

**JOURNAL OF THE JOINT ASSEMBLY
OF THE
STATE OF VERMONT
ADJOURNED SESSION, 2020**

IN JOINT ASSEMBLY, JANUARY 9, 2020

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. 29. Joint resolution to provide for a Joint Assembly to receive the State-of-the-State message from the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 9, 2020, at two o'clock in the afternoon to receive the State-of-the-State message from 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, and inform him that the Joint Assembly was now convened for the purpose of receiving his State-of-the-State message.

Which was agreed to.

The Chair appointed as members of such Committee:

Senator Rebecca A. Balint, of Windham District
Senator Joseph C. Benning, of Caledonia District
Senator Richard T. Mazza, of Grand Isle District
Representative Charlie A. Kimbell, of Woodstock
Representative Paul D. Lefebvre, of Newark
Representative Kelly M. Pajala, of Londonderry

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 State-of-the-State Message

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

“Today, I welcome the opening of the legislative session with the same optimism I had as a freshman senator from Washington County nearly two decades ago.

“I come before you to report on the state of the state, to reflect on the work we’ve done and to share a vision and priorities for our future.

“As elected officials, it’s our duty to distinguish what must be done from what we might like to do, and to work together, pulling in the same direction, to make a difference for those we serve.

“We meet at a time in our nation’s history when too many elected officials, on both sides, are choosing confrontation and partisan politics over collaboration and progress. Polarization—the “us versus them”—is our nation’s greatest threat. It’s weakening our country and the very foundation on which it was built.

“That’s why, in state houses and town halls across America, it’s up to us to show that people from different backgrounds, with different points of view, can unite around our core values and our common humanity. It’s up to us to prove that listening to, and learning from, each other is far more constructive. And it’s up to us to seek consensus where it can be found and compromise where it cannot.

“Now, we all know there will be times when we have to agree to disagree—and that’s ok. But when it happens, let’s assume the best of each other and turn our energy to the areas where a path forward remains.

“This, my fellow Vermonters, is how we rise above partisanship, how we reject polarization, how we work toward something bigger than ourselves and how we—all of us in this room—can best lead our nation forward.

“I have enormous faith in our ability to achieve meaningful results and my administration is ready to work with each of you in order to do so. Unfortunately, time is not on our side. Because while good things are

happening and progress is being made, too many of our counties, communities and families remain at a critical crossroad.

“The fact is, where we are as a state, and where we go from here, is in the hands of every Vermonter.

“It’s in the weathered hands of the dairy farmer and construction worker, and the reassuring hands of the first responder and emergency room nurse. It’s in the determined hands of our entrepreneurs, and the persistent hands of our teachers, coaches and mentors. It’s in the compassionate hands of family and friends, and the helping hands of our neighbors.

“The state of the state, our values and identity, are guided by—but have never been defined by—what happens in this building. It’s the people of Vermont, doing all they can to lift each other up, who will shape our future. They define who we are and all we can be.

“World-class innovators like Dr. Marjorie Meyer at the UVM Medical Center, who is a leader in the treatment of women with opioid dependence during pregnancy. Entrepreneurs like Kyle Clark, whose company, BETA Technologies, is building electric aircraft which will lead to a significant reduction in global carbon emissions. Or the volunteer firefighters in Ludlow, who spent their Thanksgiving Day cooking dinner for a mother and her three children whose stove caught fire that morning.

“And Gloria Powers from Glover, who provided a home for nearly 400 foster children over 25 years and, at age 72, is still giving back, volunteering at the local senior center. And young Justin Sears from Colchester, who wanted to do something nice for the kids at his school this holiday season and raised over \$1,000 to buy his classmates’ lunch. Then there’s Cecelia Hunt from Fair Haven, who, for nearly 40 years, donated so much of her time to everything from blood drives to foodbanks and town committees. She’s made such an impact that her community reached out to let me know how much she means to them. And by the way, when my staff called her, she wouldn’t accept credit for 40 years—she said it’s only been 36.

“Friends, Cecelia and Dr. Meyer, Gloria and Justin, and members of the Ludlow Fire Department and BETA Technologies are here with us today.

“These people and thousands more—those we hear about and those we don’t—remind us that we are all part of something bigger, and that it’s in our pursuit of purpose and in service to others that we find the best of ourselves, our communities, our state and our nation.

“So, even as we face major challenges, these Vermonters show that in the hands of our people, doing all they can every day, the state of the state is strong.

“Inside this building, our job as public servants is to do all we can to ease their burden and build on their strength by setting clear priorities and turning good ideas into results.

“And here’s my biggest concern: Today in Vermont, there are about 55,000 fewer people under the age of 45 and 44,000 more over the age of 65 than there were in the year 2000. For years, we had more deaths than births, and have seen more people move out of Vermont than in.

“And the impact is not the same in every community. We have to acknowledge the real and growing economic disparity from region to region.

“Think about this: Of the five towns that have seen the most growth in recent years, four of them are in Chittenden County. And in the past 12 years, only three counties have added workers. The other 11 have lost a total of about 18,000. That’s more than the population of nearly every town or city in Vermont. Of the 180 legislators in this room, 106 of you come from counties that have lost workers.

“And that’s not the only area where we see disparity. From county to county, there’s a huge gap between median home values, median household income, average wage and so much more.

“Because of all of this, across the state, we’re feeling the negative impacts in everything from our homes, schools and colleges to our hospitals and nursing homes.

“If we don’t break this cycle, our institutions, including state and local government, won’t be able to afford what they currently do, or what they would like to do in the future, because costs will continue to rise much faster than our tax base can sustain.

“My friends, this is what a demographic crisis looks like. In too many places, and in the lives of too many Vermonters, I see and feel the emotional and financial toll of policies built for a few areas in the state that can afford them when the rest of the state cannot. Businesses, families, entire communities doing their absolute best to balance budgets and meet their needs with fewer options, fewer people and higher costs than they had last year, and the year before that, and the year before that.

“Sustainable, economic growth has become too hard and too rare in too many areas. It’s hurting people. It’s regressive. It’s creating regional inequity. And it’s by far the biggest and most immediate challenge to our state and the ability of government to help shape the future.

“We must act now to give the people of Newport and St. Johnsbury, Hartford and Springfield, Brattleboro, Bennington, Rutland, Randolph and every other regional economic center—and the towns around them—the tools they need to survive, to grow and to thrive with the self-determination and dignity they each deserve.

“If we’re willing to focus on doing the work—on caring more about the details than we do the talking points; if we can build consensus and trust and avoid national political agendas deliberately designed to divide us; if we focus on the fundamentals of a better, more modern government, a stronger fiscal foundation and policy that’s truly equitable, then our businesses and economy will grow, putting more kids in our schools and broadening our tax base, making our communities stronger and more resilient than ever before.

“That’s why I had an open mind when Senator Sirotkin and the Senate Economic Development Committee had an idea that’s paid off. They said remote workers can work from anywhere, so let’s give them an incentive to work and live here in Vermont. Since then, we’ve received worldwide attention, more than \$7 million in free advertising, thousands of inquiries and relocated 371 people to 68 communities across 13 counties.

“Now, we’ve received our share of criticism as well. Folks who said, “You know, I’ve been living here and dealing with high costs my entire life. Where’s my check?” And I get it—they’re absolutely right. We urgently need to make Vermont more affordable for everyone across the state.

“But this program does help them because bringing more people here helps reduce the tax burden on the rest of us. Here are the facts:

“For a one-time investment of \$500,000, based on Vermont’s average household income of about \$75,000, we project a return on this investment of over \$1 million of tax revenue each year. And this is a conservative projection, because it doesn’t account for the higher-than-average income of these new Vermonters and the added benefit that comes along with more people buying goods and services from local businesses.

“We know this isn’t the only answer, but this program is a small step towards growing our way out of the demographic crisis facing our state and the affordability crisis facing our families.

“And this isn’t all we’re doing. At the same time, we’re strengthening training, internship and apprenticeship programs for Vermonters. We

established a first-in-the-nation approach to make it easier for veterans to transition to civilian careers. And we're helping those in recovery or with other barriers to employment find and keep good jobs.

"This year, in partnership with Secretary Condos, let's further reduce hurdles and costs for licensed professionals so we can bring more of them into the workforce. And my budget will include additional investments in training, with an emphasis on the trades, and more incentives for young adults and working-age families to stay or move here.

"It's also important to remember that over the last three years, we've taken steps to help Vermonters keep more of what they earn. This includes removing the tax on social security for low- and moderate-income Vermonters, lowering income tax rates across the board, significantly reducing the land gains tax, bringing the estate tax more in line with our neighbors and more.

"But this is not enough. Overall tax and fee burden is still growing far too fast, especially property taxes, and you can expect additional targeted tax relief in my budget. Because, ultimately, we need to help people in all parts of the state move up the economic ladder, and the best way to do this is to level the economic playing field and make Vermont more affordable for all families and every business.

"We've also expanded our view of education, because building the best education system in the nation is one of the greatest economic development tools we could ask for. Rather than just thinking K-12, we've broadened our focus from cradle to career.

"Together, we've increased state funding for child care by about \$10 million and invested \$5 million more in higher ed. And we've added nearly \$1.5 million for career and trades training.

"But here too we must move more quickly. The disparity from school to school, and district to district, is a growing problem. It's unfair to taxpayers, and fundamentally unfair to our kids for their educational opportunities to be determined by where they live.

"We need to be honest. Costs are rising, yet opportunities for too many kids are declining in too many parts of the state. And so is student performance in areas like reading and math. Reversing this trend has been the driving force behind each of my education proposals. And this year, my budget will once again increase investment in the cradle-to-career continuum.

“We’ll also support the work of the Agency of Education to improve performance, and—if you’re ready—I’m still willing to have a discussion on how to direct more of our current spending to our kids instead of letting it be consumed by the growing inefficiency of an outdated system.

“In addition, I propose to you today that we begin creating a universal afterschool network that ensures every child has access to enrichment opportunities outside of current classroom time, and to align the students’ day with the length of the workday. A few thoughts on this:

“First, it’s based on a successful model from Iceland focused on preventing drug use as well as improving academic and social outcomes. And the evidence is clear: Kids who participate in afterschool activities and programs do better in school and in life than kids who don’t.

“Second, a universal program expands choices for every kid—it doesn’t limit them. And it would be voluntary. Those who currently go home to their families, or participate in drama, music, sports, debate, or older kids who choose to work could all continue to do so.

“Third, it supports working parents by reducing the logistical and financial burden of afterschool care.

“Finally, we’re not recreating the wheel, but we are creating more equity. Many schools already have afterschool options through organizations like the YMCA and others, but it’s far from universal.

“There are a lot of details to consider on an issue like this. And I fully recognize that as we put the many challenges of Act 46 behind us, one size will not fit all. That’s why I’ve asked Education Committee Chairs Representative Webb and Senator Baruth to give this idea some genuine consideration. It’s my hope we can work together to deliver a plan by the end of the year that puts us on a path toward universal afterschool programs without raising property tax rates.

“We also have a continued need for more housing working Vermonters can afford.

“In 2017, you joined me in passing a \$37 million housing bond which is leveraging another \$170 million in other funding, making it the single largest investment in workforce housing the state has ever seen. Since then, nearly 400 homes have been completed, another 175 more are being built and about 200 will be underway soon. With almost 800 new units, we’ve far exceeded our expectations, and it’s already generated \$158 million in construction activity with more to come.

“And it’s not just the housing bond, because alongside additional initiatives, more than 2,000 residential building permits were issued in 2018—the most in over a decade.

“But because of the economic imbalance from region to region, I still hear about the difficulty of finding an affordable place to live. That’s why my budget will include a package to revitalize existing homes and build more of them, targeted to the places that need it most. This is an area where we’ve found common ground and I look forward to working with you on these proposals and your ideas as well.

“I also appreciate the sense of urgency Speaker Johnson and others have placed on modernizing Act 250, which is necessary to build on this progress. The balanced approach we’re working on would enable concentrated development where people want to live and work. And, when paired with my proposed investments in housing and economic development, will support more vibrant, walkable and livable downtowns and villages which, as the Speaker has said, supports economic growth and is a critical piece of our work to combat climate change.

“For these reasons, I’m optimistic that important updates to Act 250, to better meet the needs of Vermonters, can be made this session.

“We know about half of the emissions that contribute to climate change come from transportation. That’s why we’ve also worked together to make it more affordable to purchase electric vehicles.

“This is something I’m really excited about. As you may have heard, I’m a bit of a car guy. In fact, I’m probably the only governor who has a CDL and an inspection license. So, when I see Ford coming out with a 450-horsepower electric Mustang—which will do 0-60 in about 3.3 seconds with zero emissions—followed up by an electric F-150; and Jeep building a hybrid Wrangler; and Amazon’s plans to purchase 100,000 electric vans; and then you see Harley Davidson offering a line of electric motorcycles called LiveWire—when you see all this, it’s clear this transition is happening right before our eyes. We’re on the verge of big advances in terms of technology as well as competition. We need to be part of it, to benefit our environment and economy.

“And I’m pleased to report we’re making progress. In addition to the privately funded charging stations being installed across the state, we’ve invested over \$1 million in charging equipment. And with investments through the Volkswagen settlement, we expect to nearly triple the number of state funded charging stations by the end of 2020.

“And to help make EVs more affordable for low- and moderate-income Vermonters, we provided \$1 million in purchasing incentives. Utilities, auto dealers, many employers, municipalities and individuals have all stepped up, alongside state government. As a result, we’ve seen a 160% increase in the number of EVs on our roads since 2016. But we know this is not enough, so we’re not stopping here.

“As part of the all-fuels efficiency conversation before the Public Utilities Commission, we’re asking that a portion of energy efficiency charges be directed to transportation electrification. We’re also using Volkswagen settlement funds and federal grants to purchase more electric school and public transit buses. As we look even further ahead, I strongly believe it’s incentives, not penalties, which will help us transition more quickly.

“I hear from Vermonters across the state, like those traveling long distances for work out of necessity, not choice, and others, like our seniors living on fixed incomes, who struggle to fill their gas tanks and heat their homes. I simply cannot support proposals that will make things more expensive for them.

“Instead, my budget will propose more incentives and a greater focus on affordable, clean energy as well as expanding our battery and renewable energy storage sectors and the jobs they can create. And I’ll propose giving small co-ops and municipal utilities more flexibility in order to innovate.

“From clean energy to our 20-year, \$1 billion commitment to clean water projects, we’ve shown protecting our environment can be done in ways that also strengthen the economy without making Vermont less affordable for families and businesses.

“We’re also strengthening the health and safety of our communities.

“We took significant steps over the last year to protect kids: passing legislation to address the vaping epidemic and to ensure drinking water at every school and child care center will be tested for lead. And this work will continue.

“Beyond our schools, many of you, alongside the Agency of Human Services, have worked diligently to improve our mental health system. This includes adding inpatient capacity, which is critical to getting people the care they need, when they need it. The budget I’ll submit will expand this work and focus on prevention, early intervention and community level response.

“Now, I know we’re all concerned about the Brattleboro Retreat. This private institution has been around for nearly 200 years. It employs about 700

people, making it one of the region's most important employers since Vermont Yankee was closed.

"But age and size don't make it immune to the same demographic challenges others around the state are facing. And just like the rest of us, it too needs to adapt. This healthcare provider is simply too critical for us to let fail, especially without an alternative. This would have a devastating impact on our mental health system and the region's economy.

"We all have a stake here. Just last year, we invested \$4.5 million out of the capital bill. That, combined with rate increases, totaled an additional \$16 million. And that's on top of tens of millions in Medicaid funding. That's why I've directed my administration to work with you to do everything we can responsibly do to help the Retreat, just as we're doing everything we can to help Springfield Hospital.

"I'll also propose a package of criminal justice reforms that we've shared with members of the committees of jurisdiction. We'll look at little things that make a big difference, like waiving license reinstatement fees for suspended drivers and better supporting inmates transitioning to the workforce.

"And it will also include some bigger changes, like tough mandatory minimums for human trafficking and a provision to address the loophole that has allowed violent, mentally ill offenders to go free. As we continue to create a more effective criminal justice system, we must remember that justice for victims and accountability for criminals must be top priorities.

"I'm grateful for this opportunity to address our biggest challenges, report on some of our progress and outline a few of my proposals. There's always much more happening than can be covered in one speech, or even two. And I look forward to all our discussions in the days and weeks ahead.

"Over the next few months, the way we go about our work will not only determine the results we're able to deliver but also the strength of our institutions, the faith Vermonters have in us and the example we set for our kids.

"We must acknowledge the trying times we live in. The pressure from political parties and special interest groups to "fall in line" and "stay on message" weighs heavily on some. Honest efforts and thoughtful ideas from good people are too often mischaracterized, misrepresented and belittled. And all of this is intended to divide us and bully us into an "us versus them" mentality.

“In this environment, the solutions to serious problems in our state and in our country don’t always come fast enough. And to those of us who care more about progress than we do about political power, that can be very frustrating, even discouraging.

“So, when those moments come, I think of the people who inspire me to be part of something bigger, of what they’ve endured with courage and resolve, and how they show that in the face of incredible adversity, we’re all capable of great things.

“People like my Dad.

“I think of what he went through during his two years at Walter Reed, and how hard he worked every day just to live as normal a life as he could, how much he accomplished and how much I admire him.

“I think about the soldiers with him in France after D-Day, all they went through, how long and horrific those days must have been, and how that generation of Americans stepped up to protect democracy for their generation and those of us who followed.

“Recently, I’ve thought a lot about Travis Roy, who I heard speak last month. His talent was recognized at a young age. Hockey was his life and he was destined for the NHL. 24 years ago, he played exactly 11 seconds for Boston University before going headfirst into the boards and then instantly found himself unable to move from the neck down. Travis has spent every moment since ensuring those 11 seconds defined an opportunity, not a tragedy.

“As a result, he’s changed the way his sport is taught. Through his efforts at places like “Little Fenway” in Essex, he’s raised millions for spinal cord research and adaptive equipment. He’s shared his story and found his purpose in helping others find theirs. Travis says, ‘There are times... when we choose our challenges, and other times when our challenges simply choose us. It is what we do in the face of those challenges that defines who we are.’

“Dawn and Greg Tatro from Lamoille County didn’t choose their challenge this past year, when they lost their daughter, Jenna, to a fatal overdose. She was only 26. But through their tremendous loss and the haze of unthinkable grief, they get up every day to help others overcome this deadly disease.

“They’re leading a multi-county effort through their organization, Jenna’s Promise. They’ve created Jenna’s House, a community hub for treatment. They’ve purchased a café to employ those in recovery. They’re providing financial assistance for housing, transportation and so much more. They’ve found purpose from loss, helping others to heal.

“Friends, the Tatro family is here with us today. And World War II veterans from my Dad’s post in our hometown of Barre, Dr. Joe Aja, Robert Campo and George Shirlock, as well as Vermont World War II POWs, Clyde Cassidy and Richard Hamilton.

“Please join me in recognizing and thanking them.

“They’re here to remind us that when our common cause is bigger than politics, there is no challenge we cannot overcome.

“When I think of these people, and others like them, I’m just as motivated—just as eager—to solve problems and help people, as that hopeful freshman senator from Washington county all those years back.

“So, today, inspired by those we serve and humbled by the responsibilities they’ve given us, we begin the work of the 2020 legislative session.

“Our challenges are clear: Can we work together? Can we be guided by our shared principles and common values? Can we reclaim the middle, where partisanship can’t survive, where we strive for consensus and celebrate compromise?

“My fellow Vermonters, the answer to these questions and the solutions we seek, the course we hope to set and the change we need to make, is in our hands.

“If our sense of service and duty is strong; if our commitment to our neighbors is unwavering; and if we remember that we are all part of something bigger than ourselves, then the state of the state, our future and our people will be stronger than ever before.”

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, JANUARY 21, 2020**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. 30. 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 21, 2020, 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 Randolph D. Brock, of Franklin District
Representative Catherine Toll, of Danville
Representative Janet Ancel, of Calais
Representative Peter J. Fagan, of Rutland City

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, Supreme Court Justices, members of the General Assembly and fellow Vermonters:

“Less than two weeks ago, I came before you to report on the state of the state to share my vision for Vermont and some ideas on how to grow our economy, make Vermont more affordable and protect the most vulnerable.

“These are the priorities that guide my administration and are reflected in the budget I present today, which is balanced and spends within our means without raising taxes.

“It's my belief the state budget should not grow any faster than people's paychecks. Our goal should be to do our work in ways that help Vermonters keep more of what they earn, making it easier—not harder—for every family to live a secure and stable life.

“Fiscal discipline can be a powerful tool that will help all people and all communities reach their full potential.

“That means examining the true costs of every program we fund, rethinking old policies and outdated systems and measuring the value of every taxpayer dollar invested based on the results we're getting out, not how much money we're putting in.

“We have to ask tough questions like: Are programs reducing need; actually breaking the cycle of poverty; and helping Vermonters achieve economic independence? Are fiscal and economic policies giving families in all parts of the state an equal opportunity to get ahead and keep more of what they earn?

“Likewise, we have to be honest about the answers.

“With each budget proposal, I've been focused on our fiscal fundamentals, to balance what we want with what we need, and to set us on a path where our capacity to solve problems and help people grows, while the burden on taxpayers shrinks.

“This is the approach we took, and in the upcoming fiscal year, across all funds, our budget totals \$6.3 billion, with \$4.2 billion of state revenue sources and \$2.1 billion in federal dollars. This is an increase of about 2% over the current year.

“The transportation budget includes \$276.7 million in state funds, which is leveraging another \$335.6 million in federal funds. This amounts to a \$25.5

million increase—about 4% over the current year—making it the largest transportation budget since the Irene recovery, all without raising additional taxes or fees.

“This includes \$100 million for roads and paving, major projects like the new draw bridge in Grand Isle and our rail project in Middlebury to get us closer to having Amtrak service from Burlington to Rutland to New York City, as well as other public transportation priorities. It provides for 158 new park and ride spaces, investments in bike and pedestrian projects and so much more.

“And we’re now in the second year of the \$124 million capital bill. I’ll propose a few changes—and I’ll come back to highlight some of them in a few minutes—but we remain on target in most areas.

“In the Education Fund, based on estimates from districts, we project spending to total over \$1.8 billion, an \$87 million, 5% increase over the current year.

“Unfortunately, we’re seeing spending, property taxes, as well as inequity, continue to increase while educational opportunities, student performance and the number of kids continue to decrease. Since Act 60 was passed, we’ve lost 26,000 students from our K-12 public schools while education spending has more than doubled.

“The General Fund budget I’m presenting spends \$1.7 billion, which is an increase of 2.8% or \$46 million over the current year.

“Here’s the frustrating part: Even with organic revenue growth, we still started building our General Fund budget with a \$70 million gap.

“And even with consistent revenue growth, each year we’ve had to make difficult decisions with reductions to agencies, departments, programs and services.

“In December, the Tax Structure Commission issued a report making it clear that without intervention, only the greater Burlington area is likely to grow while the rest of the state gets smaller, with fewer workers, jobs and resources to support schools, hospitals and communities. The rating agencies have also warned us about the impact of our demographics, resulting in the recent bond rating downgrade, and we could see more if we fail to address this issue.

“Our demographic crisis is - without question - the greatest challenge we face as a state. Confronting this crisis is the only way we’ll be able to address other critical needs, whether it’s human services, public safety, transportation

or climate change and transitioning to a clean energy economy. Addressing this reality is crucial to Vermont's future.

"But here's the thing: We can fix it, so long as we resist the temptation to ignore it, get distracted by politics or become deterred by hard work.

"And like I said in my State of the State address, if we work together to face this challenge head on, then our businesses and economy will grow, putting more kids in our schools, broadening our tax base and making our communities stronger and more resilient than ever before.

"There are a few obvious areas we can look to in order to make substantial gains in addressing our financial pressures.

"One of them is our \$4.5 billion retirement liability. This year's General Fund payment on that obligation is \$199 million, which is \$8 million more than last year. As I've said, if you're interested, I remain willing to work with you on this issue. But in the meantime, let's focus on the areas where we have more consensus.

"To start, my budget prioritizes spending to prevent root causes rather than just treat consequences. To do that, the Department of Finance and Management - working closely with every agency, department and division - has worked to find efficiencies, make structural changes and create savings in order to reinvest in areas that prevent problems in the first place, which will further reduce costs over time.

"For example, we can help babies from high-risk families when they arrive home as newborns.

"By investing \$1 million more in our newborn home visiting program, we can cover roughly a quarter of all the babies born each year, giving these parents the support they need to build a better foundation for their kids. This model has improved the health of babies and moms, reduced costs of child protection, special education, substance abuse and criminal justice services down the road, and put families on a path to economic self-sufficiency.

"Coupled with the universal afterschool network I proposed in the State of the State, and expanding mental health services in schools, we can prevent serious problems before they develop and give every child the hope and opportunity they need and deserve.

“My budget also contains proposals to improve the health of our communities.

“Tragically, suicide is a growing risk around the country, and we know all too well Vermont is not immune. Our approach must focus on early intervention for those at risk. That’s why my budget invests over \$1 million more in suicide prevention and mental health services. This includes strengthening our Prevention Lifeline network and increased investments in proven programs like the Zero Suicide initiative and others serving seniors and veterans.

“And I’d like to pilot a new mental health Mobile Response Unit. In other states, this model has reduced emergency room visits and hospital admissions, saved many hours of law enforcement time and helped foster kids find stability. I propose to begin this initiative in Rutland and if it’s successful, with your support we can work to expand it statewide.

“Our Agency of Human Services and Department of Public Safety are also working together to expand an initiative that partners social workers with troopers. We’ll be able to triple the number of barracks where we embed these professionals, which will reduce the volume of emergency calls, hospitalizations and court involvement for some of our most vulnerable Vermonters, all within existing resources.

“Applying this focus on improved coordination and preventing problems before they occur can also make the healthcare system better and more affordable. This is the reason we’re making the transition to Accountable Care.

“The concept itself is straightforward: The Accountable Care Organization is a network of doctors, hospitals and health centers who have agreed to be paid based on the quality of the care they provide instead of the quantity. The challenge is changing the way we pay for something that is 20% of our state’s economy without making it harder to access care, adding new costs or reducing quality.

“For these reasons, many Vermonters are skeptical. I know I was—and still am somewhat—because we’ve seen firsthand that there’s no quick fix or political promise to make healthcare more affordable. But the early results give me reason to be cautiously optimistic.

“In 2018, the providers the state paid through the ACO reduced the amount of money spent on healthcare services by \$7.7 million. In the same year, the providers who were not paid through the ACO spent \$1.5 million more than expected. Early results for 2019 show a similar pattern.

“But we know the numbers don’t always tell the full story, so here’s a real-life example of how it can improve care and reduce costs: Before this initiative began, a Vermonter in their mid-40s with several complex conditions wasn’t getting the primary care and support they needed and ended up in the emergency department six times in one year. But the next year, doctors participating in the ACO put together a plan focused on regular communication and managing the factors that sent them to the emergency room. This more personal and better managed approach was successful. This person didn’t have to go to the ER at all and the cost of their care decreased by 60%, saving tens of thousands of dollars.

“Now, I understand the ACO hasn’t done a great job explaining how they’re improving people’s health and reducing costs. But there are compelling stories to be told, and accountable care is showing more potential than any other healthcare reform I can remember.

“So, I recommend we continue to support this work by asking you to authorize the \$5.7 million for delivery system reforms proposed in budget adjustment on the condition the ACO operate as a non-profit or meet those same transparency standards.

“Making the healthcare system more affordable includes addressing the high costs of prescription drugs.

“Thanks to your legislation and the work of my administration, we’re one of only four states moving forward with the design of a prescription importation program and pursuing federal authorization. Our estimates show this could save millions of dollars, especially if we can broaden the scope to include drugs like insulin.

“While there’s still work to do with the federal government, my budget includes the resources AHS needs to continue this important effort, because lowering the costs of prescription drugs is the right thing to do to help seniors and families in every corner of our state.

“Ultimately, to put all Vermonters on a better path, we must increase economic opportunity in each of our 14 counties. That’s why this budget includes more investments in downtowns and regional economic centers, and tools to help employers survive and create more good paying jobs.

“As I mentioned in my State of the State, we’ve already begun bipartisan reforms of Act 250 that will support more smart growth in the areas where we want it and desperately need it.

“Places like Brattleboro, Randolph, Lyndonville, Rutland, Bristol and so many others are the key to building stronger regional economies and restoring the health of the small towns around them.

“Today, I propose increasing the downtown and village center tax credits to \$4 million—a \$1.4 million increase. These dollars support important projects—like Springfield’s Woolson Block and Bennington’s Putnam Block—that are often the first step in community revitalization.

“Over the last couple of decades, we’ve also seen how successful Tax Increment Financing can be. In fact, we learned in our E-Board meeting last week that Milton has retired one of its TIF districts which is now adding hundreds of thousands of dollars of revenue to the Education Fund.

“TIFs not only create economic growth but also empower communities to shape their own future. It’s a bottom up, grassroots approach. It’s a tool that could really benefit towns statewide. But the fact is: The majority of TIFs have been in Chittenden County, including two in Burlington.

“So, I’ll continue to support expanding them across Vermont, including a proposal to make them available to smaller communities in order to spark economic activity and help them reimagine their future.

“There are many other opportunities to support our regional economic centers and the smaller communities around them.

“For example, after setbacks caused by the EB-5 fraud, the City of Newport is now poised for a once-in-a-generation redevelopment. They’ve done a lot of thoughtful planning, investing in their downtown and leveraging the outdoor economy.

“So, the capital bill now includes \$1.5 million to begin the process of helping revitalize Main Street. This will help bring public and private investment together to implement a larger vision for Newport and the Northeast Kingdom.

“I also propose a \$2.8 million investment that will leverage another \$11.3 million in federal funds to complete the Lamoille Valley Rail Trail.

“This 93-mile, four-season, multi-use recreation path that began in 2006 will span northern Vermont from St. Johnsbury to Swanton. The trail will bring people through 18 towns and villages across five counties in some of the most rural parts of our state. This is a big deal for a region that feels

disconnected. When complete, the activity it will create—along with cross promotion—will strengthen businesses, economies and the quality of life in meaningful ways.

“And to further strengthen Vermont’s small towns, agriculture and other businesses, I’ve budgeted \$750,000 for the Working Lands initiative, which will help expand production of quality food, forest products and jobs.

“Things like the rail trail and our world-renowned local food and breweries are a big draw for the state, and tourism is a top contributor to our economy. But we’re investing far less than every other state in the region and we compete with them for visitors every single day. So, my budget includes an additional \$1 million investment in tourism, economic development and outdoor recreation marketing.

“Let’s couple the most beautiful state in the nation with an increased investment to remind the 70 million people who live within a six-hour drive that we’re not only a great place to visit but also to live, work, play and, hopefully, invest in.

“Leveling the economic playing field from county to county requires us to make it easier for every community to attract and keep more residents, from the young couple looking for a place to call home to the senior looking to downsize.

“That’s why, as another part of my Community Investment Package, my budget includes \$1 million for incentives to rehabilitate old homes into decent, affordable, energy efficient rental properties.

“And I’ll also propose reforms to the Renter Rebate Program.

“Now, this has been a very effective program but very costly to administer and very frustrating for applicants. In fact, not everyone who qualifies even bothers applying because of the difficult process. By simplifying the application and improving efficiency, we’ll reduce the burden and lower administrative costs resulting in about \$800,000 more in rebates for the low-income renters who need them.

“This is an important reminder that when we take the time to rethink how we do things, we can almost always find a better, more efficient way and pass the savings on to Vermonters.

“We must also make sure we’re responding to the needs of employers and taking advantage of opportunities in the global economy.

“First, let’s make it easier to start, register and operate a business here. Working with the Secretary of State, my budget includes \$1 million for a streamlined and online business portal, which will make it much easier for them to navigate state government.

“We’ll also support our small technology businesses with an investment of \$1 million to help them secure federal Small Business Innovation grants for groundbreaking work done right here in Vermont and to tap into the research capabilities at our colleges and universities. And when they’re successful, we’ll provide a match to the federal grant to help them grow and create jobs.

“To support more small business growth, I’m proposing a \$1 million incentive program through the Vermont Economic Development Authority (VEDA) to provide low-cost loans that convert to no-cost grants after meeting expansion and payroll goals.

“To recognize the incredible importance of our larger anchor employers—the cornerstones of our regional economies—I propose a \$3 million Vermont Capital Investment Incentive Program which encourages these companies to make new upgrades at local facilities. And in exchange for the incentives, they’ll commit to maintain certain payroll levels.

“The other part of the equation to help our businesses and communities thrive is expanding and strengthening our workforce.

“We know the benefits of accessible, affordable childcare for parents, kids and our economy, which is why we’ve worked together to increase funding by 30%—about \$10 million—over the last three years, and these investments are working.

“Let’s build on this success with an additional \$3 million for childcare assistance, and let’s also expand the lottery and commit these new revenues to this initiative each year moving forward.

“Last year, I introduced a paid family leave program that creates a viable, affordable option without a new tax or a new bureaucracy. It’s voluntary and offers flexibility. Our goals in this area are similar but our approach to getting there is vastly different.

“I hear every day that one of the major hurdles to staying or relocating here is the affordability of life in Vermont. This includes taxes and fees. That’s why I cannot support a new \$29 million payroll tax on working Vermonters.

“But with the agreement we reached with the State Employees Union to provide this benefit, we’ve already taken a major step forward and we’ll have an opportunity to enhance Vermonters’ quality of life without adding to the tax burden.

“Over the last four years, we’ve added more than 700 apprentices to our workforce, which includes a 36% increase in the number of women in these important programs.

“Apprenticeships are great opportunities for Vermonters to earn while they learn, gaining the specific job skills they need in a wide range of industries with an average wage after completion of over \$20 an hour. These programs are industry-driven, allowing employers to recruit for good jobs they have available. But there’s an opportunity and need to do more.

“That’s why I’ve directed the Department of Labor to work with the Vermont State Colleges and tech centers throughout the state to double the number of apprentices by 2023.

“To further increase training, I’ve also asked DOL and the Agency of Education to work with the State Colleges to align our Adult Education and Adult CTE system with CCV, VTC, our tech centers and regional stakeholders. This will create a seamless pathway from school to training to work. It brings together those who need new skills to get a good job and businesses looking for employees. It will also help State Colleges expand their reach into our communities.

“If you’re willing to look at things differently and move with urgency, we can have a unified, statewide training program next year.

“While these will be valuable steps, we need to do more to keep our high school and college graduates here contributing to our communities.

“With one of the lowest unemployment rates in the nation, we hear about our growing labor shortage in every sector on a daily basis. But one area that’s especially alarming is the shortage of nurses. Many providers are forced to use traveling nurses, which has added to the cost of healthcare for all of us.

“So, I ask you to work with me on a \$1 million incentive to keep graduates from our registered nurse and licensed practical nurse programs right here in our state, filling positions desperately needed by employers.

“We’ll also continue our efforts to recruit more people to live and work here.

“This includes increased funding for DOL’s Vermont Relocation Assistance Program to ensure folks interested in moving here have the information they need about jobs, housing and opportunities available to them across the state.

“And we’ll continue to advocate for more legal immigration as a way to bring more hardworking people to Vermont to contribute to our economy and grow our workforce. This includes funding to the Department of Labor that will help communities plan for, and explore, refugee resettlement and opportunities to welcome more New Americans to Vermont.

“These efforts not only benefit our state, they also signal we’re committed to the values this nation was built on. That America is still a land of opportunity for all who seek freedom from oppression, security for their families or, in some cases, just a fresh start.

“As long as I’m governor, they’ll be welcome right here in Vermont.

“And to create an incentive for military veterans to return to Vermont and join our workforce, I’m once again proposing to exempt military retirement pay from the income tax.

“Vermont’s neighbors, New York, New Hampshire and Massachusetts, have already done it, leaving us as one of only eight states who fully tax these benefits. I hope you’ll join me this year in eliminating the tax on those who have devoted their lives in service to our nation.

“While targeted tax relief can help us retain and attract more taxpayers, the fact is, it’s not enough. Making our tax rates more competitive and Vermont more affordable for every Vermonter, and every potential Vermonter, is key to retaining and recruiting workers.

“That’s why, as I said at the beginning, this budget does not raise taxes.

“While we make Vermont more affordable, we must continue to leverage, and therefore strengthen, our quality of life and environment.

“We’re four years into our 20-year, \$1 billion clean water initiative and it shows that with careful work tied to specific outcomes, we can develop, fund and implement a plan that has positive economic and environmental results.

“Since the passage of Vermont’s Clean Water Act, the state has awarded \$138 million for projects statewide. In total, these infrastructure investments have reduced phosphorous runoff by more than 36,000 pounds, making a difference in our water quality, public health, flood resilience, outdoor recreation and so much more.

“Our work on clean water began with a process that inventoried what we we’re already doing, what more we needed to do, how much it would cost and how to fund it. We should learn from this and use it as a model for our work to build a clean energy economy and combat climate change.

“We’ve seen how climate change is affecting our environment, natural resources and economy. That’s why I’m committed to meeting our greenhouse gas emission goals with incentives and innovation, not penalties or barriers to growth.

“I think it’s important to note we spend many millions—if not hundreds of millions—of dollars in clean energy and climate change mitigation initiatives each year. And we rank pretty well in carbon emissions as compared to other states. But let me be clear: Regardless of our ranking, we should and will do more, and we’ll do it responsibly.

“On top of everything we’re already doing and everything I’m proposing in this budget, I propose committing 25% of all future end-of-year budget surpluses for additional investments that address climate change, specifically for initiatives that support weatherization or electrification.

“To put this in perspective: Had we done this last year, we’d be investing about \$10 million more in climate change initiatives right now.

“Driving an EV is proving to be economical. On average, it’s the equivalent of spending about \$1.50 per gallon and we’re learning that maintaining an EV is also less expensive.

“Think about this: No more changing the engine oil or transmission fluid. There’s no radiator, no coolant or belts; no air, oil or fuel filters; and no check engine lights, which affected over 36,000 vehicles during inspections in Vermont last year. That frustration alone should make all of us consider an EV.

“However, we know higher purchase prices, lack of consumer knowledge and the distance between public charging stations remain barriers to buying one.

“My budget proposes to invest \$3 million to address these obstacles and help meet our climate and energy goals. To encourage the sale of EVs, we’ll increase funding for incentives, consumer education and support services, and make investments for more charging stations on our highways and at our workplaces.

“We must make this transition but regardless of what powers your vehicle, if you’re using our roads and bridges, you should contribute to maintaining them. So, while we wait for Congress to work on a national solution, electric utilities have introduced EV-specific rates and will recommend a pilot program for the collection of revenue from EV charging stations to support long-term transportation maintenance.

“We have to acknowledge that adding thousands more EVs will have an impact on the grid. As the Vermont Council on Rural Development said, we can address climate change while also generating economic activity, creating jobs, attracting new Vermonters and other benefits. To do this, we need to encourage the expansion and creation of companies that focus on energy storage, grid modernization and more.

“My \$3.15 million Clean Grid Modernization Package will encourage companies to start and expand here by making R&D work eligible for a tax credit and will provide \$2 million in capital and technical assistance.

“And to send a crystal-clear message about how highly we value climate economy employers and how much we want them to be part of our future, I propose we eliminate the corporate income tax on these job creators.

“My fellow Vermonters, we must meet our history together. The issues we face are significant but none greater than the demographic crisis and the economic challenges it brings.

“Confronting this crisis now is the only way to preserve our ability to solve problems in the future.

“In 1961, American journalist and historian, Theodore White, wrote of President Kennedy, ‘Never, at any moment... had he believed... that individuals were helpless as the ‘engines of history’ rolled toward them.’

“Friends, while there’s no easy answer, no simple solution, no single idea that can completely stop the rolling consequences of our demographics, we are not helpless.

“If we accept the challenge, set clear objectives, have the discipline to commit to solutions and follow through, we can reverse these trends. We can restore economic vitality to every corner of our state. We can make Vermont more affordable for every family and every business. And together we’ll ensure a brighter future with renewed hope and greater opportunity for generations to come.”

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 20, 2020**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. 38. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 20, 2020, at ten o'clock and thirty minutes in the forenoon to elect two legislative Trustees of the Vermont State Colleges Corporation to serve a four year term commencing March 1, 2020, and expiring on March 1, 2024. In case election of all such Trustees 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 Trustees are elected.

Presiding Officer

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 statutes we are assembled here today in Joint Assembly for the election of two legislative trustees for the Vermont State Colleges Corporation, who are to be elected as trustees for four-year terms commencing

on March 1, 2020, and expiring on March 1, 2024. The Chair now cautions you with respect to two statutory conditions imposed by that law for this election:

First: No candidate for election to the Vermont State Colleges Corporation can presently be serving as a member of the Board of Trustees of the University of Vermont.

Second: Consideration shall be given to the *geographic* distribution of those elected in order to "prevent an unfair focus on any single college".

The procedure for the election of these two legislative trustees of the Vermont State Colleges Corporation will be similar to the procedure which we followed in past years. The candidates will be nominated from the floor and elected by plurality vote.

In the event that more than two candidates are nominated, the procedure for the election of these two legislative trustees of the Vermont State Colleges Corporation will be different from the procedure which we would normally follow under the Joint Rules.

J.R.S. 39 sets up a special procedure for this particular election. In the event that more than two candidates are nominated, the adoption of J.R.S. 39 permits us to determine the winners of this election by means of a plurality vote, so that two candidates can be elected on the same ballot.

In the event that more than two candidates are nominated, you will be instructed to vote for not more than two candidates on the same ballot.

I also draw your attention to the text of Joint Rule 10 which applies to elections held by the assembly.

Rule 10(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 not objection, the chair may put the question to the Joint Assembly by voice vote.

Election of Trustees of Vermont State Colleges Corporation

The Joint Assembly then proceeded to the election of two legislative trustees of the Vermont State Colleges Corporation, each for a term of four years, from and including the first day of March, 2020.

Nominations for Both Vacancies

Representative James W. Masland of Thetford nominated *Representative Eileen G. Dickinson* of St. Albans Town.

Representative Anne B. Donahue, of Northfield then nominated *Representative William J. Lippert, Jr.* of Hinesburg.

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

Accordingly, those names placed in nomination and on the ballot for the office of Trustee of the Vermont State Colleges Corporation were as follows:

Representative Eileen G. Dickinson of St. Albans Town
Representative William J. Lippert, Jr. of Hinesburg

There being two vacancies and two nominations, under Joint Rule 10(a), with no objection, the question, Shall Eileen G. Dickinson and William J. Lippert, Jr. be elected to the Office of Trustee of Vermont State Colleges Corporation? was agree to.

Whereupon, the Chair declared that

Eileen G. Dickinson, of St. Albans Town

having received a plurality of the total votes cast, was duly elected a Trustee of the Vermont State Colleges Corporation, for a term of four years, commencing March 1, 2020.

Whereupon, the Chair declared that

William J. Lippert, Jr., of Hinesburg

having received a plurality of the total votes cast, was duly elected a Trustee of the Vermont State Colleges Corporation, for a term of four years, commencing March 1, 2020.

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, SEPTEMBER 14 AND 21, 2020

5:00 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. 63. Joint resolution scheduling the Joint Assembly to vote on the retention of six Superior Judges.

Whereas, the Joint Assembly to vote on the retention of six Superior Judges has been scheduled and postponed; and

Whereas, the Joint Assembly on Judicial Retention needs to occur during the 2020 adjourned session of the General Assembly; and

Whereas, Vermont has been declared by the Governor to be in a State of Emergency as a result of a pandemic known as “COVID-19”; and

Whereas, it is critical to take steps to control outbreaks of COVID-19 to minimize the risk to the public, maintain the health and safety of Vermonters and limit the spread of infection in our community; and

Whereas, technology exists which would enable the General Assembly to conduct a Joint Assembly during this time of a declared emergency in a manner: consistent with public access to, and transparency of, its proceedings, as demanded by the Vermont Constitution; and, consistent with and in compliance with statutory and legislative rule requirements regarding Judicial Retention, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Monday, September 14, 2020, at five o'clock in the afternoon to vote on the retention of six Superior Judges, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and debate from a remote location; that voting by ballot shall be conducted, as practicable, consistent with Vermont’s “Early or Absentee Voters” statute at 17 V.S.A. §2531, et. seq.; that after the reports of the Committee on Judicial Retention, the Joint Assembly shall recess until Monday, September 21, 2020 at 5:00 pm (or as otherwise ordered by the Joint Assembly) so that ballots may be submitted; and, that upon reconvening the results of the vote shall be announced or the Joint Assembly shall 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 six Superior Judges.

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.

The procedures to be followed requires the vote be by written ballot. I will explain later the written ballots and submitting your vote.

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?"

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

Tellers Appointed

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

Senator Rebecca A. Balint, of Windham District, as Chief Teller
Senator Andrew Perchlik, of Washington District
Representative Warren F. Kitzmiller, of Montpelier
Representative Kenneth W. Goslant, of Northfield

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:

David A. Barra
Michael J. Harris
Katherine Anne Hayes
Martin A. Maley
John William Valente
Thomas G. Walsh

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

"Shall Superior Judge David A. Barra be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Michael J. Harris be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Katherine Anne Hayes be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Martin A. Maley be retained in office?"

Yes _____ No _____.

"Shall Superior Judge John William Valente be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Thomas G. Walsh 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, 2020, and until their successors are elected and qualified.

To facilitate the procedure for this evening, the Chair will rule, unless there is objection, that debate on these six Judges will be received separately. At the end of the debates for the six 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 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 David A. Barra.

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 Michael J. Harris.

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 Katherine Anne Hayes.

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 Martin A. Maley.

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 John William Valente.

The Chair then recognized the member from Burlington, Selene Colburn, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Thomas G. Walsh.

Statement of Presiding Officer

Pursuant to J.R.S. 63, the vote on the retention of the Superior Judges shall be conducted, as practicable, consistent with Vermont’s “early or absentee voters” statute. In conformance with this requirement, ballots and related documents were sent to you last week, prior to this Joint Assembly. In the envelope you received you should have a ballot, certification envelope, an addressed, postage prepaid return envelope and an instruction sheet. As explained on the instruction sheet you are to:

- (1) Vote your ballot;
- (2) Place your voted ballot inside the certification envelope;
- (3) Print your name in the space provided on the front of certification envelope and sign the certification on the certification envelope;
- (4) Seal the certification envelope with your voted ballot inside;
- (5) Put the certification envelope inside the pre-paid, pre-addressed mailing envelope; and,
- (6) Mail back the envelope. Return your ballot by mail or in person so it is received by noon, September 21, 2020.

Recess

Pursuant to J.R.S. 63 the Chair declared a recess until Monday, September 21, 2020 at 5:00 P.M.

Called to Order

At 5:00 P.M. on Monday, September 21, 2020 pursuant to J.R.S. 63, the Joint Assembly was called to order by the Honorable David E. Zuckerman, in the Chair.

Results of Balloting

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

For Superior Judge David A. Barra

Total votes cast.....	150
Necessary for a majority.....	76
For retention.....	148
Against retention	2

Whereupon the Chair declared that

DAVID A. BARRA

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, 2020, and until his successor is elected and has qualified.

For Superior Judge Michael J. Harris

Total votes cast.....	150
Necessary for a majority.....	76
For retention.....	149
Against retention.....	1

Whereupon the Chair declared that

MICHAEL J. HARRIS

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, 2020, and until his successor is elected and has qualified.

For Superior Judge Katherine Anne Hayes

Total votes cast.....	150
Necessary for a majority.....	76
For retention.....	148
Against retention.....	2

Whereupon the Chair declared that

KATHERINE ANNE HAYES

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, 2020, and until her successor is elected and has qualified.

For Superior Judge Martin A. Maley

Total votes cast.....	150
Necessary for a majority.....	76
For retention.....	148
Against retention.....	2

Whereupon the Chair declared that

MARTIN A. MALEY

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, 2020, and until his successor is elected and has qualified.

For Superior Judge John William Valente

Total votes cast.....	150
Necessary for a majority.....	76
For retention.....	149
Against retention.....	1

Whereupon the Chair declared that

JOHN WILLIAM VALENTE

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, 2020, and until his successor is elected and has qualified.

For Superior Judge Thomas G. Walsh

Total votes cast.....	150
Necessary for a majority.....	76
For retention.....	149
Against retention.....	1

Whereupon the Chair declared that

THOMAS G. WALSH

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, 2020, and until his 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