

(6) In implementing the orphan stormwater system pilot program, the agency of natural resources should work with municipalities to provide technical assistance in evaluating existing stormwater treatment systems and the need for maintenance, repair, and construction of those systems; and

(7) The creation of an orphan stormwater system pilot program in the agency of natural resources does not relieve property owners, municipalities, and developers from the relative responsibility for the permitting, operation, and maintenance of stormwater systems, and the general assembly expects the agency of natural resources to continue to investigate and enforce ongoing violations of the state and federal stormwater requirements.

Sec. 2. 10 V.S.A. § 1264(a)(18) is added to read:

(18) "Stormwater system" means the storm sewers; outfall sewers; surface drains; natural and manmade wetlands; channels; ditches; wet and dry bottom basins; rain gardens; and other control equipment necessary and appurtenant to the collection, transportation, conveyance, pumping, treatment, disposal, and discharge of regulated stormwater runoff.

Sec. 3. 10 V.S.A. § 1264(e) is amended to read:

(e)(1) Except as otherwise may be provided in subsection (f) of this section, the secretary shall, for new stormwater discharges, require a permit for discharge of, regulated stormwater runoff consistent with, at a minimum, the 2002 stormwater management manual. The secretary may issue, condition, modify, revoke, or deny discharge permits for regulated stormwater runoff, as necessary to assure achievement of the goals of the program and compliance with state law and the federal Clean Water Act. The permit shall specify the use of best management practices to control regulated stormwater runoff. The permit shall require as a condition of approval, proper operation, and maintenance of any stormwater management facility and submittal by the permittee of an annual inspection report on the operation, maintenance and condition of the stormwater management system. The permit shall contain additional conditions, requirements, and restrictions as the secretary deems necessary to achieve and maintain compliance with the water quality standards, including but not limited to requirements concerning recording, reporting, and monitoring the effects on receiving waters due to operation and maintenance of stormwater management facilities.

* * *

(3) Prior to issuing a permit under this subsection, the secretary shall review the permit applicant's history of compliance with the requirements of this chapter. The secretary may, at his or her discretion and as necessary to

assure achievement of the goals of the program and compliance with state law and the federal Clean Water Act, deny an application for the discharge of regulated stormwater under this subsection if review of the applicant's compliance history indicates that the applicant is discharging regulated stormwater in violation of this chapter or is the holder of an expired permit for an existing discharge of regulated stormwater.

Sec. 4. 10 V.S.A. § 1264a(e)(1) is amended to read:

(e)(1) The secretary of natural resources may issue a permit for an offset project under this section. Application shall be made on a form prescribed by the secretary of natural resources. An applicant shall pay an application fee in accordance with section 2282 of Title 3. The secretary may issue such permits for the following activities or projects:

* * *

(C)(i) Conversion of land use to reduce sediment load or hydrologic impact, especially in riparian areas, provided that conversion of primary and secondary agricultural soils as those terms are defined in section 6001 of this title shall be limited to establishing by easement a forested riparian buffer zone that meets the requirements of the department of environmental conservation's guidance for nonimpervious surface treatment offset projects within impaired watersheds;

(ii) Prior to approval of an offset project to be implemented on agricultural soils under this subdivision, the applicant for a stormwater discharge permit shall conduct an analysis of the viability of implementing a nonagricultural offset within the watershed of the proposed stormwater discharge. To facilitate such an analysis, the secretary of natural resources will identify any potential nonagricultural offsets in the watershed of the proposed discharge and shall provide this information to the applicant;

* * *

Sec. 5. 10 V.S.A. § 1264c is amended to read:

§ 1264c. LOCAL COMMUNITY IMPLEMENTATION FUND

(a) There is created, pursuant to subchapter 5 of chapter 7 of Title 32, a local community implementation fund to finance municipal administrative, capital, and management needs related to: (1) the development and implementation of total maximum daily load plans and water quality remediation plans in stormwater-impaired waters of the state; and (2) the construction, renovation, or repair of orphan stormwater systems. The fund shall be administered by the secretary of natural resources through the facilities engineering division.

(b) Deposits shall be made to the fund from monies appropriated by the general assembly and from any other source, public or private. Unexpended balances and interest earned on the fund shall not revert to the general fund, but shall be retained in the fund for use in accordance with the purposes of the fund.

(c) The secretary shall make disbursements from the fund for the development and implementation of total maximum daily load plans and water quality remediation plans in stormwater-impaired waters of the state pursuant to annual agreements between the municipality and the secretary. The annual agreements shall identify the activities to be completed in the development and implementation of impaired watershed remediation activities. The secretary shall allocate monies in the fund for the development and implementation of total maximum daily load plans and water quality remediation plans equally among the municipalities of the state in which a portion of a stormwater-impaired watershed is located.

(d) There is established an orphan stormwater system pilot program in the agency of natural resources under which the secretary may award a municipality a state grant from the fund for the capital costs associated with the construction, renovation, or repair of an orphan stormwater system, provided that:

(1) The municipality agrees to become an applicant or co-applicant on the stormwater permit for the orphan stormwater system, agrees to apply for and be responsible for future permits for the orphan stormwater system, and agrees to be responsible for operating and maintaining the permitted stormwater system; and

(2) The orphan stormwater system for which the municipality is an applicant or co-applicant for a grant meets the financial and technical criteria established by the secretary of natural resources by procedure. The financial and technical criteria adopted by the secretary shall include criteria addressing eligibility based on property value, residency, and environmental impact.

(e) As used in this section, "orphan stormwater system" means a stormwater system:

(1) that serves a residential subdivision;

(2) that operates under an expired stormwater discharge permit;

(3) that does not discharge to a stormwater-impaired watershed; and

(4) for which the original permittee, in the discretion of the secretary of natural resources, is no longer associated with the system.

Sec. 6. FY 2006 GENERAL FUND APPROPRIATIONS AND TRANSFERS

In FY 2006, the amount of \$750,000.00 is appropriated or transferred from the general fund to the local community implementation fund created under 10 V.S.A. § 1264c for the purpose of implementing an orphan stormwater system pilot program within the agency of natural resources for the purpose of awarding municipalities grants for the costs associated with the construction, renovation, or repair of an orphan stormwater system. Of the \$750,000.00 appropriated to the local community implementation fund under this section, the amount of \$700,000.00 is to be used for grants under the orphan stormwater systems program of the fund, and the amount of \$50,000.00 is to be used for implementation and administration of the orphan stormwater system program by the agency of natural resources.

Sec. 7. AGENCY OF NATURAL RESOURCES ORPHAN STORMWATER SYSTEM ANNUAL REPORT

Annually, by no later than January 15, the agency of natural resources shall submit a report to the house committee on fish, wildlife and water resources, the senate committee on natural resources and energy, the house and senate committees on institutions, and the house and senate committees on appropriations regarding implementation by the agency of the orphan stormwater system construction, renovation, or repair program under 10 V.S.A. § 1264c. The report shall include:

(1) A summary of the grants awarded under the program, including any mechanisms proposed by municipal applicants for assuming responsibility for the permitting, operation, and repair of a relevant orphan stormwater system;

(2) The number of expired stormwater discharge permits eliminated under the program and the number of remaining orphan stormwater systems operating under expired stormwater discharge permits;

(3) The number and list of the municipalities with orphan stormwater systems that have applied for grants under the program;

(4) A recommendation by the agency of natural resources of legislation, regulations, programs, or other incentives to encourage municipal participation in the construction, renovation, repair, or maintenance of orphan stormwater systems;

(5) An analysis of the cost of repairing, upgrading, or replacing orphan stormwater systems discharging stormwater runoff to unimpaired waters of the state and a recommendation by the agency of the amount of funding necessary to accomplish such repairs, upgrades, or replacements; and

(6) A summary of the degree of failure of orphan stormwater systems and an assessment of the amount of pollution and runoff that such orphan stormwater systems contribute to state waters.

Sec. 8. EXTENSION OF LOCAL COMMUNITY IMPLEMENTATION FUND SUNSET

Subsection (b) of Sec. 10 of No. 140 of the Acts of the 2003 Adj. Sess. (2004) is amended to read:

(b) Sec. 4 of this act (local communities implementation fund) shall be repealed on September 30, ~~2007~~ 2012.

Sec. 9. SUNSET

Sec. 7 of this act (agency of natural resources orphan stormwater systems report) is repealed January 16, 2008.

Sec. 10. EFFECTIVE DATE

This act shall take effect upon passage.

Rep. Perry of Richford, for the committee on Appropriations, recommended the report of the committee on Fish, Wildlife and Water Resources, be amended as follows:

First: By striking Sec. 6 in its entirety and inserting in lieu thereof the following:

Sec. 6. APPROPRIATIONS

(a) In FY 2006, the amount of \$600,000.00 is appropriated or transferred from the general fund to the local community implementation fund created under 10 V.S.A. § 1264c for the purpose of implementing a two-year orphan stormwater system pilot program within the agency of natural resources for the purpose of awarding municipalities grants for the costs associated with the construction, renovation, or repair of an orphan stormwater system.

(b) In FY 2006, \$50,000.00 is appropriated or transferred from the general fund to the agency of natural resources for implementation and administration of the orphan stormwater system program under 10 V.S.A. § 1264c.

Second: In Sec. 7, by striking subdivisions (5) and (6) and inserting in lieu thereof the following:

(5) An analysis of the cost of repairing, upgrading, or replacing orphan stormwater systems discharging stormwater runoff to unimpaired waters of the state and a recommendation by the agency of the amount of funding necessary to accomplish such repairs, upgrades, or replacements;

(6) A summary of the degree of failure of orphan stormwater systems and an assessment of the amount of pollution and runoff that such orphan stormwater systems contribute to state waters;

(7) A summary of any and all enforcement actions pursued by the agency of natural resources for violations of state and federal stormwater requirements and state stormwater discharge permits; and

(8) A proposal by the agency of natural resources of legislation, regulations, programs, or other initiatives necessary for the agency of natural resources to enforce effectively state and federal stormwater requirements in the state, including compliance with state stormwater discharge permits, and to allocate equitably liability for violations of such requirements or permits.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time, the recommendation of amendment of the committee on Fish, Wildlife and Water Resources was amended as recommended by the committee on Appropriations.

Thereupon, the recommendation of amendment offered by the committee on Fish, Wildlife and Water Resources, as amended, was agreed to and third reading was ordered.

Speaker Symington in Chair.

Bill Amended; Third Reading Ordered

H. 855

Rep. Shand of Weathersfield, for the committee on Commerce, to which had been referred House bill, entitled

An act relating to telecommunications capacity development;

Reported in favor of its passage when amended as by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. BROADBAND MAP

The agency of commerce and community development, in cooperation with the department of public service, shall develop or support the development of an on-line map available to consumers, which identifies those areas of the state that have broadband internet access available to consumers at prices commonly sold to residential and small business consumers. A process shall be developed for service providers to update the information on the map with the supervision of the agency.

Sec. 2. BROADBAND GOALS; REPORT TO GENERAL ASSEMBLY

The department of public service shall provide a report to the house committee on commerce, the senate committee on finance, and the senate committee on economic development, housing and general affairs on or before January 15, 2007. The report shall:

(1) Identify the steps that have been taken by the state to reach the goal of 90 percent of Vermonters having access to broadband service;

(2) Identify what percent of Vermonters has broadband service available;

(3) Identify how current state and federal regulations and programs help or hinder the deployment of additional broadband service; and

(4) Recommend legislative or administrative actions that could stimulate the further development of broadband service.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Commerce agreed to and third reading ordered.

Report of Committee of Conference Adopted

S. 18

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon senate bill, entitled

An act relating to liability resulting from the use of genetically engineered seeds and plant parts;

Respectfully reports that it has met and considered the same and have agreed to disagree and recommend that the bodies appoint a new committee of Conference with new members.

Committee on the part of the Senate Committee on the part of the House

Sen. John Campbell
Sen. Vincent Illuzzi
Sen. Jeanette White

Rep. Willem Jewett
Rep. Avis Gervais
Rep. Duncan Kilmartin

Which was considered and adopted on the part of the House.

Adjournment

At four o'clock and ten minutes in the afternoon, on motion of **Rep. Sunderland of Rutland Town**, the House adjourned until tomorrow at one o'clock and fifteen minutes in the afternoon.

THURSDAY, MARCH 16, 2006

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

Devotional Exercises

Devotional exercises were conducted by Reverend Mitchell Hay of Trinity United Methodist Church, Montpelier, VT.

Girl Scout Color Guard Presented Colors

Girl Scout Gold and Silver awardees from the across the state presented colors;

Crystal Connelly of Lower Waterford

Megan Barnes of Essex

Eileen Beebe of Essex

Alison DeGraff of East Middlebury

Lila Fuller of Middlebury - Caller

Message from the Senate No. 37

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 passed Senate bills of the following titles:

S. 124. An act relating to the filing of application to extend the operation of Vermont Yankee and the related certificate of public good process.

S. 182. An act relating to advisement of immigration consequences of pleading guilty to a criminal offense.

S. 186. An act relating to false reports to law enforcement officers.

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

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

J.R.S. 60. Joint resolution relating to weekend adjournment.

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

Senate Bills Referred

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

S. 111

Senate bill, entitled

An act relating to prior service credit for teachers;

To the committee on Government Operations.

S. 124

Senate bill, entitled

An act relating to the filing of application to extend the operation of Vermont Yankee and the related certificate of public good process;

To the committee on Natural Resources and Energy.

S. 182

Senate bill, entitled

An act relating to advisement of immigration consequences of pleading guilty to a criminal offense;

To the committee on Judiciary.

S. 186

Senate bill, entitled

An act relating to false reports to law enforcement officers;

To the committee on Judiciary.

Bill Amended, Read Third Time and Passed**H. 618**

House bill, entitled

An act relating to increasing the age limit for children in need of care and supervision;

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

In Sec. 4(a), following the words "agency of human services" by adding the phrase ", in consultation with the department of education."

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

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 101

House bill, entitled

An act relating to post-traumatic stress disorder and state police officers.

H. 611

House bill, entitled

An act relating to responsibilities of a principal and school policies when a student with a food allergy enrolls in a school.

H. 774

House bill, entitled

An act relating to the Vermont Economic Development Authority.

H. 817

House bill, entitled

An act relating to stormwater management.

H. 855

House bill, entitled

An act relating to telecommunications capacity development.

H. 874

House bill, entitled

An act relating to sentencing for first and second degree murder.

H. 876

House bill, entitled

An act relating to management of exposure to mercury.

Bill Read Second Time; Third Reading Ordered**H. 877**

Rep. Clark of Vergennes spoke for the committee on Education.

House bill entitled

An act relating to funding of regional technical center school districts;

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Bill Committed to Committee

H. 878

Pending second reading of House bill, entitled

An act relating to fuel and purchased power adjustment clauses;

Rep. Dostis of Waterbury moved that the bill be committed to the committee on Natural Resources and Energy.

Pending the question, Shall the House commit the bill to the committee on Natural Resources and Energy? **Rep. Sunderland of Rutland Town** moved to suspend the rules to permit consideration of a non-debatable question.

Pending the question, Shall the House suspend the rules to permit consideration of a non-debatable question? **Rep. Partridge of Windham** 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 suspend the rules to permit consideration of a non-debatable question? was decided in the negative. Yeas, 59. Nays, 76. A $\frac{3}{4}$ vote of 102 required.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Allaire of Rutland City
Allard of St. Albans Town
Baker of West Rutland
Bartlett of Dover
Bostic of St. Johnsbury
Branagan of Georgia
Brennan of Colchester
Canfield of Fair Haven
Clark of St. Johnsbury
Clark of Vergennes
Condon of Colchester
Dates of Shelburne
DePoy of Rutland City
Donaghy of Poultney
Dowland of Holland
Dunsmore of Georgia
Endres of Milton
Flory of Pittsford

Helm of Castleton
Hube of Londonderry
Hudson of Lyndon
Johnson of Canaan
Kainen of Hartford
Keenan of St. Albans City
Kennedy of Chelsea
Kilmartin of Newport City
Kitzmiller of Montpelier
Komline of Dorset
Krawczyk of Bennington
Larocque of Barnet
Larrabee of Danville
LaVoie of Swanton
Lawrence of Lyndon
Livingston of Manchester
Louras of Rutland City
Marcotte of Coventry
Marron of Stowe
McAllister of Highgate

McFaun of Barre Town
Morley of Barton
Morrissey of Bennington
Myers of Essex
Niquette of Colchester
O'Donnell of Vernon
Otterman of Topsham
Parent of St. Albans City
Peaslee of Guildhall
Severance of Colchester
Shand of Weathersfield
Sunderland of Rutland Town
Trombley of Grand Isle
Turner of Milton
Westman of Cambridge
Winters of Swanton
Winters of Williamstown
Wright of Burlington
Young of Orwell

Those who voted in the negative are:

Ancel of Calais	Green of Berlin	Minter of Waterbury
Aswad of Burlington	Haas of Rochester	Molloy of Arlington
Atkins of Winooski	Head of S. Burlington	Monti of Barre City
Audette of S. Burlington	Heath of Westford	Mook of Bennington
Barnard of Richmond	Hosford of Waitsfield	Nease of Johnson
Bohi of Hartford	Howard of Rutland City	Nitka of Ludlow
Botzow of Pownal	Hunt of Essex	Nuovo of Middlebury
Brooks of Montpelier	Jerman of Essex	Obuchowski of Rockingham
Chen of Mendon	Jewett of Ripton	Orr of Charlotte
Copeland-Hanzas of Bradford	Johnson of South Hero	Partridge of Windham
Corcoran of Bennington	Keogh of Burlington	Pellett of Chester
Cross of Winooski	Kiss of Burlington	Perry of Richford
Darrow of Dummerston	Klein of East Montpelier	Peterson of Williston
Deen of Westminster	Kupersmith of S. Burlington	Pillsbury of Brattleboro
Donovan of Burlington	Larson of Burlington	Potter of Clarendon
Dostis of Waterbury	Lerich of Hardwick	Randall of Troy
Edwards of Brattleboro	Lippert of Hinesburg	Reese of Pomfret
Emmons of Springfield	Lorber of Burlington	Rodgers of Glover
Evans of Essex	Maier of Middlebury	Rusten of Halifax
Fallar of Tinmouth	Malcolm of Pawlet	Seibert of Norwich
Fisher of Lincoln	Marek of Newfane	Sharpe of Bristol
Frank of Underhill	Martin of Wolcott	Smith of Morristown
French of Randolph	Masland of Thetford	Sweeney of Windsor
Gervais of Enosburg	McCullough of Williston	Tracy of Burlington
Grad of Moretown	McLaughlin of Royalton	Zuckerman of Burlington
	Miller of Shaftsbury	

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

Clarkson of Woodstock	Hutchinson of Randolph	Pugh of S. Burlington
Donahue of Northfield	Koch of Barre Town	Shaw of Derby
Errecart of Shelburne	Martin of Springfield	Smith of New Haven
Houston of Ferrisburgh	Milkey of Brattleboro	Valliere of Barre City
Howrigan of Fairfield	Miller of Elmore	

Pending the recurring question, Shall the House commit the bill to the committee on Natural Resources and Energy? **Rep. Young of Orwell** moved to postpone action on the bill until Thursday, March 23, 2006.

Pending the question, Shall the House postpone action on the bill until Thursday, March 23, 2006? **Rep. Partridge of Windham** 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 postpone action on the bill until Thursday, March 23, 2006? was decided in the negative. Yeas, 57. Nays, 79.

Those who voted in the affirmative are:

Acinapura of Brandon	Adams of Hartland	Allaire of Rutland City
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Allard of St. Albans Town
 Baker of West Rutland
 Bartlett of Dover
 Bostic of St. Johnsbury
 Branagan of Georgia
 Brennan of Colchester
 Clark of St. Johnsbury
 Clark of Vergennes
 Condon of Colchester
 Dates of Shelburne
 DePoy of Rutland City
 Donaghy of Poultney
 Dunsmore of Georgia
 Endres of Milton
 Flory of Pittsford
 Helm of Castleton
 Hube of Londonderry
 Hudson of Lyndon

Johnson of Canaan
 Kainen of Hartford
 Keenan of St. Albans City
 Kennedy of Chelsea
 Keogh of Burlington
 Kilmartin of Newport City
 Kitzmiller of Montpelier
 Koch of Barre Town
 Komline of Dorset
 Larocque of Barnet
 Larrabee of Danville
 LaVoie of Swanton
 Lawrence of Lyndon
 Livingston of Manchester
 Louras of Rutland City
 Marcotte of Coventry
 Marron of Stowe
 McAllister of Highgate

McFaun of Barre Town
 Morley of Barton
 Morrissey of Bennington
 Myers of Essex
 Niquette of Colchester
 O'Donnell of Vernon
 Otterman of Topsham
 Parent of St. Albans City
 Peaslee of Guildhall
 Severance of Colchester
 Shand of Weathersfield
 Sunderland of Rutland Town
 Trombley of Grand Isle
 Turner of Milton
 Winters of Swanton
 Winters of Williamstown
 Wright of Burlington
 Young of Orwell

Those who voted in the negative are:

Ancel of Calais
 Aswad of Burlington
 Atkins of Winooski
 Audette of S. Burlington
 Barnard of Richmond
 Bohi of Hartford
 Botzow of Pownal
 Brooks of Montpelier
 Canfield of Fair Haven
 Chen of Mendon
 Copeland-Hanzas of
 Bradford
 Corcoran of Bennington
 Darrow of Dummerston
 Deen of Westminster
 Donovan of Burlington
 Dostis of Waterbury
 Dowland of Holland
 Edwards of Brattleboro
 Emmons of Springfield
 Evans of Essex
 Fallar of Tinmouth
 Fisher of Lincoln
 Frank of Underhill
 French of Randolph
 Gervais of Enosburg
 Grad of Moretown

Green of Berlin
 Haas of Rochester
 Head of S. Burlington
 Heath of Westford
 Hosford of Waitsfield
 Howard of Rutland City
 Howrigan of Fairfield
 Hunt of Essex
 Jerman of Essex
 Jewett of Ripton
 Johnson of South Hero
 Kiss of Burlington
 Klein of East Montpelier
 Krawczyk of Bennington
 Kupersmith of S. Burlington
 Larson of Burlington
 Leriche of Hardwick
 Lippert of Hinesburg
 Lorber of Burlington
 Maier of Middlebury
 Malcolm of Pawlet
 Marek of Newfane
 Martin of Wolcott
 Masland of Thetford
 McCullough of Williston
 McLaughlin of Royalton
 Miller of Shaftsbury

Minter of Waterbury
 Molloy of Arlington
 Monti of Barre City
 Mook of Bennington
 Nease of Johnson
 Nitka of Ludlow
 Nuovo of Middlebury
 Obuchowski of Rockingham
 Orr of Charlotte
 Partridge of Windham
 Pellett of Chester
 Perry of Richford
 Peterson of Williston
 Pillsbury of Brattleboro
 Potter of Clarendon
 Pugh of S. Burlington
 Randall of Troy
 Reese of Pomfret
 Rodgers of Glover
 Rusten of Halifax
 Seibert of Norwich
 Sharpe of Bristol
 Smith of Morristown
 Sweaney of Windsor
 Tracy of Burlington
 Zuckerman of Burlington

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

Clarkson of Woodstock
Cross of Winooski
Donahue of Northfield
Errecart of Shelburne
Houston of Ferrisburgh

Hutchinson of Randolph
Martin of Springfield
Milkey of Brattleboro
Miller of Elmore
Shaw of Derby

Smith of New Haven
Valliere of Barre City
Westman of Cambridge

Thereupon, the recurring question, Shall the bill be committed to the committee on Natural Resources and Energy? Was decided in the affirmative.

Bill Read Second Time; Third Reading Ordered

H. 879

Rep. Keenan of St. Albans City spoke for the committee on Commerce.

House bill entitled

An act relating to universal telecommunications service;

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Senate Proposal of Amendment Concurred in

H. 237

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

An act relating to emergency contraception;

First: In Sec. 1, 26 V.S.A. § 2078(b), by striking out the words “the recipient of” and inserting in lieu thereof the patient using

Second: In Sec. 1, by striking out 26 V.S.A. § 2079(a) and inserting in lieu thereof a new (a) to read:

(a) The department of health, in collaboration with the board of pharmacy and other appropriate organizations, shall develop a standard protocol and procedures, by rule pursuant to chapter 25 of Title 3, for initiating and dispensing emergency contraception by pharmacists pursuant to this subchapter. The protocol and procedures shall include the minimum standards required to be contained in the protocol between the pharmacist and the physician or other prescriber, a standard informed consent form to be signed by the patient using the emergency contraception, the appropriate information to be provided to the patient using the emergency contraception, information needed by the pharmacist prior to dispensing emergency contraception, appropriate referrals, sensitive communication with and protection of the needs

of vulnerable individuals, privacy considerations, necessary forms, and any documentation requirements.

Which proposal of amendment was considered and concurred in.

Bill Read Second Time; Consideration Interrupted by Recess

H. 869

Rep. Westman of Cambridge spoke for the committee on Transportation.

Rep. Smith of Morristown, for the committee on Ways and Means, to which had been referred House bill, entitled

An act relating to state's transportation program;

Reported in favor of its passage when amended as follows:

First: On pages 25 and 26, by striking Sec. 28 in its entirety.

Second: On page 25, following line 6, by inserting new Secs. 27a through 27n to read:

Sec. 27a. 23 V.S.A. § 114(a)(14) is amended to read:

(14) Certified copy three-year operating record ~~8.00~~ 12.00

Sec. 27b. 23 V.S.A. § 115(b) is amended to read:

(b) Every identification card shall expire, unless earlier canceled, on the fourth birthday of the applicant following the date of original issue, and may be renewed every four years upon payment of a ~~\$15.00~~ \$22.00 fee.

Sec. 27c. 23 V.S.A. § 304(b)(1) is amended to read:

(1) Except as otherwise provided, at the request of the registrant of any motor vehicle, upon application and upon payment of an annual fee of ~~\$30.00~~ \$35.00 in addition to the annual fee for registration. He or she may not issue two sets of special number plates bearing the same initials or letters unless the plates also contain a distinguishing number. Special number plates are subject to reassignment if not renewed within 60 days of expiration of the registration.

Sec. 27d. 23 V.S.A. § 307 is amended to read:

§ 307. CARRYING OF REGISTRATION CERTIFICATE

A person shall not operate a motor vehicle nor draw a trailer or semi-trailer unless the registration certificate thereof is carried in some easily accessible place in such motor vehicle. In case of the loss, mutilation or destruction of such certificate the owner of the vehicle described therein shall forthwith notify the commissioner and remit a fee of ~~\$7.00~~ \$12.00 whereupon the

commissioner shall furnish such owner with a duplicate certificate. A corrected registration certificate shall be furnished by the commissioner upon request and receipt of a fee of ~~\$7.00~~ \$12.00.

Sec. 27e. 23 V.S.A. § 323 is amended to read:

§ 323. TRANSFER FEES

A person who transfers the ownership of a registered motor vehicle to another, upon the filing of a new application, and upon the payment of a fee of ~~\$15.00~~ \$19.00 may have registered in his or her name another motor vehicle for the remainder of the registration period without payment of any additional registration fee, provided the proper registration fee of the motor vehicle sought to be registered is the same as the registration fee of the transferred motor vehicle. However, if the proper registration fee of the motor vehicle sought to be registered by such person is greater than the registration fee of the transferred motor vehicle, the applicant shall pay, in addition to such fee of ~~\$15.00~~ \$19.00, the difference between the registration fee of the motor vehicle previously registered and the proper fee for the registration of the motor vehicle sought to be registered.

Sec. 27f. 23 V.S.A. § 364 is amended to read:

§ 364. MOTORCYCLES

The annual fee for registration of a motorcycle, with or without side car, shall be ~~\$30.00~~ \$36.00.

Sec. 27g. 23 V.S.A. § 371(a)(1) is amended to read:

(a)(1) The one-year and two-year fees for registration of a trailer or semi-trailer, except contractor's trailer or farm trailer, shall be as follows:

(A) ~~\$15.00~~ \$19.00 and ~~\$30.00~~ \$33.00, respectively, when such trailer or semi-trailer has a gross weight of trailer and load of less than 1,500 pounds;

(B) ~~\$30.00~~ \$35.00 and ~~\$60.00~~ \$70.00, respectively, when such trailer or semi-trailer has a gross weight of trailer and load of 1,500 pounds or more, and is drawn by a vehicle of the pleasure car type;

(C) ~~\$30.00~~ \$35.00 and ~~\$60.00~~ \$70.00, respectively, when such trailer or semi-trailer is drawn by a motor truck or tractor, when such trailer or semi-trailer has a gross weight of 1,500 pounds or more, but not in excess of 3,000 pounds;

(D) ~~\$30.00~~ \$35.00 and ~~\$60.00~~ \$70.00, respectively, when such trailer or semi-trailer is used in combination with a truck-tractor or motor truck registered at the fee provided for combined vehicles under section 367 of this

title. Excepting for the fees, the provisions of this subdivision shall not apply to trailer coaches as defined in section 4 of this title nor to modular homes being transported by trailer or semi-trailer.

Sec. 27h. 23 V.S.A. § 608(a) is amended to read:

(a) The four-year fee required to be paid the commissioner for licensing an operator of motor vehicles shall be ~~\$35.00~~ \$39.00. The two-year fee required to be paid the commissioner for licensing an operator or junior operator shall be ~~\$23.00~~ \$27.00.

Sec. 27i. 23 V.S.A. § 617(d) is amended to read:

(d) An applicant shall pay ~~\$10.00~~ \$13.00 to the commissioner for each learner's permit that is not a motorcycle learner's permit or a duplicate or renewal thereof.

Sec. 27j. 23 V.S.A. § 634(a) is amended to read:

(a) The fee for an examination for a learner's permit shall be ~~\$20.00~~ \$27.00. The fee for an examination to obtain an operator's license when the applicant is required to pass an examination pursuant to section 632 of this title shall be ~~\$5.00~~ \$12.00.

Sec. 27k. 23 V.S.A. § 675(a) is amended to read:

(a) Before a suspension or revocation issued by the commissioner of a person's operator's license or privilege of operating a motor vehicle may be terminated or before a person's operator's license or privilege of operating a motor vehicle may be reinstated, there shall be paid to the commissioner a fee of ~~\$50.00~~ \$77.00 in addition to any other fee required by statute. This section shall not apply to suspensions issued under the provisions of chapter 11 of this title nor suspensions issued for physical disabilities or failing to pass

re-examination. The commissioner shall not reinstate the license of a driver whose license was suspended pursuant to section 1205 of this title until the commissioner receives certification from the court that the costs due the state have been paid.

Sec. 27L. 23 V.S.A. § 2002(a) is amended to read:

(a) The commissioner shall be paid the following fees:

(1) For any certificate of title, including a salvage certificate of title, ~~\$15.00~~ \$28.00;

* * *

(3) For a certificate of title after a transfer, ~~\$15.00~~ \$28.00;

* * *

(5) For a duplicate certificate of title, including a salvage certificate of title, ~~\$15.00~~ \$28.00;

(6) For an ordinary certificate of title issued upon surrender of a distinctive certificate, ~~\$15.00~~ \$28.00;

* * *

(10) For a certificate of title after a security interest has been released, ~~\$15.00~~ \$28.00;

* * *

(12) For a corrected certificate of title, ~~\$15.00~~ \$28.00.

Sec. 27m. 23 V.S.A. § 4110(a)(8) is amended to read:

(8) The application shall be accompanied by the proper fee. The four-year fee shall be ~~\$65.00~~ \$85.00. The two-year fee shall be ~~\$45.00~~ \$60.00. In those instances where the applicant surrenders a valid Vermont Class D license, the total fees due shall be reduced by:

(A) one-quarter of the four-year fee established by section 601 of this title for each remaining full year of validity; or

(B) one-half of the two-year fee paid for each remaining full year of validity.

Sec. 27n. 32 V.S.A. § 8903(a) and (b) are amended to read:

(a)(1) There is hereby imposed upon the purchase in Vermont of a motor vehicle by a resident a tax at the time of such purchase, payable as hereinafter provided. The amount of the tax shall be six percent of the taxable cost of a:

pleasure car as defined in 23 V.S.A. § 4;

motorcycle as defined in 23 V.S.A. § 4;

motor home as defined in subdivision 8902(11) of this title; or

vehicle weighing up to 10,099 pounds, registered pursuant to 23 V.S.A. § 367, other than a farm truck.

(2) For any other motor vehicle it shall be six percent of the taxable cost of the motor vehicle or ~~\$1,100.00~~ \$1,680.00 for each motor vehicle, whichever is smaller, except that pleasure cars which are purchased, leased or otherwise acquired for use in short-term rentals shall be subject to taxation under subsection (d) of this section.

(b)(1) There is hereby imposed upon the use within this state a tax of six percent of the taxable cost of a:

pleasure car as defined in 23 V.S.A. § 4;

motorcycle as defined in 23 V.S.A. § 4;

motor home as defined in subdivision 8902(11) of this title; or

vehicle weighing up to 10,099 pounds, registered pursuant to 23 V.S.A. § 367, other than a farm truck.

(2) For any other motor vehicle it shall be six percent of the taxable cost of a motor vehicle, or ~~\$1,100.00~~ \$1,680.00 for each motor vehicle, whichever is smaller, by a person at the time of first registering or transferring a registration to such motor vehicle payable as hereinafter provided, except no use tax shall be payable hereunder if the tax imposed by subsection (a) of this section has been paid, or the vehicle is a pleasure car which was purchased, leased or otherwise acquired for use in short-term rentals, in which case the vehicle shall be subject to taxation under subsection (d) of this section.

Third: In Sec. 30, on page 27, in line 3, by striking out the figure “\$147.00”, and by inserting in lieu thereof the figure “\$112.00”.

Fourth: On page 36, in line 7, by striking the figure “25”, and by inserting in lieu thereof the figure “23”.

Fifth: On page 40, following line 4, by inserting a new Sec. 45 to read:

Sec. 45. PURCHASE AND USE TAX STUDIES

(a) There is created a working group of members of the staff of the Joint Fiscal Office and the staff of the Legislative Council, who together with representatives of the Department of Motor Vehicles and the Department of Taxes, shall study and assess the impact of amendments to the purchase and use tax set out in subsection (b) of this section.

(b) The working group shall analyze the fiscal and budgetary impact, the amount of any offsetting reductions in state fuel taxes possible, any administrative and management concerns, and the effect on the public of:

(1) assessing the purchase and use tax on the full taxable cost of the vehicle purchased by repealing the current deduction from the taxable cost of any trade in value; and

(2) assessing a surcharge or adjusting the purchase and use tax rate based upon the fuel efficiency of the vehicle to be registered.

(c) The working group shall report its findings and analyses to the House Committee on Ways and Means, the Senate Committee on Finance and the Committees on Transportation of the House and Senate no later than January 15, 2007.

Rep. Helm of Castleton, for the committee on Appropriations, recommended the bill ought to pass when amended as recommended by the committee on Ways and Means and when further amended as follows:

First: On page 4 by striking out Sec. 3(3) in its entirety.

Second: On page 5 by striking out Sec. 3(4) in its entirety.

Third: On page 6 by striking out Sec. 3(5) in its entirety.

Fourth: On page 15 by striking out Sec.16 in its entirety and inserting in lieu thereof a new Sec.16 to read as follows:

Sec. 16. DEPARTMENT OF MOTOR VEHICLES

(a) Authorized spending by the department of motor vehicles is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	16,580,740	16,580,740	0
Operating Expenses	7,177,547	8,110,147	932,600
Grants	311,300	311,300	0
Total	24,069,587	25,002,187	932,600
<u>Sources of Funds</u>			
Trans. Fund	22,744,734	23,677,334	932,600
Town Fund	0	0	0
Federal	1,324,853	1,324,853	0
Total	24,069,587	25,002,187	932,600

(b) These changes are made:

(1) to add \$932,600 in additional funds in support of the department's computer system upgrade project.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Recess

At four o'clock and fifty minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At five o'clock and forty-five minutes in the evening, the Speaker called the House to order.

Consideration Resumed; Bill Amended and Third Reading Ordered**H. 869**

Consideration resumed on House bill, entitled

An act relating to state's transportation program;

Thereupon, **Rep. Heath of Westford** asked and was granted leave of the House to withdraw the report of the committee on Appropriations.

Pending the question, Shall the House amend the bill as recommended by the committee on Ways and Means? **Reps. Randall of Troy, Dowland of Holland, Johnson of South Hero, Tracy of Burlington, Deen of Westminster, Evans of Essex, Gervais of Enosburg, Head of South Burlington, Jerman of Essex, Kupersmith of South Burlington, Leriche of Hardwick, Malcolm of Pawlet and Pugh of South Burlington** moved that the fourth proposal of the committee on Ways and Means be further amended, by inserting at the end thereof the following:

And, on page 36, following line 10, by inserting a new Sec. 40a to read:

Sec. 40a. **DIESEL FUEL AND GAS TAX RATE SUNSET**

Sec. 39 and Sec. 40 of this act shall take effect July 1, 2006 and shall terminate June 30, 2011. On and after July 1, 2011 the rate of the diesel fuel tax in 23 V.S.A. §3303(a) shall revert to 25 cents per gallon, and the rate of the gasoline tax in 23 V.S.A. §3016(a) shall revert to 19 cents per gallon.

Pending the question, Shall the House amend the report of the committee on Ways and Means as recommended by Reps. Randall of Troy, et al? **Rep. Gervais of Enosburg** 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 amend the report of the committee on Ways and Means as recommended by Reps. Randall of Troy, et al? was decided in the affirmative. Yeas, 89. Nays, 47.

Those who voted in the affirmative are:

Allard of St. Albans Town
Ancel of Calais
Aswad of Burlington
Atkins of Winooski
Audette of S. Burlington
Barnard of Richmond
Bohi of Hartford
Botzow of Pownal
Branagan of Georgia
Brooks of Montpelier

Chen of Mendon
Condon of Colchester
Copeland-Hanzas of
Bradford
Corcoran of Bennington
Cross of Winooski
Darrow of Dummerston
Deen of Westminster
Donahue of Northfield
Donovan of Burlington

Dostis of Waterbury
Dowland of Holland
Edwards of Brattleboro
Emmons of Springfield
Evans of Essex
Fallar of Tinmouth
Fisher of Lincoln
Frank of Underhill
French of Randolph
Gervais of Enosburg

Grad of Moretown	Lippert of Hinesburg	Parent of St. Albans City
Green of Berlin	Lorber of Burlington	Partridge of Windham
Haas of Rochester	Maier of Middlebury	Pellett of Chester
Head of S. Burlington	Malcolm of Pawlet	Perry of Richford
Heath of Westford	Marek of Newfane	Peterson of Williston
Helm of Castleton	Martin of Wolcott	Pillsbury of Brattleboro
Hosford of Waitsfield	Masland of Thetford	Potter of Clarendon
Howard of Rutland City	McAllister of Highgate	Pugh of S. Burlington
Howrigan of Fairfield	McCullough of Williston	Randall of Troy
Hunt of Essex	Milkey of Brattleboro	Reese of Pomfret
Jerman of Essex	Miller of Shaftsbury	Rodgers of Glover
Jewett of Ripton	Molloy of Arlington	Seibert of Norwich
Johnson of South Hero	Mook of Bennington	Shand of Weathersfield
Kainen of Hartford	Nease of Johnson	Sharpe of Bristol
Kiss of Burlington	Niquette of Colchester	Smith of Morristown
Kitzmiller of Montpelier	Nitka of Ludlow	Sweaney of Windsor
Klein of East Montpelier	Nuovo of Middlebury	Tracy of Burlington
Kupersmith of S. Burlington	Obuchowski of Rockingham	Trombley of Grand Isle
Larson of Burlington	Orr of Charlotte	Wright of Burlington
Leriche of Hardwick	Otterman of Topsham	Zuckerman of Burlington

Those who voted in the negative are:

Acinapura of Brandon	Hudson of Lyndon	McLaughlin of Royalton
Adams of Hartland	Johnson of Canaan	Monti of Barre City
Allaire of Rutland City	Kennedy of Chelsea	Morley of Barton
Baker of West Rutland	Keogh of Burlington	Morrissey of Bennington
Bartlett of Dover	Kilmartin of Newport City	Myers of Essex
Bostic of St. Johnsbury	Koch of Barre Town	O'Donnell of Vernon
Brennan of Colchester	Komline of Dorset	Peaslee of Guildhall
Canfield of Fair Haven	Krawczyk of Bennington	Rusten of Halifax
Clark of St. Johnsbury	Larocque of Barnet	Severance of Colchester
Clark of Vergennes	Larrabee of Danville	Sunderland of Rutland Town
Dates of Shelburne	LaVoie of Swanton	Turner of Milton
Donaghy of Poultney	Lawrence of Lyndon	Westman of Cambridge
Dunsmore of Georgia	Livingston of Manchester	Winters of Swanton
Endres of Milton	Louras of Rutland City	Winters of Williamstown
Flory of Pittsford	Marcotte of Coventry	Young of Orwell
Hube of Londonderry	Marron of Stowe	

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

Clarkson of Woodstock	Keenan of St. Albans City	Shaw of Derby
DePoy of Rutland City	Martin of Springfield	Smith of New Haven
Errecart of Shelburne	McFaun of Barre Town	Valliere of Barre City
Houston of Ferrisburgh	Miller of Elmore	
Hutchinson of Randolph	Minter of Waterbury	

Rep. Sunderland of Rutland Town explained his vote as follows:

"Madam Speaker:

If I had any faith that this tax would actually sunset, I would have voted 'yes' to this amendment. I don't have that faith and therefore voted 'no'.

Thereupon, the recommendation of amendment offered by the committee on Ways and Means, as amended, was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Westman of Cambridge** moved to amend the bill as follows:

First: On page 2 by striking out Sec. 2(1) in its entirety and inserting in lieu thereof a new Sec. 2(1) to read as follows:

(1) Authorized spending on the statewide district leveling program is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
ROW	0	0	0
Construction	1,483,000	1,983,000	500,000
Other	0	0	0
Total	1,483,000	1,983,000	500,000
<u>Sources of Funds</u>			
Trans. Fund	1,483,000	1,983,000	500,000
Town Fund	0	0	0
Federal	0	0	0
Local	0	0	0
Total	1,483,000	1,983,000	500,000

Second: On page 3, by striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. PROGRAM DEVELOPMENT – ROADWAY

The following modifications are made to the program development – roadway program:

(1) A project designated as Middlebury STP 5900(), formerly known as Middlebury M 5900(2), also known as the Cross Street Bridge project, for the extension of Cross Street (TH 47) westerly over the Vermont Railway and the Otter Creek to connect US 7 to VT 30 and VT 125, is added to the roadway program. Authorized spending for the project is added to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	100,000	100,000
ROW	0	0	0
Construction	0	0	0
Other	0	0	0

Total	0	100,000	100,000
<u>Sources of Funds</u>			
Trans. Fund	0	10,000	10,000
Town Fund	0	0	0
Federal	0	80,000	80,000
Local	0	10,000	10,000
Total	0	100,000	100,000

(2) Authorized spending for the Waterbury Main Street project, FEFC F-013-4(13) is amended to read as follows. The funds authorized for preliminary engineering shall be used to redesign the intersection of Park Row and Main Street. The Secretary's authority under 19 V.S.A. §10g(h) shall not apply to any spending authorized for this project.

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	50,000	50,000	0
ROW	0	250,000	250,000
Construction	0	0	0
Other	0	0	0
Total	50,000	300,000	250,000
<u>Sources of Funds</u>			
Trans. Fund	1,500	9,000	7,500
Town Fund	0	0	0
Federal	47,500	285,000	237,500
Local	1,000	6,000	5,000
Total	50,000	300,000	250,000

(3) Authorized spending for the Ryegate-St. Johnsbury I-91 IM IR 091-2(8) project is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	50,000	0	-50,000
ROW	0	0	0
Construction	1,000,000	0	-1,000,000
Other	0	0	0
Total	1,050,000	0	-1,050,000
<u>Sources of Funds</u>			
Trans. Fund	105,000	0	-105,000
Town Fund	0	0	0
Federal	945,000	0	-945,000
Local	0	0	0
Total	1,050,000	0	-1,050,000

(4) Authorized spending within the program development roadway development and evaluation program for the Waterford IM IR 093-1(8) project is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	25,000	0	-25,000
ROW	0	0	0
Construction	0	0	0
Other	0	0	0
Total	25,000	0	-25,000
<u>Sources of Funds</u>			
Trans. Fund	2,500	0	-2,500
Town Fund	0	0	0
Federal	22,500	0	-22,500
Local	0	0	0
Total	25,000	0	-25,000

(5) Authorized spending within the program development roadway development and evaluation program for the Lyndon-Derby IM IR 091-3(6) project is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	50,000	0	-50,000
ROW	0	0	0
Construction	0	0	0
Other	0	0	0
Total	50,000	0	-50,000
<u>Sources of Funds</u>			
Trans. Fund	5,000	0	-5,000
Town Fund	0	0	0
Federal	45,000	0	-45,000
Local	0	0	0
Total	50,000	0	-50,000

Third: On page 6, by striking out Sec. 4(1) in its entirety and inserting in lieu thereof a new Sec. 4(1) to read as follows:

(1) Authorized spending for the Manchester STP 0137(17) project is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
ROW	300,000	300,000	0
Construction	1,000,000	1,000,000	0
Other	0	0	0

Total	1,300,000	1,300,000	0
<u>Sources of Funds</u>			
Trans. Fund	115,960	26,760	-89,200
Town Fund	0	0	0
Federal	1,054,040	1,243,240	189,200
Local	130,000	30,000	-100,000
Total	1,300,000	1,300,000	0

Fourth: On page 8 by striking out Sec. 6(1) in its entirety and inserting in lieu thereof a new Sec. 6(1) to read as follows:

(1) Authorized spending on state highway statewide maintenance activities is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
ROW	0	0	0
Construction	526,150	526,150	0
Other	1,947,529	2,375,223	427,694
Total	2,473,679	2,901,373	427,694
<u>Sources of Funds</u>			
Trans. Fund	1,332,759	1,760,453	427,694
Town Fund	0	0	0
Federal	1,140,920	1,140,920	0
Local	0	0	0
Total	2,473,679	2,901,373	427,694

Fifth: On page 9 by striking out Sec. 7 in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. MAINTENANCE

(a) Total authorized spending in the maintenance program is modified as follows:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	32,216,294	32,216,294	0
Operating Expenses	27,946,300	27,589,800	-356,500
Grants	672,000	672,000	0
Total	60,834,594	60,478,094	-356,500
<u>Sources of Funds</u>			
Trans. Fund	57,800,594	57,596,094	-204,500
Town Fund	0	0	0
Federal	3,034,000	2,882,000	-152,000
Total	60,834,594	60,478,094	-356,500

(b) These changes are made to eliminate funding for the intelligent transportation statewide RWIS project.

Sixth: On page 10 by striking out Sec. 8(1) in its entirety and inserting in lieu thereof a new Sec. 8(1) to read as follows:

(1) Authorized spending for the three year demonstration – operating program is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
ROW	0	0	0
Construction	0	0	0
Other	1,250,000	1,450,000	200,000
Total	1,250,000	1,450,000	200,000
<u>Sources of Funds</u>			
Trans. Fund	0	0	0
Town Fund	0	0	0
Federal	1,250,000	1,450,000	200,000
Local	0	0	0
Total	1,250,000	1,450,000	200,000

Seventh: On page 10 by striking out Sec. 9(1) in its entirety and inserting in lieu thereof a new Sec. 9(1) to read as follows:

(1) Authorized spending for the Ferrisburgh maintenance and DMV facility project is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
ROW	0	0	0
Construction	1,562,879	0	-1,562,879
Other	0	0	0
Total	1,562,879	0	-1,562,879
<u>Sources of Funds</u>			
Trans. Fund	1,562,879	0	-1,562,879
Town Fund	0	0	0
Federal	0	0	0
Local	0	0	0
Total	1,562,879	0	-1,562,879

Eighth: On page 11 by striking out Sec.10(1) in its entirety and inserting in lieu thereof a new Sec.10(1) to read as follows:

(1) Authorized spending for the Hunt Street bridge project, BRF 1000(16), is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	20,000	100,000	80,000
ROW	0	0	0
Construction	0	0	0
Other	0	0	0
Total	20,000	100,000	80,000
<u>Sources of Funds</u>			
Trans. Fund	2,000	10,000	8,000
Town Fund	0	0	0
Federal	16,000	80,000	64,000
Local	2,000	10,000	8,000
Total	20,000	100,000	80,000

Ninth: On page 12 by striking out Sec.11 in its entirety and inserting in lieu thereof a new Sec.11 to read as follows:

Sec. 11. TOWN HIGHWAY STATE AID

Authorized spending on the town highway state aid program is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	0	0	0
Operating Expenses	0	0	0
Grants	24,982,744	26,311,056	1,328,312
Total	24,982,744	26,311,056	1,328,312
<u>Sources of Funds</u>			
Trans. Fund	24,982,744	0	-24,982,744
Town Fund	0	26,311,056	26,311,056
Federal	0	0	0
Total	24,982,744	26,311,056	1,328,312

Tenth: On page 12 by striking out Sec.12 in its entirety and inserting in lieu thereof a new Sec.12 to read as follows:

Sec. 12. TOWN HIGHWAY STRUCTURES

Authorized spending on the town highway structures program is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	0	0	0
Operating Expenses	0	0	0
Grants	3,494,500	3,674,002	179,502
Total	3,494,500	3,674,002	179,502
<u>Sources of Funds</u>			

Trans. Fund	3,494,500	0	-3,494,500
Town Fund	0	3,674,002	3,674,002
Federal	0	0	0
Total	3,494,500	3,674,002	179,502

Eleventh: On page 13 by striking out Sec.13 in its entirety and inserting in lieu thereof a new Sec.13 to read as follows:

Sec. 13. TOWN HIGHWAY CLASS 2 ROADWAY

Authorized spending on the town highway class 2 roadway program is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	0	0	0
Operating Expenses	0	0	0
Grants	4,748,750	5,018,002	269,252
Total	4,748,750	5,018,002	269,252

Sources of Funds

Trans. Fund	4,748,750	0	-4,748,750
Town Fund	0	5,018,002	5,018,002
Federal	0	0	0
Total	4,748,750	5,018,002	269,252

Twelfth: On page 14 by striking out Sec.14 in its entirety and inserting in lieu thereof a new Sec.14 to read as follows:

Sec. 14 TOWN HIGHWAY CLASS 1 SUPPLEMENTAL

Authorized spending on the town highway class 1 supplemental program is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	0	0	0
Operating Expenses	0	0	0
Grants	128,750	146,700	17,950
Total	128,750	146,700	17,950

Sources of Funds

Trans. Fund	128,750	0	-128,750
Town Fund	0	146,700	146,700
Federal	0	0	0
Total	128,750	146,700	17,950

Thirteenth: On page 14 by striking out Sec.15 in its entirety and inserting in lieu thereof a new Sec.15 to read as follows:

Sec. 15 TOWN EMERGENCY FUND

Funding of the town emergency fund is modified to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	0	0	0
ROW	0	0	0
Construction	0	0	0
Other	750,000	1,500,000	750,000
Total	750,000	1,500,000	750,000
<u>Sources of Funds</u>			
Trans. Fund	750,000	1,500,000	750,000
Town Fund	0	0	0
Federal	0	0	0
Local	0	0	0
Total	750,000	1,500,000	750,000

Fourteenth: On page 15 by striking out Sec.16 in its entirety and inserting in lieu thereof a new Sec.16 to read as follows:

Sec. 16. DEPARTMENT OF MOTOR VEHICLES

(a) Authorized spending by the department of motor vehicles is amended to read:

<u>FY07</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Personal Services	16,580,740	16,580,740	0
Operating Expenses	7,177,547	8,050,064	872,517
Grants	311,300	311,300	0
Total	24,069,587	24,942,104	872,517
<u>Sources of Funds</u>			
Trans. Fund	22,744,734	23,617,251	872,517
Town Fund	0	0	0
Federal	1,324,853	1,324,853	0
Total	24,069,587	24,942,104	872,517

(b) These changes are made:

(1) to add \$1,000,000 in additional funds in support of the department's computer system upgrade project; and

(2) to eliminate \$127,483 in funding for drivers education consistent with Sec.26 of this Act which increases the maximum amount of transportation funds that may be appropriated for the support of general government by such amount.

Fifteenth: On page 26, Sec. 29, line 14 by striking out ", but not be limited to,"

Sixteenth: On page 33, Sec. 36, on line 8 by striking out "38" and on line 9 by striking out "title" and inserting in lieu thereof "section"

Seventeenth: On page 39, Sec. 43, line 5 by striking out "\$500,000" and inserting in lieu thereof "\$475,000"

Eighteenth: By adding a new Sec. 45 to read as follows:

Sec. 45. Sec. 69b(c) of No. 6 of the Acts of 2005, as amended by Sec. 77 of H.617 the Acts of 2006 is amended to read:

(c) In fiscal year 2006, the agency of transportation shall revert \$2,600,000 from the appropriation of transportation funds for paving and bridge projects and transfer that amount to the highway central garage fund. appropriations to the agency of transportation for the paving, state bridge and town bridge projects referenced in subsection (a) of this section shall be reduced by the aggregate amount of \$2,600,000 and \$2,600,000 shall be transferred to the highway central garage fund.

Which was agreed to.

Pending the question, Shall the bill be read a third time? **Rep. Sunderland of Rutland Town** moved to amend the bill as follows:

By striking sections 39 [diesel fuel tax], 40 [gasoline tax] and 40a [sunset] in their entirety.

Pending the question, Shall the House amend the bill as recommended by Rep. Sunderland of Rutland Town? **Rep. Otterman of Topsham** 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 amend the bill as recommended by Rep. Sunderland of Rutland Town? was decided in the negative. Yeas, 53. Nays, 84.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Allaire of Rutland City
Allard of St. Albans Town
Baker of West Rutland
Bartlett of Dover
Branagan of Georgia
Brennan of Colchester
Canfield of Fair Haven
Clark of St. Johnsbury
Clark of Vergennes
Condon of Colchester
Dates of Shelburne

Donaghy of Poultney
Donahue of Northfield
Dunsmore of Georgia
Endres of Milton
Flory of Pittsford
Helm of Castleton
Hube of Londonderry
Hudson of Lyndon
Johnson of Canaan
Kennedy of Chelsea
Kilmartin of Newport City
Koch of Barre Town
Komline of Dorset

Krawczyk of Bennington
Larocque of Barnet
Larrabee of Danville
LaVoie of Swanton
Lawrence of Lyndon
Livingston of Manchester
Lorber of Burlington
Louras of Rutland City
Marcotte of Coventry
McAllister of Highgate
McFaun of Barre Town
Morley of Barton
Morrisey of Bennington

Myers of Essex
 Niquette of Colchester
 O'Donnell of Vernon
 Otterman of Topsham
 Parent of St. Albans City

Peaslee of Guildhall
 Severance of Colchester
 Sunderland of Rutland Town
 Trombley of Grand Isle
 Turner of Milton

Winters of Swanton
 Winters of Williamstown
 Wright of Burlington
 Young of Orwell

Those who voted in the negative are:

Ancel of Calais
 Aswad of Burlington
 Atkins of Winooski
 Audette of S. Burlington
 Barnard of Richmond
 Bohi of Hartford
 Bostic of St. Johnsbury
 Botzow of Pownal
 Brooks of Montpelier
 Chen of Mendon
 Copeland-Hanzas of
 Bradford
 Corcoran of Bennington
 Cross of Winooski
 Darrow of Dummerston
 Deen of Westminster
 Donovan of Burlington
 Dostis of Waterbury
 Dowland of Holland
 Edwards of Brattleboro
 Emmons of Springfield
 Evans of Essex
 Fallar of Tinmouth
 Fisher of Lincoln
 Frank of Underhill
 French of Randolph
 Gervais of Enosburg
 Grad of Moretown
 Green of Berlin

Haas of Rochester
 Head of S. Burlington
 Heath of Westford
 Hosford of Waitsfield
 Howard of Rutland City
 Howrigan of Fairfield
 Hunt of Essex
 Jerman of Essex
 Jewett of Ripton
 Johnson of South Hero
 Kainen of Hartford
 Keenan of St. Albans City
 Keogh of Burlington
 Kiss of Burlington
 Kitzmiller of Montpelier
 Klein of East Montpelier
 Kupersmith of S. Burlington
 Larson of Burlington
 Leriche of Hardwick
 Lippert of Hinesburg
 Maier of Middlebury
 Malcolm of Pawlet
 Marek of Newfane
 Martin of Wolcott
 Masland of Thetford
 McCullough of Williston
 McLaughlin of Royalton
 Milkey of Brattleboro
 Miller of Shaftsbury

Minter of Waterbury
 Molloy of Arlington
 Mook of Bennington
 Nease of Johnson
 Nitka of Ludlow
 Nuovo of Middlebury
 Obuchowski of Rockingham
 Orr of Charlotte
 Partridge of Windham
 Pellett of Chester
 Perry of Richford
 Peterson of Williston
 Pillsbury of Brattleboro
 Potter of Clarendon
 Pugh of S. Burlington
 Randall of Troy
 Reese of Pomfret
 Rodgers of Glover
 Rusten of Halifax
 Seibert of Norwich
 Shand of Weathersfield
 Sharpe of Bristol
 Smith of Morristown
 Sweaney of Windsor
 Tracy of Burlington
 Westman of Cambridge
 Zuckerman of Burlington

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

Clarkson of Woodstock
 DePoy of Rutland City
 Errecart of Shelburne
 Houston of Ferrisburgh

Hutchinson of Randolph
 Marron of Stowe
 Martin of Springfield
 Miller of Elmore

Monti of Barre City
 Shaw of Derby
 Smith of New Haven
 Valliere of Barre City

Rep. Clark of Vergennes explained his vote as follows:

"Madam Speaker:

This gas tax hike is ill-advised and untimely. It will have a catastrophic effect on the Vermont economy and on Vermonters, but more importantly will

be their continued sense that we aren't here to help them, but make things worse for them"

Rep. Partridge of Windham explained her vote as follows:

"Madam Speaker:

At all of my town meetings my constituents told me over and over not to raid the education fund as suggested by the governor. I am honoring their requests and choosing a much less costly source of revenue to make the investment in our roads, bridges, and rail that we so desperately need to make."

Rep. Otterman of Topsham explained his vote as follows:

"Madam Speaker:

At a time when gasoline and diesel prices are near record levels I cannot support an increase in fuel taxes. These tax increases are a direct assault on working Vermonters who use their cars and trucks to get to work or to earn a living to support themselves and their families.

I am not convinced that there are not reductions in the cost of government or other sources from which these matching monies could be obtained without inflicting hardship on so many of our citizens."

Rep. Wright of Burlington explained his vote as follows:

"Madam Speaker:

It is unfortunate that some candidates say one thing while campaigning, but do the opposite once they are here."

Rep. Zuckerman of Burlington explained his vote as follows:

"Madam Speaker:

I am one of those who believe a gas tax is regressive as quoted by another member. However, we are also responsible for making tough choices. It is easy to criticize this funding source, but with no alternative being presented removing this funding is the responsible thing to do."

Pending the question, Shall the bill be read a third time? **Rep. Deen of Westminster** 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, 93. Nays, 43.

Those who voted in the affirmative are:

Acinapura of Brandon
Allaire of Rutland City

Ancel of Calais
Aswad of Burlington

Atkins of Winooski
Audette of S. Burlington

Barnard of Richmond	Helm of Castleton	Mook of Bennington
Bohi of Hartford	Hosford of Waitsfield	Nease of Johnson
Bostic of St. Johnsbury	Howard of Rutland City	Nitka of Ludlow
Botzow of Pownal	Howrigan of Fairfield	Nuovo of Middlebury
Brennan of Colchester	Hunt of Essex	Obuchowski of Rockingham
Brooks of Montpelier	Jerman of Essex	O'Donnell of Vernon
Chen of Mendon	Jewett of Ripton	Orr of Charlotte
Copeland-Hanzas of Bradford	Johnson of South Hero	Partridge of Windham
Corcoran of Bennington	Kainen of Hartford	Pellett of Chester
Cross of Winooski	Keenan of St. Albans City	Perry of Richford
Darrow of Dummerston	Keogh of Burlington	Peterson of Williston
Deen of Westminster	Kiss of Burlington	Pillsbury of Brattleboro
Donaghy of Poultney	Kitzmiller of Montpelier	Potter of Clarendon
Donovan of Burlington	Klein of East Montpelier	Pugh of S. Burlington
Dostis of Waterbury	Kupersmith of S. Burlington	Randall of Troy
Dowland of Holland	Larson of Burlington	Reese of Pomfret
Edwards of Brattleboro	Lerich of Hardwick	Rodgers of Glover
Emmons of Springfield	Lippert of Hinesburg	Rusten of Halifax
Evans of Essex	Maier of Middlebury	Seibert of Norwich
Fallar of Tinmouth	Malcolm of Pawlet	Severance of Colchester
Fisher of Lincoln	Marek of Newfane	Shand of Weathersfield
Frank of Underhill	Martin of Wolcott	Sharpe of Bristol
French of Randolph	Masland of Thetford	Smith of Morristown
Gervais of Enosburg	McCullough of Williston	Sweeney of Windsor
Grad of Moretown	McFaun of Barre Town	Tracy of Burlington
Green of Berlin	McLaughlin of Royalton	Trombley of Grand Isle
Haas of Rochester	Milkey of Brattleboro	Westman of Cambridge
Head of S. Burlington	Miller of Shaftsbury	Zuckerman of Burlington
Heath of Westford	Minter of Waterbury	
	Molloy of Arlington	

Those who voted in the negative are:

Adams of Hartland	Hudson of Lyndon	Morley of Barton
Allard of St. Albans Town	Johnson of Canaan	Morrissey of Bennington
Baker of West Rutland	Kennedy of Chelsea	Myers of Essex
Bartlett of Dover	Kilmartin of Newport City	Niquette of Colchester
Branagan of Georgia	Komline of Dorset	Otterman of Topsham
Canfield of Fair Haven	Krawczyk of Bennington	Parent of St. Albans City
Clark of St. Johnsbury	Larocque of Barnet	Peaslee of Guildhall
Clark of Vergennes	Larrabee of Danville	Sunderland of Rutland Town
Condon of Colchester	LaVoie of Swanton	Turner of Milton
Dates of Shelburne	Lawrence of Lyndon	Winters of Swanton
Donahue of Northfield	Livingston of Manchester	Winters of Williamstown
Dunsmore of Georgia	Lorber of Burlington	Wright of Burlington
Endres of Milton	Louras of Rutland City	Young of Orwell
Flory of Pittsford	Marcotte of Coventry	
Hube of Londonderry	McAllister of Highgate	

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

Clarkson of Woodstock	DePoy of Rutland City	Errecart of Shelburne
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Houston of Ferrisburgh
Hutchinson of Randolph
Koch of Barre Town
Marron of Stowe

Martin of Springfield
Miller of Elmore
Monti of Barre City
Shaw of Derby

Smith of New Haven
Valliere of Barre City

Rep. Acinapura of Brandon explained his vote as follows:

“Madam Speaker:

I voted yes in anticipation of favorable amendments of other revenue sources before the end of the process.”

Rep. Adams of Hartland explained his vote as follows:

“Madam Speaker:

One the same day that a gallon of gasoline here in Montpelier rose in price, in a one day jump of fifteen cents per gallon, I cannot vote for a further increase of four cents in taxes. Is tax the only word in our vocabulary?”

Rep. Allaire of Rutland City explained his vote as follows:

“Madam Speaker:

I had the opportunity to spend four years upstairs in House Transportation. In those years we were always looking for ways to come up with extra money for paving, bridges, and to help the locals. I support the hard work of the transportation committee, and hope that other alternatives are explored in the upcoming weeks to not only match the new federal dollars, but to also plug the hole in an underperforming transportation fund, and do so with an increasing, sustainable source of funding.”

Rep. Bohi of Hartford explained her vote as follows:

“Madam Speaker:

The transportation bill holds the line on property taxes by increasing funds to towns to maintain our local roads. We all pay taxes, both municipal and education. This bill will help all our towns to keep municipal rates lower.”

Rep. Dunsmore of Georgia explained his vote as follows:

“Madam Speaker:

I believe the transportation committee has done a splendid job with the transportation bill, but I cannot, and will not, support raising the gas and diesel tax, when other avenues have not been given due diligence for funding the match for federal money. If we just cut one percent across the board for government, we would not have to put it on the backs of our constituents.”

Rep. Flory of Pittsford explained her vote as follows:

"Madam Speaker:

There is no question our transportation fund needs these funds. I vote no, reluctantly, with the hope that tomorrow we can find funding by tightening our belts rather than forcing our constituents to tighten theirs."

Rep. French of Randolph explained her vote as follows:

"Madam Speaker:

The transportation bill for us raises the money we need without taking money from the Education Fund. This bill helps to hold the line on raising property taxes."

Rep. Morrissey of Bennington explained her vote as follows:

"Madam Speaker:

I'm not sure what other members of this body were told by their constituents, but my constituents told me loud and clear "no new taxes"."

Rep. Sunderland of Rutland Town explained his vote as follows:

"Madam Speaker:

I cannot vote for a transportation bill that drastically increases the tax burden on already over-taxed Vermonters. We must find a way to fund our needs through spending reductions and not by raising taxes."

Rep. Wright of Burlington explained his vote as follows:

"Madam Speaker:

The transportation fund has been raided by the legislature for many years. Now we foist a gas tax increase on Vermonters! May the Senate save us."

Rep. Young of Orwell explained his vote as follows:

"Madam Speaker:

Some already say that government taxes anything that moves, if we raise the gas tax and suffer the impact of a tax increase and skyrocketing prices, we just might not be guilty any longer. – there will be nothing moving!"

Rep. Zuckerman of Burlington explained his vote as follows:

"Madame Speaker:

With respect to this bill and the amendments, re the sunset, that we voted earlier, I would like to add that I have full faith and respect for who will be in this body in 5 years to ask them to make the right decision at that time.

Today the right, albeit different, decision was to raise the resources to fix our roads, and maintain our infrastructure.

I am thankful that past legislators have respected us and I will always err on the side of respect for the future people that will serve this state. By sunseting the gas and diesel increase we have said that this funding source is for a specific purpose and that when that purpose is over then the future legislators will need to be accountable to the voters as to the needs and decisions at that time.

Thank you."

Consideration Resumed; Proposal of Amendment Agreed to and Third Reading Ordered

S. 164

Consideration resumed on Senate bill, entitled

An act relating to elections and voter registration;

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Government Operations? **Rep. Flory of Pittsford** 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 propose to the Senate to amend the bill as recommended by the committee on Government Operations? was decided in the affirmative. Yeas, 66. Nays, 61.

Those who voted in the affirmative are:

Atkins of Winooski	Frank of Underhill	Marek of Newfane
Audette of S. Burlington	Green of Berlin	Martin of Wolcott
Barnard of Richmond	Haas of Rochester	McCullough of Williston
Bohi of Hartford	Head of S. Burlington	Milkey of Brattleboro
Botzow of Pownal	Heath of Westford	Miller of Shaftsbury
Brooks of Montpelier	Hosford of Waitsfield	Minter of Waterbury
Chen of Mendon	Howard of Rutland City	Molloy of Arlington
Copeland-Hanzas of Bradford	Hunt of Essex	Mook of Bennington
Corcoran of Bennington	Jerman of Essex	Nease of Johnson
Cross of Winooski	Jewett of Ripton	Nitka of Ludlow
Deen of Westminster	Johnson of South Hero	Nuovo of Middlebury
Donovan of Burlington	Keogh of Burlington	Obuchowski of Rockingham
Dostis of Waterbury	Kiss of Burlington	Orr of Charlotte
Edwards of Brattleboro	Klein of East Montpelier	Partridge of Windham
Emmons of Springfield	Kupersmith of S. Burlington	Pellett of Chester
Evans of Essex	Larson of Burlington	Peterson of Williston
Fallar of Tinnmouth	Lippert of Hinesburg	Pillsbury of Brattleboro
Fisher of Lincoln	Lorber of Burlington	Potter of Clarendon
	Maier of Middlebury	Pugh of S. Burlington

Randall of Troy
Reese of Pomfret
Seibert of Norwich
Shand of Weathersfield

Sharpe of Bristol
Sweaney of Windsor
Tracy of Burlington
Trombley of Grand Isle

Wright of Burlington
Zuckerman of Burlington

Those who voted in the negative are:

Acinapura of Brandon
Adams of Hartland
Allard of St. Albans Town
Ancel of Calais
Baker of West Rutland
Bartlett of Dover
Bostic of St. Johnsbury
Branagan of Georgia
Brennan of Colchester
Canfield of Fair Haven
Clark of St. Johnsbury
Clark of Vergennes
Condon of Colchester
Darrow of Dummerston
Dates of Shelburne
Donaghy of Poultney
Donahue of Northfield
Dowland of Holland
Dunsmore of Georgia
Endres of Milton
Flory of Pittsford

French of Randolph
Grad of Moretown
Helm of Castleton
Hube of Londonderry
Hudson of Lyndon
Johnson of Canaan
Kainen of Hartford
Kennedy of Chelsea
Kilmartin of Newport City
Koch of Barre Town
Komline of Dorset
Krawczyk of Bennington
Larocque of Barnet
Larrabee of Danville
LaVoie of Swanton
Lawrence of Lyndon
Livingston of Manchester
Louras of Rutland City
Malcolm of Pawlet
Marcotte of Coventry
Marron of Stowe

McAllister of Highgate
McFaun of Barre Town
McLaughlin of Royalton
Morley of Barton
Morrissey of Bennington
Myers of Essex
Niquette of Colchester
O'Donnell of Vernon
Parent of St. Albans City
Peaslee of Guildhall
Perry of Richford
Severance of Colchester
Smith of Morristown
Sunderland of Rutland Town
Turner of Milton
Westman of Cambridge
Winters of Swanton
Winters of Williamstown
Young of Orwell

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

Allaire of Rutland City
Aswad of Burlington
Clarkson of Woodstock
DePoy of Rutland City
Errecart of Shelburne
Gervais of Enosburg
Houston of Ferrisburgh
Howrigan of Fairfield

Hutchinson of Randolph
Keenan of St. Albans City
Kitzmiller of Montpelier
Leriche of Hardwick
Martin of Springfield
Masland of Thetford
Miller of Elmore
Monti of Barre City

Otterman of Topsham
Rodgers of Glover
Rusten of Halifax
Shaw of Derby
Smith of New Haven
Valliere of Barre City

Rep. Adams of Hartland explained his vote as follows:

"Madam Speaker:

Shame on us for listening to the whims of partisan special interest groups over the concerns of those who would have to implement and would be burdened by this scheme – our hard working town clerks – shame on us."

Rep. Barnard of Richmond explained her vote as follows:

"Madam Speaker:

The Clerks in Vermont agree that same day voter registration will increase voter participation!!! As a member of the House education committee who worked on, and passed, a civics education bill this session and also a member of the committee that helped to organize the civics education summit that was held in this very room! I urge you to vote yes – increased voter participation is a good thing??”

Rep. Kilmartin of Newport explained his vote as follows:

“Madam Speaker:

I vote no to a failed solution to a non-existent problem which will only create havoc, confusion and unnecessary burdens. It will further degrade electoral responsibility. The only things missing are bread and circus’ as additional incentives to election day charades.”

Rep. Marron of Stowe explained his vote as follows:

“Madam Speaker:

While this bill is supposed to help republicans, who have been described as low income and under-educated, I believe it disregards the concerns of our Town Clerks, who are responsible for maintaining the integrity of our election process.”

Rep. Minter of Waterbury explained her vote as follows:

“Madam Speaker:

I support this effort to make it easier to vote in our state. Having visited South Africa in the mid 1980’s, and again in the 1990’s, I witnessed first hand both the denial and achievement of the franchise. People in South Africa waited three days in line to cast their vote. They did not have to register. If we in this body are not about making it as easy as possible to exercise the right to vote, I don’t understand our purpose.”

Pending the question, Shall the bill be read the third time? **Rep. Louras of Rutland City** moved that the House propose to the Senate to amend the bill as follows:

By adding a new Sec. 3a. as follows:

Sec. 3a. 17 V.S.A. § 2145a(e) is amended to read:

(e) The secretary shall ~~promptly~~ transmit applications received under this section to the clerks of the appropriate municipalities not later than 10 days after the date the application was received by the secretary. In the case of a voter registration application received within five days before the checklist is closed under section 2144 of this title, the application shall be transmitted to

the clerk of the appropriate municipality not later than five days after the date of receipt.

Which was agreed to.

Pending the question, Shall the bill be read the third time? **Rep. Dunsmore of Georgia** moved that the House propose to the Senate to amend the bill as follows:

By adding Secs. 7a and 7b as follows:

Sec. 7a. 17 V.S.A. § 2454 is amended to read:

§ 2454. ASSISTANT ELECTION OFFICERS

(a) Prior to the day of the election, the board of civil authority shall appoint a sufficient number of voters from each voting district to serve as assistant election officers in their respective polling places. As far as possible, the board shall attempt to appoint an equal number of persons from each major political party. Each assistant election officer shall be sworn prior to entering on the performance of his or her duties. An assistant town clerk may serve as an assistant elections officer, regardless of his or her residence.

* * *

(c) The board of civil authority may bill the secretary of state for the cost of appointing additional assistant election officers in polling places in order to comply with the voter registration requirements of subdivision 2144a(4) of this title.

Sec. 7b. 17 V.S.A. § 2510 is added to read:

§ 2510. VOTER FRAUD SIGNS

During voting hours at elections where voter registration is authorized under subdivision 2144a(4) of this title, there shall be signs, provided by the secretary of state, with lettering not less than three inches high placed on or near ballot boxes notifying voters that a person:

(1) who falsely swears to a fact or matter necessary for the making of the voter checklist shall be guilty of perjury under section 2011 of this title and imprisoned not more than 15 years and fined not more than \$1,000.00, or both; and

(2) who fraudulently votes in an election shall under section 2015 of this title be imprisoned not more than one year or fined not more than \$100.00, or both.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by Rep. Dunsmore of Georgia? **Rep. Morrissey of Bennington** 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 propose to the Senate to amend the bill as recommended by Rep. Dunsmore of Georgia? was decided in the affirmative. Yeas, 93. Nays, 21.

Those who voted in the affirmative are:

Adams of Hartland	Heath of Westford	Morrissey of Bennington
Allard of St. Albans Town	Helm of Castleton	Myers of Essex
Ancel of Calais	Hosford of Waitsfield	Nease of Johnson
Baker of West Rutland	Howard of Rutland City	Niquette of Colchester
Bartlett of Dover	Hube of Londonderry	Nitka of Ludlow
Bohi of Hartford	Hudson of Lyndon	Obuchowski of Rockingham
Bostic of St. Johnsbury	Hunt of Essex	O'Donnell of Vernon
Botzow of Pownal	Jerman of Essex	Orr of Charlotte
Branagan of Georgia	Johnson of South Hero	Parent of St. Albans City
Brennan of Colchester	Johnson of Canaan	Partridge of Windham
Brooks of Montpelier	Kainen of Hartford	Peaslee of Guildhall
Canfield of Fair Haven	Kennedy of Chelsea	Perry of Richford
Chen of Mendon	Keogh of Burlington	Peterson of Williston
Clark of St. Johnsbury	Kilmartin of Newport City	Potter of Clarendon
Copeland-Hanzas of Bradford	Koch of Barre Town	Pugh of S. Burlington
Corcoran of Bennington	Krawczyk of Bennington	Randall of Troy
Cross of Winooski	Kupersmith of S. Burlington	Reese of Pomfret
Darrow of Dummerston	Larocque of Barnet	Shand of Weathersfield
Dates of Shelburne	Larson of Burlington	Smith of Morristown
Donaghy of Poultney	Lawrence of Lyndon	Sunderland of Rutland Town
Dostis of Waterbury	Livingston of Manchester	Sweeney of Windsor
Dowland of Holland	Lorber of Burlington	Tracy of Burlington
Dunsmore of Georgia	Louras of Rutland City	Trombley of Grand Isle
Emmons of Springfield	Maier of Middlebury	Turner of Milton
Evans of Essex	Malcolm of Pawlet	Westman of Cambridge
Flory of Pittsford	Marron of Stowe	Winters of Swanton
Frank of Underhill	McAllister of Highgate	Winters of Williamstown
French of Randolph	McFaun of Barre Town	Wright of Burlington
Grad of Moretown	Milkey of Brattleboro	Young of Orwell
Green of Berlin	Miller of Shaftsbury	Zuckerman of Burlington
Head of S. Burlington	Minter of Waterbury	
	Molloy of Arlington	

Those who voted in the negative are:

Audette of S. Burlington	Fallar of Tinmouth	Komline of Dorset
Barnard of Richmond	Fisher of Lincoln	Lippert of Hinesburg
Deen of Westminster	Haas of Rochester	Marek of Newfane
Donovan of Burlington	Kiss of Burlington	Martin of Wolcott
Edwards of Brattleboro	Klein of East Montpelier	McCullough of Williston

McLaughlin of Royalton
Mook of Bennington

Nuovo of Middlebury
Pellett of Chester

Pillsbury of Brattleboro
Sharpe of Bristol

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

Acinapura of Brandon
Allaire of Rutland City
Aswad of Burlington
Atkins of Winooski
Clark of Vergennes
Clarkson of Woodstock
Condon of Colchester
DePoy of Rutland City
Donahue of Northfield
Endres of Milton
Errecart of Shelburne
Gervais of Enosburg

Houston of Ferrisburgh
Howrigan of Fairfield
Hutchinson of Randolph
Jewett of Ripton
Keenan of St. Albans City
Kitzmiller of Montpelier
Larrabee of Danville
LaVoie of Swanton
Leriche of Hardwick
Marcotte of Coventry
Martin of Springfield
Masland of Thetford

Miller of Elmore
Monti of Barre City
Morley of Barton
Otterman of Topsham
Rodgers of Glover
Rusten of Halifax
Seibert of Norwich
Severance of Colchester
Shaw of Derby
Smith of New Haven
Valliere of Barre City

Pending the question, Shall the bill be read a third time? **Rep. Morrissey of Bennington** 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, 62. Nays, 48.

Those who voted in the affirmative are:

Barnard of Richmond
Bohi of Hartford
Botzow of Pownal
Brooks of Montpelier
Chen of Mendon
Copeland-Hanzas of
Bradford
Corcoran of Bennington
Deen of Westminster
Donovan of Burlington
Dostis of Waterbury
Dowland of Holland
Edwards of Brattleboro
Emmons of Springfield
Evans of Essex
Fallar of Tinmouth
Fisher of Lincoln
Frank of Underhill
Green of Berlin
Haas of Rochester
Head of S. Burlington

Heath of Westford
Hosford of Waitsfield
Howard of Rutland City
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Keogh of Burlington
Kiss of Burlington
Klein of East Montpelier
Kupersmith of S. Burlington
Larson of Burlington
Lippert of Hinesburg
Lorber of Burlington
Maier of Middlebury
Marek of Newfane
Martin of Wolcott
McCullough of Williston
Milkey of Brattleboro
Miller of Shaftsbury
Minter of Waterbury
Molloy of Arlington

Mook of Bennington
Nease of Johnson
Nitka of Ludlow
Nuovo of Middlebury
Obuchowski of Rockingham
Orr of Charlotte
Partridge of Windham
Pellett of Chester
Peterson of Williston
Pillsbury of Brattleboro
Potter of Clarendon
Pugh of S. Burlington
Randall of Troy
Reese of Pomfret
Shand of Weathersfield
Sharpe of Bristol
Sweaney of Windsor
Tracy of Burlington
Trombley of Grand Isle
Wright of Burlington
Zuckerman of Burlington

Those who voted in the negative are:

Adams of Hartland

Allard of St. Albans Town

Audette of S. Burlington

Baker of West Rutland	Hudson of Lyndon	McLaughlin of Royalton
Bartlett of Dover	Johnson of Canaan	Morrissey of Bennington
Bostic of St. Johnsbury	Kainen of Hartford	Myers of Essex
Branagan of Georgia	Kilmartin of Newport City	Niquette of Colchester
Brennan of Colchester	Koch of Barre Town	O'Donnell of Vernon
Canfield of Fair Haven	Komline of Dorset	Parent of St. Albans City
Clark of St. Johnsbury	Krawczyk of Bennington	Peaslee of Guildhall
Darrow of Dummerston	Larocque of Barnet	Perry of Richford
Dates of Shelburne	Lawrence of Lyndon	Smith of Morristown
Donaghy of Poultney	Livingston of Manchester	Sunderland of Rutland Town
Dunsmore of Georgia	Louras of Rutland City	Turner of Milton
Flory of Pittsford	Malcolm of Pawlet	Westman of Cambridge
Grad of Moretown	Marron of Stowe	Winters of Swanton
Helm of Castleton	McAllister of Highgate	Winters of Williamstown
Hube of Londonderry	McFaun of Barre Town	Young of Orwell

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

Acinapura of Brandon	French of Randolph	Martin of Springfield
Allaire of Rutland City	Gervais of Enosburg	Masland of Thetford
Ancl of Calais	Houston of Ferrisburgh	Miller of Elmore
Aswad of Burlington	Howrigan of Fairfield	Monti of Barre City
Atkins of Winooski	Hunt of Essex	Morley of Barton
Clark of Vergennes	Hutchinson of Randolph	Otterman of Topsham
Clarkson of Woodstock	Keenan of St. Albans City	Rodgers of Glover
Condon of Colchester	Kennedy of Chelsea	Rusten of Halifax
Cross of Winooski	Kitzmiller of Montpelier	Seibert of Norwich
DePoy of Rutland City	Larabee of Danville	Severance of Colchester
Donahue of Northfield	LaVoie of Swanton	Shaw of Derby
Endres of Milton	Leriche of Hardwick	Smith of New Haven
Errecart of Shelburne	Marcotte of Coventry	Valliere of Barre City

Adjournment

At ten o'clock and fifteen minutes in the evening, on motion of Rep. **Sunderland of Rutland Town**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.

FRIDAY, MARCH 17, 2006

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

Devotional Exercises

Devotional exercises were conducted by Representative Carolyn Branagan of Georgia.

Joint Resolution Referred to Committee**J.R.H. 64**

Reps. Keenan of St. Albans City, Shand of Weathersfield and Young of Orwell offered a joint resolution, entitled

Joint resolution urging the public service board to issue a certificate of public good to EMDC, LLC d/b/a East Haven Windfarm for the construction and operation of a commercial wind farm on the summit of East Mountain in East Haven;

Whereas, much controversy has resulted from the petition pending before the public service board (PSB) for the granting of a certificate of public good (CPG), pursuant to section 248 of Title 30, for EMDC, LLC d/b/a East Haven Windfarm (EMDC) to construct and operate a four-turbine six-megawatt commercial wind farm on the summit of East Mountain in East Haven in the heart of the Northeast Kingdom, and

Whereas, issues of aesthetics, environmental protection (especially of a large tract of the former Champion Lands that Essex Timber Company owns and that was recently preserved as a working forest), and economic exploitation have surrounded the petition, and

Whereas, PSB hearing officer Kurt Janson has recommended that the PSB deny the requested CPG on grounds that it is incompatible with the surrounding Champion Lands, which the state helped to preserve at the cost of millions of dollars, and that the proposal does not comport with the regional plan, and

Whereas, notwithstanding the hearing officer's recommendations, a close review of his findings reveals many conclusions which in combination argue convincingly for the PSB to act contrary to the hearing officer's overall recommendation, and

Whereas, the 329-foot wind turbines would produce electricity that would be sold entirely to a local municipal electric company, the Lyndonville Electric Department (LED), and

Whereas, the power will be sold to LED at five percent below market cost and will decrease slightly the market price for electricity with the greatest economic benefit for individuals in the Northeast Kingdom who reside nearer the project, and

Whereas, LED ratepayers will not be exposed to financial risk, and

Whereas, not only is this newly available electric power being sold locally and at five percent below market cost, it would also help meet the regional need for electric power derived from renewable resources, and

Whereas, opponents of the project have stated that demand-side lifestyle changes could substitute for the need for renewable power, and this is an argument the hearing officer rejected, and

Whereas, the Vermont Electric Power Company, Central Vermont Public Service Corporation, and LED have determined that the project will not have a negative impact on the local electric system's stability and reliability, provided it is constructed and operated as proposed, and

Whereas, the wind turbines, transformers, and power lines would utilize a number of systems to isolate the project from the power grid in the event of equipment failure, and

Whereas, increased local employment would occur both from short-term construction jobs and longer-term system operation, and

Whereas, the project would not jeopardize unreasonably public safety, and

Whereas, the EMDC wind farm would not affect adversely water or air quality nor produce excessive noise levels, and

Whereas, the project would meet all applicable health and environmental regulations related to the reduction of the quality of the ground water or surface waters flowing through or upon headwaters areas and for waste disposal, and

Whereas, the wind farm will not require water to sustain its operation nor will it violate the state's wetlands rules, and

Whereas, this project will not precipitate unreasonable soil erosion, and

Whereas, among the hearing officer's most significant findings was that the project will not have "an undue adverse impact on any rare and irreplaceable natural areas" subject to the implementation of specified conditions, and this finding includes an old-growth area close to the site, and

Whereas, this small a wind farm is unlikely to impact significantly the migratory bird population, and the hearing officer acknowledged the Agency of Natural Resources, statement that a project containing only four turbines will probably not result in a large number of bat deaths, and

Whereas, in 2005, the General Assembly enacted Act 61 supporting the development of in-state renewable energy, and

Whereas, the color of the turbines has been specially selected to minimize their visual impact, and the noise of the turbines can only be heard for short distances from the site which is located in an extremely sparsely populated area, and

Whereas, the hearing officer concluded that the project would not violate any clearly written community standard, and that the view of the wind farm from the properties of local residents would not diminish the scenic qualities of the area, and

Whereas, the portions of the former Champion Lands from which viewers would have a prominent view of the turbines used for snowmobiling, logging, and other activities inconsistent with true wilderness areas, and

Whereas, the public investment in these lands was to purchase a public access easement, and the presence of a commercial wind farm on nearby private property will not significantly diminish the easement, and

Whereas, all of these conclusions are more than sufficient to negate the hearing officer's recommendation to the PSB that the petition for a CPG be denied, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges the PSB, notwithstanding the recommendation of its hearing officer, to approve the petition of EMDC, LLC d/b/a East Haven Windfarm for the construction and operation of a commercial wind farm on the summit of East Mountain in East Haven, and be it further

Resolved: That the secretary of state be directed to send a copy of this resolution to the public service board.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Natural Resources and Energy.

Joint Resolution Adopted in Concurrence

J.R.S. 60

Joint resolution, entitled

Joint resolution relating to weekend adjournment;

By Senator Mazza,

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, March 17, 2006, it be to meet again no later than Tuesday, March 21, 2006.

Was taken up read and adopted in concurrence.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 877

House bill, entitled

An act relating to funding of regional technical center school districts.

H. 879

House bill, entitled

An act relating to universal telecommunications service.

Bill Amended; Third Reading Ordered**H. 690**

Rep. Condon of Colchester, for the committee on Commerce, to which had been referred House bill, entitled

An act relating to the identification, documentation and advancement of the creative economy of the state's economy;

Reported in favor of its passage when amended as by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE FINDINGS AND INTENT

(a) The general assembly finds that the heritage, art, culture, innovation, and inventiveness of the people of Vermont are central to the fabric of each Vermont community, and that collectively they form the "creative economy" of the state, an economic sector that inspires innovation, creates jobs, and produces revenue throughout the state.

(b) It is therefore the intent of the general assembly, by this act, to identify and document Vermont's creative economy in order to engage and build the capacity of its cultural resources to reenergize communities, revitalize downtowns, and reactivate economic development that builds on heritage, preservation, creativity, innovation, and the entrepreneurial spirit.

Sec. 2. IDENTIFICATION AND DOCUMENTATION OF THE CREATIVE ECONOMY SECTOR

(a) The legislative joint fiscal office, with the assistance of the legislative council, shall undertake an analysis of the creative economy sector concept as it would apply to Vermont. The analysis shall include:

(1) A discussion of possible working definitions of the creative economy in the state, identifying and aggregating the creative, artistic, inventive, and cultural enterprises comprising that sector of the state's economy.

(2) A review of possible measures or indicators of economic benefits, costs, and contributions to the state from the creative economy sector.

(3) A survey of initiatives that have been adopted in other jurisdictions to promote creative economy endeavors.

(b) As part of the study the fiscal office shall invite input from the Agency of Commerce & Community Development, the University of Vermont and others interested in creative economy initiatives.

(c) The joint fiscal office and legislative council shall report any findings and analyses to the House Committee on Commerce, the House Committee on Ways and Means, the Senate Committee on Economic Development, Housing and General Affairs, and the Senate Committee on Finance on or before January 15, 2007.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Commerce agreed to and third reading ordered.

Bill Amended, Read Third Time; Consideration Interrupted by Recess

H. 869

House bill, entitled

An act relating to state's transportation program;

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

by adding a new Sec. 45 is added to read:

Sec. 45. 23 V.S.A. §1400b(c) is added to read:

(b) Any special municipal weight limits on highways or bridges shall be unenforceable unless they are on file with the department of motor vehicles within three working days of the date of posting. It shall be the responsibility of the municipality to keep records documenting the time and date a highway or bridge is posted, and to keep current restrictions on file with the department. The department may prescribe the format which is to be used when filing

restrictions under this section. The department of motor vehicles shall post on its World Wide Web site a listing of all towns, and the designated town highways within each town, that are subject to specific state truck weight limits and the penalties for violations as provided in section 1391a of this title.

Which was disagreed to.

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

By adding a new Sec. 45 to read as follows:

* * * Interstate Weight Limits - Congressional Approval * * *

Sec. 45 INTERSTATE WEIGHT LIMITS; CONGRESSIONAL APPROVAL

The secretary of transportation is directed to request the Vermont congressional delegation to pursue legislation authorizing the operation of 90,000 pound vehicles on the Dwight D. Eisenhower National System of Interstate and Defense Highways in Vermont.

Thereupon, **Rep. Leriche of Hardwick** asked and was granted leave of the House to withdraw her amendment.

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

First: By adding a Sec. 46 to read as follows:

Sec. 46. 19 V.S.A. § 10g(e) is amended to read:

(e) ~~In addition to the multiyear transportation program described in subsection (a) of this section, the agency shall annually present to the general assembly~~ The agency's annual transportation program shall include a description of all projects with respect to which:

(1) ~~the~~ The total project cost estimate exceeds \$5,000,000.00;

(2) ~~federal~~ Federal funds are proposed to be used to cover a portion of the project costs; and

(3) ~~approval~~ Approval of the proposed activity and expenditure of federal funds on the project would expose the state to potential liability to reimburse the federal government in the event the project is subsequently cancelled.

Second: By adding a Sec. 47 to read:

Sec. 47. 19 V.S.A. § 10g(n) is added to read:

(n) The agency's annual transportation program with respect to the proposed expenditure of all federal funds shall identify the federal fiscal year in which the proposed expenditure of federal funds was appropriated or anticipated to be appropriated by Congress.

Third: By adding a Sec. 48 to read:

Sec. 48. 19 V.S.A. § 10g(o) is added to read:

(o) The agency's annual transportation program shall include a program-by-program description of all federal funds which are available for expenditure during the ensuing state fiscal year to which the transportation program pertains as defined in this subsection. For purposes of this subsection, federal funds which are available for expenditure during the ensuing state fiscal year to which the transportation program pertains shall:

(1) Include all federal funds which were appropriated by Congress in prior fiscal years and which have not been expended pursuant to a prior fiscal year state transportation program, regardless of the obligation status of the federal funds;

(2) Include all federal funds which are anticipated by the agency to be appropriated by Congress during the course of the ensuing state fiscal year regardless of the obligation status of the federal funds;

(3) Limit the scope of subdivisions (1) and (2) of this subsection by excluding all federal earmark funds designated for specific projects;

(4) Limit the scope of subdivisions (1) and (2) of this subsection by excluding all federal funds obligated to projects that have been identified pursuant to subsection (e) of this section in a previous annual transportation program; and

(5) Limiting the scope of subdivisions (1) and (2) of this subsection by excluding all federal funds identified in the statewide transportation improvement program (STIP) in effect as of the date of the agency's delivery of the proposed transportation program to the general assembly.

Fourth: By adding a Sec. 49 to read:

Sec. 49. 19 V.S.A. § 10g(p) is added to read:

(p) The agency's annual transportation program shall include a project-by-project description in each program of all proposed spending of funds for the development and evaluation of projects. In the approved annual

transportation program, these funds shall be reserved to the identified projects subject to the secretary's authority under subsection 10g(h) of this title.

Which was agreed to.

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

On page 24, Sec. 26, line 12 by striking out "\$38,349,046.00" and inserting in lieu thereof "\$27,115,046.00" and by striking out "\$37,000,000.00" and inserting in lieu thereof "\$25,766,000.00" and by deleting Secs. 39, 40 and 40(a).

Thereupon, **Rep. Howard of Rutland City** asked that the question be divided and the part "deleting Sec. 39, 40 & 40(a)" be voted on first. Then **Rep. Brooks of Montpelier** raised a Point of Order that this portion of the amendment is in violation of Rule 77 in that the same question was rejected yesterday, which Point of Order the Speaker ruled well taken and that portion of the amendment was stricken from the bill.

Thereupon, **Rep. Flory of Pittsford** asked and was granted leave of the House to withdraw the balance of her amendment.

Pending third reading of the bill, **Rep. Flory of Pittsford** moved to recommit the bill to the committee on Ways and Means.

Pending the question, Shall the House recommit the bill to the committee on Ways and Means? **Rep. Partridge of Windham** 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 recommit the bill to the committee on Ways and Means? was decided in the negative. Yeas, 49. Nays, 89.

Those who voted in the affirmative are:

Acinapura of Brandon	Flory of Pittsford	Livingston of Manchester
Adams of Hartland	Helm of Castleton	Louras of Rutland City
Allard of St. Albans Town	Hube of Londonderry	Marcotte of Coventry
Baker of West Rutland	Hudson of Lyndon	McAllister of Highgate
Bartlett of Dover	Johnson of Canaan	Miller of Elmore
Canfield of Fair Haven	Kennedy of Chelsea	Morley of Barton
Clark of St. Johnsbury	Kilmartin of Newport City	Morrissey of Bennington
Clark of Vergennes	Koch of Barre Town	Myers of Essex
Dates of Shelburne	Komline of Dorset	Niquette of Colchester
DePoy of Rutland City	Krawczyk of Bennington	O'Donnell of Vernon
Donaghy of Poultney	Larocque of Barnet	Parent of St. Albans City
Donahue of Northfield	Larrabee of Danville	Peaslee of Guildhall
Dowland of Holland	LaVoie of Swanton	Pugh of S. Burlington
Endres of Milton	Lawrence of Lyndon	Severance of Colchester

Shaw of Derby
Smith of New Haven
Sunderland of Rutland Town

Turner of Milton
Valliere of Barre City
Winters of Swanton

Wright of Burlington

Those who voted in the negative are:

Allaire of Rutland City
Ancel of Calais
Aswad of Burlington
Atkins of Winooski
Audette of S. Burlington
Barnard of Richmond
Bohi of Hartford
Bostic of St. Johnsbury
Botzow of Pownal
Branagan of Georgia
Brennan of Colchester
Brooks of Montpelier
Chen of Mendon
Copeland-Hanzas of
Bradford
Corcoran of Bennington
Cross of Winooski
Darrow of Dummerston
Deen of Westminster
Donovan of Burlington
Dostis of Waterbury
Edwards of Brattleboro
Emmons of Springfield
Evans of Essex
Fallar of Tinmouth
Fisher of Lincoln
Frank of Underhill
Gervais of Enosburg
Grad of Moretown
Green of Berlin

Haas of Rochester
Head of S. Burlington
Heath of Westford
Hosford of Waitsfield
Howard of Rutland City
Howrigan of Fairfield
Hunt of Essex
Hutchinson of Randolph
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Keenan of St. Albans City
Kitzmiller of Montpelier
Klein of East Montpelier
Kupersmith of S. Burlington
Larson of Burlington
Leriche of Hardwick
Lippert of Hinesburg
Lorber of Burlington
Maier of Middlebury
Malcolm of Pawlet
Marek of Newfane
Marron of Stowe
Martin of Wolcott
Masland of Thetford
McCullough of Williston
McFaun of Barre Town
McLaughlin of Royalton
Milkey of Brattleboro
Miller of Shaftsbury

Minter of Waterbury
Molloy of Arlington
Monti of Barre City
Mook of Bennington
Nease of Johnson
Nitka of Ludlow
Nuovo of Middlebury
Obuchowski of Rockingham
Orr of Charlotte
Otterman of Topsham
Partridge of Windham
Pellett of Chester
Perry of Richford
Peterson of Williston
Pillsbury of Brattleboro
Potter of Clarendon
Randall of Troy
Reese of Pomfret
Rodgers of Glover
Rusten of Halifax
Seibert of Norwich
Shand of Weathersfield
Sharpe of Bristol
Smith of Morristown
Sweaney of Windsor
Tracy of Burlington
Trombley of Grand Isle
Westman of Cambridge
Winters of Williamstown
Young of Orwell

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

Clarkson of Woodstock
Condon of Colchester
Dunsmore of Georgia
Errecart of Shelburne

French of Randolph
Houston of Ferrisburgh
Kainen of Hartford
Keogh of Burlington

Kiss of Burlington
Martin of Springfield
Zuckerman of Burlington

Thereupon, the bill was read the third time.

Recess

At twelve o'clock and twenty minutes in the afternoon, the Speaker declared a recess until one o'clock and thirty minutes in the afternoon.

At one o'clock and forty-five minutes in the afternoon, the Speaker called the House to order.

Consideration Resumed; Bill Passed

H. 869

Consideration resumed on House bill, entitled

An act relating to state's transportation program;

Pending the question, Shall the bill pass? **Rep. Flory of Pittsford** 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, 90. Nays, 50.

Those who voted in the affirmative are:

Allaire of Rutland City	Head of S. Burlington	Minter of Waterbury
Ancel of Calais	Heath of Westford	Molloy of Arlington
Aswad of Burlington	Helm of Castleton	Mook of Bennington
Atkins of Winooski	Hosford of Waitsfield	Nease of Johnson
Audette of S. Burlington	Howard of Rutland City	Nitka of Ludlow
Barnard of Richmond	Howrigan of Fairfield	Nuovo of Middlebury
Bohi of Hartford	Hunt of Essex	Obuchowski of Rockingham
Bostic of St. Johnsbury	Hutchinson of Randolph	O'Donnell of Vernon
Botzow of Pownal	Jerman of Essex	Orr of Charlotte
Brennan of Colchester	Jewett of Ripton	Partridge of Windham
Brooks of Montpelier	Johnson of South Hero	Pellett of Chester
Chen of Mendon	Keenan of St. Albans City	Perry of Richford
Copeland-Hanzas of	Keogh of Burlington	Peterson of Williston
Bradford	Kitzmiller of Montpelier	Potter of Clarendon
Corcoran of Bennington	Klein of East Montpelier	Pugh of S. Burlington
Cross of Winooski	Koch of Barre Town	Randall of Troy
Darrow of Dummerston	Kupersmith of S. Burlington	Reese of Pomfret
Deen of Westminster	Larson of Burlington	Rodgers of Glover
Donaghy of Poultney	Leriche of Hardwick	Rusten of Halifax
Donovan of Burlington	Lippert of Hinesburg	Seibert of Norwich
Dostis of Waterbury	Maier of Middlebury	Severance of Colchester
Edwards of Brattleboro	Malcolm of Pawlet	Shand of Weathersfield
Emmons of Springfield	Marek of Newfane	Sharpe of Bristol
Evans of Essex	Marron of Stowe	Smith of Morristown
Fallar of Tinmouth	Martin of Wolcott	Sweaney of Windsor
Fisher of Lincoln	Masland of Thetford	Tracy of Burlington
Frank of Underhill	McCullough of Williston	Trombley of Grand Isle
French of Randolph	McFaun of Barre Town	Westman of Cambridge
Gervais of Enosburg	McLaughlin of Royalton	Zuckerman of Burlington
Grad of Moretown	Milkey of Brattleboro	
Haas of Rochester	Miller of Shaftsbury	

Those who voted in the negative are:

Acinapura of Brandon	Hudson of Lyndon	Morley of Barton
Adams of Hartland	Johnson of Canaan	Morrissey of Bennington
Allard of St. Albans Town	Kennedy of Chelsea	Myers of Essex
Baker of West Rutland	Kilmartin of Newport City	Niquette of Colchester
Bartlett of Dover	Komline of Dorset	Otterman of Topsham
Branagan of Georgia	Krawczyk of Bennington	Parent of St. Albans City
Canfield of Fair Haven	Larocque of Barnet	Peaslee of Guildhall
Clark of St. Johnsbury	Larrabee of Danville	Shaw of Derby
Clark of Vergennes	LaVoie of Swanton	Smith of New Haven
Condon of Colchester	Lawrence of Lyndon	Sunderland of Rutland Town
Dates of Shelburne	Livingston of Manchester	Turner of Milton
DePoy of Rutland City	Lorber of Burlington	Valliere of Barre City
Donahue of Northfield	Louras of Rutland City	Winters of Swanton
Dowland of Holland	Marcotte of Coventry	Winters of Williamstown
Endres of Milton	McAllister of Highgate	Wright of Burlington
Flory of Pittsford	Miller of Elmore	Young of Orwell
Hube of Londonderry	Monti of Barre City	

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

Clarkson of Woodstock	Green of Berlin	Kiss of Burlington
Dunsmore of Georgia	Houston of Ferrisburgh	Martin of Springfield
Errecart of Shelburne	Kainen of Hartford	Pillsbury of Brattleboro

Rep. Botzow of Pownal explained his vote as follows:

"Madam Speaker:

Let's remember that for every 20 cents we raise, we receive 80 cents in federal funds to help fix our deteriorating roads and bridges. That's great leverage of our dollars and, most importantly, that's safer roads and bridges."

Rep. Donahue of Northfield explained her vote as follows:

"Madam Speaker:

I never expected to see the day that as a Republican I would have to vote against a regressive tax supported by Democrats."

Rep. Koch of Barre Town explained his vote as follows:

"Madam Speaker:

I vote today to support a better transportation system and the work that our Transportation committee has done to plan our system improvements. I do not, however, support the tax package contained in this bill. As a member of this House, I have often said a short prayer of thanks that I do not live in Nebraska; as I vote for this bill, I pin my hopes on the Vermont State Senate."

Rep. Marcotte of Coventry explained his vote as follows:

“Madam Speaker:

I would like to let the Transportation and Ways and Means committees know that I sincerely wish to thank them for their hard work on H. 869. I am sorry that I cannot support this bill because of one of the funding mechanisms: raising the gas and diesel tax. I firmly believe that we must find the funds to match the federal dollars, however, not by raising the gas and diesel tax. It is time that we, as legislators, begin to take responsibility and start budgeting within our means, just as the citizens of our state do. Why do we want to try and break the financial backs of our most vulnerable through increased taxes? Many have said how difficult it is to raise taxes. I say it is the easy way out. Why are we on such a tight schedule that Ways and Means doesn't have time to explore other areas to raise the needed funds? Shame on us.”

Rep. Nease of Johnson explained his vote as follows:

“Madam Speaker:

I voted yes. No one likes the idea of imposing a gas tax, but the alternative – increased property taxes – is completely unacceptable. Under the Governor's proposal to raid the education fund, a Vermont family earning fifty thousand dollars would pay over \$100 in property taxes. Under this bill, that same Vermonter, if they drive 20,000 miles a year in a car that averages 20 miles to the gallon, will pay less than \$45.00 in gas taxes.”

Rep. Niquette of Colchester explained her vote as follows:

“Madam Speaker:

While I agree we need to raise the monies necessary to receive the Federal matching funds and repair our roads and bridges, I reluctantly vote no because I cannot support raising gas and diesel fuel taxes. I believe the increase fuel taxes will create harmful economic consequences for Vermonters, especially for our low and moderate income individuals and families, our farmers, our tourism and recreational industries, and our businesses, especially our small businesses.”

Rep. Shaw of Derby explained his vote as follows:

“Madam Speaker:

I voted no on H. 869 for the following reasons: Truckers have a fuel range of well over a thousand miles, so you will not be gaining revenue from them. Our local businesses however, will be the ones to suffer, by them passing the increase onto the consumer will only be another form of creating inflation. The whole Transportation Department needs to be looked at, and we as

legislators should make sure that they have the proper funds earmarked to do the job.”

Rep. Turner of Milton explained his vote as follows:

“Madam Speaker:

I am torn today, I feel that I had no choice but to vote against this bill in order to stand up for not raising gas and diesel fuel taxes.

It amazes me that in an era when our constituents and their employers, our Vermont businesses, are having to implement cost saving measures just to survive the ever increasing cost of doing business in this state but, we the (state-as most people outside this building refer to the government) are not willing to do the same and cut our government operations costs to implement this plan. I am not will to tell the people to just suck it up! And you need to pay just a little bit more!”

Rep. Zuckerman of Burlington explained his vote as follows:

“Madam Speaker:

It is easy to vote no. It is easy to criticize, it is easy to get money for local projects, but it is hard to pay for it and it is hard to come up with alternative proposals.

For all of the explanations I did not hear proposals for alternatives. It is also the job of those who criticize, to work to come up with those alternatives.”

Third Reading; Bill Passed in Concurrence With Proposals of Amendment

S. 164

Senate bill, entitled

An act relating to elections and voter registration;

Was taken up, and pending third reading of the bill, **Reps. Smith of Morristown, Fallar of Tinmouth, Leriche of Hardwick, Obuchowski of Rockingham and Pugh of South Burlington** moved to propose to the Senate to amend the bill by striking Sec. 8 in its entirety and inserting in lieu thereof the following:

Sec. 8. EFFECTIVE DATE

(a) This section and Secs. 1 (voter's oath), 4 (write-in candidates), 5 (deposit of early voter absentee ballots), and 6 (voter participation) shall take effect July 1, 2006.

(b) Secs. 2 (deadline for voter application), 3 (same-day voter registration), 7 (survey of elections expenses for same-day voter registration), 7a (additional election officer expenses), and 7b (voter fraud signs) shall take effect

January 1, 2008.

Which was agreed to.

Pending third reading of the bill, **Reps. Fallar of Tinmouth and Obuchowski of Rockingham** moved to propose to the Senate to amend the bill as follows:

By adding Sec. 7c as follows:

Sec. 7c. STATEWIDE VOTER CHECKLIST REPORT

By no later than January 15, 2007, the secretary of state shall report to the house and senate committees on government operations regarding the status of implementation of the statewide voter checklist required by 17 V.S.A. § 2154. In preparing the report, the secretary shall survey each town clerk of the state regarding the efficacy of, problems associated with, and ease of use of the checklist. The report shall include a summary of the town clerk survey and an assessment by the secretary of state regarding the success of implementation of the checklist.

Which was agreed to.

Pending third reading of the bill, **Rep. Flory of Pittsford** moved to propose to the Senate to amend the bill as follows:

By striking Sec. 2 in its entirety, and inserting in lieu thereof a new Sec. 2 as follows:

Sec. 2 § 2144. DEADLINE FOR APPLICATIONS

(a) The town clerk shall not accept applications for persons' names to be placed on the checklist after ~~12:00 noon on the second Monday~~ 5:00 p.m. on the Thursday preceding the day of the election. The town clerk's office shall be kept open on the ~~second Monday~~ Thursday preceding the day of the election from no later than 10:00 a.m. until ~~12:00 noon~~ 5:00 p.m. for the purpose of receiving applications for addition to the checklist. For purposes of this subsection, a mail application or an application submitted to the department of motor vehicles in connection with a motor vehicle driver's license or an application accepted by a voter registration agency shall be considered to have met the filing deadline established by this subsection if the application is postmarked, submitted or accepted by ~~12:00 noon~~ 5:00 p.m. of the ~~second Monday~~ Thursday preceding the day of the election.

(b) If a person is not eligible to register prior to the ~~second Monday~~ Thursday before the day of election, but expects to be eligible on or before election day, he or she may file with the town clerk a written notice of intention to apply for addition of his or her name to the checklist. The notice shall be filed prior to noon of the ~~second Monday~~ Thursday preceding the day of election, and the town clerk shall then accept the person's application at any time before the close of the polls on election day, and act upon the application forthwith.

(c) If a person is not eligible to register prior to the ~~second Monday~~ Thursday before the day of the election, and has submitted a written notice of intent to apply in accord with subsection (b) of this section, the clerk shall, upon application, allow the applicant to vote absentee. If the application is approved and the name added to the checklist prior to the close of the polls on election day, the early or absentee ballots cast by that voter shall be treated as other valid early or absentee ballots.

(d) In the case of annual meetings and towns that start their annual meetings on any day preceding the first Tuesday in March as authorized in section 2640(b) of this title, the "day of election" shall be the first Tuesday in March.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by Rep. Flory of Pittsford? **Rep. Miller of Elmore** 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 propose to the Senate to amend the bill as recommended by Rep. Flory of Pittsford? was decided in the negative. Yeas, 54. Nays, 67.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Allaire of Rutland City
Allard of St. Albans Town
Ancel of Calais
Audette of S. Burlington
Baker of West Rutland
Bartlett of Dover
Bostic of St. Johnsbury
Branagan of Georgia
Canfield of Fair Haven
Clark of St. Johnsbury
Clark of Vergennes
Corcoran of Bennington
Dates of Shelburne
DePoy of Rutland City
Donaghy of Poultney

Donahue of Northfield
Dowland of Holland
Endres of Milton
Flory of Pittsford
Helm of Castleton
Howard of Rutland City
Howrigan of Fairfield
Hudson of Lyndon
Kennedy of Chelsea
Kilmartin of Newport City
Koch of Barre Town
Komline of Dorset
Krawczyk of Bennington
Larrabee of Danville
LaVoie of Swanton
Lawrence of Lyndon
Louras of Rutland City

Marcotte of Coventry
Marron of Stowe
McFaun of Barre Town
McLaughlin of Royalton
Miller of Elmore
Morley of Barton
Morrissey of Bennington
Niquette of Colchester
O'Donnell of Vernon
Parent of St. Albans City
Peaslee of Guildhall
Perry of Richford
Severance of Colchester
Smith of New Haven
Sunderland of Rutland Town
Turner of Milton
Valliere of Barre City

Westman of Cambridge

Wright of Burlington

Young of Orwell

Those who voted in the negative are:

Atkins of Winooski

Heath of Westford

Minter of Waterbury

Barnard of Richmond

Hosford of Waitsfield

Monti of Barre City

Bohi of Hartford

Hunt of Essex

Mook of Bennington

Botzow of Pownal

Hutchinson of Randolph

Nease of Johnson

Brooks of Montpelier

Jerman of Essex

Nitka of Ludlow

Chen of Mendon

Johnson of South Hero

Nuovo of Middlebury

Copeland-Hanzas of

Keenan of St. Albans City

Obuchowski of Rockingham

Bradford

Keogh of Burlington

Orr of Charlotte

Cross of Winooski

Kitzmiller of Montpelier

Partridge of Windham

Darrow of Dummerston

Klein of East Montpelier

Peterson of Williston

Deen of Westminster

Kupersmith of S. Burlington

Potter of Clarendon

Donovan of Burlington

Larson of Burlington

Pugh of S. Burlington

Dostis of Waterbury

Lerich of Hardwick

Randall of Troy

Edwards of Brattleboro

Lippert of Hinesburg

Reese of Pomfret

Emmons of Springfield

Lorber of Burlington

Rusten of Halifax

Evans of Essex

Maier of Middlebury

Seibert of Norwich

Fallar of Tinmouth

Malcolm of Pawlet

Shand of Weathersfield

Fisher of Lincoln

Marek of Newfane

Sharpe of Bristol

Frank of Underhill

Martin of Wolcott

Sweaney of Windsor

French of Randolph

Masland of Thetford

Tracy of Burlington

Green of Berlin

McCullough of Williston

Trombley of Grand Isle

Haas of Rochester

Milkey of Brattleboro

Zuckerman of Burlington

Head of S. Burlington

Miller of Shaftsbury

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

Aswad of Burlington

Jewett of Ripton

Otterman of Topsham

Brennan of Colchester

Johnson of Canaan

Pellett of Chester

Clarkson of Woodstock

Kainen of Hartford

Pillsbury of Brattleboro

Condon of Colchester

Kiss of Burlington

Rodgers of Glover

Dunsmore of Georgia

Larocque of Barnet

Shaw of Derby

Errecart of Shelburne

Livingston of Manchester

Smith of Morristown

Gervais of Enosburg

Martin of Springfield

Winters of Swanton

Grad of Moretown

McAllister of Highgate

Winters of Williamstown

Houston of Ferrisburgh

Molloy of Arlington

Hube of Londonderry

Myers of Essex

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

By striking Sec. 7b.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by Rep. Barnard of Richmond? **Rep. Parent of St. Albans City** moved to substitute the following proposal of amendment for the proposal of amendment offered by Rep. Barnard of Richmond, as follows:

In Sec. 7b, in §2510, in the first sentence, by striking the words “three inches” and inserting in lieu thereof the words “one inch”.

Which was disagreed to.

The recurring question, Shall the House propose to the Senate to amend the bill as recommended by Rep. Barnard of Richmond? Was agreed to.

Pending third reading of the bill **Reps. Clark of Vergennes and Endres of Milton** moved to propose to the Senate to amend the bill as follows:

By adding a Sec. 9 to read as follows:

Sec. 9. SUNSET

Secs. 2(b) and (e) (same day voter registration, 3 (same day voter registration), 7 (survey of elections expenses for same-day voter registration) 7a (additional election officer expenses), of this act shall be repealed if the secretary of state fails to receive a waiver of the relevant requirements of the National Voter Registration Act (motor voter act), 42 U.S.C. §§ 1973gg to 1973gg-10, as they apply to the state of Vermont, within 180 days of January 1, 2008.

Which was agreed to on a Division Vote. Yeas, 58. Nays, 34.

Thereupon, the bill was read the third time.

Pending the question, Shall the bill pass? **Rep. Louras of Rutland City** moved to commit the bill to the committee on Judiciary.

Pending the question, Shall the House commit the bill to the committee on Judiciary? **Rep. Partridge of Windham** 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 commit the bill to the committee on Judiciary? was decided in the negative. Yeas, 42. Nays, 71.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Allaire of Rutland City
Allard of St. Albans Town
Baker of West Rutland
Bartlett of Dover
Bostic of St. Johnsbury
Branagan of Georgia
Canfield of Fair Haven
Clark of St. Johnsbury
Clark of Vergennes
Dates of Shelburne
Donaghy of Poultney

Donahue of Northfield
Endres of Milton
Flory of Pittsford
Green of Berlin
Helm of Castleton
Hudson of Lyndon
Kennedy of Chelsea
Komline of Dorset
Krawczyk of Bennington
Larrabee of Danville
LaVoie of Swanton
Lawrence of Lyndon
Louras of Rutland City

Marcotte of Coventry
McFaun of Barre Town
Miller of Elmore
Morley of Barton
Morrissey of Bennington
Niquette of Colchester
O'Donnell of Vernon
Parent of St. Albans City
Peaslee of Guildhall
Smith of New Haven
Sunderland of Rutland Town
Turner of Milton
Valliere of Barre City

Westman of Cambridge

Wright of Burlington

Young of Orwell

Those who voted in the negative are:

Ancel of Calais

Heath of Westford

McCullough of Williston

Atkins of Winooski

Hosford of Waitsfield

McLaughlin of Royalton

Audette of S. Burlington

Howard of Rutland City

Milkey of Brattleboro

Barnard of Richmond

Hunt of Essex

Miller of Shaftsbury

Bohi of Hartford

Hutchinson of Randolph

Minter of Waterbury

Botzow of Pownal

Jerman of Essex

Mook of Bennington

Brooks of Montpelier

Johnson of South Hero

Nease of Johnson

Chen of Mendon

Keenan of St. Albans City

Nitka of Ludlow

Copeland-Hanzas of

Keogh of Burlington

Nuovo of Middlebury

Bradford

Kilmartin of Newport City

Obuchowski of Rockingham

Cross of Winooski

Kitzmiller of Montpelier

Orr of Charlotte

Darrow of Dummerston

Klein of East Montpelier

Partridge of Windham

Deen of Westminster

Koch of Barre Town

Peterson of Williston

Donovan of Burlington

Kupersmith of S. Burlington

Potter of Clarendon

Dostis of Waterbury

Larson of Burlington

Pugh of S. Burlington

Dowland of Holland

Lerich of Hardwick

Randall of Troy

Edwards of Brattleboro

Lippert of Hinesburg

Reese of Pomfret

Emmons of Springfield

Lorber of Burlington

Rusten of Halifax

Evans of Essex

Maier of Middlebury

Seibert of Norwich

Fallar of Tinmouth

Malcolm of Pawlet

Shand of Weathersfield

Fisher of Lincoln

Marek of Newfane

Sharpe of Bristol

Frank of Underhill

Marron of Stowe

Sweaney of Windsor

Haas of Rochester

Martin of Wolcott

Tracy of Burlington

Head of S. Burlington

Masland of Thetford

Zuckerman of Burlington

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

Aswad of Burlington

Howrigan of Fairfield

Myers of Essex

Brennan of Colchester

Hube of Londonderry

Otterman of Topsham

Clarkson of Woodstock

Jewett of Ripton

Pellett of Chester

Condon of Colchester

Johnson of Canaan

Perry of Richford

Corcoran of Bennington

Kainen of Hartford

Pillsbury of Brattleboro

DePoy of Rutland City

Kiss of Burlington

Rodgers of Glover

Dunsmore of Georgia

Larocque of Barnet

Severance of Colchester

Errecart of Shelburne

Livingston of Manchester

Shaw of Derby

French of Randolph

Martin of Springfield

Smith of Morristown

Gervais of Enosburg

McAllister of Highgate

Trombley of Grand Isle

Grad of Moretown

Molloy of Arlington

Winters of Swanton

Houston of Ferrisburgh

Monti of Barre City

Winters of Williamstown

Pending the question, Shall the bill pass? **Reps. Kilmartin of Newport City and Koch of Barre Town** asked leave of the House to offer the following amendment after third reading. Which was agreed to.

First: By adding a new Sec. 9. to read:

Sec. 9. 17 V.S.A. § 2011 is amended to read:

§ 2011. PERJURY BEFORE ~~BOARD~~ OFFICIAL MAKING CHECK LIST

A person who knowingly swears falsely to a fact or matter which may be the subject of inquiry by the board of civil authority, town clerk, presiding officer, or their designees or deputies acting on their behalf, in considering an application to vote, adding to the checklist, or revising the check list as provided in this title shall be guilty of perjury and imprisoned not more than fifteen years and fined not more than \$1,000.00, \$10,000.00, or both.

Second: By adding a new Sec. 10. to read:

Sec. 10 17 V.S.A. § 2011a is added to read:

2011a. MISREPRESENTATION

A person who knowingly misrepresents on an application to be added to the checklist any fact or matter material to his or her eligibility to vote in an election, or in a meeting of the municipality in which the application is made, shall be imprisoned for a period of not more than ten years or fined not more than \$7,500.00, or both.

Third: By adding a new Sec. 11. to read:

Sec. 11. 17 V.S.A. § 2011b is added to read:

§ 2011b. MULTIPLE ELECTION VOTING

A person who votes in any election in Vermont and who also votes in any election in another state, or the District of Columbia, on the same day shall be imprisoned for a period of not more than ten years or fined not more than \$7,500, or both.

These sections shall take effect upon passage.

Which was agreed to.

Pending the question, Shall the bill pass? **Rep. Flory of Pittsford** 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, 63. Nays, 45.

Those who voted in the affirmative are:

Atkins of Winooski
Audette of S. Burlington
Barnard of Richmond
Bohi of Hartford
Botzow of Pownal
Brooks of Montpelier
Chen of Mendon

Copeland-Hanzas of
Bradford
Cross of Winooski
Deen of Westminster
Donovan of Burlington
Dostis of Waterbury
Edwards of Brattleboro
Emmons of Springfield

Evans of Essex
Fallar of Tinmouth
Fisher of Lincoln
Frank of Underhill
Green of Berlin
Haas of Rochester
Head of S. Burlington
Heath of Westford

Hosford of Waitsfield
Howard of Rutland City
Hunt of Essex
Hutchinson of Randolph
Jerman of Essex
Johnson of South Hero
Keenan of St. Albans City
Keogh of Burlington
Kitzmiller of Montpelier
Klein of East Montpelier
Kupersmith of S. Burlington
Larson of Burlington
Leriche of Hardwick
Lippert of Hinesburg

Lorber of Burlington
Maier of Middlebury
Malcolm of Pawlet
Marek of Newfane
Martin of Wolcott
McCullough of Williston
Milkey of Brattleboro
Miller of Shaftsbury
Minter of Waterbury
Mook of Bennington
Nease of Johnson
Nitka of Ludlow
Nuovo of Middlebury
Obuchowski of Rockingham

Orr of Charlotte
Partridge of Windham
Pugh of S. Burlington
Randall of Troy
Reese of Pomfret
Rusten of Halifax
Seibert of Norwich
Shand of Weathersfield
Sharpe of Bristol
Sweaney of Windsor
Tracy of Burlington
Young of Orwell
Zuckerman of Burlington

Those who voted in the negative are:

Acinapura of Brandon
Adams of Hartland
Allaire of Rutland City
Allard of St. Albans Town
Baker of West Rutland
Bartlett of Dover
Bostic of St. Johnsbury
Branagan of Georgia
Canfield of Fair Haven
Clark of St. Johnsbury
Clark of Vergennes
Darrow of Dummerston
Dates of Shelburne
Donaghy of Poultney
Donahue of Northfield

Dowland of Holland
Endres of Milton
Flory of Pittsford
French of Randolph
Helm of Castleton
Hudson of Lyndon
Kennedy of Chelsea
Kilmartin of Newport City
Koch of Barre Town
Komline of Dorset
Krawczyk of Bennington
Larrabee of Danville
LaVoie of Swanton
Lawrence of Lyndon
Louras of Rutland City

Marcotte of Coventry
Marron of Stowe
McFaun of Barre Town
McLaughlin of Royalton
Miller of Elmore
Morley of Barton
Morrissey of Bennington
Niquette of Colchester
O'Donnell of Vernon
Parent of St. Albans City
Peaslee of Guildhall
Smith of New Haven
Sunderland of Rutland Town
Turner of Milton
Valliere of Barre City

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

Ancel of Calais
Aswad of Burlington
Brennan of Colchester
Clarkson of Woodstock
Condon of Colchester
Corcoran of Bennington
DePoy of Rutland City
Dunsmore of Georgia
Errecart of Shelburne
Gervais of Enosburg
Grad of Moretown
Houston of Ferrisburgh
Howrigan of Fairfield
Hube of Londonderry

Jewett of Ripton
Johnson of Canaan
Kainen of Hartford
Kiss of Burlington
Larocque of Barnet
Livingston of Manchester
Martin of Springfield
Masland of Thetford
McAllister of Highgate
Molloy of Arlington
Monti of Barre City
Myers of Essex
Otterman of Topsham
Pellett of Chester

Perry of Richford
Peterson of Williston
Pillsbury of Brattleboro
Potter of Clarendon
Rodgers of Glover
Severance of Colchester
Shaw of Derby
Smith of Morristown
Trombley of Grand Isle
Westman of Cambridge
Winters of Swanton
Winters of Williamstown
Wright of Burlington

Rep. Rusten of Halifax explained his vote as follows:

“Madam Speaker:

I was unable to be here yesterday for second reading. I would have voted ‘no’. The two amendments approved today to delay implementation until January 1, 2008, and the assessment of the statewide checklist are reasonable compromises that allow the next legislature to take appropriate action before implementation of same-day voter registration, if necessary. Also, I keep hearing Vermont should act more like New Hampshire.”

Committee Bill Introduced

H. 880

By the committee on Ways and Means,

An act relating to education finance simplification;

Which was read the first time and, under the rule, placed on the Calendar for notice tomorrow.

Rules Suspended; Bill Committed to Appropriations

H. 880

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Flory of Pittsford**, the rules were suspended and House bill, entitled

An act relating to education finance simplification;

Was taken up for immediate consideration.

On motion of **Rep. Flory of Pittsford** the bill was committed to the committee on Appropriations.

Message from the Senate No. 38

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 passed Senate bills of the following titles:

S. 34. An act relating to executive branch privatization contracts.

S. 58. An act relating to direct shipping of wine and beer.

S. 103. An act relating to lawsuits arising from exercise of right to freedom of speech or to petition government for redress of grievances.

S. 198. An act relating to establishing a “sorry works” program.

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

The Senate has considered a bill originating in the House of the following title:

H. 544. An act relating to the process for locating and altering municipal lines.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

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

J.R.S. 59. Joint resolution urging Congress to continue funding AmeriCorps *NCCC (National Civilian Community Corps).

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

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

S.C.R. 55. Senate concurrent resolution honoring the 2006 Vermont ambassadors to the American Cancer Society's celebration on the hill.

S.C.R. 56. Senate concurrent resolution congratulating the Woodstock Youth Hockey 2006 Vermont State "A" Girls U-14 championship team.

S.C.R. 57. Senate concurrent resolution congratulating the 2006 Bellows Free Academy-St. Albans Comets Division I championship girls hockey team.

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

H.C.R. 255. House concurrent resolution congratulating the Harwood Union High School jazz music program.

H.C.R. 256. House concurrent resolution recognizing the Maynard family of Moretown's 60 years of farming at the Bis-May farm.

H.C.R. 257. House concurrent resolution congratulating the Essex High School winners of the "We the People . . . the Citizen and the Constitution" 2006 state competition.

H.C.R. 258. House concurrent resolution welcoming the "Women Work" photographic exhibit to the State House during Women's History Month.

H.C.R. 259. House concurrent resolution congratulating Bill Lockwood on being named the Great Falls Regional Chamber of Commerce's 2006 Person of the Year.

Adjournment

At six o'clock and fifty-five minutes in the evening, on motion of **Rep. Sunderland of Rutland Town**, the House adjourned until Tuesday, March 21, 2006, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 60.

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 the Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 255

House concurrent resolution congratulating the Harwood Union High School jazz music program

H.C.R. 256

House concurrent resolution recognizing the Maynard family of Moretown's 60 years of farming at the Bis-May Farm

H.C.R. 257

House concurrent resolution congratulating the Essex High School winners of the "We the People . . . the Citizen and the Constitution" 2006 state competition

H.C.R. 258

House concurrent resolution welcoming the "Women Work" photographic exhibit to the State House during Women's History Month

H.C.R. 259

House concurrent resolution congratulating Bill Lockwood on being named the Great Falls Regional Chamber of Commerce's 2006 Person of the Year

S.C.R. 55.

Senate concurrent resolution honoring the 2006 Vermont ambassadors to the American Cancer Society's celebration on the hill.

S.C.R. 56.

Senate concurrent resolution congratulating the Woodstock Youth Hockey 2006 Vermont State "A" Girls U-14 championship team.

S.C.R. 57.

Senate concurrent resolution congratulating the 2006 Bellows Free Academy-St. Albans Comets Division I championship girls hockey team.

[The full text of the concurrent resolutions appeared in the Senate and House Calendar Addendum on the preceding legislative day and will appear in the volume of the Public Acts and Resolves of the 2006, sixty-eighth Adjourned session]

TUESDAY, MARCH 21, 2006

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

Devotional Exercises

Devotional exercises were conducted by Reverend Adelit Rukomangana of Christ Episcopal Church, Montpelier, VT.

Pledge of Allegiance

Page Anthony J. Kryazk of Jeffersonville led the House in the Pledge of Allegiance.

Committee Bill Introduced

H. 881

By the committee on Appropriations,

An act relating to making appropriations for the support of government;

Which was read the first time and, under the rule, placed on the Calendar for notice tomorrow.

Senate Bills Referred

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

S. 34

Senate bill, entitled

An act relating to executive branch privatization contracts;

To the committee on Government Operations.

S. 58

Senate bill, entitled

An act relating to direct shipping of wine and beer;

To the committee on General, Housing and Military Affairs.

S. 103

Senate bill, entitled

An act relating to lawsuits arising from exercise of right to freedom of speech or to petition government for redress of grievances;

To the committee on Judiciary.

S. 198

Senate bill, entitled

An act relating to establishing a “sorry works” program;

To the committee on Judiciary.

Joint Resolution Referred to Committee**J.R.H. 65**

Rep. Obuchowski of Rockingham offered a joint resolution, entitled

Joint resolution requesting the governor to enter into direct negotiations with senior officials of the province of Quebec and Hydro Quebec for a new contractual relationship;

Whereas, in 2012, the federal operating license for the Vermont Yankee nuclear power plant expires, and

Whereas, at different dates starting in 2016 and concluding in 2020, the power purchasing authority of each utility that is a party to the Hydro Québec – Vermont Joint Owner Contract will also expire, and

Whereas, in combination, these sources represent two-thirds of the electric power consumed in the state of Vermont, and

Whereas, regardless of future conservation and energy efficiency efforts, Vermonters’ demand for electric energy may continue to increase, and

Whereas, in the very near future, Vermont will have to come to grips with the fundamental trade-offs that are inevitable in choosing from various generation sources of electric power, and

Whereas, these trade-offs will involve crucial environmental, economic, and quality-of-life decisions that will affect Vermonters for decades, and

Whereas, alternative energy options have been considered to replace the amount of electric wattage that the combined Vermont Yankee and Hydro Québec power sources represent, including new power sources and additional consumer conservation practices, and

Whereas, two potential major energy sources extending the Vermont Yankee nuclear power plant's federal license or constructing large industrial wind farms on the state's mountain ridgelines have prompted controversy and opposition, and

Whereas, the least politically contentious option for replacing the power from Vermont Yankee and the currently contracted Hydro Québec power is the creation of a new long-term contractual relationship with Hydro Québec for the importation of clean hydropower from Canada, and

Whereas, in order for this objective to be achieved, the state of Vermont must enter into serious negotiations on the highest administrative level with officials from the province of Quebec and Hydro Québec, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly requests the governor to enter into direct negotiations with senior officials of the province of Quebec and Hydro Québec for a new, long-term, contractual relationship to commence upon the expiration of current agreements with Hydro Québec, and be it further

Resolved: That the governor is requested to submit a progress report to the General Assembly on the progress of these negotiations on or before January 15, 2007, now therefore be it further

Resolved by the Senate and House of Representatives:

That the Secretary of state be directed to send a copy of this resolution to the Governor.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Natural Resources and Energy.

Resolutions Placed on Calendar

The Speaker placed before the House the following resolutions which were read and in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

H.R. 15

House resolution designating the Republic of Vermont Celebration - Windsor Heritage Days as the official Vermont celebration of Vermont's independence

Offered by: Representatives Sweaney of Windsor, Deen of Westminster and Komline of Dorset

Whereas, from July 7 to 9, the town of Windsor will commemorate both Vermont's 14 years (1777 – 1791) as an independent republic, and Congress's acceptance, in 1791, of Vermont as the 14th state, and

Whereas, this celebration will commemorate the town of Windsor's central role in Vermont's founding and will encompass extensive exhibitions representing life as it existed when Vermont was born, and

Whereas, conventions leading to the creation of the first Vermont Constitution occurred in Westminster, Dorset, and finally in Windsor during June and July 1777, and on July 2, 1777, the Constitution of the Republic of Vermont was approved, and the birth of an independent nation became a reality six days later on July 8, and

Whereas, representatives and organizations from Westminster and Dorset are also invited to participate in the Windsor celebration in recognition of these towns' roles in Vermont's establishment as an independent republic, and

Whereas, one of the weekend's highlights will be the First Annual Vermont Independence Parade, honoring Vermont's history as an independent nation and featuring music, floats, and marchers from across the state, and

Whereas, the Eighth Annual Cavalcade of Horses Parade, a horse-drawn carriage parade and competition featuring a large contingent of restored 19th century units with costumed drivers, will be a much anticipated event, and

Whereas, the weekend's displays will include historic forms of transportation and military encampments to be stationed throughout Windsor, representing Vermonters' contributions across the centuries in battle from the Revolutionary War through World War II, and

Whereas, musical events throughout the weekend will feature selections from the 1770s through more contemporary pieces, and

Whereas, a reenactment of the Vermont Constitution's adoption and a modern debate featuring "delegates" from all over Vermont will take place, and

Whereas, the Vermont Chamber of Commerce has designated the Republic of Vermont Celebration – Windsor Heritage Days as a "top ten" summer event, now therefore be it

Resolved by the House of Representatives:

That this legislative body designates the Republic of Vermont Celebration – Windsor Heritage Days as the official Vermont celebration of Vermont's independence and wishes the organizers every success with all the planned festivities and programs, and be it further

Resolved: That the clerk of the house be directed to send a copy of this resolution to Windsor town administrator Donald Howard, to Westminster town clerk Doreen Woodward, to Dorset town clerk Sarah Pisonault, to the 2006 1777 Republic of Vermont Committee cochairs Kryisia Rodriguez and Rudolph J. Hanecak III, to the Vermont Division for Historic Preservation, and to the curator of the Old Constitution House, William Jenney, for public display at this Vermont historic site.

J.R.S. 59

By Senator Dunne,

Joint resolution urging Congress to continue funding AmeriCorps*NCCC (National Civilian Community Corps).

Whereas, AmeriCorps is a program of the Corporation for National and Community Service (CCNS) designed to enable Americans of all ages and backgrounds to give back to their nation through a commitment to national service, and

Whereas, an essential component of the AmeriCorps triad of national service programs, which also includes AmeriCorps*Vista and AmeriCorps*State and National, is AmeriCorps*NCCC, and

Whereas, AmeriCorps*NCCC's mission is "to strengthen communities and develop leaders through direct, team-based national and community service," and

Whereas, AmeriCorps*NCCC is modeled on the New Deal's Civilian Conservation Corps and the United States military, and it is premised "on the belief that civic responsibility is an inherent duty of all citizens," and

Whereas, five regional campus located in Perry Point, Maryland; Denver, Colorado; Washington, D.C.; Charleston, South Carolina; and Sacramento, California, serve as home base for the volunteers who must make an intensive 10-month commitment, and

Whereas, volunteers are assigned to teams, and after completing their training, the teams are sent to work on intensive short-term projects within their regions under the auspices of local and national nonprofit organizations, schools, municipalities, national and state parks, and Indian tribes, and

Whereas, the team projects include tutoring students, constructing and rehabilitating low-income housing, responding to natural disasters, cleaning up streams, helping communities develop emergency plans, and addressing many other community needs, and

Whereas, in announcing the 2007 CCNS budget, the President has proposed to eliminate AmeriCorps*NCCC, and

Whereas, this unwarranted budget cut would abandon a program that has brought untold benefits to communities across the country and enabled thousands of Americans to serve their nation in a most constructive manner, and

Whereas, although CCNS President David Eisner has indicated that the disaster response activities will be assumed in other CCNS programs, they were not designed to perform these critical tasks that are ideally suited for AmeriCorps*NCCC's specially trained teams, and

Whereas, in Vermont, the Bennington-Rutland Opportunity Council, the Vermont Center for the Deaf and Hard of Hearing at the Austine School, ARC of Central Vermont and New Hampshire Valley, the City of Winooski, and the Vermont Department of Veterans' Affairs have had teams assigned to their organizations, and

Whereas, another Vermont recipient of AmeriCorps*NCCC's services has been Dream Program Incorporated, a nonprofit corporation for which AmeriCorps*NCCC volunteer teams have tutored and mentored youth, organized communities, and developed trails and major infrastructure facilities at its camp for low-income youngsters, and

Whereas, the story of AmeriCorps*NCCC can be retold by hundreds of other nonprofit organizations nationwide, and

Whereas, the continuation of AmeriCorps*NCCC is essential for both the beneficiaries and the volunteers who derive an especially meaningful life's experience from their participation, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to continue funding at a reasonable level the AmeriCorps*NCCC program for 2007, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the President of the United States, to Corporation for National Service President David Eisner, and to the members of the Vermont Congressional delegation.

Vote Not Reconsidered

H. 869

Rep. Koch of Barre Town, assuring the Chair that he voted with the prevailing side the previous Legislative day when the House passed a bill, entitled

An act relating to the state's transportation program;
moved that the House reconsider its vote.

Pending the question, Shall the House reconsider its vote to pass H. 869? **Rep. Hube of Londonderry** 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 reconsider its vote to pass H. 869? was decided in the negative. Yeas, 55. Nays, 84.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Allaire of Rutland City
Allard of St. Albans Town
Baker of West Rutland
Bartlett of Dover
Bostic of St. Johnsbury
Branagan of Georgia
Brennan of Colchester
Canfield of Fair Haven
Clark of St. Johnsbury
Clark of Vergennes
Condon of Colchester
Dates of Shelburne
DePoy of Rutland City
Donaghy of Poultny
Donahue of Northfield
Dowland of Holland
Dunsmore of Georgia

Errecart of Shelburne
Flory of Pittsford
Helm of Castleton
Houston of Ferrisburgh
Hube of Londonderry
Hudson of Lyndon
Johnson of Canaan
Kennedy of Chelsea
Kilmartin of Newport City
Koch of Barre Town
Komline of Dorset
Krawczyk of Bennington
Larocque of Barnet
Larrabee of Danville
LaVoie of Swanton
Lawrence of Lyndon
Livingston of Manchester
Louras of Rutland City
Marcotte of Coventry

McFaun of Barre Town
Miller of Elmore
Monti of Barre City
Morley of Barton
Morrissey of Bennington
Myers of Essex
Niquette of Colchester
Parent of St. Albans City
Severance of Colchester
Shaw of Derby
Smith of New Haven
Turner of Milton
Valliere of Barre City
Winters of Swanton
Winters of Williamstown
Wright of Burlington
Young of Orwell

Those who voted in the negative are:

Ancel of Calais
Aswad of Burlington
Atkins of Winooski
Audette of S. Burlington
Barnard of Richmond
Bohi of Hartford
Botzow of Pownal
Brooks of Montpelier
Chen of Mendon

Clarkson of Woodstock
Copeland-Hanzas of
Bradford
Corcoran of Bennington
Cross of Winooski
Darrow of Dummerston
Deen of Westminster
Donovan of Burlington
Dostis of Waterbury

Emmons of Springfield
Evans of Essex
Fallar of Tinmouth
Fisher of Lincoln
Frank of Underhill
French of Randolph
Gervais of Enosburg
Grad of Moretown
Green of Berlin

Haas of Rochester
 Head of S. Burlington
 Heath of Westford
 Hosford of Waitsfield
 Howard of Rutland City
 Howrigan of Fairfield
 Hunt of Essex
 Jerman of Essex
 Jewett of Ripton
 Johnson of South Hero
 Kainen of Hartford
 Keenan of St. Albans City
 Keogh of Burlington
 Kitzmiller of Montpelier
 Klein of East Montpelier
 Kupersmith of S. Burlington
 Larson of Burlington
 Leriche of Hardwick
 Lippert of Hinesburg
 Lorber of Burlington

Maier of Middlebury
 Malcolm of Pawlet
 Marek of Newfane
 Marron of Stowe
 Martin of Wolcott
 Masland of Thetford
 McCullough of Williston
 McLaughlin of Royalton
 Milkey of Brattleboro
 Miller of Shaftsbury
 Minter of Waterbury
 Molloy of Arlington
 Nease of Johnson
 Nitka of Ludlow
 Nuovo of Middlebury
 Obuchowski of Rockingham
 O'Donnell of Vernon
 Orr of Charlotte
 Otterman of Topsham
 Partridge of Windham

Pellett of Chester
 Perry of Richford
 Peterson of Williston
 Pillsbury of Brattleboro
 Potter of Clarendon
 Randall of Troy
 Reese of Pomfret
 Rodgers of Glover
 Rusten of Halifax
 Seibert of Norwich
 Shand of Weathersfield
 Sharpe of Bristol
 Smith of Morristown
 Sweaney of Windsor
 Tracy of Burlington
 Trombley of Grand Isle
 Westman of Cambridge
 Zuckerman of Burlington

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

Edwards of Brattleboro
 Endres of Milton
 Hutchinson of Randolph
 Kiss of Burlington

Martin of Springfield
 McAllister of Highgate
 Mook of Bennington
 Peaslee of Guildhall

Pugh of S. Burlington
 Sunderland of Rutland Town

Rep. Deen of Westminster explained his vote as follows:

"Madam Speaker:

These are no found dollars until the Ways and Means bill passes the House, the Senate and is signed by the Governor. That is a long arduous path before we might actually have this supposed windfall. Counting on a windfall that might be is not a sound way to address a long-term road, bridge and public transit problem."

Rep. Evans of Essex explained her vote as follows:

"Madam Speaker:

I voted no because it is not a viable solution or fiscally sound to use one-time money to address a long-term problem with our infrastructure and at least a five year opportunity for federal appropriation is wrong."

Rep. Kilmartin of Newport City explained his vote as follows:

"Madam Speaker:

I vote yes. To do otherwise is to allow the already overly fattened bull of regressive taxation bull and jam his way out of the china shop of careful and thoughtful deliberation onto the highways and the by-ways of Vermont to stick and gore the most vulnerable of Vermont. The House should keep the bull in the china shop, and strip it of its horns and weight so that it does not injure the poor, elderly and vulnerable among us."

Rep. Livingston of Manchester explained her vote as follows:

"Madam Speaker:

I will not support raising what is a regressive tax on the Vermont public until all other sources have been exhausted."

Rep. Marcotte of Coventry explained his vote as follows:

"Madam Speaker:

As the owner of a convenience store with gas, I had to raise my gas price by eight cents last Friday. Can you guess the topic of conversation on Saturday and Sunday? Not only were people unhappy with the eight cent increase but the vast number of customers also know that I am a member of this chamber and they are not happy about this tax increase. I invite any member to join me next weekend at my store to face the music."

Rep. Shand of Weathersfield explained his vote as follows:

"Madam Speaker:

This motion to reconsider is a last minute, seat of the pants, quick fix. This quick fix very well may cost our local towns state transportation help with their roads and bridges. Do we really want to do that?"

Rep. Zuckerman of Burlington explained his vote as follows:

"Madam Speaker:

I am very pleased to hear from some members about their deep concern for the working poor and our state's most vulnerable.

I look forward to the day what those with similar concerns would vote for minimum wage increases, or universal health care to really alleviate some of the burdens that those individuals bear.

Please, do not play politics with poor people."

Vote Not Reconsidered

Rep. Young of Orwell, assuring the Chair that he voted with the prevailing side the previous Legislative day when the House passed a bill in concurrence with proposal of amendment, entitled

An act relating to elections and voter registration;
moved that the House reconsider its vote.

Pending the question, Shall the House reconsider its vote to pass S. 164 in concurrence with proposal of amendment? **Rep. Young of Orwell** 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 reconsider its vote to pass S. 164 in concurrence with proposal of amendment? was decided in the negative. Yeas, 56. Nays, 77.

Those who voted in the affirmative are:

Acinapura of Brandon
Adams of Hartland
Allaire of Rutland City
Allard of St. Albans Town
Baker of West Rutland
Bartlett of Dover
Brennan of Colchester
Canfield of Fair Haven
Clark of St. Johnsbury
Clark of Vergennes
Condon of Colchester
Dates of Shelburne
DePoy of Rutland City
Donaghy of Poultney
Donahue of Northfield
Dowland of Holland
Dunsmore of Georgia
Errecart of Shelburne
Flory of Pittsford

Grad of Moretown
Houston of Ferrisburgh
Howrigan of Fairfield
Hube of Londonderry
Hudson of Lyndon
Johnson of Canaan
Kainen of Hartford
Kennedy of Chelsea
Kilmartin of Newport City
Koch of Barre Town
Komline of Dorset
Krawczyk of Bennington
Larocque of Barnet
Larrabee of Danville
LaVoie of Swanton
Lawrence of Lyndon
Livingston of Manchester
Louras of Rutland City
Marcotte of Coventry

McFaun of Barre Town
Miller of Elmore
Morley of Barton
Morrisey of Bennington
Myers of Essex
Niquette of Colchester
O'Donnell of Vernon
Otterman of Topsham
Parent of St. Albans City
Shaw of Derby
Smith of New Haven
Turner of Milton
Valliere of Barre City
Westman of Cambridge
Winters of Swanton
Winters of Williamstown
Wright of Burlington
Young of Orwell

Those who voted in the negative are:

Ancel of Calais
Aswad of Burlington
Atkins of Winooski
Audette of S. Burlington
Barnard of Richmond
Bohi of Hartford
Botzow of Pownal
Branagan of Georgia
Brooks of Montpelier
Chen of Mendon
Clarkson of Woodstock

Copeland-Hanzas of
Bradford
Corcoran of Bennington
Cross of Winooski
Darrow of Dummerston
Deen of Westminster
Donovan of Burlington
Dostis of Waterbury
Emmons of Springfield
Evans of Essex
Fallar of Tinmouth
Fisher of Lincoln

Frank of Underhill
Gervais of Enosburg
Green of Berlin
Haas of Rochester
Head of S. Burlington
Heath of Westford
Hosford of Waitsfield
Howard of Rutland City
Jerman of Essex
Jewett of Ripton
Johnson of South Hero
Keenan of St. Albans City