

# Journal of the House

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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

Offered by: Representatives Cina of Burlington, McCullough of Williston, Anthony of Barre City, Bartholomew of Hartland, Burke of Brattleboro, Campbell of St. Johnsbury, Chesnut-Tangerman of Middletown Springs, Christensen of Weathersfield, Coffey of Guilford, Colburn of Burlington, Colston of Winooski, Cordes of Lincoln, Demrow of Corinth, Dolan of Waitsfield, Durfee of Shaftsbury, Haas of Rochester, Hooper of Montpelier, Hooper of Randolph, Jessup of Middlesex, Kornheiser of Brattleboro, Macaig of Williston, Ralph of Hartland, Scheu of Middlebury, Sheldon of Middlebury, Sullivan of Burlington, Till of Jericho, Townsend of South Burlington, and Wood of Waterbury

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

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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	Ode of Burlington
Birong of Vergennes	Grad of Moretown	O'Sullivan of Burlington
Bock of Chester	Haas of Rochester	Partridge of Windham
Briglin of Thetford	Hashim of Dummerston *	Patt 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-Tangerman of	Jerome of Brandon	Squirrell 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 *	Lanpher 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

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Corcoran of Bennington	Martel of Waterford	Seymour of Sutton
Cupoli of Rutland City	Mattos of Milton	Shaw of Pittsford
Dickinson of St. Albans Town	McCoy of Poultney	Sibilia of Dover
Fagan of Rutland City	McFaun of Barre Town	Smith of Derby
Gamache of Swanton	Morgan of Milton	Smith of New Haven
Goslant of Northfield	Morrissey of Bennington	Strong of Albany
Graham of Williamstown	Murphy of Fairfax	Sullivan of Dorset *
Gregoire of Fairfield	Norris of Shoreham	Taylor of Colchester
Hango of Berkshire	Noyes of Wolcott	Terenzini of Rutland Town
Harrison of Chittenden	Page of Newport City	Toof of St. Albans Town
	Pajala of Londonderry	

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

Brennan of Colchester	Gonzalez of Winooski	Trieber of Rockingham
Christie of Hartford	Jessup of Middlesex	
Colburn of Burlington	Pugh of South Burlington	

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

“Madam Speaker:

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:

“Madam Speaker:

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:

“Madam Speaker:

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.

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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:

“Madam Speaker:

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.