

Journal
of the
JOINT ASSEMBLY
Biennial Session
2013

**JOURNAL OF THE JOINT ASSEMBLY
OF THE
STATE OF VERMONT
BIENNIAL SESSION, 2013**

IN JOINT ASSEMBLY, JANUARY 10, 2013

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, 2013, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the freemen and freewomen of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the freemen and freewomen.

Presiding Officer

Honorable John H. Campbell, President *pro tempore* of the Senate, in the Chair.

Clerk

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

Report of the Joint Canvassing Committee

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

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

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

For GOVERNOR.....	295,412
Necessary to have a major part of the votes	147,706
Randolph B. Brock, Republican.....	110,940
Dave Eagle, Liberty Union	1,303
Cris Ericson, United States Marijuana.....	5,583
Emily Peyton, Independent	5,868
Peter E. Shumlin, Democratic/Working Families.....	170,749
Scattering (write-in votes).....	969

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

PETER E. SHUMLIN

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	285,014
Necessary to have a major part of the votes	142,507
Cassandra “Cass” Gekas, Progressive/Democratic.....	115,015
Ben Mitchell, Liberty Union	6,975
Philip B. Scott, Republican	162,767
Scattering (write-in votes).....	257

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 Lieutenant Governor of the State of Vermont for the two years next ensuing.

For STATE TREASURER	282,281
Necessary to have a major part of the votes	141,141
Jessica “Jessy” Diamondstone, Liberty Union.....	6,939
Elizabeth A. “Beth” Pearce, Democratic/Republican ..	147,700
Don Schramm, Progressive.....	12,497
Wendy Wilton, Republican.....	114,947
Scattering (write-in votes).....	198

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.....	260,782
Plurality, not a major part of the vote, is required	
James C. Condos, Democratic	225,801
Mary Alice “Mal” Herbert, Liberty Union	34,105
Scattering (write-in votes).....	876

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	274,268
Plurality, not a major part of the vote, is required	
Douglas R. Hoffer, Democratic	140,805
Vincent Illuzzi, republican/Working Families	123,806
Jerry Levy, Liberty Union.....	9,381
Scattering (write-in votes).....	276

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.....	283,779
Plurality, not a major part of the vote, is required	
Rosemarie Jackowski, Liberty Union	8,533
Jack McMullin, Republican	94,588
William H. Sorrell, Democratic	164,441
Ed Stanak, Progressive.....	15,629
Scattering (write-in votes).....	588

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

WILLIAM H. SORRELL

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

ROBERT C. KREBS

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

Report of the Joint Canvassing Committee Adopted

Upon motion of Representative Krebs, 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, THURSDAY, JANUARY 10, 2013

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. 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, 2013, at one o'clock and thirty minutes in the afternoon to receive the inaugural message of the Governor.

Presiding Officer

Honorable Philip B. Scott, President of the Senate, in the Chair.

Clerk

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

Recognition

The Chair recognized former Governors, their spouses and other dignitaries:

Representatives of the Nation of Canada
Mrs. George D. Aiken
Mrs. Richard A. Snelling
Governor Howard B. Dean
Governor and Mrs. James H. Douglas
U.S. Senator and Mrs. Patrick Leahy
U.S. Senator and Mrs. Bernard Sanders
U.S. Congressman Peter F. Welch

Supreme Court

The Supreme Court was escorted within the presence of the Joint Assembly by the Sergeant at Arms, Francis K. Brooks.

Committee Appointed

Senator John F. Campbell of Windsor 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 Philip E. Baruth, of Chittenden District
Senator Jeannette K. White, of Windham District
Senator Margaret K. Flory, of Rutland District
Representative Therese M. "Tess" Taylor, of Barre City
Representative Donald H. Turner, Jr., of Milton
Representative Christopher Pearson, of Burlington

Governor-Elect Shumlin Presented

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

Song

Nicole Nelson sang – "America The Beautiful".

Invocation

The Bishop Thomas Ely, of the Episcopal Diocese of 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 Peter E. Shumlin.

Oath Administered to Officers

The oath of office was then duly administered by His Excellency, Peter E. Shumlin, 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
William H. Sorrell, Attorney General

Second Invocation

The Most Rabbi Jarah Greenfield of the Congregation Beth El of Bennington gave a second invocation.

Song

The Harwood Union High School, I Cantori, under the direction of Stefanie Weigand, sang:

"These Green Mountains".

Introduction by Chair

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

Inaugural Address

Governor Shumlin then presented the following remarks.

"Mr. President, Mr. Speaker, Mr. Chief Justice, Members of the General Assembly, members of our National Guard, fellow Vermonters:

"Thank you for the opportunity to serve as your governor for another term. It is an honor to serve, and every day I am grateful for this extraordinary privilege.

“I am also humbled to be joined today by the best Congressional delegation in America. Senator Leahy, Senator Sanders, and Congressman Welch, we welcome you to the State House and thank you for your service to our great state.

“I am so proud to be governor of Vermont. There is so much to celebrate about our state. Since our founding, Vermont has always been a national leader. First state to abolish slavery. First state to mandate public funding for universal education. First state to pass civil unions, and the first to pass marriage equality without a court mandate. We enjoy the nation’s lowest unemployment rate this side of the Mississippi, and this year we were once again ranked the healthiest state in the nation.

“All of us here today, in this gem of a state house, on this glorious Vermont day, know this: Vermont is the best state in the country for quality of life. The best place to live, work, and raise a family.

“The state of our state is healthy, resilient, and strong.

“We are blessed to live here, and we care deeply about our shared future.

“Today I will diverge from tradition and focus this speech on one theme: an education system that grows Vermont’s prosperity. My goal – and the single objective of my administration – remains to grow jobs and incomes for working Vermonters. Our education system, from pre-kindergarten to higher education, is the state’s greatest economic development tool. Our kids routinely test above the national average, and excel in a wide range of disciplines. We have a great system that we must make even greater.

“To stay on top, Vermont must follow the steps of our predecessors, who refused to be led by history, but instead had the courage and imagination to shape it. If we stand by, if we fail to innovate, and if we refuse to change, we will slip behind.

“We stand on the shoulders of leaders who, at defining times, chose to be bold. As we continue our slow recovery from a devastating recession and a devastating storm, I believe Vermont is again poised to lead.

“We are on the right path. We are focused on getting Vermont off our addiction to oil and building renewables, and we now have more high tech green jobs per capita than any other state. We are delivering on our promise to grow prosperity by connecting every last mile of Vermont to high-speed Internet access by the end of this year. We are implementing the first common sense single payer health care system in America, where health care is a right and not a privilege and where we contain unsustainable rising health care costs.

“We are adding jobs. Employers across the state, who just two years ago might have been contemplating another layoff, are looking for well-trained and skilled workers. Our incomes are slowly rising. In 2011, Vermont was the only state in the union where incomes actually rose after a decade of stagnation.

“But it’s not enough. The seventh lowest unemployment rate, when you are struggling to find a job, is not low enough. Four percent income growth is better than the rest of America, but for too many Vermonters who are working a job or multiple jobs and still struggling to pay their bills, it’s not enough. Enjoying one of the fastest economic growth rates in the northeast is better than where we used to be, but for so many moms and dads like me who want their kids to live and prosper here at home, it’s not enough.

“Now here’s the irony. The true challenge that I hear day in and day out, as I log mile after mile as your governor traveling Vermont, is this: at the same time that so many Vermonters need to make more money to make life work and at the same time that so many families seek to bring their kids and loved ones back to Vermont, our employers, from border to border, are eager to find workers with the right educational skills, and they have good money to pay.

“Go with me for a moment to our deep south, where in Brattleboro, second generation business owner Norm Schneeberger at GS Precision is manufacturing world-class machine parts for the aerospace industry, and laments that if he could find enough engineers and trained machinists, he could grow his workforce by 25 percent this year alone.

“Drive over the mountain to Bennington, which has become ground zero for the composite revolution, where Plasan Carbon Composites is building auto body parts that are lighter, stronger, and more energy efficient than their steel predecessors, and they need trained technicians to meet a growing worldwide demand.

“GE Rutland, manufacturing aeronautics parts that power nearly every plane flying in the world, struggles to bring in engineers and computer technicians.

“Green Mountain Power is turning Rutland into the solar capital of New England, opening their Energy Innovation Center in the heart of downtown and building solar farms to power the region. This will create more green jobs needing skilled workers.

“Travel east over the mountain to Windsor County, where in Woodstock NatureShare is making apps for iPhones and looking for trained computer technicians.

“Head to Chittenden County, where the cry for qualified workers turns more to a roar. IBM has more than a dozen openings for high-paying, entry-level technicians with a two-year degree and basic math skills. They can’t fill them.

“MyWebGrocer and Dynapower are growing and hiring. Dealer.com, which is now employing over 600 Vermonters with big plans to continue expanding its workforce, needs skilled workers to fill their high-paid jobs.

“Add to that list Mylan Technology in Franklin County, Concept 2 rowing in Lamoille County, UTC Aerospace Systems in Addison County, Global-Z in Bennington, Mack Molding in Arlington, North Hartland Tool Corporation, Superior Technical Ceramics in Franklin County, New England Precision and Wall Goldfinger in Orange County. The need for skilled workers goes on and on.

“Perhaps that need is best embodied in the Northeast Kingdom, the area of our state that for generations has struggled with chronically high unemployment rates and low incomes, where Bill Stenger and Ari Quiros continue to shine a beacon of hope, opportunity and future prosperity.

“For Bill and Ari, investing \$250 million, and creating 5,000 new jobs over the past 5 years while they built a world-class resort at Jay Peak, is not enough. They are moving on to Phase II, a project of unprecedented ambition, which partners with Senator Leahy’s EB-5 program and my administration to grow prosperity in other regions of the Kingdom with \$600 million in new investment, creating 10,000 new jobs.

“Some of those jobs will be at AnC Bio, a South Korean company that conducts cutting edge stem cell and artificial organ research and will be looking for scientists and other well-paid technicians. Menck Windows is a German manufacturer of the highest efficiency windows in the world; they will be adding 500 jobs. A world-class resort that will be built in downtown Newport on beautiful Lake Memphremagog, will need hundreds of workers, as will the revitalization at Burke Mountain.

“I will be traveling with Bill and Ari to South America, Asia and other parts to help secure capital for this project, and in the months ahead, additional announcements of job opportunities are likely to be forthcoming as they are secured.

“Time does not allow me to recite the hundreds of other creative, entrepreneurial ventures, large and small, in value added agriculture, food systems, health care, technology, manufacturing, travel and tourism, energy, education, services, retail and the trades that bless our little state right now. I

remain unfailingly optimistic about Vermont's economic future. But to ensure our success, we must embrace change in the way we both view and deliver education. The rapid change that is required of us is not optional; it will define our success or deliver our failure.

"Let's face facts for a minute: these opportunities for prosperity, from our southern border to Canada, result from the way technology has transformed Vermont's economy and our lives.

"Think about how technology has changed our daily lives: paying our bills, shopping, communicating online, texting and tweeting our way through the day, managing our finances, keeping tabs on our kids.

"Technology allows computers to create products that a decade ago, even five years ago, didn't exist. It has created a connection to a larger world that allows many more people to do business from Vermont that would not have been possible in the pre-tech world.

"That same technology has dramatically changed the tools available for teaching and learning. It has changed the nature of work. The high school degree that brought success and a lifetime job in the old economy, ensures a low-wage future in the tech economy. Success in the new economy depends on an educated workforce with skills beyond high school in science, computer technology, engineering and math.

"I ask you: is Vermont prepared to meet this challenge? Are we ready to harness this opportunity so critical to our future prosperity?"

"The plain truth is, we are not.

"Look at the facts: current estimates show that sixty-two percent of job openings in the next decade will require post-secondary education. Sixty-two percent. Yet only about forty-five percent of Vermont students who begin ninth grade continue their education past high school, and that percentage drops as family incomes decline.

"Now don't let these facts diminish our accomplishments. Together, we have done innovative and cutting edge bipartisan work with school funding in the past decade and a half that you deserve to be proud of. Vermont took a regressive property tax that funds our most important obligation in a democratic society and made it equitable and progressive, giving every child in Vermont an equal shot at resources while preserving local control.

"Now, some like it and some don't, and we could debate it until the cows come home, and I'm sure you will. But in doing so, we ignore the next opportunities that will define our future prosperity. Keep in mind that we

spend more money per pupil than all other states in the country except for two. We spend more than 50 percent above the national average, and K-12 spending in Vermont has grown faster over the last decade than in any other state in America.

“But the following simple fact ought to alarm all of us: with the vast amount of money that we spend per pupil in Vermont, we have failed to move more low-income Vermont kids beyond high school.

“Now is the time to take a good education system in Vermont and make it the best. To get us there, let’s take action on the following four areas.

“First, it is long past time for us to put our money where our mouths have been, and strengthen our commitment to universal early childhood education.

“Let’s remember, while 90 percent of a child’s brain is developed in the first 36 months of life, only four percent of our education dollars nationally are spent during this critical time. The evidence is overwhelming: the earlier we invest in our children, the healthier, more productive lives they will have. Taxpayers win too, since every dollar we invest in early childhood education saves seven dollars in the future.

“Today, I propose to make the largest single investment in early childhood education in Vermont’s history. We will redirect \$17 million from the state’s Earned Income Tax Credit to make high quality childcare affordable to hardworking lower-income Vermonters. There is no bigger obstacle to Vermont parents who want to work or advance than the high cost of quality childcare. This bold action will nearly double the state’s contribution to childcare for low-income families.

“My administration will also ensure financial support to communities that initiate publicly funded preschool programs where they do not now exist. Our budget will include resources for first year start up costs, after which communities offering pre-school programs will be eligible for reimbursement through the education fund.

“I will invite all early childhood stakeholders to a summit to build and embrace our vision for the success of our children and their families. I have also directed the Agency of Human Services to implement an integrated plan for health promotion and prevention, beginning before birth, to ensure that all children reach their full potential.

“We can do more to ensure that all our children are healthy and prepared to learn. When Sue Maguire was principal at Bennington’s Molly Stark

elementary school, she took the resources she had available, leveraged them where she could, and provided her students a full service health center right at the school. The center provides pediatric, psychological, dental, nutrition and pre-school services on site. I have asked Sue to work with my Secretary of Human Services and my Secretary of Education to bring that same ingenuity to schools across the state.

“It is well past time, to move aggressively on early childhood education - words are nice - action is better, let’s take it, together.

“Second, students can’t learn when they are hungry. Yet, too often, we ask hungry kids to learn. While some low-income Vermont kids are eligible for free school lunch under federal guidelines, others have family incomes just high enough that they are forced to pony up cash they don’t have to eat lunch.

“We must fix this problem for the thousands of low-income Vermont students who can’t afford to pay for lunch. I propose that the state covers the shortfall left by the federal government, and makes free lunch available for all low-income students, including those who are currently only eligible for reduced prices. Whenever possible, these lunches should be made from local Vermont farm grown food, since we know that Vermont farmers grow the healthiest food in the nation.

“This is a common sense, reasonable proposal that I will include in my fiscal 2014 budget, and I ask for your approval.

“Third, we must make education more accessible and affordable for all Vermonters. To help move more poor kids beyond high school, I ask you to pass two provisions that you have heard me speak about before.

“The first is dual enrollment. Over the past five years, state funding has provided limited access to Vermont high school students to get a head start on gaining expensive college credit by enrolling in for-credit college courses while they are in high school. In my budget, I will propose doubling the funding to expand access to this important program. I urge you to adopt a system in which the money follows the student and all Vermont students have access to this important program.

“Let’s also authorize an early college initiative aimed at expanding the number of students who simultaneously complete their senior year of high school with their first year of college. For more than a decade, 40 students a year have done this at Vermont Tech, where they concentrate on science and

technology with great success. Having only 40 kids in this program is a paltry number.

“Let’s open this program to all interested Vermont seniors, with the money following the student.

“Next, we know that the level of college debt being amassed by Vermont’s students and their families is oppressive. This crisis requires us to address affordability with new vigor, particularly for those students who pursue degrees in the disciplines of the new economy.

“We also know that one of the challenges we face is keeping young Vermonters in Vermont. So today, I say to the graduating class of 2013: if you make a commitment to our state, then our state will make a commitment to you. We want you in Vermont, we need you in Vermont, and we are ready to be bold in keeping you in Vermont.

“I propose the Vermont Strong Scholars Program. It’s a simple program, and here’s how it works: if you enroll in any public institution of higher education in the state of Vermont and graduate with a degree in a STEM field, we will give you a helping hand to stay and work in Vermont by paying you back, over the course of five years, for your final year of tuition. Or if you graduate with an Associate’s Degree in a STEM field, we will pay you back over three years for your final semester of tuition.

“I urge the legislature to approve this proposal and give young Vermonters a break on their higher education bills while helping us build prosperity together right here at home.

“Next, I commend the Vermont State Colleges and the University of Vermont for working hard to hold down tuition increases for next year, and I propose to increase the state’s appropriation for the Vermont State Colleges, VSAC, and UVM by three percent, to be used entirely for financial aid and scholarships for Vermonters.

“This is how my affordability plan would work at UVM: my budget increase will be sufficient to hold all entering Vermont students harmless from next year’s three percent tuition increase. If Vermont students want to take advantage of the world-class education they can get right here in the Green Mountain State, I want to do everything in my power to help them do just that.

“But buying back tuition increases for Vermonters is not enough. We must also identify savings to guarantee affordability for our students and their families and the survival of UVM and our State Colleges. President Sullivan and Chancellor Donovan enthusiastically agree and are initiating a joint planning process, reporting to us on their progress.

“At the same time, former interim UVM president John Bramley has been engaged to implement the eleven recommendations of the group I appointed last year to find ways to strengthen UVM and the State Colleges. I ask that we all work in partnership with John to adopt that report.

“Finally, we must do a better job of focusing the education of our children - from grade school through college - on career readiness. We can do a better job of personalizing educational opportunities and integrating technology, career training and internships with traditional classroom education.

“I propose that Vermont’s schools develop Personal Learning Plans that travel with each student from elementary through their senior year. These plans would help guide each student’s education and also tie educational goals to career opportunities, making school more relevant. The key to this proposal is to increase our students’ individual options while fostering a connection between school and career.

“We must also address our poor performance in math. While we have impressive successes to celebrate in other disciplines, Vermont falls off the rail in high school math. The 2011 NECAP results tell the tale: 68 percent of students in grades 3 through 8 are proficient in math. When they take the test in 11th grade, only 36 percent are proficient. Let me repeat that: 36 percent.

“This is as alarming as it is unacceptable, but unfortunately, no one should be surprised. Currently, algebra is required in only 47 percent of Vermont high schools, and geometry in only 31 percent. We can fix this without spending one additional dime. Today, I reiterate my call to require that all 9th graders take algebra and all 10th graders take geometry. Math skills in the new economy are more important than ever before.

“We must also do more to utilize our 17 career and technical education centers around the state that provide opportunities for students and adults who need to update skills to advance their earning power.

“I propose using the centers as the foundation for Vermont Innovation Zones throughout the state. Our current funding system does not encourage centers to match the needs of regional employers. These Innovation Zones will focus on areas of education and professional opportunity that fit the needs of their region.

“For instance, let’s go back to the opportunities on the horizon in the Kingdom: the need to fill the high-tech, high skill jobs that will soon be available. Under my proposal, high schools and tech centers in the Kingdom would become an Innovation Zone and would be able to shift current generic

course requirements to focus on those that provide the training the region needs. For example, the Kingdom may choose to focus heavily on engineering, hospitality, and health care courses that would result in Kingdom jobs for Kingdom kids.

“We have the tools available now to connect students and adult learners with new opportunities, but we can do a better job of ensuring these opportunities suit the needs of the region.

“I recognize that today I have asked a lot of our schools, teachers, administrators, parents, and children. I pledge to work with you to ensure what I know is our shared goal: that everyone has access to education, throughout their life, regardless of who they are or how much money their parents make, and that they can keep learning and keep developing their skills for the economy of Vermont’s future.

“To Vermont’s business community: we can do great things together to grow jobs, but employers can’t afford to stand by idly and pretend that government can meet this challenge without your full partnership.

“I call on employers to engage with the educational system at all levels. Open your businesses to our schools. Let our students interact with your employees, so they can see how they use their education every day. Invite teachers and guidance councilors in to experience a deeper understanding of what their students need to succeed. Engage high school and college interns. And provide opportunities for your employees to go back and further their education.

“At this moment in our history, we must focus particular energy on workforce development, but it should not be lost that the broader mission of our schools is to produce educated citizens prepared to engage in their civic responsibilities, each to their individual potential. This includes making a living but also making a life for themselves.

“My vision for Vermont education is clear: let’s offer – from birth to cap and gown, and beyond – the knowledge, creativity, civic lessons, and career opportunities every Vermont child deserves. Fulfilling this vision will require all hands on deck. And here’s the good news: this is what we do best in Vermont. In challenging times, we find common purpose.

“From business leaders to teachers, administrators to elected officials, we are in this together. I am proud to say that Vermont understands this, and always has. I mentioned earlier that Vermont was the first state to mandate public funding for education. Vermont – and this governor – places the highest

priority on education. There is no greater responsibility that we have as elected representatives than ensuring that our children have the best education available in the country.

“The Vermont that I envision for the future is one where the companies I mentioned earlier, from border to border, are thriving with Vermont-trained and Vermont-educated workers. It is a future in which our kids can expect their top quality education to open a world of opportunity, right here at home. It is a future in which these students – as well as adults – are fluent in math and science and are using the latest technology to learn and then to work. It is a future in which the greatest dilemma facing Vermont businesses is not how to find a good Vermonter to hire, but how to choose among an abundance of qualified Vermonters.

“And it is a future in which Vermont is once again showing the nation what it takes to innovate, create new opportunities to grow, and lead. This future is within our reach if we have the courage and creativity to seize it.”

“Thank you.”

Benediction

The Benediction was pronounced by Dr. Lise Sparrow of the Guilford Community Church of Guilford.

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, 2013

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, 2013, at two o'clock in the afternoon to receive the budget message of the Governor.

Presiding Officer

Honorable Philip B. Scott., President of the Senate, in the Chair.

Clerk

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

Committee Appointed

Senator John F. Campbell of Windsor 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 Richard W. Sears, Jr., of Bennington District
Senator Diane B. Snelling, of Chittenden District
Representative Therese M. Taylor, of Barre City
Representative Brian K. Savage, of Swanton
Representative Susan H. Davis, of Washington

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

Governor's Budget Message

“Mr. President, Mr. Speaker, members of the General Assembly, distinguished guests, and fellow Vermonters:

“Two years ago, I delivered my first budget address. Times were tough. We faced a budget gap of \$176 million and together we made painful choices.

“As I begin my second term, the picture has brightened. Since the depths of the recession, our revenues are up twenty-seven percent. We enjoy the lowest

unemployment rate this side of the Mississippi and we are slowly emerging from the Great Recession in better shape than our neighbors.

“We are also delivering on our promise to rebuild Vermont stronger than the way Irene found us. We just broke ground on a new state hospital and are building the best community-based mental health care system in America. Between insurance, FEMA, and recaptured federal reimbursements, once the new state hospital is certified, the \$43 million total cost for Brattleboro, Rutland, and Berlin will be paid for in a year and a half without reaching into the pockets of Vermont taxpayers. This is an extraordinary result, and I want to thank you for your collaboration and swift action.

“Unfortunately, we once again face big challenges in our state budget that will require more tough choices and restraint, as we confront continued uncertainty about the fiscal crisis in Washington.

“Today I present a proposal that balances our budget without raising broad-based taxes. It invests in areas critical to our future jobs success. It keeps our reserves full, and our pension contributions funded at the recommended levels.

“It is a budget that matches Montpelier’s appetite for spending with Vermonters’ ability to pay. It also redirects existing dollars to grow prosperity, protecting vulnerable Vermonters while providing the help they need to get off welfare and get back to work.

“My budget also includes targeted investments that will ensure a brighter jobs future and greater prosperity, such as early childhood education, continued workforce development training, and more funds to enhance our creative economy.

“To support Vermont’s farmers and our national leadership in our farm-to-plate, forest products, and value-added agriculture, we allocate \$1.5 million to our working lands.

“To make higher education affordable to all Vermonters, my budget includes the first increase in five years: An additional \$2.5 million for UVM, the state colleges, and VSAC, all directed solely at reducing tuition for Vermonters.

“But there are five areas where bold transformation and targeted investments are critically needed in order to keep Vermont on the path to prosperity: First our education system, including support for our youngest children; second, our welfare benefits program; third, health care costs; fourth, our transportation funding; and fifth, our investments in clean energy and efficiency.

“First, the most important investments we can make to grow jobs and secure prosperity for our children are the education initiatives that I called for in my inaugural address.

“We used to think of high school as the four walls of the traditional building near our village downtown. But now, with our 21st century technology – with virtual learning, our technical education centers, our internship and apprenticeship opportunities, and our many colleges willing to offer credits to our students while they are in high school, the four walls of our school buildings have been dissolved. We must embrace and harness this change. This requires us to think of our education system not simply as K-through-12, but K-through-job.

“Now I am not saying that everyone needs a four-year or advanced degree to make a good living. For some students, post-secondary job training or a two-year college degree will secure a good-paying job in the field they love. But I am saying that a high school degree alone is no longer good enough to ensure a bright future.

“We know that sixty-two percent of the jobs in the new economy will require post-secondary education, and that only forty-five percent of our high school graduates are continuing their education today. We have to seize the opportunity to reshape our education system to meet the demands of our STEM-hungry workforce. And I believe that the key to our success is to allow the existing money we are spending right now to follow each student. We must make this happen this session.

“Vermonters agree that giving our kids a strong start, as early in life as possible, is the best thing we can do to ensure their bright future. We have a responsibility to examine how we are using taxpayer money so we provide the strongest possible start for our highest priority, our children.

“In my inaugural address, I called for the largest increase ever in the State’s early childhood support, by redirecting \$16.7 million from the State’s portion of the Earned Income Tax Credit to help lower-income families pay for the cost of quality childcare. This is not new money – it is money the State is already spending by supplementing the federal Earned Income Tax Credit.

“There’s been a fair amount of discussion about my proposal, and some misunderstanding. Let me tell you why I believe this change makes sense. Here are the facts:

- This year, Vermont taxpayers paid \$26 million to supplement the federal earned income tax credit.

- While twenty-three other states also make some match to the federal credit, twenty-seven states choose to contribute nothing.
- Vermont's contribution is the second-highest in the nation.
- Many of you may be as surprised as I was to learn that because this program is federally-indexed, Vermont's contribution has risen forty-nine percent in the past eight years, while state spending in other programs per beneficiary has stagnated.
- Reallocating \$16.7 million from our current \$26 million credit will bring us in line with other states. And here's the point that may be getting lost: No one is proposing to eliminate the important and critical Earned Income Tax Credit, and we never would. Our proposal would mean that an average eligible recipient with no need for childcare would see a fifteen percent reduction in the combined federal/state payment, in a program that has seen more than triple that growth in the past eight years.

“It is also important to remember that since we adopted the State's earned income tax credit, Vermont has made a number of other policy choices to help lower income Vermonters pay their bills.

- Our income tax is now among the most progressive in the country. On average, we ask people who make under \$35,000 to pay a tax rate of less than two cents on every dollar.
- As a result of Acts 60 and 68, our property tax and renters rebate is now based upon income, giving the biggest benefit to those who earn the least.
- Our sales tax now exempts clothing and shoes, in addition to food and medicine.
- Despite federal cuts, in the past few years we have scrambled to keep Vermonters warm in the winter by filling the gap for heating fuel assistance.

“All of these policies deliver targeted help to lower income Vermonters.

“We cannot be satisfied with business as usual; we have to invest for the future. With the second richest Earned Income Tax Credit in America, we have to ask ourselves: Is a once-a-year check from the State – a check that has

increased 49% in the past few years – the best help we can offer to lower income Vermonters who are struggling to stay in the workforce?

“Secretary Racine and the rest of my team have examined this question and our answer is: No. We have concluded that the biggest barrier to work for most lower-income Vermonters is the cost of quality child care. We believe we should help chip away the benefits cliff for working Vermonters to make sure the next generation has the best chance possible.

“Here is the transformation our plan offers: Our proposal raises the childcare subsidy for all eligible families. Today, families making about \$40,000 per year only get a minimal benefit that pays just ten cents of every dollar for childcare. Those same families under our proposal will have up to 50 cents of every dollar of their childcare expenses paid by the State.

“This will enable lower-income children to access quality care that ensures healthy brain development, school readiness, and a bright future, while it enables their parents to work and contribute to their family’s economic success without actually losing money by going to work. This is a smart, strategic way to create a better future for our children.

“The second area that requires bold action builds off our historic commitment to childcare. We have an opportunity right now to match this significantly increased investment in early childhood education with a fix to the way we deliver our welfare to work benefits.

“We face an insidious problem right now in our welfare system. It is a problem that hurts both those who desperately want to move from welfare to work and Vermont’s taxpayers who pay for our welfare program.

“It might surprise most Vermonters to learn that Vermont is the only state in the country that extends Reach Up benefits without interruption to the entire household for a lifetime. In contrast to Vermont, forty-six states limit assistance to five years or fewer, and all of our neighbors have limitations either in the time period or cash benefit of their welfare programs.

“Extending welfare to work benefits without interruption for a lifetime does nothing to actually encourage people to get a job. What is far more troubling is that we actually penalize Vermonters who want to earn more money and get a job because we reduce their childcare and other benefits as they begin to earn money, causing many to stay out of the workforce or quit their new job because they do better on welfare. Meanwhile, we have seen our welfare rolls grow and our state budget strain under the pressure.

“There is no doubt in my mind that solving the way we deliver welfare to work benefits will improve our long-term prosperity. Vermont is a caring state. The well-being of our most vulnerable families matters to us deeply, and we know that for some the road out of poverty will be longer than for others. This administration will continue to make sure our social safety net is strong for those who are fighting against the unrelenting undertow of poverty.

“But it is neither compassionate nor prudent to continue a system in which struggling Vermonters are financially punished for getting off government assistance, finding a job, and providing for their children by going to work.

“Here’s how the system should work, as reflected in my budget: The State will provide benefits for a maximum of five years, by providing up to three years of initial benefits to Vermonters who need time to stabilize their lives, receive job training opportunities, and find a job. For those who need more help, the State will provide an additional two years of non-consecutive eligibility.

“There is no better social program than a good paying job. We will not allow vulnerable Vermonters, such as those who are disabled, to fall through the cracks, but we will ask those who can work to get the training and support they need and get a job.

“This fix is long overdue. It takes courage to say it, but say it we must: Benefits for Vermonters who are able to work must be temporary, not timeless. It is long past time for Vermont to reform our welfare system from one that discourages work to one that makes prosperity achievable for all Vermont families, including those living in poverty.

“The third great obstacle standing in the path of job growth and prosperity is the skyrocketing cost of health care.

“Currently, we spend twenty cents of every dollar we earn on health care, more than the national average. And those costs are growing at unsustainable rates. If our health care costs grow in this decade at the same rate we saw in the last decade, costs will again double by 2020.

“Two years ago, you joined me in starting down the path to the first universal, sensible, single-payer, publicly-financed health care system in America that finally takes on these unsustainable, job killing costs.

“Our partnership began with the passage of Act 48, and the establishment of the Green Mountain Care Board. It continues with the creation of the health insurance exchange, as required by federal law.

“In addition to the plan we are releasing today that describes the benefits and costs of a universal health care system and the options to pay for it, we are also releasing a plan detailing the implementation of next year’s federally-mandated health care exchange, which will require no additional revenue in Fiscal Year 2014.

“My budget also makes certain that Vermonters currently in Catamount and VHAP do not suffer federally-imposed cost increases, by allocating the money needed to buy back the premium increases that would otherwise result from the less generous federal exchange.

“I also keep my promise to begin to fix the so-called cost shift from Medicaid to our business community who struggle to provide their employees with health insurance, by including long-overdue inflationary increases in Medicaid payments that will help reduce premiums. This step alone will lower private insurance premiums by almost \$25 million every single year.

“This is hard work and we have more ahead of us. But with your help, we will create the best health care system in America, right here in Vermont.

“The fourth challenge that requires bold action is the transportation fund shortfall. This is a good news/bad news story. As we move to more fuel-efficient cars and drive less, we are buying fewer gallons of gasoline – 34 million fewer gallons per year since 2005. As a result, our revenues to maintain our crumbling roads and bridges have dropped, and are projected to drop even further. This is not a question of raising new revenue or creating new programs, it is a question of repairing and refilling a leaky bucket.

“If we fail to repair the leaks, our state transportation fund receipts, which are \$36.5 million short this coming year, will result in our sending back to Washington more than \$40 million of federal highway funds this year alone, causing us to delay or cancel critical road and bridge repairs. Sending money back to Washington is not a smart way to continue the progress we have made in improving the condition of our aging roads and bridges. I pledge to partner with you, reviewing the good work of the Legislative Study Committee on Transportation Funding, to determine the best way to repair the leaks this year, and into the future.

“Meanwhile, we must also continue to make strategic transportation improvements, including the rehabilitation of the western corridor rail line to bring passenger rail from Bennington to Rutland to Burlington to create jobs and economic development that the western side of our State so desperately

needs. My budget proposes \$11 million to build upon last year's investment and accelerate our progress on this critical western rail initiative.

"Let me now turn to the fifth and last area where our investment will increase our prosperity and our quality of life. Our leadership in clean energy in Vermont is remarkable:

"We have more green jobs per capita than any state in the country.

"Since I became governor two years ago, we have seen the amount of solar energy on our grid double. We are successfully harnessing the sun, the wind, our water, fields, forests, and manure to generate clean, green power.

"We continue to lead the nation in electric energy efficiency.

"We are on the right path, but it's not enough.

"We have done a great job of creating jobs and saving money by helping Vermonters cut down on electric usage. We have done a lousy job of keeping our homes and buildings comfortable and affordable in our cold winters on days like today.

"We heat about sixty percent of our homes with traditional heating oil – a huge and growing expense for Vermonters, and a huge cost to our environment. Meanwhile, we have for several winters now kept needy Vermonters from freezing in their homes by scrambling to pay for heating oil as the federal government callously slashes its contribution to the LIHEAP program.

"We must do better. That is why my budget proposes to join our neighbors in Connecticut and Massachusetts by assessing a ten-percent surcharge on the retail value of break open tickets and applying the \$17 million raised to comprehensive energy program funding.

"I propose to allocate the \$17 million for three purposes:

"First, to keep low income Vermonters warm in the winter through the State's first-ever base budget contribution to LIHEAP, at the level of \$6 million. Let's recognize the sad fact that Washington is unlikely to fund this critical program adequately and let's do something about it, so that all Vermonters stay warm in the winter.

"Second, we must create jobs, save energy, and stop wasting dollars in drafty homes by investing another \$6 million per year in thermal efficiency. We have a simple choice. As oil prices continue to rise, we can send our hard-earned Vermont dollars to oil producing countries that mostly don't like us, or

we can buy less oil and help fight climate change by keeping our heat inside our homes and buildings.

“Third, I propose that we provide \$5 million as a stable source of support for the Clean Energy Development Fund to continue our leadership in building renewable energy and efficiency projects.

“I know we are going to have plenty of debates this session, and at times we will disagree. But I am optimistic about the outcome. Together, we share a tremendous opportunity and a responsibility to help our economy and to grow prosperity for all Vermonters.

- We can reshape our education system to match the needs of our 21st century jobs. And we can put our money where our mouths have long been by providing childcare benefits to better nurture and educate our most vulnerable children.
- We can encourage independence and employment while ensuring that no Vermonter is penalized for having a job.
- We can create the best, most affordable health care system in America.
- We can rebuild our crumbling roads and bridges and improve our rail corridors.
- We can keep Vermont at the forefront of the clean energy revolution.

“And we can do all of this while we build jobs and save money.

“I ask you to join me, but I also commit to you an open door and an open mind. We will have our differences, but we will carry out our work in the best Vermont tradition, without malice and with respect for each other, regardless of party label. We will work together to find common ground.

“But we must also take bold action, not simply find ways to say no. Vermonters expect nothing less; nor should we.”

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, 2013

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

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 21, 2013, 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 Philip B. Scott, 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). The chair now calls to the attention of

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

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

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

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

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

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

Number and Length of Nominating and Seconding Speeches

On motion of Senator Campbell, pursuant to Joint Rule 10(b), the election of a Sergeant at Arms, Adjutant and Inspector General and the three UVM trustees were governed by the following procedure:

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

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

Statement of Presiding Officer

We have three sets of elections today:

First, To elect a Sergeant at Arms.

Second, To elect an Adjutant and Inspector General.

Third, To elect three UVM Trustees.

The election for Sergeant at Arms is not contested and the provisions of Joint Rule 10(a) will apply.

This means this election may be by voice vote if there is no objection.

For the election of the Adjutant and Inspector General and the three UVM Trustees, as these elections are contested, they shall be by ballot.

Tellers Appointed

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

Senator Mark A. MacDonald, of Orange District, as Chief Teller
Senator Joseph C. Benning, of Caledonia District
Senator Alice W. Nitka, of Windsor District
Representative Eileen Dickinson, of St. Albans Town
Representative Cindy Weed, of Enosburg Falls
Representative Anne L. Gallivan, of Chittenden
Representative William C. Stevens, of Shoreham

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 M. Jane Kitchel of Caledonia District nominated *Francis K. Brooks*, of Montpelier.

The nomination was seconded by Representative Andrew Donaghy of Poultney.

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

FRANCIS K. BROOKS, 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, 2013, and until his 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, Senator Diane B. Snelling of Chittenden District nominated *Michael J. Bullock*, of Hinesburg.

For the office of Adjutant and Inspector General, Representative Martha P. Heath of Westford nominated *Steven Cray*, of Essex Junction.

The nomination was seconded by Representative Timothy Jerman of Essex Junction.

For the office of Adjutant and Inspector General, Representative Mark Woodward of Johnson nominated *Darryl J. Ducharme*, of Williston.

The nomination was seconded by Representative Mark Higley of Lowell.

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

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 Michael J. Bullock, Steven Cray, Darryl J. Ducharme and James Marc Leas.

Results of Balloting for Adjutant General

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

Total votes cast	173
Necessary for a choice	87
Bullock	9
Cray	125
Ducharme	34
Leas	4
Write in votes	1

Whereupon, the Chair declared that

STEVEN CRAY, of Essex Junction

having received a majority of the total votes cast was duly elected to the office of Adjutant and Inspector General for a term of two years, from and including the first day of March, 2013, 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, 2013.

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

Statement by the Presiding Officer

For the election of UVM trustees, we will be operating under temporary rules set forth in J.R.S. 11.

The adoption of J.R.S. 11 permits the Joint Assembly to elect the three Trustees of the University of Vermont and State Agriculture College by means of a plurality vote.

A plurality voting procedure simply means that the three candidates receiving the greater number of the total votes cast are elected. You will be instructed to vote for not more than three candidates at the same time, on the same ballot.

Nominations for UVM Trustees

Representative Johannah Leddy Donovan of Burlington nominated *Representative Sarah E. Buxton* of Tunbridge. The nomination was seconded by Senator Kevin J. Mullin of Rutland District.

Representative Martha P. Heath of Westford then nominated *Representative Anne T. O'Brien* of Richmond. The nomination was seconded by Senator Philip E. Baruth of Chittenden District and Representative Philip C. Winters of Williamstown.

Senator Jeanette K. White then nominated *Patricia Moulton Powden* of South Londonderry. The nomination was seconded by Representative Donna Sweaney of Windsor.

Representative Bill Botzow of Pownal then nominated *Representative Jeffrey D. Wilson* of Manchester. The nomination was seconded by Representative Patti Komline of Dorset.

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

Summary of Names Placed in Nomination

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

- Sarah E. Buxton, of Tunbridge
- Anne T. O’Brien, of Richmond
- Patricia Moulton Powden, of South Londonderry
- Jeffrey D. Wilson, of Manchester

Review of Voting Procedure

Prior to the taking of any ballots, the Chair reviewed the “plurality” procedure for choosing candidates, by quoting verbatim from the text of J.R.S. 11, as follows:

- (1) All candidates for the office of trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.
- (2) The three candidates receiving the greatest number of votes shall be declared elected to fill the three vacancies.
- (3) In the event that the first balloting for the trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the greatest number of votes.

Results of Balloting for UVM Trustees

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

Total ballots.....	176
Necessary for election	three greatest numbers of votes
Buxton.....	115*
O’Brien	103*
Powden	97
Wilson.....	112*
Write-in votes	2

Whereupon the Chair declared that

SARAH T. BUXTON, of Tunbridge

having received the most votes cast was duly elected a Trustee of the University of Vermont and State Agricultural College for a term of six years, commencing March 1, 2013.

The Chair further declared that

JEFFREY D. WILSON, of Manchester

having received the second most number of votes cast was duly elected a Trustee of the University of Vermont and State Agricultural College for a term of six years, commencing March 1, 2013.

The Chair further declared that

ANNE T. O'BRIEN, of Richmond

having received the third most number of votes cast was duly elected a Trustee of the University of Vermont and State Agricultural College for a term of six years, commencing March 1, 2013.

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, 2013

9:00 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:

By Senator Nitka,

J.R.S. 22. Joint resolution providing for a Joint Assembly to vote on the retention of seven Superior Judges and one Magistrate.

Whereas, by virtue of the provisions of 4 V.S.A. § 608 and of J.R.S. 17, the vote on the retention of seven Superior Court Judges, and one Magistrate who have submitted declarations seeking retention was deferred until March 28, 2013,

Whereas, the General Assembly desires to schedule the Joint Assembly earlier, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Wednesday, March 27, 2013, at nine o'clock in the forenoon to vote on the retention of seven Superior Court 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 Philip B. Scott, President of the Senate, in the Chair.

Clerk

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

Statement of Presiding Officer

Pursuant to our Constitution and statutes we are assembled here today in Joint Assembly to cast our votes on the retention of seven 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 require 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).

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 office 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 will now appoint as tellers:

Senator Jeanette K. White, of Windham District, as Chief Teller
 Senator Mark A. MacDonald, of Orange District
 Senator Diane B. Snelling, of Chittenden District
 Representative Sarah E. Buxton, of Tunbridge
 Representative Martha Feltus, of Lyndon
 Representative Michelle Fay, of St. Johnsbury
 Representative Mike McCarthy, of St. Albans

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
 James R. Crucitti
 Robert P. Gerety, Jr.
 Kevin William Griffin
 M. Kathleen Manley
 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 James R. Crucitti 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 M. Kathleen Manley 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 term of these Superior Judges are for six years, from and including the first day of April, 2013, 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 seven Judges will be received separately. At the end of the debates for the seven Judges, any general debate on the entire question shall be in order.

Committee Reports

Prior to any debate, we will receive the report of the Joint Committee on Judicial Retention. The Chair now recognizes the Chair of this Committee, the Member from Barre Town, Thomas F. Koch, for the purpose of receiving his report.

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

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

The Chair then recognized the member from Burlington, Suzi Wizowaty, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge James R. Crucitti.

The Chair then recognized the member from Essex Junction, Linda J. Waite-Simpson, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Robert Gerety, Jr.

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 Kevin William Griffin.

The Chair then recognized the member from Newbury, Charles Conquest, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge M. Kathleen Manley.

The Chair then recognized Senator Peter W. Galbraith, of Windham 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	165
Necessary for a majority	83
For retention	161
Against retention	4

Whereupon the Chair declared that

WILLIAM D. COHEN, of RUTLAND

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until his successor is elected and has qualified.

For Superior Judge James R. Crucitti

Total votes cast	164
Necessary for a majority	83
For retention	162
Against retention	2

Whereupon the Chair declared that

JAMES R. CRUCITTI, of ESSEX

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until his successor is elected and has qualified.

For Superior Judge Robert Gerety, Jr.

Total votes cast162
 Necessary for a majority82
 For retention160
 Against retention2

Whereupon the Chair declared that

ROBERT GERETY, JR., of WHITE RIVER JUNCTION

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until his successor is elected and has qualified.

For Superior Judge Kevin William Griffin

Total votes cast162
 Necessary for a majority82
 For retention161
 Against retention1

Whereupon the Chair declared that

KEVIN WILLIAM GRIFFIN, of NORWICH

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until his successor is elected and has qualified.

For Superior Judge M. Kathleen Manley

Total votes cast163
 Necessary for a majority82
 For retention159
 Against retention4

Whereupon the Chair declared that

M. KATHLEEN MANLEY, of LYNDONVILLE

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until her successor is elected and has qualified.

For Superior Judge Timothy B. Tomasi

Total votes cast163
 Necessary for a majority82
 For retention160
 Against retention3

Whereupon the Chair declared that

TIMOTHY B. TOMASI, of MONTPELIER

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, and until his successor is elected and has qualified.

For Superior Judge Thomas A. Zonay

Total votes cast	165
Necessary for a majority	83
For retention	162
Against retention	3

Whereupon the Chair declared that

THOMAS A. ZONAY, of TAFTSVILLE

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2013, 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:

Barbara Zander

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

"Shall Magistrate Barbara Zander 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, 2013, and until her successor is elected and qualified.

Committee Report

The Chair then recognized, Representative Thomas F. Koch of Barre, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Magistrate Barbara Zander.

Results of Balloting

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

For Magistrate Barbara Zander

Total votes cast163

Necessary for a majority82

For retention132

Against retention31

Whereupon the Chair declared that

BARBARA ZANDER, of ST. JOHNSBURY

having received a majority of the total votes cast was duly elected to the office of Magistrate for a term of six years, from and including the first day of April, 2013, 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

