventry Sibilia of Dover
Stevens of Waterbury Sullivan of Burlington Till of Jericho
Stuart of Brattleboro Sweaney of Windsor Toloeno of Brattleboro
Those members absent with leave of the House and not voting are:

Bancroft of Westford
Beck of St. Johnsbury
Buxton of Tunbridge
Chesnut-Tangerman of Middletown Springs
Christie of Hartford
Cupoli of Rutland City
Davis of Washington
Dickinson of St. Albans
Town
Emmons of Springfield
Evans of Essex
Gonzalez of Winooski
Hubert of Milton
Jerman of Essex
Juskiewicz of Cambridge

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 Winooksi
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
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Devereux of Mount Holly
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Eastman of Orwell
Fagan of Rutland City
Feltus of Lyndon
Fields of Bennington
Fiske of Enosburgh
Forguies 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
Klein of East Montpelier
Krebs of South Hero
Krowinski of Burlington
Lalonde of South Burlington
Lanpher of Vergennes
Lefebvre of Newark
Lenes of Shelburne
Lippert of Hinesburg
Macag of Williston
Marcotte of Coventry
Martin of Wolcott
Masland of Thetford
McCormack of Burlington
McCoy of Poultney
McCullough of Williston
Morris of Bennington
Mrowicki of Putney *
Murphy of Fairfax
Myers of Essex
Nuovo of Middlebury
O'Brien of Richmond
Olsen of Londonderry
O'Sullivan of Burlington
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. Johnsbur
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         Van Wyck of Ferrisburgh
Tate of Mendon

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

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**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 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 chapter 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 administerin 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:
 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  Gage of Rutland City  McCullough of Williston
Bartholomew of Hartland  Gamache of Swanton  McFaun of Barre Town
Baser of Bristol  Grad of Moretown  Morris of Bennington
Batchelor of Derby  Graham of Williamstown  Morrissey of Bennington
Beyor of Highgate  Greshin of Warren  Mrowicki of Putney
Bissonnette of Winooski  Haas of Rochester  Murphy of Fairfax
Botzow of Pownal  Head of South Burlington  Myers of Essex
Branagan of Georgia  Hebert of Vernon  Nuovo of Middlebury
Brennan of Colchester  Helm of Fair Haven  O'Brien of Richmond
Briglin of Thetford  Higley of Lowell  Olsen of Londonderry
Browning of Arlington  Hooper of Montpelier  O'Sullivan of Burlington
Burditt of West Rutland  Huntley of Cavendish  Parent of St. Albans Town
Burke of Brattleboro  Jewett of Ripton  Partridge of Windham
Canfield of Fair Haven  Johnson of South Hero  Patt of Worcester
Carr of Brandon  Keenan of St. Albans City  Pearce of Richford
Clarkson of Woodstock  Kitzmiller of Montpelier  Pearson of Burlington *
Cole of Burlington  Klein of East Montpelier  Potter of Clarendon
Condon of Colchester  Komline of Dorset  Pugh of South Burlington
Connor of Fairfield  Krebs of South Hero  Purvis of Colchester
Conquest of Newbury  Krowinski of Burlington  Quimby of Concord
Copeland-Hanzas of Bradford  LaClair of Barre Town  Rachelson of Burlington
Corcoran of Bennington  Lalive of Rutland  Ram of Burlington
Dakin of Chester  Lawrence of Lyndon  Russell of Rutland City
Dakin of Colchester  Lefebvre of Newark  Savage of Swanton
Deen of Westminster  Lenes of Shelburne  Scheuermann of Stowe
Devereux of Mount Holly  Lewis of Berlin  Shaw of Derby
Donahue of Northfield  Lippert of Hinesburg  Sheldon of Middlebury
Donovan of Burlington  Lucke of Hartford  Sibilia of Dover
Fagan of Rutland City  Macaig of Williston  Smith of New Haven
Feltus of Lyndon  Marcotte of Coventry  Stevens of Waterbury
Fields of Bennington  Martel of Waterford  Strong of Albany
Fiske of Enosburgh  Martin of Wolcott  Stuart of Brattleboro
Forguities of Springfield  Masland of Thetford  Sullivan of Burlington
Frank of Underhill  McCormack of Burlington  Sweaney of Windsor
French of Randolph  McCoy of Poultny  Tate of Mendon
Those who voted in the negative are:

Dame of Essex

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

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**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 Concluded 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 “Class B(1): Waters in which one or more uses are of” and before “higher quality than Class B(2) waters” by inserting demonstrably and consistently

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.