

Journal
of the
JOINT ASSEMBLY
Biennial Session
2017

JOURNAL OF THE JOINT ASSEMBLY
of the
STATE OF VERMONT
BIENNIAL SESSION, 2017

IN JOINT ASSEMBLY, WEDNESDAY, JANUARY 4, 2017

The Senate and the House of Representatives met in the Hall of the House of Representatives pursuant to a Joint Resolution which was read by the Clerk and is as follows:

J.R.S. 2. Joint resolution to provide for a Joint Assembly to hear the farewell message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Wednesday, January 4, 2017, at two o'clock in the afternoon to receive the message of the outgoing Governor.

Presiding Officer

Honorable Timothy R. Ashe, President *pro tempore* of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Committee Appointed

Senator Baruth of Chittenden District moved that a Committee of three Senators and three Representatives be appointed by the Chair to wait upon His Excellency, the Governor, and inform him that the Joint Assembly was now convened for the purpose of receiving his farewell message.

Which was agreed to.

The Chair appointed as members of such Committee:

Senator Richard W. Sears, Jr., of Bennington District
Senator Jeanette K. White, of Windham District
Senator Richard T. Mazza, of Grand Isle District
Representative Corey Parent, of St. Albans
Representative Diana Gonzalez, of Winooski
Representative Mike Mrowicki, of Putney

Governor Shumlin Presented

The Committee performed the duty assigned to it and appeared within the Chamber accompanied by His Excellency, Governor Peter E. Shumlin.

Introduction by Chair

The President *pro tempore* of the Senate, Timothy R. Ashe, then introduced the Governor of the State of Vermont, Peter E. Shumlin, for the purpose of presentation of his farewell address.

Farewell Address

Governor Shumlin then presented the following remarks.

“Thank you. I want to recognize my friend Governor-Elect Phil Scott who will deliver his inaugural address tomorrow. I have known Phil for a long time, serving with him in the Senate and for the past six years in his capacity as Lieutenant Governor. Phil cares deeply for this state, he’s a hard worker, and I know he will serve our state honorably as Vermont’s 82nd governor.

“To those, who like me, will not be roaming the halls of the State House this year – Speaker Shap Smith, Senate President Pro Tem John Campbell, Attorney General Bill Sorrell, and so many other Senate and House leaders who have contributed so much – I want to thank each of you for your service and friendship. It has been an honor to work with you to make Vermont a better place.

“And of course, to all of you who will be roaming the halls this coming year, including incoming Lieutenant Governor David Zuckerman, Attorney General TJ Donovan, House Speaker Mitzi Johnson, and Senate President Pro Tem Tim Ashe, I congratulate all of you on your victories and hope for your success in building on the progress we have made these past six years.

“As I look at the many new faces in this chamber I remember back fondly to when I was one of them. Almost 30 years ago, I walked into this State House as a young representative from Putney and Westminster with incredible energy, hope, and enthusiasm for Vermont’s future. As I prepare to depart tomorrow, I leave with that same optimism, humbled and forever grateful for the faith that Vermonters have put in me.

“In part, that faith is rooted in my personal experience. As my mom will tell anyone who asks, as a dyslexic boy who struggled to read, and still can’t spell, I faced low expectations. In another state, I might have faced a bleak future. In Vermont, I became Governor.

“I came to this office shaped by that experience, knowing that many of us need a helping hand or a second chance. Six years ago, in the grip of a Great Recession, too many Vermonters needed both.

“Just before I came to office Vermont had suffered a series of economic body blows. In the three years before I was elected, Vermont lost nearly 10,000 jobs, unemployment had spiked, and incomes had stagnated.

“On Day 1, I inherited a budget that included a \$178 million shortfall with revenues that had plunged by almost \$200 million.

“We were flying blind with no energy plan to deal with the reality of a changing climate.

“Our infrastructure was crumbling, with one quarter of the state’s roads rated in very poor condition. Vermont ranked 45th in the nation for the number of structurally deficient bridges.

“Our state hospital was crumbling, having been decertified by the federal government for nearly a decade, requiring Vermonters to pay \$184 million in their hard-earned money that should have been paid by the federal government.

“Over 30,000 Vermonters had no broadband internet service and far too many of our downtowns were falling further into decay.

“Our lowest paid workers saw little hope for a real raise, and too many Vermonters with criminal records who had served their time were forced to check the box to all-but-certain permanent unemployment.

“Far too many Vermonters were homeless, and we lost too many of them to cold weather.

“Vermont’s prison population was increasing at such a fast rate we were in danger of incarcerating more Vermonters than we sent to pre-kindergarten. Bubbling just below the surface was a massive opiate crisis feeding our incarceration problem and destroying lives.

“Our education system had lost over 20,000 students in two decades, but we refused to adapt to that reality. Too many young Vermonters could not access quality early education, while too many others could not afford to get beyond high school.

“And we had tens of thousands of Vermonters living without health insurance.

“Six years later this state is a vastly different place thanks to our work together.

“When I ran for governor I said my top priority would be to grow jobs and expand economic opportunity. We’ve done that.

“We added almost 16,000 jobs in the last six years. Our unemployment rate has fallen every year since I have had the privilege of being governor. And personal per capita incomes have grown faster than the national average for the last five years – something that has never happened in our history.

“We’ve put Vermonters to work by connecting over 30,000 homes and businesses to broadband internet, cutting in half the number of failing roads and bridges in this state, and rebuilding the Waterbury State Office Complex and a new state of the art mental health facility in Berlin.

“On January 1, Vermont’s minimum wage increased for the third year in a row on its way to \$10.50 in 2018. We’ve banned the box. And lower-wage Vermonters no longer have to choose between going to work sick or losing their job.

“With so much fake news influencing our political dialogue, I have to take a moment to make sure that as you craft a budget for the next fiscal year, we accurately recount the fiscal record we have achieved together. Keep this number in mind: 3.7 percent. That’s the average growth rate of Vermont’s total funds budget over the last six years. That is in line with our state’s economic growth. It is also far lower than the budget growth that preceded my time in office: 7.8 percent in 2004, 13.4 percent in 2005, and 7 percent in 2006.

“Our record of fiscal responsibility is one to be proud of, and we did it while keeping my promise not to raise income, sales, or rooms and meals tax rates on hard working Vermonters, because they are already too high.

“We not only balanced six consecutive budgets. We did it while enhancing our bond rating and reducing our reliance on one-time funds for ongoing state expenses to zero for the first time in decades. We fully funded Vermont’s pension obligations and our rainy day funds. And we’re leaving an unprecedented \$100 million cash reserve to help the Medicaid program whenever our economy hits a bumpy road.

“On energy, we have proven state leadership can mean the difference between relying on yesterday’s aging, leaking nuclear plant, or today’s clean, local, renewable energy.

“Today Vermont Yankee is shuttered, we have 12 times the number of solar panels, 25 times the wind power, and our utilities are transforming into cutting edge efficiency companies. Working together, we passed a ground-breaking renewable energy standard that can single-handedly achieve a quarter of the greenhouse gas emissions reduction needed to meet our state’s 2050 target.

“And if you have 17 Vermonters in a room, or better yet a pub in one of our revived downtowns drinking a Heady Topper after a long day’s work, one of

them works in the renewable energy sector. Vermont leads America in clean energy jobs per capita with over 17,700 of them.

“Today we enjoy the second lowest electric rates in New England, and lower residential rates than our neighbors in New Hampshire, Massachusetts, and New York. That means more money in Vermonters’ pockets. Most important, Vermont finally adopted a smart, statewide energy plan, and we are moving on the path to 90 percent renewable energy by 2050. If the other states would follow us, we might have some hope of preserving a livable planet for our kids and grandkids.

“When I ran for governor I had a simple idea: Let’s become the early education state, giving every Vermonter a strong start, and pay for it by not incarcerating non-violent Vermonters suffering from addiction. Everyone loved the education idea, but the skeptics pounced on my criminal justice reform proposals.

“When I made that campaign promise, I never imagined the enormous problem we would uncover along the way. The crisis of opiate and heroin addiction did not begin in Vermont, but Vermont began the national conversation about how to address it. We invented hub and spoke, invested in state of the art treatment centers, implemented pre-trial services, passed out rescue kits to anyone who would take them, and adopted the toughest limits on prescribing OxyContin and other pain medications in the nation.

“Incarceration rates are at the lowest level since the early 2000s, and Vermont has almost 600 fewer inmates today than we did in 2010. That’s tens of millions of dollars each year that Vermonters are not wasting on prison cells.

“And we delivered on the rest of the promise, becoming the first state in America to enact universal pre-k for all three and four year olds. We made it so more kids could access free school meals, so no kid has to try to learn hungry. Thousands of Vermont high school kids have gotten a free head start on college through expanded dual enrollment and early college programs. Personalized learning plans are ensuring that every student links choices in their educational journey to a meaningful career down the road. My Step Up program to help those Vermonters already in the workforce get back into school and on the road to success is funded and enrolling Vermonters as we speak. And, together, we passed a once-in-a-generation reform bill to improve educational quality and find efficiencies in our system. Working from the ground up, today well over half of Vermont kids are in a school district that has either decided to streamline or is in discussions to do so.

“Vermont has chosen education for all over incarceration for too many. That is change whose time has come.

“On health care, while we did not accomplish all of our goals, over 25,000 Vermonters who didn’t have health insurance when I became governor now do, meaning they no longer have to worry that one serious illness or accident could send them into bankruptcy. Thanks to our embrace of Obamacare, Vermont’s uninsured rate is a nationwide low of 2.7 percent.

“After persistent challenges, Vermont Health Connect is functioning well.

“This open enrollment, the annual transitioning of Vermonters from one year’s plan to the next occurred with an over 99 percent success rate.

“In November, 95 percent of requested change of circumstances were completed in time to be reflected on a customer’s next bill, up from 54 percent at the beginning of the year. And nine out of ten calls to the Customer Support Center were answered within 24 seconds.

“With the creation of the Green Mountain Care Board, we have kept the growth in hospital budgets to the lowest levels in 40 years. And the All-Payer Model is the single best shot that we or any other state in America has to control health care costs. By paying doctors and hospitals to keep you healthy rather than for the tests they run, Vermonters will be healthier and so will their pocketbooks.

“Seven years ago, marriage equality would not have passed had it not been for many in this chamber who came together to overcome outdated opposition to a moral imperative. When we came down on the right side of history and over-rode a gubernatorial veto, that was a moment of courage that was heard across America. In the six years in which I have had the privilege of being your governor, Vermont has not shied away from continuing that tradition of being among the first to do the right thing.

“Terminally ill patients can now make their own end of life choices.

“In an era where voter suppression has become a legitimate tactic to win elections in some states, Vermont will now automatically register voters and offer same-day voter registration.

“And of course, there was Vermont’s first-in-the-nation GMO labeling law. While Congress stepped in with a weakened compromise, I firmly believe that our setback was America’s step forward. While we must fight on, a flawed national labeling standard is still a national labeling standard.

“With all that we’ve accomplished, there are some areas where we must keep pushing, even though I won’t be here with you as Governor to help.

“In the last year, Vermont has seen an almost 30 percent decline in homelessness thanks in part to our establishment of a goal to end family

homelessness by 2020. We need to keep our foot on the pedal to make sure that goal becomes a reality.

“Although we have made progress on opiate addiction, Big Pharma is still giving more money to politicians to influence public policy in America. A Washington Post investigative series recently detailed how high-level Justice Department officials called off multiple DEA efforts to halt shipments of opiates to illegal pill mills after pressure from Big Pharma. Unbelievably, Congress then amended laws to make it almost impossible to halt the shipments in the future. The DEA’s top cop on the beat got removed from his position, while Big Pharma simultaneously hired 42 retired DEA officials to help them keep the FDA-approved painkillers flowing.

“Big Pharma doesn’t just profit from the sale of the painkillers, they profit from the pills to reduce constipation caused by the painkillers; they profit from the medications you need after you sign up for the disease; and they profit from the rescue kits that we pay so much money for. For the past year, I’ve often felt like a lone voice in the forest calling out Big Pharma for these practices that are creating the opiate addiction crisis in America. I can’t think of a current governor who is likely to keep calling them out. Vermont has continually stood up to Big Pharma in the past and I call upon you to keep up the fight now more than ever, or we will continue to see our sons, daughters, and neighbors die or have their lives destroyed by this crisis.

“We also have more work to do to realize the promise of a cleaner Lake and a livable planet. We are entering an era where EPA, the Department of Energy, and the State Department are going to be under the sway of climate skeptics. But let’s be clear, when we said we would clean up our Lake and reduce greenhouse gas emissions, we didn’t do that for the benefit of the federal government. We passed the toughest clean water law in the history of the state for Vermonters, for our future, for our children and grandchildren. We are counting on you to complete the job. With your vigilance, we can meet the requirements of the TMDL, and we can keep our green energy revolution moving forward.

“Vermont has always shown our best when other parts of our country show their worst. When slavery was written into the federal constitution, Vermont was the first to exclude it from ours. When gay and lesbian Americans were being discriminated against nationwide, Vermont was the first to say love is love. When women and children fleeing unimaginable violence in Syria were turned away by other states, I made sure Vermont would never close our doors to those looking for a better life.

“Today, America needs us more than ever. We are entering an era of narrow, outdated ways of thinking, emboldened by a divisive and

contemptuous President-Elect. In the face of such a future, it can be tempting to disengage from the national politics of our time, to sit back on the progress we have made, simply enjoy the beauty that surrounds us, and rejoice in the fact that our little state is not like the rest of America.

“But we can’t do that. Our nation has stumbled backwards, and America needs Vermont’s leadership now more than ever. That requires all of you to keep up the fight, and turn a momentary stumble backwards into an inspiring leap forward. Vermont must always stand against the hatred, the bigotry, the intolerance that will sadly be part of our future.

“Tomorrow, I will no longer be your governor. But I will be a Vermonter demanding that my government stand firm for the values that make this state what it is and has always been. Given what I know to be true about this state that I love, I am confident I will not be the only one. That’s why I am leaving this chamber today with the same enthusiasm, hope, and optimism I had 30 years ago when I first arrived.

“Thank you.”

Dissolution

The Governor, having completed the reading of his farewell message, was escorted from the Hall by the Committee appointed by the Chair.

Thereupon, the Joint Assembly dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

IN JOINT ASSEMBLY, JANUARY 5, 2017

10:00 A.M.

The Senate and the House of Representatives met in the Hall of the House of Representatives pursuant to a Joint Resolution which was read by the Clerk and is as follows:

J.R.S. 3. Joint resolution to provide for a Joint Assembly to receive the report of the committee appointed to canvass votes for state officers.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 5, 2017, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General,

and if it shall be declared by said Committee that there had been no election by the freemen and freewomen of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the freemen and freewomen.

Presiding Officer

Senator Timothy R. Ashe, President *pro tempore* of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Report of the Joint Canvassing Committee

Senator White, Co-Chair, then presented the report of the Joint Canvassing Committee, which was as follows:

The Joint Canvassing Committee appointed to canvass the votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts, and Attorney General respectfully reports:

That having been duly sworn, it has attended to the duties of its trust and finds the number of votes to have been:

For GOVERNOR.....	315,295
Necessary to have a major part of the votes	157,648
Bill "Spaceman" Lee, Liberty Union	8,912
Sue Minter, Democratic	139,253
Philip B. Scott, Republican	166,817
Scattering (write-in votes).....	313

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

PHILIP B. SCOTT

received a major part of the votes, and therefore was elected Governor of the State of Vermont for the two years next ensuing.

For LIEUTENANT GOVERNOR	306,679
Necessary to have a major part of the votes	153,340
Randy Brock, Republican	139,344
Boots Wardinski, Liberty Union	69,055
David E. Zuckerman, Democratic.....	159,738
Scattering (write-in votes).....	559

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

DAVID E. ZUCKERMAN

received a major part of the votes, and therefore was elected Lieutenant Governor of the State of Vermont for the two years next ensuing.

For STATE TREASURER	284,978
Necessary to have a major part of the votes	142,494
Murray Ngoima, Liberty Union	12,453
Elizabeth A. "Beth" Pearce, Democratic/Republican ..	234,566
Don Schramm, Progressive	37,301
Scattering (write-in votes).....	667

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

ELIZABETH A. "BETH" PEARCE

received a major part of the votes, and therefore was elected Treasurer of the State of Vermont for the two years next ensuing.

For SECRETARY OF STATE	285,515
Plurality, not a major part of the vote, is required	
James C. Condos, Democratic/Republican	255,201
Mary Alice Herbert, Liberty Union	29,711
Scattering (write-in votes).....	603

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

JAMES C. CONDOS

received the greatest number of the votes, and therefore was elected Secretary of State of the State of Vermont for the two years next ensuing.

For AUDITOR OF ACCOUNTS	288,253
Plurality, not a major part of the vote, is required	
Dan Feliciano, Republican	113,231
Douglas R. Hoffer, Democratic/Progressive.....	159,695
Scattering (write-in votes).....	228

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

DOUGLAS R. HOFFER

received the greatest number of the votes, and therefore was elected Auditor of Accounts of the State of Vermont for the two years next ensuing.

For ATTORNEY GENERAL.....	300,498
Plurality, not a major part of the vote, is required	
Deborah "Deb" Bucknam, Republican	88,431
Thomas J. Donovan, Democratic	200,020
Rosemarie Jackowski, Liberty Union	11,844
Scattering (write-in votes).....	203

Pursuant to 3 V.S.A. §151, the Committee hereby declares that

THOMAS J. DONOVAN

received the greatest number of the votes, and therefore was elected Attorney General of the State of Vermont for the two years next ensuing.

All of which is respectfully submitted.

JEANETTE K. WHITE

Chair of the Joint Canvassing
Committee on the part of the Senate

JOSEPH TROIANO

Chair of the Joint Canvassing
Committee on the part of the House

Recess

The Chair declared a recess until 11:15 P.M.

Called to Order

The Joint Assembly was called to order by the Presiding Officer.

Corrected Report of the Joint Canvassing Committee

Senator White, Co-Chair, then presented the corrected report of the Joint Canvassing Committee, which was as follows:

The Joint Canvassing Committee appointed to canvass the votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts, and Attorney General respectfully reports:

That having been duly sworn, it has attended to the duties of its trust and finds the number of votes to have been:

For GOVERNOR.....	315,295
Necessary to have a major part of the votes	
Bill "Spaceman" Lee, Liberty Union	8,912
Sue Minter, Democratic	139,253
Philip B. Scott, Republican	166,817
Scattering (write-in votes).....	313

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

PHILIP B. SCOTT

received a major part of the votes, and therefore was elected Governor of the State of Vermont for the two years next ensuing.

For LIEUTENANT GOVERNOR	306,679
Necessary to have a major part of the votes	153,340
Randy Brock, Republican	139,344
Boots Wardinski, Liberty Union	7,038
David E. Zuckerman, Democratic.....	159,738
Scattering (write-in votes).....	559

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

DAVID E. ZUCKERMAN

received a major part of the votes, and therefore was elected Lieutenant Governor of the State of Vermont for the two years next ensuing.

For STATE TREASURER	284,978
Necessary to have a major part of the votes	142,494
Murray Ngoima, Liberty Union	12,453
Elizabeth A. "Beth" Pearce, Democratic/Republican ..	234,566
Don Schramm, Progressive	37,301
Scattering (write-in votes).....	667

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

ELIZABETH A. "BETH" PEARCE

received a major part of the votes, and therefore was elected Treasurer of the State of Vermont for the two years next ensuing.

For SECRETARY OF STATE	285,515
Plurality, not a major part of the vote, is required	
James C. Condos, Democratic/Republican	255,201
Mary Alice Herbert, Liberty Union	29,711
Scattering (write-in votes).....	603

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

JAMES C. CONDOS

received the greatest number of the votes, and therefore was elected Secretary of State of the State of Vermont for the two years next ensuing.

For AUDITOR OF ACCOUNTS	288,253
Plurality, not a major part of the vote, is required	
Dan Feliciano, Republican	113,231
Douglas R. Hoffer, Democratic/Progressive.....	159,695
Marina Brown, Liberty Union.....	15,099
Scattering (write-in votes).....	228

Pursuant to the Constitution of the State of Vermont, the Committee hereby declares that

DOUGLAS R. HOFFER

received the greatest number of the votes, and therefore was elected Auditor of Accounts of the State of Vermont for the two years next ensuing.

For ATTORNEY GENERAL.....	300,498
Plurality, not a major part of the vote, is required	
Deborah “Deb” Bucknam, Republican	88,431
Thomas J. Donovan, Democratic	200,020
Rosemarie Jackowski, Liberty Union	11,844
Scattering (write-in votes).....	203

Pursuant to 3 V.S.A. §151, the Committee hereby declares that

THOMAS J. DONOVAN

received the greatest number of the votes, and therefore was elected Attorney General of the State of Vermont for the two years next ensuing.

All of which is respectfully submitted.

JEANETTE K. WHITE

Chair of the Joint Canvassing
Committee on the part of the Senate

JOSEPH TROIANO

Chair of the Joint Canvassing
Committee on the part of the House

Report of the Joint Canvassing Committee Adopted

Upon motion of Representative Troiano, Co-Chair, the corrected report of the Joint Canvassing Committee was adopted.

Dissolution

Thereupon, the President declared that the Joint Assembly was dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

IN JOINT ASSEMBLY, JANUARY 5, 2017**1:30 P.M.**

The Senate and House of Representatives met in the Hall of the House of Representatives pursuant to a Joint Resolution which was read by the Clerk and is as follows:

J.R.S. 4. Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 5, 2017, at one o'clock and thirty minutes in the afternoon to receive the inaugural message of the Governor.

Presiding Officer

Honorable David E. Zuckerman, President of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Recognition

The Chair recognized visiting foreign dignitaries and former Governors and their spouses:

Canadian Consul General to New England, David Alward
Quebec Delegate to Boston, Marie-Claude Francoeur
Governor Madeleine M. Kunin and John Hennessey
Governor Howard B. Dean
Governor and Mrs. James H. Douglas
Governor Peter E. Shumlin and Katie Hunt

Supreme Court

The Supreme Court was escorted within the presence of the Joint Assembly by the Sergeant at Arms, Janet Miller.

Committee Appointed

Senator Timothy R. Ashe of Chittenden District moved that a Committee of three Senators and three Representatives be appointed by the Chair to wait upon His Excellency, the Governor-elect, and escort him into the Chamber to receive the Oath of Office and to present his inaugural address.

Which was agreed to.

The Chair appointed as members of such Committee:

Senator Timothy R. Ashe, of Chittenden District
Senator Richard T. Mazza, of Grand Isle District
Senator Margaret K. Flory, of Rutland District
Representative Daniel F. Connor, of Fairfield
Representative Patricia A. McCoy, of Poultney
Representative Laura Sibia, of Dover

Governor-Elect Scott Presented

The Committee performed the duty assigned to it and appeared within the Chamber, accompanied by His Excellency, Governor-elect Philip B. Scott.

Song

Jennifer Morrison the Colchester Police Chief sang – “America The Beautiful”.

Invocation

The Most Reverend Christopher J. Coyne, Bishop of Burlington gave the official invocation.

Oath Administered to Governor

The oath of office was then duly administered by the Honorable Paul L. Reiber, Chief Justice of the Supreme Court of the State of Vermont, to His Excellency, Governor Philip B. Scott.

Oath Administered to Officers

The oath of office was then duly administered by His Excellency, Philip B. Scott, Governor of the State of Vermont, *separately*, and in the order shown below, to the following officers:

Elizabeth A. “Beth” Pearce, Treasurer
James C. Condos, Secretary of State
Douglas R. Hoffer, Auditor of Accounts
Thomas J. Donovan, Attorney General

Second Invocation

Rabbi Tobie Weisman, of the Yearning for Learning Center for Jewish Studies of Montpelier, gave a second invocation.

Song

AH! Cappella, sang:

“These Green Mountains”.

Introduction by Chair

The President of the Senate, Lieutenant Governor David E. Zuckerman, then introduced the Governor of the State of Vermont, Philip B. Scott, for the purpose of presentation of his inaugural address.

Inaugural Address

Governor Scott then presented the following remarks.

“Mr. President, Madam Speaker, Mr. Chief Justice, Members of the General Assembly, distinguished guests, my fellow Vermonters:

“It was in this chamber in the winter of 1991, when a 34-year-old from Windham County first rose and swore his oath to become the Member from Putney. He would soon rise to the Senate... then to lead it... and from there build a body of work that would make him Vermont’s 81st Governor.

“Governor Peter Shumlin led our state through the flood waters of Tropical Storm Irene. He led our nation to recognize the magnitude of an addiction crisis that still threatens the very fabric of our communities.

“And like so many before him, he championed Vermont and her people each and every day he served.

“Thank you, Governor Shumlin, on behalf of all Vermonters, for your years of service to our state.

“Today, as prescribed by the constitution, and carried out by the will of the people, our government moves forward.

“This transition comes at a time when the political divide, across the country, feels as deep, and as personal as it ever has...A time when uncertainty and anxiety cloud our view of the future. And a time when many have lost confidence in government’s ability to solve the real, and diverse problems facing so many.

“Those of us in this Chamber, have a great responsibility to uphold a long and proud tradition.

“From our struggle for independence, to a war that would save the union, from the fight to end slavery... to extending civil rights... Vermont has led the way.

“This time shall be no different.

“As Governor, I will do everything I can, to protect all citizens, and safeguard the human rights of all people. Together, we can once more prove the unwavering spirit of liberty embodied in every Vermonter, is alive and well. We stand ready to defend freedom whenever and wherever it’s threatened.

“At this very moment, hundreds of members of the Vermont National Guard are in distant lands defending these very liberties.

“To those who are now deployed, on behalf of all Vermonters: we thank you, we’re proud of you and we impatiently await your safe and successful return.

“In their absence, we must ensure their families have the support and feel the gratitude we all share for their sacrifice. We know this is a difficult time, but we’re here to help in any way we can.

“We’re joined today by many members of the armed forces, including:

Major General Steven Cray
Brigadier General Craig Campbell
Brigadier General Joel Clark
Command Sergeant Major Toby Quick
Command Master Sergeant Robert Letourneau
Major Zachariah Fike
and Second Lieutenant Candice McClure.

“I want to ask them, and anyone who serves – or has served – to please rise, and be recognized.

“Many have shared the sacrifice made by our service men and women. My father, Howard Scott, born in the small Vermont town of Washington...a truck driver by trade...was called to serve in World War II and the D-Day invasion of Normandy. During his service, he was severely injured when his tank hit a land mine and he spent the next two years recovering at Walter Reed hospital in Washington, DC. Returning to Vermont as a double amputee, he met my mom and they went on to have three boys.

“He passed away from those injuries when I was 11. My mom suddenly became a single parent. It wasn’t an easy time for her, or us. But thanks to her courage, our family, friends, and a community that united around us, we found the strength to move forward.

“I have never forgotten my father or the lessons he taught me. My family is proud to honor his memory... as the American flag that draped his casket... flies in front of the State House today.

“Those lessons of strength and perseverance, and the power of community we felt during that time, is exactly what makes Vermont so special. Governor Deane Davis once said, Vermonters have “a strong sense of duty to their neighbors...passed on from generation to generation.”

“I’ve benefited from that sense of duty -- from neighbors helping neighbors – first hand. And I’ll always remember what it meant to me and my family.

“My mom, Marian, is here today, joined by my wife Diana, my daughters Erica and Rachael, and many friends and family. I want to thank all of you for your support over the years. I would not be here without you.

“Growing up a few miles from here, in Barre, I never pictured myself standing at this podium as your Governor. Not even 16 years ago, when I first entered this building as a Senator from Washington County.

“As a public servant, I’ve had the privilege to speak with thousands of Vermonters. You have shared your stories... both the good and the bad. We’ve talked about your struggle to make ends meet, as costs and taxes rise, and good paying jobs are fewer and fewer.

“To all Vermonters, I want you to know: I hear you, loud and clear.

“I will be your voice, as we work for real change and real results. Together, we will build a strong and vibrant Vermont that our children, and their children, will be proud to call home.

“During the campaign, I heard your call for balance, commonsense, and a centrist governing philosophy. A government that sets clear -- and achievable -- goals. One that is honest about the scope of the challenge and is not afraid to face it head on. One that puts working families like yours first, and is willing to do things differently, to produce better results for you.

“I worked for more than thirty years in construction. And what I learned was the best feedback always came from those who were in the trenches.

“State Government should be no different. I believe that our frontline employees, who directly engage with Vermonters every day, have valuable knowledge about what’s working, and what needs improvement. That’s why I am calling for every process, every procedure, every system, every government mandate to be looked at through a new lens...*theirs*.

“Doing things the way we’ve always done them and hoping for a different result, will not bring about the change we need. My Administration will not

approach our challenges from the top down... but from the bottom up. I will establish a culture that ensures our focus is always on you: helping you keep more of what you earn, creating better opportunities for your children, and building a future where you can retire with financial security.

“You elected me to make this change, and I will not let you down.

“To this General Assembly... although we come from different communities and backgrounds, I believe we share a commitment to a more prosperous future for all Vermonters. But, we must acknowledge that our demographic and workforce challenges are affecting our ability to achieve that vision.

“From 2000 to 2010 the number of 25-45 year olds in Vermont decreased by 30,000... That’s enough people to fill this chamber 60 times over. That is our working class... the folks who buy homes, have children in school, pay taxes and drive our economy.

“This is compounded by our shrinking workforce. Since 2010, we’ve lost 16,000 workers... and that downward trend continues. We are losing 2,300 more every year, which means -- by tomorrow -- we’ll have 6 fewer workers than we have today.

“Those losses shrink our tax base and deter businesses from opening here, making Vermont less and less affordable for those who remain. It’s a complex problem and it will not be solved overnight. But we *literally* cannot afford to ignore this issue anymore.

“We must have a laser-focus on attracting and retaining working age people... If we do, we can rebuild our workforce... We can provide our businesses with the talented workers they need to thrive... And we can grow revenue organically – rather than raising taxes and fees – giving us the resources to deliver better services, better outcomes, and invest in a better future.

“Over sixty years ago, Tom Watson’s love for Vermont’s skiing and our beautiful mountains, inspired IBM to build a facility in Essex Junction, instantly changing our economic landscape. As we watched jobs disappear from the woolen mills, the quarries, and the railroad... IBM and companies like it, offered a new generation the opportunity to work -- and for many -- rise from poverty to the middle class.

“This story illustrates the power Vermont’s recreation and beauty can have as a recruiting mechanism – and I believe it still exists. But it also highlights that a shift in our business climate has discouraged entrepreneurs from taking advantage of our quality of life to start and grow businesses.

“That has to change.

“I know future economic development will look very different than it did in 1957. But we must develop a network of small-to-midsize businesses that will grow into the next IBM, My Web Grocer, or GW Plastics.

“Going forward, we will mirror our strong support of larger employers with our efforts for small business. Fostering job creation and recruiting entrepreneurs will create a more resilient economy.

“Within the next decade, we can achieve this vision -- and more.

“But we must set a clear direction and commit ourselves to attaining real results. Today, I will sign an Executive Order, which directs every State agency and department to focus on three strategic priorities:

- strengthening the economy;
- making Vermont more affordable;
- And protecting the most vulnerable.

“These goals will drive every initiative we undertake.

“I’ll also establish a Government Modernization and Efficiency Team, which will lead this charge toward a more effective and productive state government. It will work to maximize the efforts of our employees and the impact of state services.

“I imagine, a system where we give state employees the tools to identify and resolve problems. A system where we focus on outcomes over process, and customers over practice. Where we work together – across all branches, agencies, and departments – to put Vermonters first. And by holding ourselves accountable, we will restore their faith and trust in government.

“To achieve this vision, we need to focus on four major policy areas.

“First, we will continue to combat the opiate epidemic, with the urgency we would any other health crisis.

“Second, we’re going to revitalize our approach to economic development.

“Third, we must transform our education system.

“Finally, we have to build sustainable budgets that enable us to achieve these goals.

“The opiate crisis is one of the most significant challenges we face. It shows no bias towards the rich or poor, young or old, urban or rural. This epidemic touches nearly every Vermont family. And for too long, it has stolen the lives of those suffering from addiction, and any sense of peace from those of us who love them.

“With compassion, perseverance, and the strength of all Vermonters, we will continue to lead the nation in addressing this challenge; reducing stigma; and shedding light onto the darkness of addiction.

“With enhanced treatment, better prevention, and stricter enforcement, we can continue our efforts to turn the tide. We will break down barriers, allowing models for success and lessons-learned to flow freely from agency to agency... and community to community.

“That’s why I’ll establish a Director of Drug Abuse Prevention, an Opioid Coordination Council and – this year – will convene a State Convention on Drug Abuse Prevention.

“This battle, continues to be one of the great challenges of our time. How we react and how we choose to respond to it, will be remembered long after our service has ended... It’s important that those who fill this Chamber in the future - and the families whose lives have been forever scarred by addiction - know we did everything we could to end it.

“We must focus on creating more economic opportunity for all Vermonters. My administration will work to significantly reshape our approach to economic development, tying it more directly to our workforce expansion efforts.

“I will present the details of this effort in the coming days. It will be a significant realignment of our economic development tools.

“When talking with employers across the state, they shared two of their biggest obstacles to growth... First: a lack of qualified workers... And second: that the cost and quality of housing, impacts their ability to recruit talent.

“Our economic development efforts will focus on solutions to these problems. We will invest in programs designed to train Vermonters with the skills needed for the jobs we currently have. And we will set specific housing targets and find ways to expand availability of good homes for working families and young professionals.

“The Vermont brand is a powerful force for our tourism industry, and we should use it to its full potential. As we focus on growing our economy, we can show the world we are more than a place to visit. Vermont is a place to live, raise a family, and do business.

“There is no better way to grow our economy, and create more opportunity, than through our schools.

“We spend 1.6 billion annually on K through 12 education -- about 19,000 dollars per student, which is one of the highest in the country. However, we’re not yet an education destination for young families.

“If we want a system that draws people to Vermont, we can’t be paralyzed by fear of change... and we have been.

“How else can we justify spending so little on early education -- and higher education -- while we spend 25 percent of our entire state budget on the K through 12 system?

“Investment in early education is a proven approach to reducing special education and health care costs. And our level of support for state colleges and universities ranks one of the lowest in the nation.

“That’s why we must rethink our entire education spectrum. Everything from early childhood education and graduate school to tech programs, workforce training and adult learning. We can revitalize the entire system, so we no longer have to accept rising taxes and compromises in the quality of our children’s education.

“I ask everyone to overcome this fear of change. We must be bold, together.

“I’m challenging our school boards to envision a world where you can focus your time on improving the quality of a school, instead of worrying about budgets, and tax rates you don’t control.

“I’m challenging our superintendents to think creatively about how to optimize resources. And, principals to imagine a system that lets you focus on fostering excellence, instead of worrying about building management.

“I’m challenging our teachers to think of a world where you are free to teach to the child, not the test; you are promoted on merit instead of seniority; and there is never a cap on what you can earn.

“And, I’m challenging our early educators and higher education community to be passionate, positive advocates for change.

“We all understand this system was formed over many decades... The pace of reform may feel slow... But, we can’t stop pushing. If we are innovative, and are willing to change... we can have the best education system in the country - and perhaps one of the best in the world - with what we already spend. If you don’t share this goal - if you don’t believe we can achieve this - you are holding us back, at a time when we must all press forward.

“To deliver on the goals I’ve outlined today, it is imperative we restore fiscal responsibility to the budget.

“As I have throughout my entire career, I will continue to be honest about the scope of our challenges, about what things cost, and about the risks ahead... And when things do not go as hoped, I’ll say so...because Vermonters expect this type of leadership.

“In three weeks, I’ll present my budget to this Legislature and it will support my ideas to strengthen the economy and make Vermont more affordable, while continuing to protect the most vulnerable.

“But in the current environment, this is no easy task.

“Here’s an honest view of what we’re facing: Despite modest economic growth, state revenues are flat and costs are increasing faster than we can pay. Between federal funding changes, statutory liabilities, and caseload pressures in human services and health care, we face a budget gap of at least \$70 million this year.

“We must also meet our moral obligations, which includes, providing access to health care... protecting our environment and waterways... and ensuring all our citizens have safe, clean drinking water.

“There’s no question, the change in Washington creates a level of uncertainty, but we have a strong team in place to respond. Here at home, our goal is to make healthcare more affordable and accessible for every Vermonter, and every business. As I’ll detail in my budget address, we will work to give all Vermonters easy, reliable access and affordable options.

“Ensuring the health of our citizens also means making certain their drinking water is safe. I will continue to fight for those in Bennington County, impacted by the PFOA contamination. And I want them to know: I stand with you. I will ensure that your community is made whole, and all Vermonters are better protected.

“We will also commit to the clean water goals we set in Act 64, and adhere to the standards we outlined with our federal partners. There are many approaches we can take to clean our affected waterways. I am confident we can work together, within our existing resources, hand-in-hand with the agricultural community and municipalities.

“We will uphold our obligations, but we will not fill this gap by raising taxes and fees. Vermonters do not have the capacity to pay more.

“Instead, my Administration will establish more sustainable budgeting policies, which address fundamental cost drivers across state government. We will modernize and rethink government to find efficiencies, and budget more strategically. And we will make necessary investments to grow our workforce and our economy.

“We cannot continue passing budgets that grow faster than the economy or wages of working Vermonters. I will set clear limits that reflect the changes working families see in their own finances. I will not support, or carry out, experiments at taxpayers’ expense.... And I will only sign a budget that meets these standards.

“This process will be difficult, but we are in this together. Vermonters *need* us to pass budgets that help them get ahead.

“It is the greatest honor of my life to stand before you today. And I do so with an understanding of the challenges we face, and those who sent us here to solve them.

“I also understand, there will be difficult times ahead. I know we’re not always going to agree, and – even when we do – change may not always come as fast as we’d hope. But we must always treat others the way we want to be treated. It’s a rule I’ve followed in life, politics, business, and racing.

“And, we must press on.

“Consider the motto of Vermont’s Mountain Battalion: “Ascend to Victory.”

“If we can rise above the politics of division and partisanship.

“If we can rise above the tired ways of the past – accepting reality, but never settling for it.

“If we’re willing to set higher expectations for state government, raise our standards for success, and continue to reach for common ground, then perhaps we too, can ascend towards a victorious and prosperous future for our “brave little state of Vermont.” Thank you for this incredible privilege.”

Benediction

The Benediction was pronounced by The Reverend Dr. Robert A. Potter, of Peacham Congregational Church.

Dissolution

The Governor, having completed his inaugural message, was escorted from the Hall by the Committee.

The Supreme Court was escorted from the Hall by the Sergeant at Arms.

There being no further business, the President declared the Joint Assembly to be dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

IN JOINT ASSEMBLY, JANUARY 24, 2017**2:00 P.M.**

The Senate and House of Representatives met in the Hall of the House of Representatives pursuant to a joint resolution which was read by the Clerk and is as follows:

J.R.S. 6. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Tuesday, January 24, 2017, at two o'clock in the afternoon to receive the budget message of the Governor.

Presiding Officer

Honorable David E. Zuckerman, President of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Committee Appointed

Senator Timothy R. Ashe of Chittenden District moved that a Committee of three Senators and three Representatives be appointed by the Chair to wait upon His Excellency, the Governor of the State of Vermont, to inform him that the Joint Assembly is now convened and to escort the Governor to the Chamber to deliver his budget message.

Which was agreed to.

The Chair appointed as members of the Committee:

Senator M. Jane Kitchel, of Caledonia District
Senator Anne E. Cummings, of Washington District
Senator Alice W. Nitka, of Windsor District
Representative Catherine Toll, of Danville
Representative Janet Ancel, of Calais
Representative Peter J. Fagan, of Rutland

The Committee performed the duty assigned to it and appeared within the Joint Assembly accompanied by His Excellency, Governor Philip B. Scott, who delivered the following message.

Governor's Budget Message

“Mr. President, Members of the General Assembly, fellow Vermonters:

“Nineteen days ago, I stood in this very spot to lay out my vision for Vermont. One that helps us harness the power of our values, natural beauty and quality of life, to propel a strong, dynamic economy. And one that believes we can achieve great things through the strength and resourcefulness of our people, and our history of unity and respect for each other.

“Over the weekend, this was demonstrated yet again, as thousands of Vermonters peacefully marched into Montpelier to show solidarity in our resolve against bias, discrimination and intolerance.

“As I promised, I will continue to protect the rights of Vermonters and the human rights of all people.

“In my Inaugural address, I outlined a vision where we build the best education system in the country, making economic growth the focus of each effort we undertake, and create opportunity for all Vermonters.

“I am committed to this vision and believe we can achieve it, if we find common ground, listen to the people we are here to serve, and make the difficult decisions necessary to set a new course.

“As I said on that day, if we work together and consider the motto of Vermont's Mountain Battalion... we can “ascend to victory,” even when the climb sometimes feels too steep.

“While I am optimistic about our future, I will always be honest about the scope of our challenges, and the tough task of addressing them. I'll do so because Vermonters deserve leadership that will make difficult choices, knowing they will lead to a better future.

“The biggest obstacle we face to economic sustainability is a shrinking workforce.

“From 2010 to 2016, we lost an average of 2,300 workers per year from the workforce. That's 16,000 fewer people in jobs, paying taxes. Consider this: That number represents the entire population of Essex County, Grand Isle County, and the town of Hardwick combined.

“With stagnant population growth, these declines mean working age Vermonters make up a smaller portion of our population. That age group went from nearly 29 to 23 percent of our population in only four years.

“National projections show that 34 states expect to see their working age population grow over the next 25 years. Vermont currently isn’t one of them. By 2040, the number of working age people across the country is expected to grow by 15 percent. But Vermont’s will drop by more than 10 percent.

“A shrinking workforce creates a downward spiral. With fewer workers, we have less revenue, and the state becomes less and less affordable. That makes it harder and harder to rebuild, and we’re already seeing these effects. We must act now, and begin our ascent.

“We have avoided the reality of this crisis for far too long. I am committed to doing whatever it takes to put us on a new path to a more prosperous future.

“I’m reminded of the year I participated in the “Race to the Top of Vermont.” Looking at the top of Mt. Mansfield, I wondered if I could do it. But I learned a long time ago – after you look at that peak – you turn your focus to the stretch right in front of you. And that’s what I did, pedaling a few feet at a time, until I made it to the top.

“Climbing the mountain in front of us may feel daunting. I urge you not to feel overwhelmed, but to join me in working stretch by stretch. Because great things are at the top, if we have the discipline and commitment to follow through.

“On my first day in office, I directed my entire Administration to look at every policy, process, and practice and ask: Does it strengthen the economy? Does it help Vermonters keep more of what they earn? And, does it protect the most vulnerable?

“My Administration has taken the same approach in this budget. We have looked across all of state government with those questions in mind. And I have set limits that reflect the changes working families see in their own finances.

“Achieving a balanced budget in this current environment will not be easy. We face a significant budget gap, because year after year, soft revenues fail to match spending pressures. It will require some hard choices to overcome these challenges but it’s an opportunity to rethink how we approach our budget.

“The framework I’ve established in this budget is necessary to put us on a more sustainable path, and meet the expectations of the Vermonters who elected us.

“Today I present a balanced budget that does not increase taxes or fees; does not make program cuts that impact Vermonters in need; and matches base

spending with base revenue, not one-time funds, to avoid future shortfalls. In fact, base spending in the General Fund for the next fiscal year will be *below* base spending for the current one.

“I deliver this balanced budget while investing in economic development, education and training, and housing for all Vermonters. My budget makes important investments in fighting opiate addiction, and cleaning up our impaired waterways.

“I am proposing to fund our pension obligations at their full recommended annual levels and will set aside reserve accounts to ensure we can respond to changes from Washington. And, my budget takes more steps to address inefficiencies and challenges in funding our education system, while creating greater opportunity for our children.

“This year, I will not propose a tax or fee bill, but instead offer modest tax relief to help working families and create jobs. Frankly, I would have liked to go further with broad-based income tax cuts for Vermonters, but given the budget challenges we face, holding the line on tax increases is a fair approach.

“Finally, my budget creates the framework for an effective and productive state government for decades to come.

“I started laying this foundation on day one. My Government Modernization and Efficiency Team and PIVOT program are guiding efforts to modernize state government, making it more efficient, and producing better outcomes.

“Because of these early efforts, today we have in hand a list of programs throughout state government – a rough inventory of what we do. Believe it or not, this is not something we had before.

“This is a first step towards giving all of us – the Legislature included – the tools we need to build a budget based on solid data, tied directly to actual outcomes. By next year, we will *finally* have what we need for *true* Results Based Accountability.

“In my Inaugural address, I shared a vision for a more innovative and unified education system that sets higher standards, and turns Vermont into an education destination for families. I believe we can reach these goals without spending more, but only if we are *finally* willing to act boldly.

“It will take courage, and compromise. But we can make more transformative changes to our education system this year.

“First, we need to have an honest discussion, listen to each other, and work to find common ground. Because our current system is not working to the best of its capacity for our kids, parents, teachers, administrators or taxpayers.

“Our teachers and support staff work hard, and are dedicated to helping our children learn. They have nurtured a system based on teaching our students well, and providing diverse learning experiences. And our school boards have worked to maintain quality, while slowing the increase in costs.

“But they are confined by a rigid, antiquated and inefficient structure that isn’t evolving as quickly as technology, society and fiscal realities demand.

“Teachers face challenges today that my generation never dreamed of. Opiates have impacted our schools the same way they’ve impacted every corner of our communities. And students are entering school with unique needs and growing behavioral challenges.

“With these changes, and so many more, it’s clear we need a new approach. Today’s kids require a different learning model, one that is nimble and more deeply connected to the world around us.

“We must also be honest about how we distribute funding. Our schools have 20,000 fewer kids than they did 20 years ago. We can no longer afford to allow so much of the nearly \$19,000 we spend for each K- through-12 student to be diverted away from the child and toward empty spaces and overhead costs.

“This structural inefficiency also leaves too little of our \$1.6 billion education commitment for investments in early care, higher education, and trades training. And, we can no longer ask property tax payers to pay more every year for education without offering better efficiency, and better outcomes.

“If we are willing to rethink how we do things – and if we have the courage to align overhead costs with the size of our student population, wherever we can – we can create the best education system in the nation, give our kids the brightest possible future, and attract more families to Vermont for a stronger economy.

“To start us on this new path, I’m proposing a realignment of priorities and spending that allows us to unify the system from early care to higher education and trades training.

“Here’s the bottom line: For the future of our kids, for our teachers and for our economic well-being, we need to act.

“Numerous reports show Vermont is among the least affordable states for child care. This is not just an education issue, it’s a workforce issue that undermines the security of families and slows our growth.

“For example, a woman from Peacham worked full-time in the dairy industry when she and her husband had their first child. She had planned to go back to work, hoping for the security of two incomes. But when they found child care would eat up her entire paycheck, it made more sense for her to stay home.

“This demonstrates why investing in high-quality care and early learning serves as an economic driver in supporting working parents and the businesses that employ them. It also dramatically reduces future costs in healthcare, special education, and corrections.

“That’s why I’m proposing we increase investment in early care and pre-K by \$9.6 million.

“My budget directs \$7.5 million of this to the Child Care Financial Assistance Program. I’m also proposing investment in competitive grants supporting early care and pre-K. We’ll invest \$1 million in full-day pre-K programs for high-poverty kids. And propose a \$600,000 grant for the development of a model that helps childcare providers share services.

“We further localize this effort with \$500,000 for pilot programs at the municipal level. This will spur ideas like unique scholarship opportunities, or grants that expand the number of spots available, and to help make quality child care centers more affordable.

“With additional investments in innovation, modernization, and distance learning in our K-through-12 system, I hope to inspire fresh thinking in our classrooms, fund technology and training for school districts, and connect every school in Vermont with high-speed Internet access.

“To promote more interest in science, technology, engineering and math (STEM) – as well as traditional trades – I’ve proposed grants to support coding camps, and boost Career Technical Education programs.

“This is an area I, personally, am very passionate about. When I first entered college, it was to be a tech education teacher. Being able to build something from nothing always inspired me. So, it is especially meaningful for me to propose investments that will provide young Vermonters with more career and technical experience.

“With these programs, we can train a new generation of skilled contractors, engineers, and scientists.

“Another area where Vermont consistently ranks as one of lowest in the nation is in our level of support for state colleges and universities.

“We have approximately 40,000 students in our higher education system. That’s 40,000 soon-to-be professionals, who choose to be in Vermont. Whether they grew up here, or were drawn from out of state, we need more of them to stay after graduation. So, let’s partner with our colleges and universities in this effort.

“My budget proposes a base increase of \$4 million to Vermont State Colleges. In return, I’m asking them to use this additional funding to support my strategic goals.

“They will work with employers to align degree programs with market demands, to keep tuition increases below inflation through Fiscal Year 2021, and to continue to find cost savings while meeting established performance measures.

“I am also proposing an annual increase of \$1 million in base appropriations for both the University of Vermont and VSAC, to get more low and middle-income Vermonters the opportunities they need.

“Finally, I propose an additional \$500,000 to fund scholarships for Vermont National Guard members to attend Vermont colleges and universities. This is one small way we can show our gratitude to the men and women who defend our freedoms.

“If we are going to have the most valuable early care through higher education system, we must manage education spending in a unified way. This is the first step in better aligning programs, eliminating inefficiencies, and measuring results across the entire system.

“With this goal in mind, my budget moves spending for higher education, retired teachers’ health care and normal liability for teachers’ retirement to the Education Fund.

“In future fiscal years, we will transfer early care and Pre-K funding, to the Education Fund as well.

“To cover these costs, I’m proposing to increase the General Fund transfer to the Education Fund by nearly \$86 million above statutorily recommended levels.

“In addition, I’m proposing two savings measures that will help offset the investments I’ve outlined. These measures will keep property taxes level for the first time in years.

“First, I’m proposing parity in what teachers and state employees contribute toward the cost of their health care. State employees currently pay 20 percent of their healthcare premiums, and most private sector workers pay even more. By comparison, teachers currently pay about 15 percent.

“By establishing parity among these public employees – asking everyone to pay 20 percent – we can generate \$15 million in savings per year. And with most teachers’ contracts expiring on June 30th, I will seek legislation requiring new contracts include this change.

“Second, I am asking school districts to level-fund – including tuition to other public and independent schools – at Fiscal Year 17 levels. Vermonters need immediate relief from rising taxes and the high costs of living that make Vermont unaffordable for many.

“I want to be very clear, I’m not asking school districts for anything more than what I’ve asked from state government. We will be tightening our belts in Montpelier and rethinking every program and service at every level - looking to reduce overhead costs and streamline services across all agencies and departments. And we are committed to working with you to see this change through. But we must see it through.

“I have a deep appreciation for the work school boards have done to curb costs over the past few years. It is admirable, often thankless, service to our communities.

“I also know how difficult it will be to adjust to level funding in advance of voting on Town Meeting Day.

“That’s why I’m proposing to set May 23 as a special statewide election on local school budgets. This gives local school boards three additional months to develop level funded budgets.

“Finally, I am asking the Legislature to move quickly on these actions, to give school boards time to make these adjustments.

“Believe me when I say I know these are incredibly strong measures. But over the last 20 years, student counts have continuously dropped. Costs have continued to rise faster than our ability to pay. And property taxes have become one of the biggest contributors to our crisis of affordability.

“We must accelerate our work to align the size of the system with the number of students we are serving. If we don’t, we will have to settle for higher taxes and fewer educational options. And I refuse to settle for either.

“This challenge is real and the need to act is urgent.

“I talked with a woman who works at an area hospital. A full-time worker who, in her fifties, was moving back in with her parents, who - in their seventies - still couldn’t retire. She had to make this move because neither she, nor her parents, could afford their property taxes on their own.

“So, I’m asking you to remember: Vermonters need this. Please don’t instinctively lock up with resistance to change. I promised to make the difficult choices to put Vermont on a more sustainable path. And this is one of them.

“By taking these steps we can keep property tax rates level, and we’ll make it possible for a more comprehensive approach to the entire early care-through-college spectrum.

“If you have the courage to join me in support of these measures, we will ensure our children are getting high-quality early care; our Pre-K-through-12 students get an education that better prepares them for success; and, we’ll give both college and non-college bound students the opportunity to be trained for today’s marketplace.

“Together, we will begin the difficult work of making our education system the most efficient, productive and valuable economic development tool we have. We’ll rebuild our workforce, attract families seeking world-class education, and retain the best and the brightest from our schools.

“We can do this, if we look past next year to a future that provides every Vermont child the best opportunity for success in the most efficient and innovative system in the nation.

“Structural reform and strategic investment in education has long-term benefits to other critical systems, like healthcare and human services. And, the reforms I’m proposing to the Education Fund also allow us to balance the budget without making deep and painful cuts to services.

“Human services is one of the biggest cost drivers for the state. In Fiscal Year 18, we are facing significant caseload pressures in several areas. We should be encouraged, however, by a reduced expenditure in Medicaid during Fiscal Year 17 – a trend I believe will continue. But, even with this progress, caseload pressures combine to contribute \$15 million to the overall budget gap.

“To restore the fiscal responsibility Vermonters have demanded, restraint on human services’ spending is necessary. But I’m proud to recommend a series of reductions that will not affect vulnerable Vermonters... *and* will help fund important investments to combat opiate addiction.

“It’s an understatement to say that Vermont Health Connect has not lived up to our expectations. I promised a solution to the Exchange, and even with the uncertainty in Washington, we continue to evaluate better options for the future.

“We will be thorough because Vermonters cannot afford for us to head down the wrong path, once again.

“But, there are changes we can make today that will save money, and give Vermonters a better experience.

“To start, we will remove the state as a middleman between health insurance companies and those who do not qualify for subsidies, like Medicaid. By eliminating this frustrating and costly process, we will save \$2.8 million.

“On the delivery side, Vermont has incredible hospitals, doctors, nurses, and other health professionals. My wife Diana happens to be one of them, so I hear about the victories and the setbacks they see every day. I want to thank them for their continued partnership as we move to a new model for care.

“Over the last few years, we have seen a decrease in the number of uninsured, and in the amount of non-reimbursed care. And to reflect this progress, I’m proposing we reduce the “disproportionate share” payments for hospitals by 10 percent.

“Additionally, we’ve examined and adjusted positions, contracts, and administrative costs across the Agency of Human Services, finding an additional \$2.1 million in savings.

“We’ve also found commonsense adjustments in our corrections system.

“The correctional facility in Windsor has the highest per-capita costs of any male facility across the state. We have a plan to close it, and transfer each inmate. This move will save \$3.5 million. And, as we have in the past, we’ll work to move frontline employees into existing vacancies.

“In addition, we will expand the State’s Electronic Monitoring and Home Detention program using existing resources. Implementing 24/7 electronic monitoring statewide will reduce the out-of-state caseload. Coupled with other Corrections changes, we will save approximately \$1.7 million.

“Our opiate epidemic remains one of the most serious, and costly, challenges we face. My Administration will address this crisis through

education, prevention, enforcement and treatment. This includes nearly \$1 million in funds to the medically-assisted-treatment hub in St. Albans, and funding for our new Director of Drug Prevention Policy.

“My Administration will also work to increase the number of medical professionals specializing in addiction treatment, a critical step to winning this battle.

“As part of our investment in higher education, Vermont State Colleges will convene a summit in the next 60 days with substance abuse treatment professionals, and our higher education institutions. They will identify ways to increase the number of treatment counselors, with coursework starting next fall.

“As we work to end addiction, we cannot forget the most undeserving victims of this crisis: Children of addicted parents. A new report this month found the number of young children entering custody with the Department for Children and Families rose 41 percent in two years.

“We now have an entire generation of young Vermonters suffering the effects of their parents’ drug use.

“Just last week, my team met with a loving mother whose family adopted one of these children as an infant. Her son – now in fifth grade – has been lost in an education system that’s not prepared to meet the needs of kids like him. We owe it to him – we owe it to all of them – to make this right. We need to learn more, and find better ways to support these kids, and their families.

“As a start, I have invested nearly \$800,000 to support the Guardian ad Litem program, and other services, so we have more trusted professionals advocating for the best interests of these children.

“I know many dedicated legal advocates, counselors, families and teachers have been fighting for these kids behind the scenes for years. It’s time to bring their needs, stories and challenges forward, and work together to give these kids the opportunities they deserve.

“That’s why I will charge the Director of Drug Prevention Policy; the Opiate Coordination Council; the Agency of Education; and the Agency of Human Services with finding solutions for these kids.

“We cannot let this go unaddressed on our watch. We must not, and we will not, fail these children.

“To better support our commitments to social justice, the environment, education, affordable healthcare, and more, it’s essential we grow the economy.

“Last week, I signed an Executive Order to create the Agency of Economic Opportunity, which will align the Agency of Commerce and Community Development with the Department of Labor.

“It’s only been a week, and I’m already hearing some resistance to the idea. I understand this is not how we’ve always done things. But, for the life of me, I cannot see how we can stand by the status quo, knowing the workforce challenges we face.

“For years, we have *all* heard from employers who cannot fill positions. They are pleading for more qualified workers. At the same time, we all know Vermonters who cannot find jobs, or who work two or three jobs to make ends meet. The way we’ve been doing things hasn’t addressed this disconnect.

“In this new Agency, we will literally put those in state government who help Vermonters find jobs shoulder-to-shoulder with those helping businesses create jobs.

“I urge you to consider this commonsense move to make state government more responsive to the people we serve.

“This new structure is the vehicle for change. To fuel it, we need direct investment in economic development activities that will produce results.

“At the core of my proposal is a \$35 million housing bond, in partnership with the Vermont Housing and Conservation Board. VHCB will lead an effort to expand housing across the full spectrum – from homeless populations to home ownership for middle-income families.

“To further support workforce development, the additional \$1 million we’re investing in VSAC will be directly applied to its grant program for adults seeking non-degree education and training. And we’ll increase trades training through the Vermont Training Fund by \$200,000.

“Co-working and maker spaces around Vermont have had success supporting entrepreneurs. To support more of these incubators, we’ll increase the downtown and village-center tax credits by \$200,000.

“We’ll invest \$400,000 to nearly double the number of small business development counselors, giving entrepreneurs in Bennington, Franklin and Windsor Counties access to services to help them grow.

“To attract more businesses and workers to our state, we’re putting \$750,000 in economic development marketing. We expect to leverage an additional \$750,000 in private marketing partnerships, bringing the total campaign to \$1.5 million.

“These are just a few examples of what we can do to support both our workforce and our businesses. And with these efforts led by one unified Agency of Economic Opportunity, we’ll have a coordinated approach for better outcomes.

“If there is one thing Vermonters agree on, it is love of our landscape. Whether you hunt, fish, ski or hike, our landscape contributes to our high quality of life. It plays a significant role in the \$2.5 billion spent annually by tourists and vacation homeowners.

“To further protect this working landscape, my budget makes investments to support our Agencies of Agriculture and Natural Resources, plus important partner organizations.

“Protecting our lakes, streams and landscape is vital to our economic security. That’s why I am committed to cleaning up our waterways, using existing state resources and financial tools.

“My capital and transportation budgets commit \$20 million in each of the next two years for clean-up of our impaired waterways. I will commit another \$10 million from existing revenue and other sources, for the full \$50 million in funding.

“Last week, Treasurer Beth Pearce released her recommendations for financing clean water initiatives over the next 20 years. I thank her for the hard work and collaboration. Let’s all continue to work together in the coming months to find solutions that address our shared goal of water clean-up, without raising taxes and fees.

“I’m also committed to working towards energy efficiency and renewable energy goals. I believe we can reach our goal of 90 percent renewables. But, for as long as I’m Governor, we’ll make progress *without* destroying our ridgelines.

“To further promote energy efficiency and decrease our reliance on fuel sources that impact our climate, I’m proposing a tax holiday and rebate program on hybrids, electric vehicles and energy efficient products. Vermonters will see a 6 percent savings through these initiatives, encouraging more to invest in energy efficiency.

“We can continue to work together on approaches like this, which support both our environment and our economy.

“In early September 2011, just days after Tropical Storm Irene flooded our rivers, filled our streets, and destroyed our homes, I remember arriving in Brandon to find the Brandon House of Pizza in the middle of Route 7. When the nearby river flooded, it ripped the shop from its foundation, moving it to the middle of the town’s only major roadway.

“I met with a town official who was working on ways to dismantle the building to get it out of the road – and that’s how you’d typically handle this situation. But time was not on our side, so we needed a new idea to get traffic flowing. I suggested we get a crane and move the entire building.

“It took some work, people willing to roll up their sleeves, think differently, and go the extra mile. But with one phone call, a company in Chittenden County found us a crane. The contractor could have easily said he didn’t have one, and moved on. But he thought outside the box and tracked down a crane in New York, and that crane was in Brandon the very next day. We worked together, moved the multi-story building, and got traffic moving along Route 7.

“This story, and so many like them, show the resourcefulness of Vermonters. Despite the many challenges we face, I know, we too, can work together to think differently about how to address our economy, workforce, education system, and social and environmental issues.

“We can change the status quo, work with willing partners, and recognize that chipping away at the building, piece by piece, has not solved the problem. We need a new approach.

“For our economic security, we need to clear the way to get our economy moving and growing again. We have an opportunity to achieve great things. But only if we are unafraid of change, and willing to make difficult choices.

“We must be bold, because that’s the right thing to do for all Vermonters.

“I look forward to working with you on these efforts, and to a productive Legislative session. Thank you.”

Dissolution

The Governor, having completed the delivery of his message, was escorted from the Hall by the committee appointed by the Chair.

The purpose for which the Joint Assembly was convened having been accomplished, the Chair then declared the Joint Assembly dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

IN JOINT ASSEMBLY, FEBRUARY 16, 2017

10:30 A.M.

The Senate and House of Representatives met in the hall of the House of Representatives pursuant to a joint resolution which was read by the Clerk and is as follows:

J.R.S. 13. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 16, 2017, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

Presiding Officer

Honorable Timothy R. Ashe, President *pro tempore* of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Statement by Presiding Officer

Pursuant to our Constitution and statutes we are assembled here today in Joint Assembly for the election of an Adjutant and Inspector General, a Sergeant at Arms and three Trustees for the University of Vermont.

With respect to the election of all of these officers, if a contest exists, then the voting must be done by written ballot. This mandate is set forth in 2 V.S.A. §12 and in Joint Rule 10(a). The chair now calls to the attention of

the Joint Assembly the text of Joint Rules 10 which applies to elections held by the Assembly:

(a) Whenever a joint assembly is required to elect one or more persons to any office, the voting shall be by ballot, except that if there is only one candidate for any office, and if there is no objection, the chair may put the question to the joint assembly by voice vote.

(b) If two or more offices are to be filled, each office will be voted upon and decided separately. If two or more vacancies for the same office are to be filled, nominations for all vacancies will be received before voting begins for the first vacancy, but each vacancy will be voted upon and decided separately. The joint assembly may limit the number and length of nominating and seconding speeches for each candidate.

(c) Election to any office is by a majority of the votes cast, exclusive of spoiled and blank ballots. After two votes have been taken for any vacancy without an election, all nominees except the two having the highest number of votes on the second ballot shall be withdrawn, and voting shall then continue until a candidate is elected. In no event shall the involuntary removal of nominees result in fewer than two nominees remaining in the contest.

(d) The person who first nominated a candidate may withdraw that candidate's name at any time; a withdrawal may be complete or may be limited to one or more vacancies. A candidate for any office having more than one vacancy who is defeated for the first vacancy shall automatically be a candidate for successive vacancies, unless the nomination is voluntarily withdrawn.

It should be noted that Joint Rule 10 states that the Joint Assembly may limit the number and length of nominating and seconding speeches for each candidate.

Number and Length of Nominating and Seconding Speeches

For purposes of this Joint Assembly all nominations for these offices will be received by the Chair prior to voting, presented in alphabetical order.

And there will be only one nominating speech of not more than three minutes and not more than two seconding speeches of not more than one minute each for each nominee.

Statement of Presiding Officer

We have three sets of elections today:

- a. First, To elect a Sergeant at Arms.
- b. Second, To elect an Adjutant and Inspector General.

c. Third, To elect three UVM Trustees.

For the first two elections, that for the Sergeant at Arms and for the Adjutant and Inspector General, since there are no contests, the provisions of Joint Rule 10(a) will apply.

This means that election to these two positions may be by voice vote if there is no objection.

For the third set of elections --- for the three UVM Trustees -- the provisions of Joint Rule 10 have been suspended as a result of the adoption by both houses of J.R.S. 14. Different rules will apply to that election, and majority votes for the three trustees will not be necessary.

Tellers Appointed

As stated before, one of our elections today is contested and must be decided by written ballot.

Accordingly, we will need tellers, and the Chair now appoints as tellers:

Senator Jeannette K. White, of Windham District, as Chief Teller
Senator Mark A. MacDonald, of Orange District
Senator Brian P. Collamore, of Rutland District
Representative Benjamin Jickling, of Brookfield
Representative Susan Buckholtz, of West Hartford
Representative Jessica Brumsted, of Shelburne
Representative Robert Bancroft, of Westford”

Election of Sergeant at Arms

The Joint Assembly then proceeded to the election of a Sergeant at Arms.

For the office of Sergeant at Arms, Representative Alice M. Emmons of Springfield nominated *Janet Miller*, of Montpelier.

The nomination was seconded by Senator Margaret K. Flory of Rutland District.

There being no other nominations, the Chair declared that nominations were closed.

Whereupon, no other nominations being made, the vote was taken *viva voce* pursuant to Joint Rule 10(a), and the Chair declared that

JANET MILLER, of Montpelier

was unanimously elected to the office of Sergeant at Arms for a term of two years, from and including the first day of March, 2017, and until her successor is elected and has qualified.

Election of Adjutant and Inspector General

The Joint Assembly then proceeded to the election of an Adjutant and Inspector General.

For the office of Adjutant and Inspector General, Representative Helen Head of South Burlington nominated *Steven A. Cray*, of Essex Junction.

The nomination was seconded by Representative Peter J. Fagan of Rutland City.

There being no other nominations, the Chair declared that nominations were closed.

Whereupon, no other nominations being made, the vote was taken *viva voce* pursuant to Joint Rule 10(a), and the Chair declared that

STEVEN A. CRAY, of Essex Junction

was unanimously elected to the office of Adjutant and Inspector General for a term of two years, from and including the first day of March, 2017, and until his successor is elected and has qualified.

Election of UVM Trustees

The Joint Assembly then proceeded to the election of three Trustees of the University of Vermont and State Agricultural College, each for a term of six years, from and including the first day of March, 2017.

The Chair reminded the Joint Assembly that nominations for the office of three UVM Trustees would be received in alphabetical order, with one nominating speech of not more than three minutes and not more than two seconding speeches of not more than one minute for each nominee.

Statement by the Presiding Officer

For the election of UVM trustees, we will be operating under a different set of rules. This is because both houses adopted J.R.S. 14, which suspended the provisions of Joint Rule 10 for this particular election.

By adopting this joint resolution (J.R.S. 14), we have set up a special voting procedure for this election, which will help expedite the process.

The adoption of J.R.S. 14 permits the Joint Assembly to determine the winners of this election of the three Trustees of the University of Vermont and State Agriculture College by means of a plurality vote. This means that three candidates can be elected on the same ballot.”

Nominations for UVM Trustees

Representative David Deen nominated *Representative John L Bartholomew* of Hartland. The nomination was seconded by Senator Alice W. Nitka of Windsor District.

Representative David Sharpe of Bristol then nominated *Representative Johannah Donovan* of Burlington. The nomination was seconded by Senator Claire D. Ayer of Addison District.

Representative Michael Yantachka of Charlotte then nominated *Senator Deborah J. Ingram* of Chittenden District. The nomination was seconded by Representative Ruqaiyah Morris of Bennington.

Representative William Botzow II of Pownal then nominated *Shapleigh Smith, Jr.* of Morristown. The nomination was seconded by Representative Sarah Copeland-Hanzas of Bradford.

Senator Margaret K. Flory of Rutland District then nominated *Representative Janssen Willhoit* of St. Johnsbury. The nomination was seconded by Representative Matthew Trieber of Rockingham.

Summary of Names Placed in Nomination

The five members placed in nomination and on the ballot for the office of Trustee of the University of Vermont and State Agricultural College are as follows:

John L. Bartholomew of Hartland
Johannah Donovan of Burlington
Deborah J. Ingram of Chittenden District
Shapleigh Smith, Jr. of Morristown
Janssen Willhoit of St. Johnsbury

Review of Voting Procedure

Prior to the taking of any ballots, the Chair reviewed the “plurality” procedure for choosing candidates, by quoting verbatim from the text of J.R.S. 14, as follows:

(1) All candidates for the office of trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

(2) The three candidates receiving the greatest number of votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall

continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the greatest number of votes.

Results of Balloting for UVM Trustees

The ballots were taken and counted, and the result was as follows:

Total ballots.....	169
Necessary for election	three greatest numbers of votes
Bartholomew.....	77*
Donovan.....	92*
Ingram.....	41
Smith.....	102*
Willhoit.....	66

Whereupon the Chair declared that

SHAPLEIGH SMITH, JR. of Morristown

having received the most votes cast was duly elected a Trustee of the University of Vermont and State Agricultural College for a term of six years, commencing March 1, 2017.

The Chair further declared that

JOHANNAH DONOVAN, of Burlington

having received the second most number of votes cast was duly elected a Trustee of the University of Vermont and State Agricultural College for a term of six years, commencing March 1, 2017.

The Chair further declared that

JOHN L. BARTHOLOMEW, of Hartland

having received the third most number of votes cast was duly elected a Trustee of the University of Vermont and State Agricultural College for a term of six years, commencing March 1, 2017.

Dissolution

The purposes for which the Joint Assembly was convened having been accomplished, the Chair then declared the Joint Assembly dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly

IN JOINT ASSEMBLY, MARCH 23, 2017**4:00 P.M.**

The Senate and House of Representatives met in the Hall of the House of Representatives pursuant to a Joint Resolution which was read by the Clerk and is as follows:

By Senator Nitka,

J.R.S. 21. Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and three Justices of the Supreme Court and ten Superior Court Judges.

Whereas, declarations have been submitted by the following justices and judges that they be retained for another six-year term, the Honorable Justice Reiber, Justice Eaton, Justice Robinson, Justice Skoglund, Judge Arms, Judge Bent, Judge Carlson, Judge Corsones, Judge Devine, Judge DiMauro, Judge Kainen, Judge Morrissey, Judge Rainville and Judge Schoonover, and

Whereas, the procedures of the Joint Committee on Judicial Retention require at least two public hearings and the review of information provided by each judge and the comments of members of the Vermont bar and the public, and

Whereas, the Committee anticipates that it will be unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the judges seeking to be retained in office by March 9, 2017, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 16, 2017, the date specified in subsection 10(b) of Title 2, and

Whereas, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 23, 2017, at four o'clock in the afternoon to vote on the retention of a Chief Justice and three Associate Justices of the Supreme Court and ten Superior Court Judges. In case the vote to retain said Justices and Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at nine o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

Presiding Officer

Honorable David E. Zuckerman, President of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Statement of Presiding Officer

Pursuant to our Constitution and statutes we are assembled here today in Joint Assembly to cast our votes on the retention of a Chief Justice and three Justices of the Supreme Court and ten Judges of the Superior Court.

This year we are again operating under the Judicial Selection Act passed in 1966, and as amended in subsequent years. The procedure for the retention of incumbent Justices of the Supreme Court and incumbent Superior Judges will be in accordance with this Act. The Act as amended set the date for holding joint assemblies for the retention of judges to be the eleventh Thursday of the session, in order to give the Joint Committee on Judicial Retention adequate time to consider the judges who are up for review. This year, pursuant to statute which permits this, 4 V.S.A. § 608, we have delayed the Joint Assembly from the eleventh Thursday of the session (which was March 16th) to the present date March 23rd.

The Act requires that the vote will be by *written* ballot on the specific question:

"Shall the following Judges be retained in office?"

There will be *two* separate written ballots: one containing the names of all of the justices for the Supreme Court; one containing the names of all of the judges for the Superior Court.

Retention of Supreme Court Justices

We shall now proceed to the vote on the retention of the a Chief Justice and *three* Justices of the Supreme Court. Nominations are *not* received from the floor; rather, each justice who seeks retention files a declaration of intention to stand for retention with the Secretary of State. By this means each justice is *automatically* considered for retention pursuant to the terms of the Judicial Selection Act.

In addition, the Judicial Selection Act provides that when a candidate does so declare for retention, the question to be decided shall automatically be:

"Shall the following Justices of the Supreme Court be retained in office?"

The statute provides that the vote on this question shall be by *one* written ballot containing the names of all of the justices.

With respect to the retention of the incumbent justices of the Supreme Court, we have received declarations of intention to stand for retention to the office of Justice of the Supreme Court, as follows:

Paul L. Reiber, Chief Justice
Harold E. Eaton, Jr., Associate Justice
Beth Robinson, Associate Justice
Marilyn S. Skoglund, Associate Justice

The question to be decided in each of these cases shall be as follows:

"Shall Chief Justice Paul L. Reiber be retained in office?"

Yes _____ No _____.

"Shall Associate Justice Harold E. Eaton, Jr. be retained in office?"

Yes _____ No _____.

"Shall Associate Justice Beth Robinson be retained in office?"

Yes _____ No _____.

"Shall Associate Justice Marilyn S. Skoglund be retained in office?"

Yes _____ No _____.

The ballot which you will receive will contain these questions in printed form on *one* single ballot. The terms of these Justices of the Supreme Court is for six years, from and including the first day of April, 2017, and until his or her successor is elected and has qualified.

Accordingly, we will need Tellers, and the Chair will now make those appointments.

Tellers Appointed

The Chair appointed the following Tellers:

Senator Jeanette K. White, of Windham District, as Chief Teller
Senator Deborah J. Ingram, of Chittenden District
Senator Brian P. Collamore, of Rutland District
Representative Kurt Wright, of Burlington
Representative Matt Hill, of Wolcott
Representative Barbara Murphy, of Fairfax
Representative Linda Joy Sullivan, of Dorset

To facilitate the procedure for this afternoon, the Chair will rule, unless there is objection, that any debate on each of the *four* Justices shall be conducted separately. At the conclusion of the debate for all of the Justices, any general debate on the entire question shall be in order.

Prior to any debate or voting, we will receive the report of the Joint Committee on Judicial Retention relating to these Justices of the Supreme Court who have filed for retention. The Chair now recognizes the Chair of this Committee, the Member from Newbury, Representative Conquest, for the purpose of receiving his report.

Committee Reports

Representative Charles Conquest, then delivered a general report for the Joint Committee on Judicial Retention with respect to the candidacy of all the Judges.

The Chair then recognized Senator Margaret K. Flory, of Rutland District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Supreme Court Chief Justice Paul L. Reiber.

The Chair then recognized Representative Gary Viens, of Newport City, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Supreme Court Justice Harold E. Eaton, Jr.

The Chair then recognized Senator Michael D. Sirotkin, of Chittenden District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Supreme Court Justice Beth Robinson.

The Chair then recognized Senator Joseph C. Benning, of Caledonia District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Supreme Court Justice Marilyn S. Skoglund.

Debate

There being no further debate, before the ballots are passed out, I want to remind you of the rules that govern us:

- A. In so far as they are applicable, the Senate rules apply.
- B. No Representative or Senator may be absent from this Joint Assembly unless sick or otherwise necessarily detained.
- C. Upon being called to order, every Representative and Senator shall be seated.
- D. It is the duty of each Representative and Senator to vote unless excused by this Joint Assembly or unless he or she is directly or immediately interested in the question being voted on.
- E. Pursuant to Rule 69 Senator Benning and Representative Willhoit have requested to be excused from voting on Judge Bent. Hearing no objection to this request. They are excused as requested.
- F. You are to remain seated while the tellers distribute the ballots.

G. If a member is not seated, no ballot will be placed at the member’s desk or seat.

H. You are to remain seated during voting **and** while the ballots are collected by the tellers.

I. There is to be no milling about in the chamber during the counting of the ballots.

J. You are requested to remain in your seats during the counting of the ballots unless it is necessary to step out of the chamber.

K. If you leave the chamber during the counting of the ballots, you will not be permitted to re-enter the chamber until the counting of the ballots has been completed.

The tellers will now distribute the ballots to the members of this joint assembly for this vote.

Results of Balloting

Balloting then proceeded for the office of Justices of the Supreme Court, with the following results:

For Chief Justice Paul L. Reiber

Total votes cast.....	136
Necessary for a majority	69
For retention	135
Against retention	1

Whereupon the Chair declared that

PAUL L. REIBER, of Chittenden

having received a majority of the total votes cast was duly retained in the office of Chief Justice of the Supreme Court for a term of six years, from and including the first day of April, 2017, and until his successor is elected and has qualified.

For Associate Justice Harold E. Eaton, Jr.

Total votes cast.....	134
Necessary for a majority	68
For retention	132
Against retention	2

Whereupon the Chair declared that

HAROLD E. EATON, JR., of Woodstock

having received a majority of the total votes cast was duly retained in the office of Associate Justice of the Supreme Court for a term of six years, from and including the first day of April, 2017, and until his successor is elected and has qualified.

For Associate Justice Beth Robinson

Total votes cast.....	134
Necessary for a majority	68
For retention	130
Against retention	4

Whereupon the Chair declared that

BETH ROBINSON, of Ferrisburgh

having received a majority of the total votes cast was duly retained in the office of Associate Justice of the Supreme Court for a term of six years, from and including the first day of April, 2017, and until her successor is elected and has qualified.

For Associate Justice Marilyn S. Skoglund

Total votes cast.....	135
Necessary for a majority	68
For retention	133
Against retention	2

Whereupon the Chair declared that

MARILYN S. SKOGLUND, of Montpelier

having received a majority of the total votes cast was duly retained in the office of Associate Justice of the Supreme Court for a term of six years, from and including the first day of April, 2017, and until her successor is elected and has qualified.

Retention of Superior Court Judges

We shall now proceed to the vote on the retention of the *ten* Judges of the Superior Court. Again, nominations are *not* received from the floor; rather, each candidate who seeks retention files a declaration of intention to stand for retention with the Secretary of State. By this means the name of each candidate is *automatically* considered for retention pursuant to the terms of the Judicial Selection Act.

In addition, the Judicial Selection Act provides that when a judge does so declare for retention, the question to be decided shall automatically be:

"Shall the following Superior Court Judges be retained in office?"

The statute provides that the vote on this question shall be by *one* written ballot containing the names of all of the superior judges.

With respect to the retention of the incumbent superior judges, *ten* declarations of intention to stand for retention to the office of Superior Court Judge were received. As such, we have *ten* Superior Court Judges seeking retention and are as follows:

Alison Sheppard Arms
Robert E. Bent
Thomas Carlson
Cortland T. Corsones
Thomas J. Devine
Theresa S. DiMauro
Michael Kainen
Mary Morrissey
A. Gregory Rainville
Kristin Schoonover

The question to be decided in each of these cases shall be as follows:

"Shall Superior Judge Alison Sheppard Arms be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Robert E. Bent be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Thomas Carlson be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Cortland T. Corsones be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Thomas J. Devine be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Theresa S. DiMauro be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Michael Kainen be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Mary Morrissey be retained in office?"

Yes _____ No _____.

"Shall Superior Judge A. Gregory Rainville be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Kristine Schoonover be retained in office?"

Yes _____ No _____.

The ballot which you will receive will contain these questions in printed form on *one* single ballot. The terms of these Superior Court Judges is for six years, from and including the first day of April, 2017, and until their successors are elected and qualified.

To facilitate the procedure for this afternoon, the Chair will rule, unless there is objection, to receive any debate on each of these *ten* Judges separately and at the end of the debate for the Judges, any general debate on the entire question shall be in order.

The Chair then recognized Representative Barbara Rachelson, of Fairfax, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Arms.

The Chair then recognized Representative Joseph Troiano, of Stannard, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Bent.

The Chair then recognized Senator Michael D. Sirotkin, of Chittenden District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Carlson.

The Chair then recognized Senator Alice W. Nitka, of Windsor District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Corsones.

The Chair then recognized Representative Charles Conquest, of Newbury, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Devine.

The Chair then recognized Senator Margaret K. Flory, of Rutland District who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Kainen.

The Chair then recognized Representative Gary Viens, of Newport City, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Morrissey.

The Chair then recognized Senator Joseph C. Benning, of Caledonia District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Rainville.

The Chair then recognized Representative Charles Conquest, of Newbury, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Schoonover.

Results of Balloting

Balloting then proceeded for the office of Judges of the Superior Court, with the following results:

For Superior Judge Alison Sheppard Arms

Total votes cast135
 Necessary for a majority68
 For retention134
 Against retention1

Whereupon the Chair declared that

ALISON SHEPPARD ARMS, of South Burlington

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2017, and until her successor is elected and has qualified.

For Superior Judge Robert E. Bent

Total votes cast133
 Necessary for a majority67
 For retention127
 Against retention6

Whereupon the Chair declared that

ROBERT E. BENT, of St. Johnsbury

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2017, and until his successor is elected and has qualified.

For Superior Judge Thomas Carlson

Total votes cast136
 Necessary for a majority69
 For retention134
 Against retention2

Whereupon the Chair declared that

THOMAS CARLSON, of Hinesburg

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2017, and until his successor is elected and has qualified.

For Superior Judge Cortland T. Corsones

Total votes cast	136
Necessary for a majority	69
For retention	135
Against retention	1

Whereupon the Chair declared that

CORTLAND T. CORSONES, of Mendon

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2017, and until his successor is elected and has qualified.

For Superior Judge Thomas J. Devine

Total votes cast	135
Necessary for a majority	68
For retention	131
Against retention	4

Whereupon the Chair declared that

THOMAS J. DEVINE, of Moretown

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2017, and until his successor is elected and has qualified.

For Superior Judge Theresa S. DiMauro

Total votes cast	136
Necessary for a majority	69
For retention	127
Against retention	9

Whereupon the Chair declared that

THERESA S. DiMAURO, of West Windsor

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2017, and until her successor is elected and has qualified.

For Superior Judge Michael Kainen

Total votes cast	128
Necessary for a majority	65
For retention	126
Against retention	2

Whereupon the Chair declared that

MICHAEL KAINEN, of White River Junction

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2017, and until his successor is elected and has qualified.

For Superior Judge Mary Morrissey

Total votes cast	135
Necessary for a majority	68
For retention	134
Against retention	1

Whereupon the Chair declared that

MARY MORRISSEY, of Jericho

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2017, and until her successor is elected and has qualified.

For Superior Judge A. Gregory Rainville

Total votes cast	133
Necessary for a majority	67
For retention	96
Against retention	37

Whereupon the Chair declared that

A. GREGORY RAINVILLE, of St. Albans

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2017, and until his successor is elected and has qualified.

For Superior Judge Kristin Schoonover

Total votes cast	136
Necessary for a majority	69
For retention	129
Against retention	7

Whereupon the Chair declared that

KRISTIN SCHOONOVER, of Huntington

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2017, and until her successor is elected and has qualified.

Dissolution

There being no further business, the Chair then declared the Joint Assembly dissolved.

JOHN H. BLOOMER, JR.
Secretary of the Senate
Clerk of the Joint Assembly