Journal of the House

Thursday, April 18, 2019

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

Devotional Exercises

Devotional exercises were conducted by Dorothy Robinson, Passumpsic, VT.

Senate Bill Referred

S. 162

Senate bill, entitled
An act relating to promoting economic development
Was read and referred to the committee on Commerce and Economic Development.

House Resolution Referred to Committee

H.R. 7

House resolution, entitled
House resolution strongly opposing the basing of any nuclear weapon delivery system in the State of Vermont


Whereas, the F-35 fighter jet, scheduled for deployment in Vermont, was designed with a requirement to carry a nuclear payload, and

Whereas, former U.S. Secretary of Defense James Mattis has spoken of the importance of the nuclear-armed F-35 as part of the nation’s deterrence equation, and
Whereas, the 2018 Nuclear Posture Review states that “a nuclear-armed F-35 is fundamental to deterring Russia,” and

Whereas, the Pentagon has awarded funding to Lockheed Martin to develop a nuclear-armed F-35 Lightning II Joint Strike Fighter as part of a new nuclear strategy, and

Whereas, the U.S. Air Force plans to mount the B-61-12 nuclear gravity bomb on the F-35, thus integrating it into the air-delivered leg of the nuclear triad that also includes sea- and land-based missiles, and

Whereas, in 2017, the then Director of the F-35 Program Integration Office stated that the F-35 Joint Strike Fighter is slated to be armed with the B-61-12 nuclear gravity bomb “sometime between 2020 and 2022 but could carry the weapon sooner,” and

Whereas, the U.S. Air Force has also awarded Lockheed Martin $83.1 million to develop and test equipment for F-35A nuclear capability, and

Whereas, U.S. Senator Patrick Leahy has written that throughout his time in the Senate he has “always fought to reduce the number of nuclear armaments, and to halt the testing, production, and proliferation of nuclear arsenals” and that he has “long believed that simply upgrading the entirety of the U.S. nuclear arsenal is an unaffordable course of action,” and

Whereas, U.S. Senator Bernie Sanders has written of the nation’s “already bloated nuclear arsenal” and has cosponsored the Smarter Approach to Nuclear Expenditures Act, which would reduce the size of the country’s nuclear arsenal, and that he “strongly oppose(s) the basing of nuclear weapons in Vermont,” and

Whereas, U.S. Air Force documentation discussing the type of ordnance that might be deployed on the F-35 stated that “The F-35A would train for and deploy all the types of ordnance it is capable of carrying,” now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its strong opposition to the basing of any nuclear weapon delivery system in the State of Vermont, and be it further

Resolved: That the General Assembly requests that the Governor and the members of the Vermont Congressional Delegation inform the Acting U.S. Secretary of Defense Patrick Shanahan that the State of Vermont will not support a nuclear weapon delivery system to be based in this State, and be it further
Resolved: That the Secretary of State be directed to send a copy of this resolution to the Governor, to Acting U.S. Secretary of Defense Patrick Shanahan, and to the Vermont Congressional Delegation.

Which was read and referred to the committee on General, Housing, and Military Affairs.

House Resolution Adopted

H.R. 8

House resolution, entitled

House resolution celebrating the 40th anniversary of the federal Taiwan Relations Act and supporting Taiwan’s inclusion in various international organizations

Offered by: Representatives Partridge of Windham, Ancel of Calais, Toll of Danville, Webb of Shelburne, and Young of Greensboro

Whereas, the United States and the State of Vermont each maintain a strong friendship with Taiwan based on the shared common values of democracy, the rule of law, and a free market economy, and

Whereas, in 1979, Congress enacted the Taiwan Relations Act (the Act) “authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan,” and

Whereas, the Act has facilitated friendly and economically advantageous relations between the United States and Taiwan, and

Whereas, in 2017, Taiwan was the 14th largest export market for American goods and the 13th largest supplier of goods to the United States, and

Whereas, in 2018, Vermont goods exported to Taiwan were valued at $195 million and were derived from several different industrial sectors, including chemicals, computers, and electronics, and

Whereas, Taiwan’s inclusion in the World Health Organization, the International Criminal Police Organization, the International Civil Aviation Organization, and the United Nations Framework Convention on Climate Change would bring its innovative economic and proudly democratic voice to these important organizations, now therefore be it

Resolved by the House of Representatives:

That this legislative body celebrates the 40th anniversary of the federal Taiwan Relations Act and supports Taiwan’s inclusion in the World Health Organization, the International Criminal Police Organization, the International Civil Aviation Organization, and the United Nations Framework Convention on Climate Change, and be it further
Resolved: That the Clerk of the House be directed to send a copy of this resolution to Taiwanese President Tsai Ing-wen, Douglas Y.T. Hsu, Director-General of the Taipei Economic and Cultural Office in Boston, President Donald J. Trump, Governor Philip B. Scott, and the Vermont Congressional Delegation.

Which was read and adopted.

Committee Relieved of Consideration and Bill Committed to Other Committee

H. 223

Rep. Haas of Rochester moved that the committee on Human Services be relieved of House bill, entitled

An act relating to residential rental agreements for substance abuse recovery homes

And that the bill be committed to the committee on General, Housing, and Military Affairs, which was agreed to.

Joint Resolution Adopted

J.R.H. 5

Joint resolution, entitled

Joint resolution authorizing the Green Mountain Girls State educational program to use the State House;

Was taken up and adopted on the part of the House.

Second Reading; Bill Amended; Third Reading Ordered

H. 207

Rep. Gannon of Wilmington, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of an amendment to the charter of the City of Montpelier regarding non-citizen voting in City elections

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

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendment to the charter of the City of Montpelier as set forth in this act. Voters approved the proposal of amendment on November 6, 2018.

Sec. 2. 24 App. V.S.A. chapter 5 is amended to read:
CHAPTER 5. CITY OF MONTPELIER

** **

Subchapter 15. City Voter Checklist

§ 1501. ELIGIBILITY OF NON-CITIZEN VOTERS

(a) Notwithstanding 17 V.S.A. § 2121(a)(1), any person may register to vote in Montpelier City elections who on election day is a legal resident of the United States, provided that person otherwise meets the qualifications of 17 V.S.A. chapter 43.

(b) A non-citizen voter shall not be eligible to vote on any State or federal candidate or question by virtue of registration under this section.

§ 1502. CITY VOTER CHECKLIST; CITY CLERK DUTIES TO MAINTAIN

The City Clerk shall maintain a City voter checklist composed of voters eligible to vote in City elections under 17 V.S.A. chapter 43 and this subchapter and shall keep this City voter checklist separate from any other voter checklist. The City Clerk shall develop all necessary forms and procedures for implementation of this subchapter.

§ 1503. CITY ELECTION BALLOT

In any election involving a federal, State, county, special district, or school district office or question and a City question or City office, the City Clerk shall prepare a ballot that contains only the City questions and candidates, except for justices of the peace.

§ 1504. DEFINITIONS

As used in this subchapter:

(1) “Legal resident of the United States” means any non-citizen who resides in the United States on a permanent or indefinite basis in compliance with federal immigration laws.

(2) “Non-citizen voter” means any voter who registers and qualifies to vote in City elections under section 1501 of this charter but is not a citizen of the United States.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.
Pending the question, Shall the bill be amended as recommended by the Committee on Government Operations? Rep. McCoy of Poultney demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the Committee on Government Operations? was decided in the affirmative. Yeas, 95. Nays, 46.

Those who voted in the affirmative are:

Ancel of Calais  Fegard of Berkshire  Myers of Essex
Anthony of Barre City  Feltus of Lyndon  Nicoll of Ludlow
Austin of Colchester  Gannon of Wilmington  Notte of Rutland City
Bartholomew of Hartland  Gardner of Richmond  O'Brien of Tunbridge
Beck of St. Johnsbury  Giambatista of Essex  O'Sullivan of Burlington
Birong of Vergennes  Grad of Moretown  O'Brien of Burlington
Bock of Chester  Haas of Rochester  Partridge of Windham
Briglin of Thetford  Hashim of Dummerston  Patterson of Worcester
Brownell of Pownal  Hill of Wolcott  Potter of Clarendon
Brumsted of Shelburne  Hooper of Montpelier  Rachelson of Burlington
Burditt of West Rutland  Hooper of Randolph  Ralph of Hartland
Burke of Brattleboro  Hooper of Burlington  Redmond of Essex
Campbell of St. Johnsbury  Houghton of Essex  Rogers of Waterville
Carroll of Bennington  Howard of Rutland City  Scheu of Middlebury
Chase of Colchester  James of Manchester  Sheldon of Middlebury
Chesnut-Tangeman of  Jerome of Brandon  Squirrel of Underhill
Middletown Springs  Jickling of Randolph  Stevens of Waterbury
Christensen of Weathersfield  Killacky of South Burlington  Sullivan of Burlington
Cina of Burlington  Kimbell of Woodstock  Szott of Barnard
Coffey of Guilford  Kitzmiller of Montpelier  Till of Jericho
Colston of Winooski  Kornheiser of Brattleboro  Toleno of Brattleboro
Conlon of Cornwall  Krowinski of Burlington  Toll of Danville
Conquest of Newbury  LaLonde of South  Townsend of South
Copeland-Hanzas of  Burlington  Burlington
Bradford  Lanphier of Vergennes  Troiano of Stannard
Cordes of Lincoln  Lefebvre of Newark  Walz of Barre City
Demrow of Corinth  Lippert of Hinesburg  Webb of Shelburne
Dolan of Waitsfield  Long of Newfane  White of Hartford
Donahue of Northfield  Macaig of Williston  Wood of Waterbury
Donovan of Burlington  Masland of Thetford  Yacovone of Morristown
Durfee of Shaftsbury  McCarthy of St. Albans City  Yantachka of Charlotte
Elder of Starksboro  McCormack of Burlington  Young of Greensboro
Emmons of Springfield  McCullough of Williston  Mrowicki of Putney

Those who voted in the negative are:

Bancroft of Westford  Helm of Fair Haven  Palasik of Milton
Batchelor of Derby  Higley of Lowell  Quimby of Concord
Bates of Bennington  LaClair of Barre Town  Rosenquist of Georgia
Browning of Arlington  Leffler of Enosburgh  Savage of Swanton
Canfield of Fair Haven  Marcotte of Coventry  Scheuermann of Stowe
Rep. Browning of Arlington explained her vote as follows:

“I vote no, because any municipality that wishes to provide noncitizens with the right to vote can encourage them to become citizens.”

Rep. Copeland-Hanzas of Bradford explained her vote as follows:

“I vote yes. Non-citizens voting was the norm for much of the U.S. history. Less than a century ago non-citizens were even allowed to vote in presidential elections. Putting this 1924 change in historical context it was post WWI rise in nationalism that led to the denial of that right. For the first 100 years of U.S. history it was the policy to not only encourage immigration but to extend voting rights as an intentional preparation for citizenship.

Today we recognize that for the residents of Montpelier they, too, wish to welcome residents who were born elsewhere to join in their local municipal elections. And to be true to our history that, embrace it or not, we are a nation of immigrants.”

Rep. Hashim of Dummerston explained his vote as follows:

“This debate has reminded me of the first years my parents came here and resided in Boston with their visas. It took years for them to do the work necessary to become citizens. And during that interim time, they entered the medical field and the military to serve their community and country. Yet they could cast no votes in any local elections that would affect their community.
I’m proud that we are taking a step forward to provide voting access to non-citizens who live, work and serve in our communities.”

**Rep. Hooper of Montpelier** explained her vote as follows:

“Madam Speaker:

I voted yes in support of the City of Montpelier engaging all of her residents in Montpelier City life. I thank the members for the thoughtful, important debate in which we learned that the Vermont Constitution allows and the Supreme Court affirms this choice.”

**Rep. Kitzmiller of Montpelier** explained his vote as follows:

“Madam Speaker:

I want to thank the House for this positive vote. It is very important to the citizens, and the non-citizens, who reside in Montpelier.”

**Rep. Mrowicki of Putney** explained his vote as follows:

“Madam Speaker:

My vote supports the good work of your Government Operations committee and the vote of the people of Montpelier. The more we can encourage civic engagement and the more we can encourage voting, the better for all of us.”

**Rep. Ralph of Hartland** explained his vote as follows:

“Madam Speaker:

I vote yes because non-citizens are part of our political community and whether we like it or not they are impacted by the laws and decisions we make. Not allowing them to vote is a violation of their right for self-determination, which has contributed to a culture where non-citizens are disproportionately affected by health issues, poverty, social welfare, and hunger. Furthermore through this disenfranchisement these people oftentimes bear the brunt of political scapegoating by racists and xenophobes. I support this bill because everyone who lives here and is impacted by our laws should have the right to vote and to self-determination.”

**Rep. Sullivan of Dorset** explained her vote as follows:

“Madam Speaker:

Voting should be inextricable tied to U.S. citizenship. While I believe that more needs to be done to encourage people who have decided to live in this country to participate fully in our political life, the answer is not to sever voting or jury service from citizenship. Common U.S. citizenship is an important source of social cohesion, even at the local level. Jury service and
voting are quintessentially a prerogative and responsibility of citizenship. If non-citizens can vote in local elections without becoming citizens, it gives them another reason to not seek naturalization.”

**Rep Yacovone of Morristown** explained his vote as follows:

“My yes vote is a reflection of my strong support for local control and my strong belief that taxation without representation is wrong.”

Thereupon, third reading was ordered.

**Message from the Senate No. 41**

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

Madam Speaker:

I am directed to inform the House that:

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

**H. 204.** An act relating to miscellaneous provisions affecting navigators, Medicaid records, and the Department of Vermont Health Access.

And has passed the same in concurrence.

**Adjournment**

At three o'clock and eight minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.