

**Journal**  
**of the**  
**JOINT ASSEMBLY**  
**Biennial Session**  
**2011**



**JOURNAL OF THE JOINT ASSEMBLY  
OF THE  
STATE OF VERMONT  
BIENNIAL SESSION, 2011**

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**IN JOINT ASSEMBLY, JANUARY 5, 2011**

**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. 2.** Joint resolution to provide for a Joint Assembly to hear the farewell message of the Governor.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Wednesday, January 5, 2011, at two o'clock in the afternoon to receive the message of the outgoing Governor.

**Presiding Officer**

Honorable Brian E. Dubie, President of the Senate, in the Chair.

**Clerk**

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

**Committee Appointed**

Senator 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, and inform him that the Joint Assembly was now convened for the purpose of receiving his farewell message.

Which was agreed to.

The Chair appointed as members of such Committee:

Senator Campbell, of Windsor District  
Senator Kevin J. Mullin, of Rutland District  
Senator Richard T. Mazza, of Grand Isle District  
Representative Lucy Leriche, of Hardwick  
Representative Donald H. Turner, Jr., of Milton  
Representative Chris Pearson, of Burlington

**Governor Douglas Presented**

The Committee performed the duty assigned to it and appeared within the Chamber accompanied by His Excellency, Governor James H. Douglas.

**Introduction by Chair**

The President of the Senate, Lieutenant Governor Brian E. Dubie, then introduced the Governor of the State of Vermont, James H. Douglas, for the purpose of presentation of his farewell address.

**Farewell Address**

*“Mr. President, Mr. Speaker, distinguished guests, my fellow Vermonters:*

“Thirty-eight years ago, in this very chamber, I was sworn in as the new member from Middlebury – humbled by the confidence of voters, motivated to represent my community and inspired to strengthen Vermont. Over the years I have been blessed to serve the people of this great state in different ways – and in different eras – culminating with the honor, and profound responsibility, of the governorship.

“When I contemplated running for governor in 2001, I outlined my reasons for wanting to serve in this office. I wrote then:

““I love Vermont... I want every Vermonter to reach his or her highest potential. I want every child to begin life in good health, with a loving family, and eager to learn. I want every young Vermonter to be able to access a higher education and to secure meaningful and rewarding work. I want families to be able to afford a home and ultimately to enjoy retirement in comfort and dignity....”

“I carried this piece of paper with me every day. This vision was at the center of every discussion, every proposal and every decision. My inspiration never changed. My motivation never wavered.

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“We are blessed with the finest system of self-governance the world has known, one that requires leaders who value actions more than words, who can be bold but humble, and speak plainly the truth; leaders who have passion and patience, resilience and restraint; and, above all else, leaders who are unwavering in their commitment to the people they serve.

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“It is our great responsibility to devote ourselves to service so that we may build a better future for the next generation. That is what I have tried to do.

“As I reflect on the last eight years, I am proud of the progress we made in health care, for the safety of our communities, for our natural environment, for our economy and in our fiscal strength. I am proud that we ensured that access to government is not a privilege, but a right for all people. But most of all, I am proud of the improvements we made in the lives and well-being of the people of Vermont. After all, that is why we serve.

“But the work of democracy – our role in the constant cultivation of an ever more perfect union – is never done. Tomorrow, my service as your governor will end. I will return to private life, handing the reins to a new administration that will take up the responsibility of protecting and advancing the goals we share. On behalf of all Vermonters, Governor-Elect Shumlin, I wish you and your team the very best.

\* \* \*

“For four consecutive years, Vermont has been ranked the healthiest state in the union. We achieved real results by getting to the root cause of illness. Our approach has set us apart and has become the model that others, including the federal government, would look to as they sought improved access to health care in America.

“We understood that making health care more affordable means the most important issue is not “who pays,” but “how much we pay.” A patient-centered approach that focuses on chronic conditions, wellness, and greater utilization of technology has been at the heart of our Blueprint for Health. This is the same formula we used to save Medicaid with Global Commitment. And it was with the same principles – and with a sincere commitment to bipartisanship – that we enacted cutting-edge reforms in 2006 resulting in Catamount Health and Green Mountain Care.

“Today, Vermont enjoys one of the lowest percentages of uninsured residents of any state and we are the best positioned to adapt to ongoing federal reforms.

“Vermonters can be proud of the national leadership we have demonstrated on this critical social, economic and fiscal challenge – but there will always be more to do. Vermont’s ground-breaking approach holds the greatest promise for reducing costs, increasing quality and providing universal access.

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“Providing for the protection of the people is a fundamental obligation of government. We lived up to that commitment and made our communities safer from drugs and violent criminals.

“We created the DETER program – Vermont’s first comprehensive and coordinated commitment to combating drugs. We invested in education and prevention, expanded treatment and rehabilitation, and significantly increased penalties for those who seek to poison our children for profit.

“In the last eight years, we passed sweeping sex offender legislation, stepped up efforts to end child abuse and domestic violence, and confronted the insidious effects of bullying.

“We strengthened law enforcement by putting more troopers on the road and placing special investigation units in all regions of our state to combat sex crimes.

“At the same time we reformed our system of corrections, ensuring that those who are threats to society have the proper supervision, while others who can be given a second chance have the best opportunity to succeed.

“As a result, crime rates have declined, we have turned the tide on the growth of our inmate population and Vermont is consistently ranked one of the safest places in the nation.

“I want to thank those in the Legislature and in our law enforcement community who have worked closely with me on these critical issues. We have always put the safety of Vermonters first.

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“There are few places in the world that match Vermont’s natural beauty. No matter how long you have lived here, you can never get over the excitement of winter’s first snow, the sight of sugaring in spring, the summer smell of newly-mown hay or the stunning colors of a brilliant fall. Indeed, this is a special place.

“In the last eight years, we not only upheld our state’s environmental traditions – we strengthened them in realistic and responsible ways. We pursued “The Vermont Way,” recognizing the codependence of our environment and our economy.

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“Today, we are at the forefront of energy efficiency and renewable energy policy. And we took a strong leadership position in addressing climate change through efforts like the Regional Greenhouse Gas Initiative and tough automobile emission standards.

“Our commitment to preserving Vermont’s outdoor traditions has resulted in the improved health and size of our big game populations and thriving fisheries. We prioritized the active management of state forest land and revitalized Vermont’s state park system. We invested unprecedented resources in the health of Lake Champlain and our network of rivers and streams.

“Vermont is known the world over for its green ethic. Because of our efforts and the efforts of those who have come before, we are ranked repeatedly as the greenest state in the nation – a distinction we expect and deserve.

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“I can’t remember a day on the road when I didn’t hear concerns about the economy and the burden of taxation from the people of our state. Small business owners would tell of how high heating and electricity costs threaten their livelihoods. Homebuilders spoke of the need for permit reform and young entrepreneurs expressed their frustration at the lack of access to the capital necessary to make their dreams a reality. And I will never forget the stories from mothers and fathers struggling to get by on one income or reduced wages, having to make sacrifices to weather the economic storm.

“Over the last eight years we fought back against two global recessions, including the deepest downturn since the Great Depression. We did that with fiscal discipline and innovative economic development strategies to encourage employers to expand here and others to locate here. We renewed our commitment to our traditional industries by helping those who keep our working landscapes working. We leveraged our natural gifts in support of our tourism economy and helped Vermont businesses realize greater access to emerging foreign markets. We took steps to make our permitting system more predictable and our tax policies more competitive.

“Vermont’s brand of quality, our deserved reputation for a well-educated workforce and our commitment to environmental excellence make this a great place to start or grow a business.

“But to compete in today’s globally connected economy we must continue to fortify our foundations of growth, as we have. With the help of the Road to Affordability, our transportation system is better maintained and funded. Together, we embarked on an ambitious plan to connect every resident with the tools of the 21<sup>st</sup> century. Young Vermonters now have a better chance to compete and succeed thanks to new investments in scholarships and workforce training. And we secured a large portion of our energy future from a renewable, reliable and affordable source.

“By advancing pro-growth job creation policies, Vermont has fared better than most states. Our unemployment rate is among the lowest in the nation and our economy is considered one of the most resilient.

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“Our ability to prosper is also a function of our fiscal management. We spent within our means, replenished and protected our stabilization reserves, and improved the effectiveness and efficiency of government. Even as the Great Recession squeezed revenues, we protected the most vulnerable and reformed programs to help those who haven fallen on hard times realize a path back to self-sufficiency and independence.

“When people look to Vermont they see a greater degree of certainty in our public finances than elsewhere. They see a history of responsible spending and prudent management of public funds. Our bond ratings are among the highest and Vermont is recognized as one of the best managed states.

“From groundbreaking health care reforms to our unprecedented efforts to clean up our waterways, we have achieved so much in the last eight years because of – not in spite of – our rock-solid commitment to fiscal discipline. By closely managing the state’s finances, pushing necessary reforms and working to ease the burden of taxation, we have been able to advance responsible initiatives for the betterment of all Vermonters. Without that commitment, hard-won progress will be easily lost.

“So as the dark clouds of recession start to break, I’m proud of all that we have done to lead our state forward to a new era of prosperity.

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“But success is not rankings, initiatives and legislative accomplishments alone. Indeed, our plans will evolve and change; new technologies and new ideas will allow for new opportunities; and unforeseen challenges will emerge. But what endures – the legacy that is left – is found in the lives and stories of the people of this great state.

“It is found in the story of a mother who, because of our Choices for Care program, can now care for her daughter at home.

It is found in the story of a high school graduate who was able to pay for college with the help of a Next Generation Scholarship.

“It is found in the story of a woman who gained control of her chronic illness because of our Blueprint for Health.

“It is found in the story of a small business owner who, aided by the Vermont Employment Growth Incentive, is providing jobs to fellow Vermonters.

“It is found in the story that fortunately does not have to be told because a young Vermonter made the right choice when confronted with drugs.

“And this legacy is found in the stories of the Green Mountain Boys, and all Vermonters serving in our armed services who have volunteered to stand in harm’s way on battlefields around the world, and in our sorrow for those who made the ultimate sacrifice.

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“It is these stories and countless others like them that have inspired me to work as hard as I could, every day.

“Serving as governor of Vermont has been an honor unmatched in my life. My will to lead, the courage to do what is right, and the determination to fight for those who do not have a voice is renewed from the strength of Vermonters I’ve met along the way.

“This job was not one that I could do alone – no one can. I am deeply grateful to all who helped. Finding the right words to properly acknowledge the contributions of so many is difficult, if not impossible – but I would be remiss if I did not try.

“To our elected leadership at every level, from school boards to the State House, public service is a noble endeavor and I commend you for your willingness to serve and thank you for your dedication to our state. Through every debate – no matter how contentious – I sought to uphold our tradition of dignified civil discourse, to bring people together around shared goals and,

when differences could not be bridged, never faulted others for sincerely held convictions. In a time of searing political rhetoric on the national stage, the way we conduct our public business here in Vermont is something of which we can be very proud.

“To my cabinet and staff, my deep gratitude for answering my call to service and fulfilling your obligations with the highest degree of professionalism and dedication. Your hard work, ideas and counsel have been indispensable.

“To Lt. Governor Dubie, your leadership in the areas of foreign trade, energy, economic development and so many others was critical to Vermont’s progress. Your friendship means so much to me and I am grateful to have had you at my side these last eight years. Thank you for your service to our state.

“To my family, this journey would not have been possible without your love and support. To Dorothy, in particular, you have been an unwavering partner and I couldn’t have asked for more. Thank you.

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“For over thirty-eight years, I’ve focused all of my energies on a singular purpose – to make Vermont a better place. Across thousands of miles, through bright morning dawns and days that stretched to night, though sometimes weary, I never lost faith in the promise of Vermont. And as the long arc of my career draws close, I look back and know with all certainty that our state and her people have been most worthy of a life’s work.

“In the years to come, as I pass over the high gaps of the Green Mountains and take in the full breadth of Vermont – from its clear flowing waters up to its majestic crowns – I will be forever thankful for this land we call home.

“Thank you, my fellow Vermonters, for the unparalleled opportunity to serve as your governor. Public service is a privilege and the faith you have placed in me is humbling.

“May God bless you all and the great state of Vermont.”

### **Dissolution**

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

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Thereupon, the Chair declared the Joint Assembly to be dissolved.

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

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**IN JOINT ASSEMBLY, JANUARY 6, 2011  
10:00 A.M.**

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

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

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 6, 2011, at ten o'clock in the forenoon to receive the report of the Joint Canvassing Committee appointed to canvass votes for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts and Attorney General, and if it shall be declared by said Committee that there had been no election by the freemen and freewomen of any of said state officers, then to proceed forthwith to elect such officers as have not been elected by the freemen and freewomen.

**Presiding Officer**

Senator 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.....	241,605
Necessary for a choice .....	120,803
Brian E. Dubie, Republican, had.....	115,212
Cris Ericson, United States Marijuana, had .....	1,819
Dan Feliciano, Independent, had.....	1,341
Ben Mitchell, Liberty Union, had .....	429
Em Peyton, Independent, had.....	684
Peter E. Shumlin, Democrat/Working Families, had ...	119,543
Dennis Steele, Independent, had .....	1,917
Scattering.....	660

And agreeable to the Constitutional provisions, it hereby declares that no person has received the major part of the votes cast for Governor, and that there is no election for Governor by the voters.

For LIEUTENANT GOVERNOR .....	235,330
Necessary for a choice .....	117,666
Peter Garritano, Independent, had.....	8,627
Steven J. Howard, Democrat, had .....	99,843
Marjorie Power, Progressive, had .....	8,287
Philip B. Scott, Republican, had .....	116,198
Boots Wardinski, Liberty Union, had .....	2,228
Scattering.....	147

And agreeable to the Constitutional provisions, it hereby declares that no person has received the major part of the votes cast for Governor, and that there is no election for Lieutenant Governor by the voters.

For TREASURER .....	226,704
Necessary for a choice .....	113,353
Murray Ngoima, Liberty Union, had .....	4,832
Don Schramm, Progressive, had .....	17,332
George B. "Jeb" Spaulding, Democrat/Republican had	204,048
Scattering.....	492
Majority for George B. "Jeb" Spaulding.....	90,695

And agreeable to the Constitution of the State of Vermont, the Committee hereby declares that

**GEORGE B. "JEB" SPAULDING**

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.....	229,280
Plurality, not a major part of the vote, is required	
James C. Condos, Democrat, had.....	122,599
Jason Gibbs, Republican, had .....	101,144
Leslie Marmorale, Liberty Union, had.....	5,315
Scattering.....	222

And agreeable to the Constitution of the State of Vermont, the Committee hereby declares that

**JAMES C. CONDOS**

received a greater 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 .....	231,221
Plurality, not a major part of the vote, is required	
Doug Hoffer, Democrat/Progressive, had .....	105,081
Jerry Levy, Liberty Union, had .....	5,736
Thomas M. Salmon, Republican, had .....	120,237
Scattering.....	167

And agreeable to the Constitution of the State of Vermont, the Committee hereby declares that

**THOMAS M. SALMON**

received a greater 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.....	230,973
Plurality, not a major part of the vote, is required	
Charlotte Dennett, Progressive, had.....	10,158
Rosemarie Jackowski, Liberty Union, had .....	3,576
Karen Kerin, Libertarian, had .....	6,171
William H. Sorrell, Democratic, had .....	143,031
Aaron Michael Toscano, Republican, had .....	67,900
Scattering.....	137

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

**WILLIAM H. SORRELL**

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

JEANETTE K. WHITE

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

FLOYD W. NEASE

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

### **Report of the Joint Canvassing Committee Adopted**

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

### **Statement By Presiding Officer**

The report of the Joint Canvassing Committee which was just adopted by this Joint Assembly declares that no person was elected to the Office of Governor or to the Office of Lieutenant Governor, since a majority vote was not attained as required by the Vermont Constitution.

Pursuant to the provisions of the Joint Resolution which set up this Joint Assembly (JRS-3) and the provisions of the Vermont Constitution, we will now proceed to the election of a Governor and a Lieutenant Governor.

Under the provisions of the Constitution, chapter II, section 47, the voting for these offices is to be done separately by joint ballot of this Assembly, from the *three* candidates for each office who received the greater numbers of votes for that particular office.

Accordingly, for the office of Governor you must choose among:

**Brian E. Dubie** (Republican Party)

**Peter E. Shumlin** (Democratic Party)

**Dennis Steele** (Independent)

Paper ballots containing these three names have been prepared by the Secretary of State for election of the Governor.

And for the office of Lieutenant Governor you must choose among:

**Peter Garritano** (Independent Party)

**Steven J. Howard** (Democratic Party)

**Philip B. Scott** (Republican Party)

Paper ballots containing these three names have been prepared by the Secretary of State for election of the Lieutenant Governor.

**Tellers Appointed**

The Chair appointed the following tellers for the distribution and counting of the ballots:

- Senator Jeanette K. White, of Windham District, as chief teller
- Senator Robert M. Hartwell, of Bennington District
- Senator Margaret K. Flory, of Rutland District
- Representative Diane Lanpher, of Vergennes
- Representative Howard Crawford, of East Burke
- Representative Chris Pearson, of Burlington
- Representative Linda Martin, of Wolcott

**Results of Balloting for Governor**

The ballots were taken and counted, and the result of the balloting for Governor was as follows:

Total votes cast.....	173
Necessary for election .....	87
Brian E. Dubie.....	28
Peter E. Shumlin.....	145
Dennis Steele.....	0

Whereupon, the Chair declared that

**PETER E. SHUMLIN, of Putney**

having received a majority of the total votes cast was duly elected to the office of Governor for the two years next ensuing.

**Results of Balloting for Lieutenant Governor**

The ballots were taken and counted, and the result of the balloting for Lieutenant Governor was as follows:

Total votes cast.....	176
Necessary for election .....	89
Peter Garritano .....	1
Steven J. Howard.....	22
Philip B. Scott .....	150

Whereupon, the Chair declared that

**PHILIP B. SCOTT, of Berlin**

having received a majority of the total votes cast was duly elected to the office of Lieutenant Governor for the two years next ensuing.

**Dissolution**

Thereupon, the Chair declared the Joint Assembly dissolved.

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

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**IN JOINT ASSEMBLY, JANUARY 6, 2011**

**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. 4.** Joint resolution to provide for a Joint Assembly to hear the inaugural message of the Governor.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, January 6, 2011, 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 visiting foreign dignitaries and former Governors and their spouses:

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Representatives of the Nation of Canada  
Mrs. George D. Aiken  
Governor F. Ray Keyser  
Governor Thomas P. Salmon  
Mrs. Richard A. Snelling  
Governor Madeleine M. Kunin  
Governor Howard B. Dean

### **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 Anne E. Cummings, of Washington District  
Senator Jeanette K. White, of Windham District  
Senator Richard T. Mazza, of Grand Isle District  
Representative Lucy Leriche, of Hardwick  
Representative Donald H. Turner, Jr., of Milton  
Representative Sarah R. Edwards, of Brattleboro

### **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**

The Vermont Youth Orchestra Choir, Conducted by Dr. Jeff Buettner sang – “America The Beautiful”.

### **Invocation**

The Rabbi Michael Cohen, Rabbi Emertius, of the Isreal Congregation of Manchester 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:

George B. “Jeb” Spaulding, Treasurer  
James C. Condos, Secretary of State  
Thomas M. Salmon, Auditor of Accounts  
William H. Sorrell, Attorney General

**Second Invocation**

The Most Reverend Dr. Robert A. Potter, Peacham Congregational Church, gave a second invocation.

**Song**

The Vermont Youth Orchestra Choir, Conducted by Dr. Jeff Buettner 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, distinguished guests, fellow Vermonters:

“Thank you. It is an honor to stand before you today. Thank you, Governor Douglas, for 38 years of exemplary public service to the Green Mountain state. We are grateful for your hard work and sacrifice on our behalf and to Dorothy and your family for sharing so much of your life with us.

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“Thank you to Brian Dubie for your service as Lieutenant Governor for the past eight years. While Brian and I had a spirited campaign this fall, I am proud to call Brian my friend; we are united in our love for our state and the constituents we serve.

“Since my election in November, I have had the honor of joining Governor Douglas and our Congressional delegation in welcoming home our soldiers from Afghanistan after the biggest deployment of National Guard troops since World War II. We are so proud of you and thrilled to have you home. Our hearts go out to our Gold Star families who have made the ultimate sacrifice to our state and nation. Today, joining Adjutant General Michael Dubie in the gallery are veterans of the wars in Afghanistan and Iraq: Brigadier General Jonathan Farnham, Lieutenant Colonel Carol Hitchcock, and Chief Master Sergeant Steven Zappi. Also joining them is Command Sergeant Major Michael Datillio, who is retiring after 44 years of service to his state and his country. Please join me in recognizing these brave women and men – and all the Vermonters who have served in our armed services in Afghanistan, Iraq and elsewhere abroad.

“I am grateful to my loving family and friends for your faith and support; and to all who worked so hard to make this moment possible. Above all, thank you Vermonters for giving me this opportunity to serve you as Governor; I am both honored and humbled.

“That I stand before you today as Vermont's 81st Governor was improbable, and no one can attest to that better than my mom and dad, who are here today. My mom reminded me again on election night that it often seemed more likely in my grade school years that I would struggle to find a job than to run for office. As a kid who learned differently, I remember well in second grade being called into the principal's office with my parents to have them be told what I already knew, but hoped beyond hope that they would never find out: that with all the good efforts of my teachers they could not teach me how to read; that the prospects of my being a successful student and going onto college were unlikely, but they would do the best they could. That was not a great day.

“I had a single teacher who believed in me. Her name was Claire Ogelsby; she later became Vermont's teacher of the year. Her husband Mac and daughter Molly are here today. Claire would be here too had she not lost her battle with cancer a year and a half ago. After her long day at school, Claire loaded me in her Willy's Jeep and took me to her log cabin deep in the woods on Windmill Hill Road in Westminster West. In the warm weather we sat on her lawn; in the cold weather we huddled around the wood stove; and slowly and creatively

she taught me how to read. What I remember best about Claire was no matter how difficult the challenge; no matter how innovative she had to be or how hard she had to work, she never gave up on me and therefore neither did I.

“I share that part of my life today because we are living in difficult times and we need to be creative to overcome our challenges. Let me be clear about the fiscal reality that our great state faces at this moment. After several years of making necessary but painful spending cuts, we are still confronted with a \$150 million shortfall in the next fiscal year. Our economic challenges are real, and so is my firm commitment to address them responsibly and swiftly – with hard, sometimes painful but sustainable choices. There is no easy or popular path ahead.

“While I am bound and determined to put Vermont on a sustainable spending path this year, balancing the budget is not our biggest challenge. All across our state, too many Vermonters are living in fear: fear that they might lose their jobs, face another pay cut, fail to keep their home, send their children to college, afford health insurance or a secure retirement. That fear knows no political party; it has lost patience in finding solace in political slogans and false promises, it takes no more comfort from a tea party rally in Tallahassee than it does from a bickering government in Washington, DC. Vermonters wonder: is anyone in government listening? Can we let go of the political speak, stop playing pretend, face the facts, and arrive at a common purpose?

“From Bennington to Burlington, Guilford to Guildhall and Stamford to Swanton, our state is uniquely united in what we wish for. Vermonters want jobs and a brighter economic future for themselves and their children.

“The guiding principle for my administration’s work is simple: we will commit ourselves every day to making the lives of Vermonters more economically secure. With the same fortitude and creative determination that Claire showed in her zeal to teach me and other students who learned like me, one student at a time, I believe in Vermont’s opportunity to replace fear with a bright economic future, one job at a time. A clear vision for job growth and a bold plan to deliver that vision is what Vermont needs right now.

“The last Putney boy to become Governor, almost three quarters of a century ago, was George D. Aiken, whose wife Lola joins us here today. Governor Aiken also had a bold vision for Vermont’s job growth that he shared with this Joint Assembly as he bid farewell as Governor. He said, “Vermont is one of a few states that can sell four feet of snow and twenty below at a profit.”

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“Aiken delivered those words at the dawn of the Vermont snow rush, as chainsaw toting men carved ski trails and second home sites into Green Mountains as rugged and majestic as Vermonters themselves. From Killington to Jay; Stratton to Stowe; Mount Snow to Mad River Glen; Aiken articulated a plan that remains a potent economic force almost 75 years later.

“As we close out the first decade of the 21<sup>st</sup> century, Aiken's world of predictable winters, with twenty below and four feet of snow has been slowly but certainly melting away from us. It's at Aiken's home at Vermont's southern border; at the soil he tilled; the maple trees he nurtured; the ponds he adored; that his horticulturalist's eyes would gaze in stark amazement at the magnitude of change. The Elm and Butternut are all but gone, the buckthorn is choking out the young hardwood saplings, and many of the ponds that once bubbled with life are now empty waterways.

“While leaders across America, influenced by the extraordinary economic power of oil, coal and automobile companies, equivocate about climate change, we must not. That our planet is warming at an alarming rate is undeniable. But I raise this not to engage in an abstract discussion of climate science. I raise it because I believe Vermont's economic future will be determined by how we respond to this challenge. We will provide the brainpower, make the products, and seize the job opportunities a lower carbon economy requires.

“Vermont's diversified jobs future is bright. Manufacturing, deployment and production of renewable energy and efficiency, tourism, technology, and agriculture are all sectors of our economy with potential for unlimited growth.

“As we work to put Vermonters back to work, one job at a time, let us always be mindful that government does not create jobs; entrepreneurs do. What government must do is to make the necessary infrastructure choices that are essential to job growth for this new era.

“This agenda consists of five goals: expanding broadband, containing health care costs, educating our work force, providing tax fairness and credit for emerging businesses, and supporting a renaissance in Vermont agriculture. It is big, it is ambitious, and it is achievable if we view it as our common purpose.

“Today I am launching Connect VT, an initiative to deliver by 2013 my promise of high-speed Internet access and cell service to every corner of our state. If not confronted, our connectivity deficit will relegate us to an economic backwater. Vermont lags behind the developing world and ranks 46<sup>th</sup> among the fifty states in connectivity. Governor Aiken, when facing an equally daunting challenge of bringing electricity to every last mile of this rural state, in the 1930's, launched a strategy he called “Initiative and Cooperation.”

“Listen for a moment to the words he wrote in August 1939, about that effort: “A few weeks ago I pulled the switch that started the current flowing through a cooperative electric line that is bringing the blessings of light and power to hundreds of farms and homes in another Vermont community-homes which, in the past, had been almost completely isolated from urban civilization.”

“Seventy-two years after Aiken wrote those words about the need to bring Vermont out of its isolation, we must display the same foresight to confront an equally daunting isolation. The spirit that led Aiken to bring Vermont out of the darkness is the same innovative cooperation that is called upon today from our private sector telecommunications providers, the Vermont utilities, regulators and our citizens, if we are to deliver the new electric current of the modern world to Vermont.

“We have \$410 million in private, federal, and bonded capital to be strategically deployed. These resources present Vermonters with a once in a life-time opportunity to “initiate and cooperate” by completing the build out of the Smart Grid, broadband and mobile phone service in a collaborative marriage of the telecommunications and electrical utility sectors to create one shared broadband infrastructure for Vermont.

“We will not and cannot compete and prosper in the global economy until and unless we deliver on this promise. We all know success won't be easy, but Vermonters elected me on my pledge to get tough things done, and we will. Indeed, we are too small to fail.

“The rising cost of healthcare for Vermont's middle class and small businesses provides an equally daunting threat to economic prosperity. Just ten years ago our little state was spending \$2.5 billion a year to stay healthy. Today we spend over \$5 billion. That increase represents an enormous hidden tax on families and small businesses across our state. If left untethered, the rising cost of health insurance will cripple us.

“That's why we must create a single-payer healthcare system that provides universal, affordable health insurance for all Vermonters that brings these skyrocketing costs under control. Let Vermont be the first state in the nation to treat healthcare as a right and not a privilege; removing the burden of coverage from our business community and using technology and outcomes-based medicine to contain costs. By doing so, we will save money and improve the quality of our care.

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“Some will say it can't be done. The special interests; insurance companies, pharmaceutical industry, medical equipment makers; the same lobbyists that spent hundreds of millions of dollars to make sure that real reform withered in Washington can be expected to exercise their will to protect their enormous profits.

“Others will say reform will destroy our existing healthcare system. But logic suggests – and our experience shows - that our current system is unsustainable; that underfunded reimbursements starve our doctors and hospitals; that duplication, waste, inefficiencies and rising costs will drive more rural providers into bankruptcy and destroy our quality of care, which is the very best in the land. I ask the defenders of the current system to explain how small businesses, municipalities and taxpayers can sustain double digit premium increases year after year.

“Shortly we will receive plans from Dr. William Hsiao to help us design a health care system that Vermonters can afford. I've assembled a healthcare team that will invite providers, consumers, businesses, municipalities, insurers, and our congressional delegation to the table to help Vermont build a sensible healthcare system. I call upon single payer supporters to resist the temptation to oversimplify the challenge. I call upon skeptics to challenge us, but to join us at the table. I call upon Vermonters to join together with the common purpose of our state once again leading where others dare not go; universal, affordable, quality healthcare that follows the individual and is not tied to employment.

“In a democratic society, educating our citizens is our single greatest obligation. I hereby call for an end to the war of words launched from Montpelier that pits property tax payers against our children, teachers, principals, and school board members, and invite instead a respectful conversation on how to create the best education system for our future; how to produce the best workforce for the jobs we've just discussed. We take pride in Vermont's quality education system that is the envy of the rest of the country. Let's build upon our success by doing even better. The objective is simple: every Vermonter must have the same opportunity for success that Claire Ogelsby made possible for me; economically, intellectually and socially.

“Part of achieving that success is ensuring that our children don't grow up in poverty. Almost one in three Vermont children live in low-income households. Without proper nutrition, quality early education, or a stable home, these children too often enter kindergarten far behind their peers, and the spiral begins. They are more likely to drop out of school, abuse substances,

and become statistics later in life. We can make a difference in their lives, and we will.

“We can also do better at ensuring the success of all of our students in school. While we are rightfully proud of our outstanding education system, we are not delivering what is required for every student. Time spent in class does not measure acquisition of skills. For those who quickly demonstrate clear levels of achievement, let's accelerate their path to enriched programs in that area of study. For students who do not learn in traditional ways, let's support creative approaches that may be outside the four walls of our classrooms.

“From early education to higher education; from dual enrollment to technical school; we have the most innovative offerings in the country. Our challenge is to break down the silos into a seamless system that allows each individual learner to integrate the array of programs that inspire lifelong learning.

“Of course, education extends beyond our schools and to our workforce. Herein lies a great challenge. At a time when Vermonters are facing unemployment and underemployment, many of our jobs creators can't find qualified employees, and it's government's responsibility to help fix this problem. Let me be specific: right here in the chamber today we have representatives of businesses who are looking for qualified employees. IBM in Essex is looking; GE in Rutland is looking; Vermont Circuits in Brattleboro is looking; Sonnax in Rockingham is looking. Our job is to have a pool of applicants trained and ready to work.

“It should be the policy of the state of Vermont that learning never ends. Working together in a partnership with our educational community we will close the gap between those Vermonters who want work and our job creators who have work to do.

“At no time in my memory has the future of agriculture in our state had more potential to grow and make money, despite the extraordinarily difficult times facing our dairy farmers. Vermont still produce over 60 percent of the milk in New England, and our dairy community is as unified and focused as I have ever seen it. Working together with our Congressional delegation – the best in the country – we will continue the fight for fair prices for our dairy farmers.

“The renaissance in Vermont agriculture is rooted in the growing concern by consumers across America about where and how their food is produced. Consumers are increasingly demanding locally grown, chemical-free, high quality food. We must take Vermont's strengths – buy local, farmers markets, farm to plate, Vermont Fresh Network restaurants – and expand our view of

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local to everything within 200 miles of Vermont, which includes Manhattan, Boston, and Montreal. Investing in processing and bottling facilities, combined with a dynamic marketing effort for Vermont quality foods, will bring our farmers the value-added price that they deserve for a hard day's work, and they will prosper.

“Finally, my jobs agenda will expand the ability of emerging enterprises and businesses to access capital and credit when they need it the most. If our Green Mountain State can be recognized by young entrepreneurs as the innovative leader in financing and venture capital for micro-businesses when banks say “no,” small businesses will thrive.

“Let me give you an exciting example of what I mean by innovation in financing and venture capital. The EB-5 program, championed in Congress by Senator Leahy, is an established means of generating capital that is creating jobs. Thousands of them, right here in Vermont. We must take this program to levels not imagined by its creators. EB-5 gives us a vehicle not only to raise essential capital, but also to spread Vermont's stellar reputation from one end of the globe to another.

“We have a pioneer in this effort, Bill Stenger, of Jay Peak, deep in the Northeast Kingdom, who joins us today. Bill has plumbed this federal program to its fullest potential. Through this initiative he has created over a thousand new jobs in the highest unemployment area of the state that would not otherwise exist.

“Let me say one last word on my economic priorities. Our choices about taxes directly impact job growth. Vermont's tax challenge is not that our burden is not high enough; it is that our tax burden is too high. We must develop a tax policy that grows our customer base and grows wealth. The upcoming report from our tax commission will help us in this task. Our patchwork of broad based taxes that have accumulated over the years, combined with overburdened property taxes, require our attention. But let me be clear: as we tackle the difficult challenge of balancing our budget, we must not and cannot succumb to the idea that Vermonters have the capacity to pay higher taxes right now. In order to grow jobs and be more competitive with neighboring states, we must resist the temptation to raise broad-based taxes.

“I am the first to acknowledge that this action plan is ambitious, and I have not mentioned many of my administration's other priorities: reducing recidivism for non-violent offenders; rebuilding our roads and bridges; reforming our campaign finance laws; and making government more transparent. You will be hearing more about these and other initiatives in the near future.

“Our obstacles are many, and our challenges are daunting. The change we are proposing this afternoon is transformative and systemic. It will not happen quickly or easily. Yet as I stand here today to begin a new era of government in Vermont, I remember Claire Oglesby and the many Vermonters who embody her belief that we can overcome adversity with courage and creativity.

“Vermonters are a rugged people with an abundance of spirit and toughness.

“Each day is another day in which we can excel.

“We must intensify our individual efforts to nurture the health and well being of our state and its people.

“Together we can be bold.

“Together we must be bold.

“Let’s begin now.

“Thank you.”

#### **Benediction**

The Benediction was pronounced by Sister Janice Elizabeth Ryan, RSM, of the Sisters of Mercy.

#### **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.

Thereupon, the Chair declared the Joint Assembly dissolved.

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

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**IN JOINT ASSEMBLY, JANUARY 25, 2010**

**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. 9.** 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 25, 2011, 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 Diane B. Snelling, of Chittenden District  
Senator Sara Branon Kittell, of Franklin District  
Representative Lucy Leriche, of Hardwick  
Representative Chris Pearson, of Burlington  
Representative Donald H. Turner, Jr., of Milton

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, Mr. President Pro Tem, Members of the General Assembly, distinguished guests, fellow Vermonters:*

“Two weeks ago, we gathered here to commemorate a new day in our state’s long and rich history. In my inaugural address, I laid out my vision for Vermont – a bold and ambitious agenda for job growth whose success depends on our ability to work together to get big things done.

“That was a day for Vermonters to challenge our own imagination for what we must make possible: a new and innovative economy, quality health care for all Vermonters in a cost restrained system, broadband and cell service to every corner of the state, and educational excellence for a new century of job creators.

“I stand here today to present a budget that is as sobering as it is necessary, matching state spending with our state revenues, in keeping with the long tradition of frugality and common sense that is the lifeblood of Vermonters. My budget puts Vermont on a solid and sustainable path to fiscal responsibility. Facing our fourth consecutive year of budget shortfalls, I am committed to making the painful choices today that will help ensure that we are not back here next year making drastic cuts. We must match the promises government makes with the capacity of Vermont taxpayers to support those promises.

“To meet that responsibility, I am proposing to close a \$176 million shortfall in the next fiscal year by imposing roughly \$83 million in General Fund reductions, raising \$36 million in additional federal funding through provider and managed care assessments, utilizing \$27 million in unanticipated receipts and \$30 million in Global Commitment carry forward and federal matching grants.

“I would like to take a moment to acknowledge what our state has done to address projected budget shortfalls in the past three years. Hundreds of state employee jobs have been eliminated, many agency and department budgets were reduced several times, state employees took a 3% pay cut for two years, and teacher retirement was recalibrated to save \$15 million in this fiscal year. Compared to other states, Vermont’s Governor and legislature responded quickly and wisely to crisis, and you should be commended for that response.

“Some might be wondering why we have a \$176 million problem rather than the \$150 million shortfall that we have all heard about. Here’s why: if we were to continue to book all of the hoped-for “Challenges for Change” savings, the shortfall would be \$150 million. While “Challenges for Change” was a well-intentioned initiative, we simply cannot budget \$26 million in savings that may not likely be realized, and I won’t.

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“This budget also includes over \$120 million in unavoidable increases resulting from statutory commitments to the Education, Unemployment, and Pension Funds, as well as rising human service caseloads resulting from the Great Recession. Even with these increases, when adjusted for temporary federal aid, the budget that I propose today represents a General Fund spending reduction of over \$25 million from last year. This is the first time in a decade in which state spending is lower than the previous year.

“The top contributors to the \$83 million in reductions are the following:

- A \$23 million ongoing reduction from the General Fund transfer to the Education Fund. This reduction, which I announced last month, will require continued spending restraint by our hardworking school boards and local communities to hold back property tax increases. The \$19 million in one-time federal funding that I am releasing this year will give our local communities additional time to make further spending reductions, but they must be made.
- \$12 million in government labor, private contract, health insurance, and retirement savings.
- \$7.2 million in savings throughout the corrections system.
- \$5 million from folding the Catamount Health program into the Vermont Health Access program, otherwise known as VHAP, to create one single health care pool for Vermont.
- \$4.6 million in reduced funding for our regional mental health agencies.

“My administration takes no pleasure in delivering this budget, and we will work in partnership with the mental health, health care, and human service community to ensure that vulnerable Vermonters are protected.

“Critics will observe that some of the budget reductions that I put before you today are the same reductions that I worked with you to protect when proposed by the previous governor. They will rightfully ask, “What has changed?”

“My response is simple: what we face in this budget year is the reality that the hundreds of millions of stimulus funds that were allocated by the federal government to cushion the blow of the worst recession in American history are now gone.

“We all knew that this day would come. It is now our responsibility to make difficult choices, and to find a balance between compassion for our most vulnerable citizens and the imperative to put our state on solid fiscal footing. I believe this budget achieves that balance.

“In addition to reducing spending, my budget maximizes federal dollars available to our state. For over 20 years, Vermont has asked our hospitals and health care providers to cooperate in a partnership that has used ingenuity to utilize federal dollars to support health care services for Vermonters. My administration understands that in these difficult times, every dollar that we draw down from the federal government is a dollar saved for Vermont taxpayers.

“Therefore, I am expanding upon what is an imperfect but effective revenue stream. We do so first by applying the same assessment to health insurance companies and dentists that we have been applying to our hospitals and nursing homes. This will net 9.2 million new dollars for the General Fund.

“Second, we increase the current assessment on hospitals and nursing homes, which will net \$18.7 million.

“Some recent good news about our revenues from fiscal year 2011 has helped our effort. My budget utilizes \$27 million in General Fund unanticipated revenues to bridge our shortfall.

“Some might ask why I am not utilizing the state’s rainy day fund. There are two simple answers: first, we must minimize the use of one-time money to meet ongoing financial commitments. Second, we must preserve the rainy day funds until we can project with confidence that we will be able to replenish that fund in the out years. My budget team cannot provide me with that assurance for fiscal years 2013 or 2014, and therefore we must not tap into those funds this year.

“In light of the hundreds of millions of dollars in budget shortfalls that we have had to endure over the past few years, it should be abundantly clear that the current reserve of five percent of our state budget is not adequate to withstand tough times. I call upon the legislature to join me in raising our reserves to eight percent as soon as we return to better times.

“Critics might also ask: why are we not raising taxes? After all, Illinois recently raised its top income tax rate from three percent to five percent. But remember: Vermont is not Illinois, and our situation is vastly different. Our top income tax rate is not five percent; it is nearly nine percent. Our tax rates must remain competitive with other New England states to grow jobs.

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“Others might say, “Well, forget Illinois and remember Governor Snelling.” When facing a less severe shortfall, he temporarily raised income, sales, and rooms and meals taxes. But I would remind my friends that Governor Snelling was working in economic times less dire than our own and he started with income tax rates that were lower than our rates of today. The sales tax was four percent; today it is six percent. Our rooms and meals tax was seven percent; today it’s nine percent. The Snelling solution made sense then, but it would be counterproductive now.

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“As difficult as this budget is, our spending priorities also reflect my belief that the choices we make here will lead to extraordinary opportunities for all Vermonters. To achieve long-term budget discipline, we must be innovative and go where the money is.

“Health care is the largest area of growth in our state budget and we must bring it under control. As taxpayers, we are the largest source of health care payments for our state, and we are paying twice as much in taxes today to keep Vermonters healthy than we were just a decade ago. That is yet another reason why it is so important that we pass a single payer health care plan that Dr. William Hsiao estimates will save Vermonters over \$500 million in the first year alone.

“We will work together to pass a bill that takes the first step in putting Vermont on a solid road to single payer health care, and we must do it before we adjourn this spring.

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“In addition to bringing health care costs under control, I am committed to replacing the State Hospital and treating our most vulnerable citizens with the dignity and respect they deserve.

“To do that, I recommend first that we suspend current plans to build a 15-bed facility that cannot be expanded. Short-term planning will only lead to long-term problems.

“Second, I have directed my administration to work diligently with our hospitals and the Brattleboro Retreat to finalize plans for partnerships and deliver to me within six months both the treatment and financial implications of those partnerships. This summer, my administration will determine whether any of the partnerships are clinically and financially prudent, and that date will represent a deadline for determining the number of beds that could be provided from such partnerships.

“Third, my budget proposal next January will include a plan to build a state of the art new State Hospital to meet Vermonters’ needs for the next 50 years. We have waited long enough.

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“The second fastest area of growth in the state budget is corrections. A decade ago we spent \$71 million on our corrections system. Today, we spend almost \$131 million, an increase of nearly 100 percent. On any given day, of the 2,100 prisoners that taxpayers are currently supporting, 180 are in prison because they have no other place to go. Sixty-nine percent of our female inmates and 45 percent of our male inmates are non-violent offenders.

“What do we know about these non-violent offenders? Many of them have difficulty reading and writing, and most have drug and alcohol related addictions. When their time is up, a lack of adequate housing, adult basic education, drug and alcohol counseling, mental health services and job options leave them on our Main Streets with the same lack of skills and substance abuse challenges that led them into prison in the first place. As a result, half of our non-violent offenders end up back in prison within three years, costing us an average of \$45,000 a year per inmate.

“Therefore, we are proposing to move the women inmates from St. Albans to Chittenden Regional, and the men to St. Albans to maximize unused bed space and save money. Since roughly one third of our incarcerated women are from Chittenden County this will help them transition back into their home communities. We will create a parent-child visiting space for these parents and their children. This will not only help mothers bond with their children, it will also help them learn better parenting skills for when their time is up and they are reunited with their families.

“By implementing these reforms, we will save \$2 million. At the same time, I ask the Legislature to join me in investing \$1 million in prevention and alternative justice in community based programs across Vermont to help keep non-violent offenders out of jail.

“My Administration will also re-allocate an additional \$300,000 to unlock the waiting lists for methadone treatment.

“These choices represent the first steps in my administration’s war on recidivism.

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“There is a direct link between our non-violent offenders and early childhood education. Most primary school teachers can identify which of their students will run into problems later in life. The evidence is irrefutable: the years up to age five are a critical time for brain development. It should come as no surprise that one dollar spent on early education saves seven to sixteen dollars later in life. To give all of our children a bright future and bring long-term fiscal discipline to corrections, special education and human services spending, we must take bold preventative action.

“Today I am calling for expansion of the state’s pre-kindergarten program for ages three, four, and five, by lifting the cap on the number of students counted in Pre-K funding. Vermonters will be able to exercise local control and vote to spend money without the heavy hand of Montpelier preventing them from doing so.

“When this cap is lifted, over time, if half of Vermont’s eligible children are enrolled in a Pre-K program – an optimistic goal – the cost to the state’s Education Fund would be about \$14 million.

“Let us make Vermont the national leader in early childhood education.

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“We must also invest in workforce development. My budget proposes \$4.8 million for fiscal 2012 to assist Vermont workers and employers with high quality job training.

“As Vermonters grow older, we must keep more young people in our state in order to have a workforce to train. Ensuring that young Vermonters pursue post-secondary education is critical to our economic future. Vermont students and families have one of the highest education debt loads in the nation. I propose a sustainable higher education income tax credit that will enable Vermont students who stay here and work here to reduce their college debt.

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“Two weeks ago, I launched Connect VT, an ambitious plan to deliver broadband and cell service to every corner of Vermont. Vermont cannot succeed in creating jobs or competing in our global economy if we fail.

“To get this essential project done, in addition to using federal funds and private investments, I propose spending \$13 million from our two-year capital budget and fully utilizing the \$40 million revenue bond capacity of the Vermont Telecommunications Authority. These investments will expedite the build out of fiber optics lines and wireless networks across our state, including

the most rural areas that for economic reasons are least likely to attract private providers.

“We will also need to address three regulatory areas that have the potential to hamper, if not derail, our progress. These are utility pole regulations for fiber and telecommunication attachments, consolidated land use and environmental permits for the placement of poles, and long-term telecommunication lease agreements to erect infrastructure on state land and buildings. It could cost as much as five times the cost per mile to string fiber on poles if the regulation for our utility companies and providers are not clarified from the start. Rapid build out could be delayed and millions of dollars could be wasted if we fail to act.

“Shortly I will submit legislation to expedite these actions so that we can deliver broadband and cell service to every last mile by 2013.

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“A clean Lake Champlain is also critical to our quality of life and our attractiveness to tourists, anglers, boaters and birders who share our love of our lake. Although we protect our great lake with Quebec and New York, much of the water runs through our state, and its cleanliness is as crucial to our economic vitality as it is to our culture and our health. Lake Champlain provides drinking water for more than 200,000 people, while the state’s reputation for environmental quality and lake stewardship reflects upon all of us.

“We must make faster progress in cleaning up the lake. I will work together with our Congressional delegation and President Obama to seek waivers that will enable us to place federal dollars in a central pool that would give our communities and farmers the flexibility to maximize our efforts and get results.

“The time for talk is over; we must clean up Lake Champlain.

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“Increasing investments in energy efficiency is a top priority of my administration. Vermont spends over \$1.5 billion a year on electricity and heating, and many of Vermonters’ hard-earned dollars go to oil-rich countries that will do just fine without us. To protect both our pocketbooks and our environment, we need to transition away from a dependence on fossil fuels and move toward more efficient, affordable, and cleaner renewable energy. Vermont can be a leader in the fight against climate change and at the same time save money and create good paying jobs that cannot be exported to China.

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“By investing in energy efficiency and renewable energy development in state buildings and lands, we will save taxpayer dollars. I have asked the Lieutenant Governor to work closely with the Commissioner of Building and General Services on this initiative and have allocated \$3.5 million to help us achieve this goal. The budget also increases state support for our weatherization programs, investing \$7 million for weatherizing low-income Vermonters’ homes.

“However, we have much more to do in order to make Vermont the energy efficiency state. Our challenge is to give all Vermonters, not just those in the lower income brackets, incentives to make their homes and businesses more efficient. I ask you to stand with me in this legislative session to make this happen.

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“I am recommending a new approach to the Capital Budget this year by using an unprecedented two-year authorization of over \$150 million. This two-year approach will enable us to accelerate important capital projects, borrow at historically low interest rates, take advantage of comparatively low construction costs, and put Vermonters to work.

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“My budget also includes full funding for the Vermont Housing and Conservation Trust Fund. This will be the first time in many years that the Governor has included full funding for this extraordinarily successful partnership that creates affordable housing and conserves precious agricultural lands that help ensure a bright future for our farmers.

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“Finally, my budget addresses the deteriorating condition of our roads, highways and bridges. We need to bring our transportation network into the 21<sup>st</sup> century, and to support this effort I am proposing to spend \$106 million on improvements to more than 65 bridges and culverts, and preventive maintenance work on dozens of other structures. Additionally, the Morrisville Truck Route will finally begin construction this year and work will continue on the Bennington Bypass.

“Expanding passenger and freight rail in Vermont is also a top priority. My budget invests in rail upgrades to the western corridor, with the goal of returning passenger service from Bennington to Rutland to Burlington to Montreal as soon as possible. These investments, coupled with improvements to our rail line on the eastern side of the state, bode well for Vermont’s rail future.

“As some states reject federal money for high-speed rail, I am also committed to working in partnership with my colleagues in New England and the Premier of Quebec with a vision of a high-speed rail line from New York to Montreal, with a spur to Boston.

“High speed rail is the transportation of our global future, and it is high time that Vermont gets on board.

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“Having been immersed in the difficult choices of the budget that I present today, I understand that my proposals may lack perfection and invite disagreement. The best Governor from Putney, George D. Aiken, in his first address to the joint assembly in 1937, said, “With some things I have said today, many of you will disagree. This is inevitable. But when we disagree on a subject and express our viewpoints openly, then we are in reality making progress.”

“Aiken continued, “Let us forget our political differences, forget that we may not attend the same church, or that we belong to different occupational classes, but remember that we are all Vermonters working to promote the welfare and prosperity of the people of our state.”

“In that spirit, let us make the hard decisions that this work requires of us, always mindful that balancing our budget gap is one step in our climb to a brighter economic future for the people that we serve.

“Let us never lose sight that at this time of economic hardship, our best days are still ahead of us.

“If we allow the need to put our fiscal house in order to divert us from our once in a lifetime opportunity to connect Vermont by 2013, begin to build a single payer health care system, reduce recidivism by giving hope and dignity to our non-violent offenders and use the dollars saved to help make Vermont the Education State, we fail those who put their faith in us to get tough things done.

“By putting the state that we all love on a fiscally responsible path, we do more than just serve as responsible stewards for our children and grandchildren; we create opportunities to put Vermonters back to work, one job at a time.

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“Governor Aiken often said, “Nothing makes me happier than to see a Vermont family with a good job.”

“With boldness and courage, we will make it happen today.

“Let’s get back to work.

“Thank you.”

### **Dissolution**

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

Thereupon, the Chair declared the Joint Assembly dissolved.

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

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### **IN JOINT ASSEMBLY, FEBRUARY 17, 2011**

**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. 14.** 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 17, 2011, 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.

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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.

For the purpose of this Joint Assembly:

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

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

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 elections for Sergeant at Arms and for the three UVM trustees, are not contested and the provisions of Joint Rule 10(a) will apply.

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

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

### **Tellers Appointed**

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

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

Senator Jeanette K. White, of Windham District, as Chief Teller  
Senator Timothy R. Ashe, of Chittenden District  
Senator Randolph D. Brock, of Franklin District  
Representative Eldred Minor French, of Shrewsbury  
Representative George W. Till, of Jericho  
Representative Mollie Burke, of Brattleboro  
Representative Harvey T. Smith, of Fair Haven

### **Election of Sergeant at Arms**

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

For the office of Sergeant at Arms, Representative Ernest W. Shand of Weathersfield nominated *Francis K. Brooks*, of Montpelier.

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

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

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

**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, 2011, 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, Representative Martha P. Heath of Westford nominated *Michael D. Dubie*, of Essex Junction.

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

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

**Statement of the Presiding Officer**

Our joint rules permit nominations before the joint assembly.

Vermont statutes require the official ballot be 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 D. Dubie and Louis Thabault.

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### Results of Balloting for Adjutant General

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

Total votes cast .....	153
Necessary for a choice .....	77
Dubie .....	151
Thabault.....	2

Whereupon, the Chair declared that

#### **MICHAEL D. DUBIE, of Essex Junction**

having received a majority of the total votes cast elected to the office of Adjutant and Inspector General for a term of two years, from and including the first day of March, 2011, 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, 2011.

#### **Statement by the Presiding Officer**

The Chair reminds the Joint Assembly that nominations for the office of three UVM Trustees will 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.

As stated previously, for the election of UVM trustees, we will be operating under the temporary rule set forth in J.R.S. 17.

The adoption of J.R.S. 17 permits the Joint Assembly to elect the three Trustees of the University of Vermont and State Agriculture College by 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 are instructed to vote for not more than three candidates at the same time on the same ballot.

#### **Nominations for UVM Trustees**

Representative Mitzi Johnson of South Hero nominated *Representative Bill Botzow* of Pownal. The nomination was seconded by Representative Donald H. Turner of Milton and by Senator Robert M. Hartwell of Bennington District.

Representative Alice M. Emmons of Springfield then nominated *Representative Joan G. Lenes* of Shelburne. The nomination was seconded by Senator Diane B. Snelling of Chittenden District.

Representative Johannah Leddy Donovan of Burlington then nominated *Representative Kesha Ram* of Burlington. The nomination was seconded by Senator Richard A. Westman of Lamoille District.

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

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

**BILL BOTZOW, of Pownal**  
**JOAN G. LENES, of Shelburne**  
**KESHA RAM, of Burlington**

were unanimously elected as Trustee of the University of Vermont and State Agriculture College for a term of six years, commencing March 1, 2011.

#### **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

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#### **IN JOINT ASSEMBLY, MARCH 30, 2011**

**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:

By Senator Nitka,

**J.R.S. 20.** Joint resolution providing for a Joint Assembly to vote on the retention of a Chief Justice and four Justices of the Supreme Court and ten Judges of the Superior Court.

*Whereas*, declarations have been submitted by the following justices and judges that they be retained for another six-year term, the Honorable Justice Reiber, Justice Burgess, Justice Dooley, Justice Johnson, Justice Skoglund, Judge Bent, Judge Corsones, Judge Wesley, Judge Devine, Judge DiMauro,

Judge Eaton, Judge Keller, Judge Kupersmith, Judge Levitt and Judge Rainville, and

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

*Whereas*, the Committee anticipates that it will be unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the judges seeking to be retained in office by March 10, 2011, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 17, 2011, the date specified in subsection 10(b) of Title 2, and

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

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Wednesday, March 30, 2011, at one o'clock in the afternoon to vote on the retention of a Chief Justice and four Associate Justices of the Supreme Court, and ten Superior Court Judges. In case the vote to retain said Justices and Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at nine o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed until the above is completed.

**Presiding Officer**

Honorable 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 a Chief Justice and four Justices of the Supreme Court and ten of the Superior Court.

This year we are again operating under the Judicial Selection Act passed in 1966, and as amended in subsequent years. The procedure for the retention of incumbent Justices of the Supreme Court and incumbent Superior Judges will be in accordance with this Act. The Act as amended set the date for holding

joint assemblies for the retention of judges to be the eleventh Thursday of the session.

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

“Shall the following Judges be retained in office?”

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

### **Retention of Supreme Court Justices**

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

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

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

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

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

Paul L. Reiber, Chief Justice  
John A. Dooley, Associate Justice  
Denise R. Johnson, Associate Justice  
Marilyn S. Skoglund, Associate Justice  
Brian L. Burgess, Associate Justice

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

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

Yes \_\_\_\_\_ No \_\_\_\_\_.

“Shall Associate Justice John A. Dooley be retained in office?”

Yes \_\_\_\_\_ No \_\_\_\_\_.

“Shall Associate Justice Denise R. Johnson be retained in office?”

Yes \_\_\_\_\_ No \_\_\_\_\_.

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

Yes \_\_\_\_\_ No \_\_\_\_\_.

“Shall Associate Justice Brian L. Burgess be retained in office?”

Yes \_\_\_\_\_ No \_\_\_\_\_.

The ballot which you will receive will contain these questions in printed form on *one* single ballot. The terms of these Justices of the Supreme Court is for six years, from and including the first day of April, 2011, and until his or her successor is elected and has qualified.

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

### **Tellers Appointed**

The Chair appoints the following Tellers:

Senator Jeanette K. White, of Windham District, as Chief Teller  
Senator Mark A. MacDonald, of Orange District  
Senator Anthony Pollina, of Washington District  
Representative Susan Hatch Davis, of Washington  
Representative Dustin Allard Degree, of St. Albans City  
Representative Debbie G. Evans, of Essex  
Representative Herb Font-Russell, of Rutland City

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

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

### **Committee Reports**

Senator Alice W. Nitka, 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 Representative Willem W. Jewett, of Ripton, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Supreme Court Justice Paul L. Reiber.

The Chair then recognized Senator Sally G. Fox, of Chittenden District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Supreme Court Justice John A. Dooley.

The Chair then recognized Representative Eldred Minor French, of Shrewsbury, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Supreme Court Justice Denise R. Johnson.

The Chair then recognized Representative Cynthia Martin, of Springfield, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Supreme Court Justice Marilyn S. Skoglund.

The Chair then recognized Senator Joe Benning, of Caledonia District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Supreme Court Justice Brian L. Burgess.

### **Debate**

#### **Further Statement of Presiding Officer**

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

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

F. You are to remain seated while the tellers distribute the ballots.

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

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

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

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

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

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

### **Results of Balloting**

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

For Chief Justice Paul L. Reiber

Total votes cast.....	157
Necessary for a majority .....	79
For retention .....	156
Against retention .....	1

Whereupon the Chair declared that

### **PAUL L. REIBER, of Chittenden**

having received a majority of the total votes cast was duly retained in the office of Chief Justice of the Supreme Court for a term of six years, from and including the first day of April, 2011, and until his successor is elected and has qualified.

For Associate Justice John A. Dooley

Total votes cast.....	159
Necessary for a majority .....	80
For retention .....	128
Against retention .....	31

Whereupon the Chair declared that

**JOHN A. DOOLEY, of South Burlington**

having received a majority of the total votes cast was duly retained in the office of Associate Justice of the Supreme Court for a term of six years, from and including the first day of April, 2011, and until his successor is elected and has qualified.

For Associate Justice Denise R. Johnson

Total votes cast.....	157
Necessary for a majority .....	79
For retention .....	146
Against retention .....	11

Whereupon the Chair declared that

**DENISE R. JOHNSON, of Middlesex**

having received a majority of the total votes cast was duly retained in the office of Associate Justice of the Supreme Court for a term of six years, from and including the first day of April, 2011, and until her successor is elected and has qualified.

For Associate Justice Marilyn S. Skoglund

Total votes cast.....	156
Necessary for a majority .....	79
For retention .....	149
Against retention .....	7

Whereupon the Chair declared that

**MARILYN S. SKOGLUND, of Montpelier**

having received a majority of the total votes cast was duly retained in the office of Associate Justice of the Supreme Court for a term of six years, from and including the first day of April, 2011, and until her successor is elected and has qualified.

For Associate Justice Brian L. Burgess

Total votes cast.....	156
Necessary for a majority .....	79
For retention .....	155
Against retention .....	1

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Whereupon the Chair declared that

**BRIAN L. BURGESS, of Montpelier**

having received a majority of the total votes cast was duly retained in the office of Associate Justice of the Supreme Court for a term of six years, from and including the first day of April, 2011, and until his successor is elected and has qualified.

**Retention of Superior Court Judges**

**Further Statement of Presiding Officer**

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

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

“Shall the following Superior Court Judges be retained in office?”

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

With respect to the retention of the incumbent superior judges, *ten* declarations of intention to stand for retention to the office of Superior Court Judge were originally received. Subsequently, *one* of the Superior Court Judge’s withdrew his request for retention.

As such, we have *nine* Superior Court Judges seeking retention and are as follows:

Robert E. Bent  
Cortland T. Corsones  
Thomas J. Devine  
Theresa S. DiMauro  
Harold E. Eaton, Jr.  
Michael S. Kupersmith  
Linda Levitt  
A. Gregory Rainville  
John P. Wesley

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

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

Yes \_\_\_\_\_ No \_\_\_\_\_.

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

Yes \_\_\_\_\_ No \_\_\_\_\_.

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

Yes \_\_\_\_\_ No \_\_\_\_\_.

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

Yes \_\_\_\_\_ No \_\_\_\_\_.

“Shall Superior Judge Harold E. Eaton, Jr. be retained in office?”

Yes \_\_\_\_\_ No \_\_\_\_\_.

“Shall Superior Judge Michael S. Kupersmith be retained in office?”

Yes \_\_\_\_\_ No \_\_\_\_\_.

“Shall Superior Judge Linda Levitt be retained in office?”

Yes \_\_\_\_\_ No \_\_\_\_\_.

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

Yes \_\_\_\_\_ No \_\_\_\_\_.

“Shall Superior Judge John P. Wesley be retained in office?”

Yes \_\_\_\_\_ No \_\_\_\_\_.

The ballot which you will receive will contain these questions in printed form on *one* single ballot. The terms of these Superior Court Judges are for six years, from and including the first day of April, 2011, and until their successors are elected and qualified.

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

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### **Committee Report**

The Chair then recognized Representative Thomas F. Koch, of Barre Town, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Bent.

The Chair then recognized Representative Willem W. Jewett, of Ripton, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Corsones.

The Chair then recognized Senator Sally G. Fox, of Chittenden District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Devine.

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

The Chair then recognized Representative Thomas F. Koch, of Barre Town, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Eaton.

The Chair then recognized Representative Eldred Minor French, of Shrewsbury who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Kupersmith.

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 Court Judge Levitt.

The Chair then recognized Representative Cynthia Martin, of Springfield, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Court Judge Rainville.

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

### **Results of Balloting**

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

For Superior Judge Robert E. Bent

Total votes cast .....155  
 Necessary for a majority .....78  
 For retention .....149  
 Against retention .....6

Whereupon the Chair declared that

**ROBERT E. BENT, of St. Johnsbury**

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2011, and until his successor is elected and has qualified.

For Superior Judge Cortland T. Corsones

Total votes cast .....156  
 Necessary for a majority .....79  
 For retention .....155  
 Against retention .....1

Whereupon the Chair declared that

**CORTLAND T. CORSONES, of Mendon**

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2011, and until his successor is elected and has qualified.

For Superior Judge Thomas J. Devine

Total votes cast .....156  
 Necessary for a majority .....79  
 For retention .....151  
 Against retention .....5

Whereupon the Chair declared that

**THOMAS J. DEVINE, of Moretown**

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2011, and until his successor is elected and has qualified.

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For Superior Judge Theresa S. DiMauro

Total votes cast .....155  
Necessary for a majority .....78  
For retention .....151  
Against retention .....4

Whereupon the Chair declared that

**THERESA S. DiMAURO, of West Windsor**

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2011, and until her successor is elected and has qualified.

For Superior Judge Harold E. Eaton, Jr.

Total votes cast .....156  
Necessary for a majority .....79  
For retention .....154  
Against retention .....2

Whereupon the Chair declared that

**HAROLD E. EATON, JR., of Woodstock**

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2011, and until his successor is elected and has qualified.

For Superior Judge Michael S. Kupersmith

Total votes cast .....155  
Necessary for a majority .....78  
For retention .....133  
Against retention .....22

Whereupon the Chair declared that

**MICHAEL S. KUPERSMITH, of Milton**

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, 2011, and until his successor is elected and has qualified.

For Superior Judge Linda Levitt

Total votes cast .....153  
 Necessary for a majority .....77  
 For retention .....146  
 Against retention .....7

Whereupon the Chair declared that

**LINDA LEVITT, of Williston**

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, 2011, and until her successor is elected and has qualified.

For Superior Judge A. Gregory Rainville

Total votes cast .....153  
 Necessary for a majority .....77  
 For retention .....151  
 Against retention .....2

Whereupon the Chair declared that

**A. GREGORY RAINVILLE, of St. Albans**

having received a majority of the total votes cast was duly retained in the office of Superior Judge for a term of six years, from and including the first day of April, 2011, and until his successor is elected and has qualified.

For Superior Judge John P. Wesley

Total votes cast .....155  
 Necessary for a majority .....78  
 For retention .....147  
 Against retention .....8

Whereupon the Chair declared that

**JOHN P. WESLEY, of Brattleboro**

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, 2011, and until his successor is elected and has qualified.

**Dissolution**

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

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

