

Journal
of the
JOINT ASSEMBLY
Biennial Session
2019

JOURNAL OF THE JOINT ASSEMBLY
of the
STATE OF VERMONT
BIENNIAL SESSION, 2019

IN JOINT ASSEMBLY, JANUARY 10, 2019

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. 2. 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 10, 2019, 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 voters of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the voters.

Presiding Officer

Honorable David E. Zuckerman, President 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.....	274,087
Necessary to have a major part of the votes.....	137,044
Trevor Barlow, Independent.....	3,266
Cris Ericson, Independent.....	2,129
Christine Hallquist, Democratic.....	110,335
Charles Laramie, Independent.....	2,287
Stephen Marx, Earth Rights.....	1,855
Emily “Em” Peyton, Liberty Union.....	1,839
Philip B. Scott, Republican.....	151,261
Scattering (write-in votes).....	1,115

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.....	271,295
Necessary to have a major part of the votes.....	135,648
Murray Ngoima, Liberty Union.....	4,108
Don, Turner, Jr., Republican.....	108,417
David E. Zuckerman, Progressive/Democratic.....	158,530
Scattering (write-in votes).....	240

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.....	265,436
Necessary to have a major part of the votes.....	132,719
Richard Morton, Republican.....	85,824
Elizabeth A. “Beth” Pearce, Democratic.....	179,451
Scattering (write-in votes).....	161

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.....	267,712
Plurality, not a major part of the vote, is required	
James C. Condos, Democratic.....	178,863
Mary Alice Herbert, Liberty Union.....	9,706
H. Brooke Paige, Republican.....	79,035
Scattering (write-in votes).....	108

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.....	259,375
Plurality, not a major part of the vote, is required	
Marina Brown, Liberty Union.....	10,947
Douglas R. Hoffer, Democratic/Progressive.....	160,291
Richard Kenyon, Republican.....	88,021
Scattering (write-in votes).....	116

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.....	267,021
Plurality, not a major part of the vote, is required	
Thomas J. Donovan, Democratic.....	187,093
Rosemarie Jackowski, Liberty Union.....	9,536
Janssen Willhoit, Republican.....	70,226
Scattering (write-in votes).....	166

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

SARAH COPELAND-HANZAS

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

Report of the Joint Canvassing Committee Adopted

Upon motion of Representative Copeland-Hanzas, Co-Chair, the 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 10, 2019

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. 3. 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 10, 2019, 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:

Mexico Consul General Graciela Gomez-Garcia and
Honorary Consul Dr. Jessica Holmes
Quebec Delegate to Boston, Marie-Claude Francoeur
Director General of the Taipei Economic and Cultural
Office Douglas Hsu
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 Rebecca A. Balint, of Windsor District
Senator Richard T. Mazza, of Grand Isle District
Senator Joseph C. Benning, of Caledonia District
Representative Daniel Noyes, of Wolcott
Representative Sandy Haas, of Rochester
Representative Scott Beck, of St. Johnsbury

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.

Songs

Rep. Kevin “Coach” Christie sang -“Our National Anthem”.

Edmunds Middle School 7th Grade Chorus sang – “America The Beautiful”.

Invocation

The Reverend Father Leopold J. Bilodeau, of the Carmelite Nuns of Lowell, Vermont 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

Edmunds Middle School 7th Grade Chorus, 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:

“I want to begin by thanking the people of Vermont for the opportunity to serve as Governor, and for their trust and support as we carry out the work ahead. It is the greatest honor of my life.

“I also want to thank my wife, Diana, my two daughters, Erica and Rachael, my mom and my entire family for their support and love—I couldn’t do this without you.

“This is the second time I’ve had the privilege of addressing you as we open the biennial session.

“Each time, we’ve gone about our work against the backdrop of a national political environment that’s brought out the worst in the public process.

“Unfortunately, this still exists today, as too many value political points over policy solutions.

“Social media still overflows with negativity and hate, and politics as a whole still seems to divide us more than it brings us together.

“I truly believe that in Vermont, we can set a standard that others across the nation can aspire to, and elected officials can look to, as a better way—the right way—to go about the work of the people.

“And when the work gets difficult, when tensions build—which they will—when divisions seem too deep to overcome, when we need to be reminded that there’s still good in the world—look no further than the people of Vermont.

“We saw the good in the people of Swanton who sheltered and fed their neighbors as flood waters forced them from their homes in the depths of winter.

“The good lives in the young girls and boys who were inspired when they saw Montpelier native Amanda Pelkey take the ice half-way around the world in South Korea. When she was born, hockey was a game for boys. Twenty-five years later, we welcomed Amanda home, an Olympic gold medalist.

“The good is in the pride hundreds of us felt, on a cold day in November, to celebrate the return of Ceres, the goddess of agriculture, and the incredible work of two Vermont artists, Jerry Williams and Chris Miller, whose craftsmanship will stand for generations on top of this beautiful building.

“The good is in Sara Byers, the owner of Leonardo’s Pizza in Burlington, giving those in recovery the opportunity to get back to work, knowing full well the road may be rough, but believing in the person—and the journey—and seeing past the stigma of addiction.

“The good is found in the Perry family, whose combined 120 years of dedication and service in the Navy was recognized at a shipyard in Groton, Connecticut as the USS Vermont was christened.

“Four sons, three grandsons and a granddaughter-in-law, all following in the footsteps of the former Representative from Richford, Captain Al Perry.

“We saw the good in two political opponents running for the House in Lamoille County, Lucy Rogers and Zac Mayo, a Democrat and a Republican debating the issues then sitting together to play a musical duet, proving to the nation there is a better way.

“Every day, we see the good in our servicemen and women and our first responders, our teachers and nurses, in our coaches, scout leaders, mentors and all those who serve others without expectation of praise, and often too little recognition.

“The good is in this chamber.

“It’s here because it lives in each and every one of our communities. The places we come from and the people we go home to.

“It’s in our schools and churches, our businesses and farms, our forests, trails and town halls.

“The good, the courage to show a better path, is the same courage that allowed those who came before us to persevere through harsh winters, to carve our way of life from granite mountains and rocky hillside pastures.

“The good is in our hearts, it’s in our minds and it’s who we’ve always been. Today, more than ever, it’s who America needs us to be. And to meet the challenges ahead, to best serve Vermonters, it’s who we have to be.

“Our focus must remain on those we’re working for and what we’re working towards.

“To do that, we must face the economic realities that exist across the state, in all 251 towns, cities and villages, and the impact our policies have on each of them.

“We must look for common ground instead of highlighting or exploiting our differences, view consensus and compromise not as a weakness, but as a strength.

“And if we can, our work, our actions and our results will inspire a renewed faith in government and give hope to every community.

“Together, we can work toward a more prosperous future for our state and her people. Where families in every town are moving up the economic ladder with a good-paying job and a way of life they can afford. Where all kids get a quality education, with the same opportunity, to achieve their full potential. And where we do all we can to provide for our neighbors who need us most, when they need us most.

“An affordable Vermont, with opportunity and economic growth, with great schools in every corner of the state and policies that benefit all Vermonters. This can be our legacy.

“We can achieve this vision, but it requires us to recognize and overcome the obstacles in our way.

“I know some may be tired of hearing me talk about our demographics—or have given up and believe there’s nothing we can do to change them—while others may not feel a sense of urgency, because their own community hasn’t been impacted as dramatically as others.

“But you don’t have to take my word for it: just ask Moody’s, who recently downgraded our bond rating, in part, due to our lack of population growth, resulting in fewer working-age Vermonters.

“These facts and this problem can no longer be ignored.

“Just take our labor force as an example.

“Since 2009, our labor force has declined by about 15,000.

“15,000 fewer people working or looking for work.

“15,000 fewer Vermonters available for jobs we know businesses are trying to fill right now.

“15,000 fewer potential income tax payers.

“These losses have been felt across the state but have had the greatest impact outside of Chittenden County.

“Since their peak employment, Washington and Franklin Counties have seen a labor force decline of about two percent. By the same measure, Addison and Orange have seen a reduction of nearly five percent, and Grand Isle and Orleans have lost around six. Bennington, Lamoille and Windham have seen their labor force shrink by 10 percent. In Windsor: 12; Caledonia: 13; Rutland: 14. And in Essex, it’s down by almost 20 percent.

“This demographic reality is perhaps most apparent in our schools—it’s like the canary in the mineshaft.

“In our public schools, we’re now educating about 30,000 fewer K-12 students than we were in 1997—that’s an average loss of three students a day for over 20 years. And that trend continues.

“There’s not a single county that hasn’t been affected. Since 2004—which wasn’t all that long ago—Franklin County’s enrollment has shrunk by 3.5 percent—and is doing the best by far. Chittenden, Lamoille and Orange counties have seen declines of 12 percent. Enrollment has dropped by over 16 in Caledonia County, 17 percent in Orleans and nearly 19 in Washington. In Bennington and Grand Isle, it’s declined by 21 percent; in Windham: 23. Three

counties—Addison, Rutland and Windsor—have lost a quarter of their students in 14 years. And in Essex, they’re educating 42 percent fewer kids.

“These declines are eroding quality and opportunity for our children. And this is happening on our watch.

“These trends not only mean fewer in our workforce and schools, but fewer customers at businesses, ratepayers for utilities, fewer available for our volunteer fire departments and others who support the needs of our communities.

“And fewer to share the costs of state government, with ongoing needs in areas like transportation, building maintenance, public safety and human services.

“But there are other needs as well.

“We have a moral obligation to protect our seniors and kids and treat those impacted by mental illness or addiction.

“We’re committed to restoring and protecting our lakes and rivers, which will cost Vermonters nearly \$1 billion over the next 20 years.

“And we must keep the promises we made to our state employees and teachers to pay their pensions and healthcare costs in full.

“The debt we owe today is over \$4 billion and the annual payment to catch up continues to grow by tens of millions each year. But let’s be clear: A deal’s a deal.

“Each of these commitments are important, but our stagnant population is threatening every service we deliver, every program we administer and every investment we hope to make.

“Even the most optimistic among us must recognize what this means.

“Without a different approach or major change in circumstances, our current revenues won’t support our obligations, our wants or even our needs.

“On the campaign trail, a Burlington business owner told me, “We don’t need more taxes—we need more taxpayers.”

“The solution is really that simple, but the path to a better outcome requires our best ideas, our best work and the courage to make real change.

“That’s what we signed up for and what’s expected of each of us.

“Vermonters elected me, and many of you, to ensure we don’t ask them to shoulder any more of the tax burden.

“They’re doing their part. It’s time for us to do ours.

“Despite these challenges, we have so much to offer and so much to be hopeful for.

“We’re one of the safest, healthiest states in the country. We have a good education system, which I believe we can make the very best, and we have a culture and lifestyle that is second to none.

“These things offer a great quality of life, which is among the best recruitment tools we could ask for.

“This is all positive, but we know it’s not enough.

“So, this session, let’s focus on strengthening those assets to keep and attract more working families, with an eye on reversing our population trends.

“Let’s grow the economy to support jobs and organic growth, expand our tax base and ease the burden on hard-working Vermonters, because if we want people to both move here and stay, we must make it more affordable.

“This is how we rise above the challenges ahead of us, improve the lives of Vermonters and chart a new course for our future.

“First, let’s work to reinforce the things that make Vermont such a great place to live: The health of our citizens and environment and the strength and safety of our communities.

“Vermont has one of the lowest uninsured rates in the nation. We rank among the top states for the health of our women and children, the number of mental health providers and physical activity. We’re also among the best in the country with low instances of violent crime, obesity and infant mortality.

“Many of you in this room, as well as our predecessors, have contributed to this success.

“But Vermonters still struggle with the high cost of insurance, especially those in our state marketplace.

“That’s why I’ll propose health insurance reforms focused on increasing affordability for Vermonters and, specifically, young people, as we work to retain and attract more of them.

“And during the campaign, I talked about a voluntary paid family leave plan, balancing the value of this benefit with Vermonters’ ability to pay. In the

coming weeks, I'll roll out that concept. I truly believe an opt-in approach puts us on a path to the goal that we all share without raising a new tax.

"We can also build on our work to protect our environment, communities and kids.

"We rank high when it comes to air quality, but we can do more to lower emissions in our state, so I'll propose using settlement funds to help more Vermonters purchase electric vehicles.

"And my budget will propose a long-term funding source for our water quality initiatives, using existing revenues and a new delivery model to put this money to work on the ground.

"This fall, we learned from the Department of Health that some students may be exposed to lead in drinking water in our schools. Here's an area we agree on, so let's act quickly to protect our kids.

"In order to do that, my budget will invest in lead testing at schools statewide. And, if you'll work with me in budget adjustment, we'll have every school tested within a year.

"Second, we'll continue to transform our education system, going from good to the very best in the country, supporting and educating every child from cradle to career.

"Many of us here today have heard countless debates about education but far too often it's been about something other than the kids themselves. From tax payers to teachers, the fate of buildings and debt, old districts and new districts and rates and rebates.

"This has created a fear of change that's handcuffed us to the status quo and distracted from the single most important purpose of our schools: educating our kids.

"We must have the courage to make the conversation about giving every child the best possible chance at a good future. And the truth is: not all of them are getting equal opportunities.

"Here is just one example of what students are facing:

"Now, I want to be clear: these are real middle schools in Vermont, but I'm going to call them School A and School B.

"Students at each are taught language arts, math, science and social studies.

"But School A has advanced math like Algebra I. School B does not.

"School A has 20 sections of art. School B has one.

“School A offers multiple French classes. School B doesn’t have any foreign languages.

“School A has band, chorus, music, health education, industrial arts and family and consumer sciences. School B doesn’t offer a single one of these.

“You might be surprised to hear that these aren’t schools from opposite ends of the state. These two middle schools feed into the very same high school.

“This is not an isolated case: It’s happening across Vermont, so we must continue to address the inequality that exists.

“I’ve heard you and believe me: I recognize that change of this magnitude takes time.

“But in the near term, I believe the best opportunity for progress is in early care and learning—to give all kids, regardless of their background, a strong foundation.

“We’ve taken important steps. Let’s build on it this year by working together to give every child an equal chance at success.

“Last fall, I identified a new revenue source to put toward these initiatives, which I’ll detail in my budget address.

“If we can work together on a high-quality child care system that’s affordable and accessible—along with a stronger education system—we could set Vermont apart from other states as an education destination for families.

“We can, and will, debate on policy—and that’s ok—but let’s focus on the merits of our ideas. Let’s not resort to scare tactics. Let’s roll up our sleeves and make change that gives all our kids an equal shot at success, that puts their interests above special interests, and builds them—hands down—the best cradle-to-career education system in the country.

“Next, we must ensure businesses can stay competitive with those in other states around our region. Because we can put all the best ideas on the table to attract young people and support working families, but if we don’t have jobs, none of it will matter.

“Act 250 was created nearly 50 years ago to address a rapidly growing state. At that time, there wasn’t the regulatory oversight to deal with the population expansion brought on by the baby boom and the interstate highway system.

“But those circumstances no longer exist.

“That’s why I’ll propose reforms to modernize Act 250 in a way that expands growth in our struggling downtowns while continuing to protect the environment.

“We can and must do both.

“This proposal builds on work we did together last term to modernize regulation and support the development of affordable housing in our downtowns and growth centers. This year, we can do even more to build stronger communities by updating Act 250 and encourage more compact development while preserving our working lands and rural character.

“We also know that broadband is crucial to parts of the state that are currently under-served or, in some cases, not connected at all.

“I’m sure most realize this isn’t the cure-all to our economic challenges, but as we seek to attract more people to live and work in Vermont, we must continue to expand access. This session, I’ll put forward a package of reforms, and my budget will include investments, to do just that.

“As I travel the state, I see places struggling to survive, many a shadow of what they used to be. We’ve reached a point where too many are not growing—they’re shrinking.

“Whether you’re here from Readsboro or Alburgh, Island Pond, Richford, Springfield, Newport or any one of the proud communities that helped write Vermont’s economic history but now face tough times, know this: I’m eager to work with each of you to develop policies to revitalize all 14 counties and to ensure that hope and opportunity exists not only in Burlington, but in Brattleboro, Bennington, Berkshire, Barton and all 251 towns across our state.

“Finally, we need to do a better job leveraging our assets, the things that make Vermont a great place to visit, work and live.

“Consider this: In 2017, the top towns for millennial home buyers were not New York City, Boston or San Francisco. They were Williston, North Dakota, Athens, Ohio and Aberdeen, South Dakota.

“Millennials appear willing to put affordability and quality of life over the conveniences and attractions of our biggest cities when buying a home.

“I believe Vermont can offer what they’re looking for, and in many instances, we already do.

“The work we did last term in the areas of housing, education, downtown development and workforce training, while striving to make Vermont more affordable, were positive steps forward.

“But we must do more.

“We know availability of affordable housing is a huge barrier to recruiting young workers—I hear it every day from employees and employers.

“Last term, we worked together to create more housing Vermonters can afford. Let’s build on that progress by focusing on existing stock and rental units.

“My budget will propose a package focused on growing the housing supply by revitalizing properties and investing in existing neighborhoods.

“These are steps in the right direction, but it’s not enough to simply offer things that appeal to young people and working families. We must do a better job telling our story and use it to aggressively recruit new Vermonters.

“Even if you believe Vermont is perfect, it’s clear we aren’t doing enough to persuade people to move and stay here.

“Last year, thanks to innovative thinking from the Legislature, we launched a program offering incentives to remote workers who moved here.

“Just passing this law gained international media attention, and as a result, nearly 3,000 people inquired about the program.

“This showed us a couple of things. First, publicity works. And second, people do have an interest in moving here but sometimes just need a reason to take that first step.

“That’s why my budget will again propose a labor force expansion package that targets those likely to move and a regional sales team approach to close the deal.

“I hope you’ll join me in supporting this effort, because investing to grow our workforce is one of the single most important things we can do for our economy and to reduce the tax burden on those here now.

“This fall, I visited employees at Eden Ciders in West Charleston. My team heard they’ve had success recruiting young workers to relocate here and we wanted to learn more.

“I asked them why they chose Vermont. Most said they liked the sense of community we offer. Many also thought it was a good place to raise a family, while some came for outdoor recreation.

“While there, someone shared that Precision Composites in Lyndonville wasn’t having any trouble filling positions—even engineers.

“Now, that got my attention. Because just the week before, I was at Collins Aerospace in Vergennes and they said they were looking to hire 25 engineers but were struggling to do so.

“What was the secret in the Northeast Kingdom? They put a “help wanted” ad in a mountain biking magazine.

“The point is we know people want to come here. We just need to identify and reach those who do.

“Collectively, we have a lot of good ideas, so let’s act on them together.

“Let’s build the best education system in the country and nurture a business climate that keeps and creates good jobs, so we can better compete with other states.

“Let’s think creatively about attracting more workers and families so we have the revenue to better serve the Vermonters already here.

“Let’s support policies and make investments that will work towards these goals and do so without digging further into the pockets of Vermonters.

“Because to build the future we want for our kids and their kids, we must ensure Vermont’s affordable.

“While our challenges are great, when we work together, we can do great things.

“Over the last two years our record speaks for itself.

“To improve efficiency and better serve Vermonters, we merged the Departments of Liquor and Lottery, a long-standing goal for some legislators in this room.

“And we did the same in creating the Agency of Digital Services, which has saved taxpayers about \$4 million since its creation.

“With your leadership, we supported foster parents and crime victims, strengthened consumer protections and are working to make prescription drugs more affordable.

“We modernized our licensing laws to expand the pool of drug treatment professionals and make it easier for members of the military to enter the civilian workforce.

“When actions in Washington put access to healthcare in jeopardy, Speaker Johnson, Senator Ashe, Republican party leaders from both houses and I stood with Senators Leahy and Sanders and Congressman Welch to protect Medicaid funding. Where else but Vermont would you see such a politically-diverse group joining together to defend access to healthcare?

“And for two years we didn’t raise a single tax or fee in the General Fund. We also held statewide residential property tax rates level, while fully funding school budgets passed by local voters.

“We removed the tax on social security for low- and middle-income Vermonters and worked to revitalize downtowns and villages throughout the state.

“We made the single largest investment in housing the state has ever seen, as well as a 70 percent increase in clean water funding and opened a treatment center in St. Albans that helped eliminate long waitlists statewide, allowing more Vermonters to start on a path to recovery.

“We did all this, and so much more, by working together.

“It wasn’t always easy or comfortable, but hard work—good work—is rarely either of these things.

“And we need more of it because the solutions we seek—in the political environment in which history has placed us—requires that above all else, we focus on what it means to be true public servants.

“When announcing his retirement in 2005, Senator Jim Jeffords said, “In no other job do you have both the freedom and the obligation to solve problems and help people on a daily basis.”

“Solve problems and help people.

“A simple concept and an important reminder of why we’re here.

“As partisanship and division have eroded the trust many have in our democracy; as conflict captures headlines far more often than the good work we’ve done to strengthen Vermont; and as reports of our disagreements overshadow all we agree on and the progress we’ve made working together—let’s solve problems and help people.

“That's our job. It's our responsibility.

“It's what our neighbors who elected us expect. It's what the challenges we're here to confront demand of us. And most importantly, it's what Vermonters deserve.

“As we open this new biennium, with the hope and promise of a new year, let's commit to this work; put aside our differences to work together, to come together. To solve problems and help people each and every day.”

Benediction

The Benediction was pronounced by The Reverend Dr. Robert A. Potter, Senior Minister 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, 2019

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. 5. 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 Thursday, January 24, 2019, 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 Ann E. Cummings, of Washington District
Senator Robert A. Starr, of Essex-Orleans District
Representative Peter J. Fagan, of Rutland City
Representative Janet Ancel, of Calais
Representative Catherine Toll, of Danville

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, Madam Speaker, Mr. Chief Justice, members of the General Assembly, distinguished guests and fellow Vermonters:

“Two weeks ago, I stood before you and outlined what I believe are the major challenges we face, and opportunities to address them.

“For those who have been here a while: I don't have to tell you building the budget is never easy.

“Year after year, we're faced with many worthy initiatives and programs. It's our job to separate our wants from our needs, make sure we're meeting our goals, determine where we need to do more and where we can get by with less.

“This is the difficult task before us. It's a process that forces us to find balance between our hearts and our minds, understanding that each dollar we spend comes directly from hardworking Vermonters, many struggling to get by.

“But I'm certain, if we build consensus on solutions, and compromise when we can't, we can come to agreement on a budget that supports everyone by

growing our economy, making Vermont more affordable and protecting the most vulnerable.

“The budget I present today is balanced and spends within our means, while investing in both our obligations and areas that will give us the highest return.

“As I’ve said many times, I believe our biggest threat is our declining labor force.

“It’s the root of every problem we face.

“To put this in perspective, every county except Chittenden has seen a decline in the number of people working. Every county, including Chittenden, has fewer people available for work.

“This makes it incredibly difficult for businesses to recruit new employees and expand, harder for communities to grow and leaves fewer of us to cover the cost of state government. This is the problem.

“As our working-age population continues to decline, we simply need more people helping to pay the bills.

“Together, we have an opportunity to change this, with policies that better prepare students for a career, keep more of our kids after graduation, provide training for Vermonters so they can get a good job and attract new workers and new families to join our communities.

“This is how we can grow our economy and revenues, be better able to support the programs we provide today and meet the needs of an uncertain future.

“This work is crucial, because despite having a surplus for the first time in many years, we still face difficult budgeting decisions.

“Put simply, the day-to-day operational costs of state government and increasing payments on our debt exceeded growth in our economy.

“Without any new investments—just paying the bills—we began building this budget with about a \$40 million gap.

“That’s just our basic obligations—debt service, pension funding, contracted salary increases, caseload pressures at AHS, clean water and others.

“Through this process, I challenged my team to think differently, to question our assumptions and “the way we’ve always done it,” to think outside the box and to innovate, so that even with these spending pressures, we can make a difference and emerge stronger and more sustainable.

“With this in mind, all of us in this chamber today understand the pressures we face with our unfunded liabilities, the future financial commitments for pensions and retiree health plans.

“I welcome the opportunity to work together with you and Treasurer Pearce towards a future when our liabilities are fully funded.

“And I’m pleased to say this work is already moving forward in the House Appropriations Committee.

“My team, the Treasurer and legislators met to share ideas and collaborate on a proposal which will retire a portion of our debt, using \$22.2 million from this year’s surplus to pay off a loan currently funding health benefits for retired teachers.

“Another \$2.4 million would be used to put ourselves on a path to pre-fund this liability for the first time in history. And if successful, we will have \$75 million in this fund for future retired teachers’ health care costs by 2025.

“Additionally, directing \$3.3 million of surplus as a pre-payment to the teachers’ pension fund will further decrease that liability.

“Finally, we can redirect 50 percent of future year surpluses to the retired state employees’ health fund to pay those debts as well.

“These are examples of the work we’ve done to present a budget to you today that’s balanced, makes investments to expand our workforce, strengthens our communities and supports economic growth in all corners of the state.

“Now, I know you have your own priorities for this year’s budget—which is an important part of this process—and I look forward to hearing them because we need all ideas on the table to restore our fiscal fundamentals.

“As I said in my inaugural address, despite the challenges we face, we can be hopeful because we know there’s a path forward.

“It starts with making sure we maintain the things that set us apart—the health and safety of our communities and our commitment to protecting our neighbors in need.

“I’ve long said public safety should be the top priority of any government. Today, keeping people safe is no longer limited to our highways and homes—we must also protect Vermonters online.

“As cybersecurity threats grow and cause more harm, keeping data safe and systems operating is essential.

“To do so, I’ve called for a one-time investment of \$2.3 million to strengthen the State’s firewall and upgrade critical IT infrastructure.

“We must also stay focused on protecting our communities, which starts with our children.

“Last year, we acted quickly to strengthen the safety of school buildings across the state, but we have more to do.

“With the same sense of urgency, let’s use budget adjustment to immediately fund an additional \$1.5 million in safety improvements at schools who couldn’t secure grants last year. We’ll also make capital investments to ensure more schools are E9-1-1-compliant.

“I’m also pleased to share I’ll be joining with the Vermont NEA to launch a “See Something, Say Something” public service campaign, and we’ll invite the media to join us in this important cause.

“To further protect our kids, we can direct \$1.3 million of this year’s surplus to lead testing in every school.

“In my first budget address, I talked about the most undeserving victims of our opioid crisis: the children born to addiction. That day—two years ago—I vowed we would not fail them.

“This budget continues to support our investments in prevention, treatment, recovery and enforcement.

“And with an increased investment of \$2 million to the Family Services Division, we can give these children more of the support, hope and opportunity they deserve.

“We all know the serious and harmful impact of our opioid crisis and with your help, we’ll continue to address it. Today, I’d like to address another threat to public health.

“Between 2017 and 2018, 1.5 million more kids began using e-cigarettes and vape products across the nation. This is the biggest one-year spike of any substance in nearly 50 years.

“Right here in Vermont, use among young people nearly doubled. And the Surgeon General has declared this an epidemic.

After all the progress made to lower nicotine addiction, this is not only concerning—it’s frustrating.

“I think you all know it’s not my first instinct to add a tax, but with a growing health risk for our kids, I’m proposing to levy the same tax as we do on tobacco products.

“Let’s learn from the past, let’s not make the same mistakes with e-cigarettes or anything else. Our kids must know the dangers of these behaviors, and we should stop it in its tracks.

“Two weeks ago, I asked you to consider the power of transforming the good education system we have now to the very best in the country.

“Combined with our quality of life, good jobs and working to make Vermont more affordable, this could be the most effective economic development tool we could ever ask for.

“It’s an alignment of assets and priorities to accomplish what most of us have told our constituents we would do: give every family, in every community, the chance to succeed and prosper.

“It would also enhance our brand.

“Unfortunately, marketing our state as the safe, healthy and beautiful place we are isn’t enough anymore. If it was, we’d be seeing our labor force and communities growing instead of shrinking.

“We have to distinguish ourselves, and what better way than as the state with the best education in America.

“Think about how powerful this will be—really think about it. Imagine what it would mean for our kids, our communities and our state. Imagine what it would mean for our economy. And imagine what it would mean for the ability of future generations to solve problems and help people.

“But we must do more than imagine it—we must have the courage to make real change, together.

“As our demographics demonstrate, we can’t afford to do things the way we’ve always done them—not if we want to maintain services, revitalize every county and invest more in our priorities.

“We must continue our work to transform our system. So, let’s keep moving forward.

“I know you have thoughts on how to do this as well, but to get the conversation started, here are some ideas to consider:

“First, I propose we invest an additional \$7 million into our child care system to make it more accessible and affordable for low-income and working families.

“If you’ll work with me to modernize our tax system, in response to the Supreme Court’s Wayfair decision, we can improve compliance and fund these investments in child care without raising property taxes.

“To help more people pursue education and training opportunities outside the traditional college track—and earn credentials too—my budget increases funding for VSAC’s Non-Degree Grant program by over \$1 million.

“Last year, we committed \$400,000 from the Capital Bill for programs and equipment to increase training opportunities for adults looking for new skills. It’s been successful, so let’s do it again this year.

“And we’ll continue to increase our support for higher education, so my budget proposes \$700,000 for UVM to replace declining Medicaid revenue and \$3.2 million more to Vermont State Colleges.

“With this funding, the State Colleges will stop a planned three percent tuition increase on Vermonters for this coming school year.

“It will also support the creation of an associate degree program, delivered in at least three tech centers throughout the state, where students earn the first year of their degree as a high school senior and the second as a Vermont State College student.

“If we keep the focus on our kids and the good we can do for them, we can continue to strengthen our system, giving every kid the best possible education and the tools to reach their full potential, from cradle to career.

“To help revitalize all areas of our state, let’s modernize regulation to support growth in our local economic centers, expand broadband access and take action on climate change to strengthen our environment and economy.

“Last term, we agreed on the need to evaluate Act 250. These regulations were put in place when we were growing too fast. Over time, they’ve become complex, and in some cases, redundant with other regulations.

“Today, with many areas not growing at all, we have an opportunity—and a necessity—to do better.

“We can enhance our high environmental standards and breathe new life into our downtowns and village centers.

“Specifically, let’s give communities the opportunity to raise the bar when it comes to planning and environmental protection.

“And when they meet these new standards, let’s reward them and encourage growth by exempting them from Act 250.

“Adding even more balance, let’s help them expand protections for natural areas and give our rural economy a fighting chance.

“Given that chance, they’ll make it, because there are few more resilient than our farmers and loggers.

“Let’s create flexibility for our forestry businesses, working lands and trail networks. Let’s simplify construction approval in rural industrial parks and reduce their fees. Let’s help farms create new revenue from tourism and on-site businesses. Let’s get the most mileage from our transportation dollars by exempting projects that have environmental protections already built in. And if other State permits provide the very same protections, let’s not force applicants to jump through the same hoop twice.

“These are my ideas. I know you have others and I look forward to working with you.

“But here’s the bottom line: we need to modernize Act 250. I believe it’s essential to expanding our economy and restoring the health of our smaller communities.

“We must also continue to strengthen broadband in our state.

“Currently, 75 percent of the state has high-speed broadband or better. There is clearly work to do to make this essential tool available to more homes and businesses, and we have to acknowledge it’s not just about access—we need to increase speeds.

“Many communities are trying to expand infrastructure; while there are grants and loans, they don’t always fit with local plans or budgets.

“To help, and to support our focus on the rural economy, I’m proposing to make bonding available for municipal broadband in areas that need it.

“To expand service, I’m proposing to invest \$1 million for connectivity, and let’s eliminate the sunset on 248(a)—it’s worked to speed up telecom projects and we must continue to make progress.

“My team has been working closely on a partnership with Microsoft to expand broadband access and computer science education to communities with the greatest needs.

“This partnership will come with an investment in Vermont to support expanding broadband and to help kids and families in our communities learn more of the digital skills they need.

“Making these opportunities equitable and accessible for all is a goal we share, and I believe these initiatives move us in the right direction.

“We can also have a stronger economy by building a cleaner economy.

“Transitioning to electric vehicles can save millions of dollars. In 2015, approximately \$830 million was spent on gasoline sales in Vermont. If this travel had all been powered by electricity, the cost would’ve been significantly less, saving drivers more than \$500 million.

“Plus, our “Comprehensive Energy Plan” recognizes more electric vehicles are essential to meeting our climate and energy goals.

“We need 10 percent—about 50,000—of the cars and trucks on our roads to be electric by 2025, and 25 percent by 2030.

“I don’t believe we can meet those goals unless we help people make this transition.

“Today, we only have about 1,000 EVs on the road—less than one percent of new passenger vehicle registrations.

“We all know transportation costs are high for rural Vermonters—that’s one of the reasons I will not support a carbon tax.

“But in its final report, the Vermont Climate Action Commission recommends an incentive to make electric vehicles more affordable, which I believe is a better approach because, as we’ve seen, incentives work. So, I’m proposing \$1.5 million in rebates to help more people purchase or lease new or used EVs.

“And to lead by example, I’m asking for your support in using \$500,000 to invest in more EVs and EV infrastructure for the State fleet.

“This is another great area of balance, because meeting these targets isn’t just about making our state cleaner and healthier—it’s also about growing the economy.

“I view clean water the same way.

“The environmental benefits are obvious. What might be less obvious is that it’s also an investment in growing our economy and creating jobs.

“In just the last two years, we’ve invested more than \$100 million in clean water projects, improved 15,000 acres of agricultural lands and conserved or restored more than 1,500 acres of river corridors, floodplains and wetlands.

“It’s not an exaggeration to say that the 20-year, \$2 billion project ahead of us is as much a major infrastructure program as it is essential environmental policy.

“That’s why my budget fully funds the Clean Water Board’s recommendation. This includes about \$15 million for the State’s Clean Water Fund, over \$12 million in capital funds and \$1 million in transportation dollars. Combined with over \$19 million in federal funds, all told, this budget dedicates nearly \$48 million to clean water projects.

“I want to thank Treasurer Pearce for her continued leadership in this area. Her bridge plan for FY18 and FY19, and the Legislature’s input and support, have set us on the right track.

“And, for what is one of the worst kept secrets in Montpelier, our clean water proposal includes dedicating \$8 million in ongoing revenue from the estate tax to the Clean Water Fund.

“Now, before either side of the aisle jumps to conclusions, I hope you’ll listen to the details, because it’s a packaged concept.

“First, the estate tax is a stable source—average revenue since 2004 has been about \$19.5 million, and the lowest year was 2015 at \$9.9 million. Using a portion of this revenue for long-term investments makes a lot of sense.

“And what this budget shows is that we can fund the clean water plan with existing resources.

“What we’ve also found in this research is that by reforming this policy, we can better sustain the revenue and the fiscal health of our state.

“Tax professionals consistently tell me that because we are so far out of line with other states, the estate tax is a factor in retirees leaving.

“As part of this plan, I propose increasing the current exemption from \$2.75 million to \$5.75 million over four years. This will align us with Maine and New York, and more closely with the federal exemption.

“Here’s why this is important: currently, we’re one of only 12 states that have this tax at all, and the recent doubling of the federal exemption to over \$11 million makes our exclusion radically out of step.

“Vermonters impacted by this tax are well-advised from tax professionals, and they are highly mobile.

“If we can come together, this change will help keep more of these taxpayers here and support a legacy of clean, healthy lakes, rivers and streams, all at the same time.

“This is just one example of reforms we can make and policies we can implement to help us keep more people and more revenue here.

“Last year, we worked together to make sure that low- and middle-income Vermonters weren’t taxed on their social security, helping retirees live a little more comfortably after spending their lives in the workforce, and this year, we can help another deserving group.

“Our veterans have served their country, put others ahead of themselves and, in many cases, placed their lives on the line for our nation and the values and principles we hold dear.

“Only seven states, including us, fully tax military retirement benefits. Before we leave this spring, let’s reduce that to six, and eliminate it completely by the time we adjourn next year—it’s the least we can do.

“Another area where we’ve agreed is the need for more housing that’s affordable.

“I’m sure you hear it as much as I do from young families trying to find that first affordable home, seniors looking to downsize and even employers trying to recruit workers.

“Across the state, there are abandoned, vacant and blighted properties which are currently driving down property values but have the potential to unlock needed stock.

“So, let’s eliminate the land gains tax. This was implemented in the 70s to halt rapid development and housing speculation, but that was before most communities adopted land use regulations, before Act 250 was fully implemented and before we faced a demographic crisis.

“Currently, when a property owner sells within six years of purchase, they may pay a substantial penalty.

“Eliminating this tax will reduce a major barrier to investment in our neighborhoods, create more capacity, and increase grand lists as low-value properties are restored to their full potential.

“Next, let’s make sure these updated properties are efficient. Eighty percent of our housing stock is at least 40 years old, and nearly half of that is 80 years old.

“We know the cost to heat these older homes can push them out of reach for some. So, my budget includes \$1 million to restore these units if weatherization is part of the project.

“Finally, so many of the neighborhoods affected by these issues are in and around our downtowns.

“We also know young families and workers want to be close to jobs, services and restaurants, social and community events.

“So, let’s continue to make these areas attractive places to put down roots by increasing the Downtown and Historic tax credit to \$2.6 million.

“Each of these initiatives will encourage upgrades to homes that already exist, in the places we want to see grow.

“Attracting and retaining more workers is also a key goal of the paid family leave plan I put forward last week with Governor Chris Sununu.

“Our proposal would provide universally accessible and competitively-priced plans for all employers and employees in both states.

“Now, I know that some of you want to go all the way to a government-run program, funded by an increase in the payroll tax.

“Let me address that by first saying if you give my plan a fair shot, you might see there are advantages to taking the step I’m proposing.

“First, we can launch more quickly, more affordably and more reliably than if the State had to create the program from scratch.

“Second, it ensures we aren’t placing the burden of startup costs, or the risk of underfunding and insolvency, on taxpayers.

“And third, we’re not mandating another cost on our employers and employees for an expense they may not be able to afford.

“I understand your concerns that a voluntary approach might not have a big enough pool to sustain a program.

“That’s why our proposal places all eligible state employees from both states into the plan, creating a large and diverse pool overnight.

“And my budget includes funding to offer this coverage to our state employees if we move forward.

“With a voluntary plan, we can deliver a workable and scalable program that’s administered efficiently, reduces risk to taxpayers and state government and balances the value of paid family leave with our ability to pay.

“Let’s show Vermonters we can work together to reach a goal we agree on, even if we have different ideas on how to get there.

“In every corner of our state, there are communities, businesses and non-profits – large and small – ready to grow, but good jobs go unfilled because we need more working-age people.

“That should alarm each of us in this room, but we can work together to change it.

“We can change it by creating the greatest cradle-to-career education system in the nation. We can change it by investing in housing, downtowns and our environment to make Vermont an affordable and attractive place to live. And we can change it by reaching potential Vermonters and showing them a clear path to move to our state.

“I’m pleased we moved forward on some smaller initiatives last year, like your remote worker program, Returnships and the “Stay to Stay” pilot, all focused on growing our workforce.

“Each of these incremental steps has helped but we must do more.

“This year, my budget includes a total of \$2.5 million to identify those most likely to consider moving to Vermont, tell them our story and make it easier for them to get here.

“It starts with data-driven marketing to identify and reach those interested in what Vermont has to offer.

“It includes funding for relocation support to really sell Vermont by helping those who want to move here find a great job, housing and a community they’re drawn to, in the regions and job sectors that need them most.

“From the overwhelming interest in the remote worker initiative you proposed last year, again we saw incentives work. So, let’s build on that success and invest more this year to relocate new workers for jobs with Vermont businesses.

“The fact is: every new worker we recruit to live here allows a business, a community, a school and tax revenue to grow.

“We cannot lose sight of this fact.

“If we want to fund more early education or science and technology for kids, we need more taxpayers, not more taxes.

“Better roads and bridges? More taxpayers.

“More drug prevention and treatment? More taxpayers.

“Each new taxpayer provides a bit of relief to someone who’s already here and allows us to continue funding programs and services that Vermonters need and value.

“This has to be our focus and we must act now.

“We all know our challenges are great. But I believe in the strength of this institution. I believe in each of you and our ability to solve problems and help people.

“At a time when it’s so easy to focus on the bad, let’s believe in the good, the good that comes from the people of Vermont. And the good that can come from this building.

“I know I do—I’ve seen it—and it’s what keeps me coming back after nearly twenty years.

“Our success, our ability to achieve real results, relies on the way we choose to engage each other, how we choose to treat each other and the issues we choose to address.

“We have an opportunity to follow the example of those who came before us, who confronted the challenges of their time, who faced adversity with the courage to do what was right over what was easy. And when the world seemed as though it was coming apart, had the wisdom to bring us together.

“Today, we can be the example. We can reject hate and anger, partisanship and division. We can recognize Vermonters call for balance, for civility and for us to work together. And we can commit to solving the problems ahead of us and helping the people who sent us here to do so.

“If we do, we will make a difference in the lives of Vermonters, and our actions will prove that the best work still comes when we’re guided by our core beliefs in freedom and unity.”

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 21, 2019**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. 10. Joint resolution providing 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 21, 2019, 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 David E. Zuckerman, President 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). Joint Rule 10 provides:

“(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.

“The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be received by the Chair prior to voting, presented in alphabetical order.

Second: 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.

“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 elections that are not contested the provisions of Joint Rule 10(a) will apply.

“This means that the elections may be by voice vote if there is no objection.

“For the election of Adjutant and Inspector General - as there is a contest - the election shall be by ballot.

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 Jeanette K. White, of Windham District, as Chief Teller
Senator Brian P. Collamore, of Rutland District
Senator Christopher A. Pearson, of Chittenden District
Representative Rebecca White, of Hartford
Representative Anne B. Donahue, of Northfield
Representative Leland J. Morgan, of Milton
Representative Joseph “Chip” Troiano, of Stannard”

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, Senator Joseph C. Benning of Caledonia District nominated *Janet C. Miller*, of Montpelier.

The nomination was seconded by Representative Alice M. Emmons of Springfield.

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, 2019, 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 David Potter of Clarendon nominated *David P. Baczewski*, of Westford.

The nomination was seconded by Representative Robert L. Bancroft of Westford.

For the office of Adjutant and Inspector General, Senator Richard J. McCormack of Windsor District nominated *David B. Graham*, of Grand Isle.

For the office of Adjutant and Inspector General, Senator Deborah J. Ingram of Chittenden District nominated *Rosanne Greco*, of South Burlington.

The nomination was seconded by Representative Maida Townsend of South Burlington.

For the office of Adjutant and Inspector General, Representative Laura Sibilia of Dover nominated *Gregory C. Knight*, of Huntington.

The nomination was seconded by Senator Ruth Ellen Hardy of Addison District.

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

Summary of Names Placed in Nomination

The four names placed in nomination and on the ballot for the office of Adjutant and Inspector General were as follows:

David P. Baczewski of Westford
David B. Graham of Grand Isle
Rosanne Greco of South Burlington
Gregory C. Knight of Huntington

Statement of Presiding Officer

“Our Joint Rules permit nominations before the Joint Assembly.

“Vermont statutes require the official ballot be that provided by the Secretary of State. By statute the requirement for inclusions on the ballot is timely notification to the secretary of state.

“The statutory authority determines the ballot for this election. As such the official ballots have been printed by the Secretary of State and contain the names of David P. Baczewski, David B. Graham, Rosanne Greco, Gregory C. Knight.”

Results of Balloting for Adjutant General

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

Total votes cast.....	176
Necessary for a choice.....	89
Baczewski.....	58
Graham.....	2
Greco.....	21
Knight.....	95
Write in.....	0

Whereupon, the chair declared that

GREGORY C. KNIGHT of Huntington

having received a majority of the total votes cast was duly elected to the office Adjutant and Inspector General for a term of two years, from and including the first day of March, 2019, 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, 2019.

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

“As stated previously, 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. 11, which suspended the provisions of Joint Rule 10 for this particular election.

“By adopting this joint resolution (J.R.S. 11), we have set up a special voting procedure for this election, which will help expedite the process.

“The adoption of J.R.S. 11 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 Thomas Burditt of West Rutland nominated *Representative Kevin “Coach” Christie* of Hartford. The nomination was seconded by

Representative Martin Lalondon of South Burlington.

Representative Diane Lamphere of Vergennes then nominated *Representative Carol Ode* of Burlington. The nomination was seconded by Representative Paul D. Lefebvre. of Newark.

Representative Johannah Leddy Donovan then nominated *Representative Samuel Young* of Greensboro. The nomination was seconded by Senator Richard A. Westman of Lamoille District.

Summary of Names Placed in Nomination

The three names placed in nomination and on the ballot for the office of Trustee of the University of Vermont and State Agricultural College were as follows:

Kevin “Coach” Christie, of Hartford
Carol Ode, of Burlington
Samuel Young, of Greensboro

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

KEVIN “COACH” CHRISTIE, OF HARTFORD
CAROL ODE, OF BURLINGTON
SAMUEL YOUNG, OF GREENSBORO

were unanimously elected as Trustee of the University of Vermont and State Agriculture College for a term of six years, commencing March 1, 2019.

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 27, 2019

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. 17. Joint resolution providing for a Joint Assembly to vote on the retention of eight Superior Judges and one Magistrate.

Whereas, declarations have been submitted by the following eight Superior Judges that they be retained for another six-year term, Judge William D. Cohen, Judge Robert P. Gerety, Jr., Judge Kevin William Griffin, Judge Samuel Hoar, Jr., Judge Elizabeth D. Mann, Judge Megan J. Shafritz, Judge Timothy B. Tomasi, Judge Thomas A. Zonay and one Magistrate that she be retained for another six year term, Magistrate Alicia Humbert, and

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

Whereas, the Committee was unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the candidates seeking to be retained in office by March 14, 2019, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 21, 2019, 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 Wednesday, March 27, 2019, at ten o'clock and thirty minutes in the forenoon to vote on the retention of eight Superior Judges and one Magistrate. In case the vote to retain said Judges and Magistrate 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 until the above is completed.

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 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 eight Superior Judges, and one Magistrate.

This year we are again operating under the Judicial Retention Act passed in 1976, as amended in subsequent sessions of the General Assembly, which establishes the procedure for retention of incumbent Superior Judges and Magistrates. Amendments made in 2010 requires the retention of magistrates. The date for holding joint assemblies for the retention of judges is set by statute to be the eleventh Thursday of the session, which date may be deferred pursuant to 4 V.S.A. § 608(g). This year pursuant to statute which permits this, 4 V.S.A. § 608, we delayed the Joint Assembly from the eleventh Thursday to the present date, March 27th.

The procedure to be followed requires the vote be by written ballot. There will be two separate written ballots: one containing the names of all of the candidates for retention as superior judges; and one containing the name of the candidate for retention as magistrate.

Retention of Superior Judges

We shall now proceed to the matter of retention of the incumbent Superior Judges. Under the Judicial Retention Act which establishes the procedure for the retention of Superior Judges, nominations may not be received from the floor; rather, each judge seeking retention must file a declaration of intention to seek retention with the Secretary of State or if a Superior Judge is appointed after September 1 of the year preceding the expiration of the term of offices the Superior Judge shall automatically be a candidate for retention without filing notice. The name of each judge seeking retention is automatically voted on pursuant to the terms of the Judicial Retention Act.

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

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

Tellers Appointed

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

Senator Jeanette K. White, of Windham District, as Chief Teller
Senator Christopher A. Pearson, of Chittenden District
Senator Brian P. Collamore, of Rutland District
Representative Molly S. Burke, of Brattleboro
Representative Cheren Fegard, of Berkshire
Representative Kenneth Goslant, of Northfield
Representative Patrick Seymour, of Sutton

We shall now proceed to the matter of retention of the incumbent Superior Judges. For these positions we have received declarations of intention to seek retention to the office of Superior Judge from the following:

William D. Cohen
 Robert P. Gerety, Jr.
 Kevin William Griffin
 Samuel Hoar, Jr.
 Elizabeth Mann
 Megan J. Shafritz
 Timothy B. Tomasi
 Thomas A. Zonay

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

"Shall Superior Judge William D. Cohen be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Robert P. Gerety, Jr. be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Kevin William Griffin be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Samuel Hoar, Jr. be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Elizabeth Mann be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Megan J. Shafritz be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Timothy B. Tomasi be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Thomas A. Zonay 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 Judges are for six years, from and including the first day of April, 2019, and until their successors are elected and qualified.

To facilitate the procedure for this morning, the Chair will rule, unless there is objection, that debate on these eight Judges will be received separately. At the end of the debates for the eight Judges, any general debate on the entire question shall be in order.

Committee Reports

First, we will receive the report of the Joint Committee on Judicial Retention. The Chair now recognizes the Chair of this Committee, the Senator from Windsor District, Senator Alice W. Nitka, for the purpose of receiving her report.

Senator Alice W. Nitka, then delivered a general report for the Joint Committee on Judicial Retention.

The Chair then recognized the member from West Rutland, Thomas Burditt, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge William D. Cohen.

The Chair then recognized Senator Ruth Ellen Hardy, of Addison District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Robert P. Gerety, Jr.

The Chair then recognized the member from Stannard, Joseph "Chip" Troiano, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Kevin William Griffin.

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 Judge Samuel Hoar, Jr.

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 Judge Elizabeth Mann.

The Chair then recognized the member from Burlington, Barbara Rachelson, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Megan J. Shafritz.

The Chair then recognized Senator Richard J. McCormack, of Windsor District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Timothy B. Tomasi.

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 Judge Thomas A. Zonay.

Results of Balloting

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

For Superior Judge William D. Cohen

Total votes cast.....	170
Necessary for a majority.....	86
For retention.....	170
Against retention.....	0

Whereupon the Chair declared that

WILLIAM D. COHEN, of RUTLAND

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, 2019, and until his successor is elected and has qualified.

For Superior Judge Robert Gerety, Jr.

Total votes cast.....	169
Necessary for a majority.....	85
For retention.....	169
Against retention.....	0

Whereupon the Chair declared that

ROBERT GERETY, JR., 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, 2019, and until his successor is elected and has qualified.

For Superior Judge Kevin William Griffin

Total votes cast.....	168
Necessary for a majority.....	85
For retention.....	168
Against retention.....	0

Whereupon the Chair declared that

KEVIN WILLIAM GRIFFIN, of NORWICH

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, 2019, and until his successor is elected and has qualified.

For Superior Judge Samuel Hoar, Jr.

Total votes cast.....	165
Necessary for a majority.....	83
For retention.....	129
Against retention.....	36

Whereupon the Chair declared that

SAMUEL HOAR, JR., 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, 2019, and until his successor is elected and has qualified.

For Superior Judge Elizabeth Mann

Total votes cast.....	169
Necessary for a majority.....	85
For retention.....	169
Against retention.....	0

Whereupon the Chair declared that

ELIZABETH MANN, of NORWICH

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, 2019, and until her successor is elected and has qualified.

For Superior Judge Megan J. Shaftritz

Total votes cast.....	167
Necessary for a majority.....	84
For retention.....	166
Against retention.....	1

Whereupon the Chair declared that

MEGAN J. SHAFTRITZ, 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, 2019, and until her successor is elected and has qualified.

For Superior Judge Timothy B. Tomasi

Total votes cast.....	168
Necessary for a majority.....	85
For retention.....	158
Against retention.....	10

Whereupon the Chair declared that

TIMOTHY B. TOMASI, of MONTPELIER

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, 2019, and until his successor is elected and has qualified.

For Superior Judge Thomas A. Zonay

Total votes cast.....	169
Necessary for a majority.....	85
For retention.....	169
Against retention.....	0

Whereupon the Chair declared that

THOMAS A. ZONAY, of TAFTSVILLE

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, 2019, and until his successor is elected and has qualified.

Retention of Magistrate

Statement of Presiding Officer

We shall now proceed to the matter of retention of the incumbent Magistrate. For this position we have received a declaration of intention to seek retention to the office of Magistrate from the following:

Alicia Humbert

The name of each magistrate seeking retention is automatically voted on, and the question to be decided is:

"Shall Magistrate Alicia Humbert be retained in office?"

Yes _____ No _____.

The vote on this question shall again be by one single written ballot. The term of this Magistrate is for six years, from and including the first day of April, 2019, and until her successor is elected and qualified.

Committee Report

The Chair then recognized, Representative Selene Colburn of Burlington, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Magistrate Alicia Humbert.

Results of Balloting

Balloting then proceeded for the office of Magistrate, with the following results:

For Magistrate Alicia Humbert

Total votes cast..... 156
Necessary for a majority..... 84
For retention..... 156
Against retention..... 0

Whereupon the Chair declared that

ALICIA HUMBERT, of NORTHFIELD

having received a majority of the total votes cast was duly retained in the office of Magistrate for a term of six years, from and including the first day of April, 2019, and until her successor is elected and has qualified.

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