

Journal
of the
JOINT ASSEMBLY
Adjourned Session
2012

**JOURNAL OF THE JOINT ASSEMBLY
OF THE
STATE OF VERMONT
ADJOURNED SESSION, 2012**

IN JOINT ASSEMBLY, JANUARY 5, 2012

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

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 5, 2012, at two o'clock in the afternoon to receive the State-of-the-State message from 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, and inform him that the Joint Assembly was now convened for the purpose of receiving his State-of-the-State message.

Which was agreed to.

The Chair appointed as members of such Committee:

Senator Philip Baruth, of Chittenden District
Senator Mark A. MacDonald, of Orange District
Senator Margaret K. Flory, of Rutland District

Representative Lucy Leriche, of Hardwick
Representative Donald H. Turner, Jr., of Milton
Representative Christopher Pearson, of Burlington

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 State-of-the-State Message

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

“Thank you. It’s been such a privilege to serve as Vermont’s governor over the past year. Our partnership of community, courage, and common purpose that has empowered us through the unprecedented challenges dumped upon us by Mother Nature, combined with our willingness to make the tough choices necessary to grow jobs and economic opportunities for all Vermonters, has made us stronger.

“I want to recognize a few of the thousands of Vermonters who have made us so proud in the last year, and serve as symbols of Vermont at its best.

“We are so grateful to the dedicated women and men of our armed forces, whose service both overseas and during the Irene recovery has been exemplary. Please join me in honoring our Vermont troops, led by Gen. Michael Dubie.

“The magnitude of devastation from Tropical Storm Irene astounded General Dubie and me as we landed in community after community in the days after the storm. I knew that we needed effective, experienced leaders to help us cut through bureaucracy and rebuild at breakneck speed as we raced winter weather. I am so grateful to our Irene Recovery Officer Neale Lunderville, who took a leave from his job to join our team in Vermont’s time of need. Neale, all Vermonters join me in thanking you for your selfless service to the state you love.

“This has been an especially tough year for Vermont’s local government leaders. I want to acknowledge four of our storm-tested, hard-working mayors: Thom Lauzon, Barre; Marty Manahan, St. Albans; Chris Louras, Rutland; Mary Hooper, Montpelier: please stand so we can acknowledge your service to Vermont.

“I also want to acknowledge an outstanding legal mind and a pioneer in civil rights who made history this year by joining the Vermont Supreme Court. Justice Robinson, thank you for your service to justice in Vermont.

“Today I report to you on the state of the greatest state in the nation, one that has demonstrated over the course of the past year what it means to be united as one community to overcome tragedy. In the wake of a deep recession, two spring storms, and a tropical storm that devastated our infrastructure and exacted an unimaginable toll on the lives of thousands of Vermonters, I can tell you without reservation or exaggeration: the state of our state is strong. Vermont strong!

“From Halifax to Hartford, Wilmington to Waterbury, Roxbury to Richmond, the hundreds of individual actions of bravery and courage in the days and months after Irene will be forever etched in my memory. I want to share one of them.

“Rutland Mayor Chris Louras, who like most local leaders was working long days without sleep after Irene, called me every few hours with progress updates on the unfolding tragedy – the search for Mike Garofano and his son, who went missing during the storm. With Route 4 nothing but a streambed in sections where roadway once ran, I came in by National Guard helicopter to join Mayor Louras and give son Tommy Garofano a bear hug from all Vermonters.

“Tommy’s dad, Mike Sr., grew up in Rutland and went to work for the city for over 30 years, rising to become the manager of the water plant, a job to which he dedicated his life. Mike and his wife Sally had two sons – Mike Jr., known also as Little Mike, and Tommy; Mike also had a son Robby. Robby lost his life in a tragic accident in 2010, and Little Mike and Tommy’s tight bond with their mom and dad helped them all in the face of such adversity.

“On the evening of Irene, with Mendon Brook raging, Mike and Little Mike braved through the storm to the water plant to check on the inlet valve that Mike had closed the previous day to make sure polluted water would not enter the city’s reservoir. It was a risk, but they were determined to protect Rutland’s water supply. With Mendon Brook carving craters where solid soil once stood, the banks gave way, sweeping them both away. Mike’s body was retrieved the next day, but the search for Little Mike went on for weeks.

“While Sally was comforted by family and friends, Tommy heroically joined the search and rescue effort, digging through mountains of Irene’s debris looking for his brother.

“Today on behalf of our state, we honor two Vermont heroes, Michael Garofano and Michael Garofano, Jr. with a promise that we will never forget. Joining us in the chamber are Sally and Tommy Garofano.

“To Sally and Tommy -- and the families of the six other Vermonters who lost their lives as a result of Tropical Storm Irene -- our admiration and support will never cease. Thank you.

“As Mayor Louras and I gave what comfort we could to Tommy on that day at Mendon Brook, something else happened that characterizes Vermont strong. With Route 4 shut down, and community after community isolated islands where roads and bridges once served, brothers John and Doug Casella had an idea. Doug said, “Governor, you get the Department of Motor Vehicles to lift the ban on hauling heavy equipment across what’s left of our roads and get us permission to retrieve some of the rock and gravel that Irene washed from our roads into our streams, and we’ll partner with other private contractors like Belden Company, Markowski Excavating, Mosher Excavating, Wilk Paving, the Agency of Transportation and the National Guard. We can have Route 4 open in three weeks.”

“As soon as I got high enough in the chopper to actually have cell service in Vermont, I called Secretary Searles, Secretary Markowitz and Commissioner Ide, and within hours, our team applied Doug’s request, not just to Rutland, but to the whole state of Vermont. And guess what? Nine days later, Route 9 from Brattleboro to Wilmington to Bennington: Open. 18 days later, Route 4 from Woodstock to Rutland: Open. And today, all the roads destroyed by Irene: Open!

“Team Casella, Belden, Wilk, Mosher, Markowski are here today, and I would ask you to please stand. You represent the many Vermont construction companies who, along with AOT, the Vermont National Guard and Guard troops from around the country rebuilt us Vermont Strong, and Vermont honors you today.

“In this public/private partnership, with winter looming, we did it right, with Vermont ingenuity, fiscal prudence, and common sense. We rebuilt, for 35 cents on the dollar, bringing total estimated damage down to \$250 million for state roads and infrastructure, and \$140 million for town roads. Thanks to the skill of the best Congressional delegation in America, Senator Leahy, Senator Sanders and Congressman Welch, the Leahy amendment became law, ensuring that Vermont will get the federal aid we need in our time of need, reducing our projected cost to the General Fund to under \$30 million. Please join me in recognizing the great work of Senator Patrick Leahy, Senator Bernie Sanders, and Congressman Peter Welch as well as our partners at FEMA.

“There are two Irene lessons that we must seize from our experience over the past four months.

“The first lesson is clear: if after Irene we can rebuild over 500 miles of damaged roads and 34 bridges in four months for a fraction of normal cost, with dwindling federal funds in our future, we must apply those lessons to maintaining and rebuilding Vermont’s aging transportation infrastructure from this point forward. We will build faster, smarter, and more economically.

“Instead of having state workers bunkered in their individual agencies, processing paper, we broke down the silos, forming a partnership between AOT, ANR, private contractors, and municipalities. Contracting procedures were modified; access to stone and gravel was expedited; dangerous debris was removed from brooks and streams as engineers worked together with environmental experts to get the job done. Projects that pre-Irene would have taken years got done in months; environmental quality was preserved; taxpayer dollars were saved; and roads and bridges were built to withstand the assault of extreme weather that looms even larger in our future.

“The second lesson comes from the remarkable tenacity of the hundreds of small businesses that were drowned in water and mud, putting hard working Vermonters out of work overnight. A year ago at this podium, I pledged the following: My jobs agenda will expand the ability of emerging entrepreneurs and businesses to get access to capital when they need it most.

“When Lt. Gov. Phil Scott and I traveled the state together, reaching out to the hundreds of small businesses shuttered by triple storms, our message to job creators was: We stand by you, we stand with you, and the state of Vermont will do its part in helping you get back on your feet.

“Partnering with the Vermont Economic Development Authority, we created an emergency low interest loan program that, with minimal bureaucracy and maximum effectiveness, got credit of up to \$100,000 to crippled job creators within days. More than 340 businesses and farms were granted loans, totaling \$15.3 million. With liquidity, Vermont ingenuity and hard work, miracle after miracle happened as business after business reopened.

- “Bartleby’s Bookstore in Wilmington: Open
- “Leader Home Center in Brattleboro: Open
- “Simon Pierce in Windsor: Open
- “The Red Wagon Toy Company in Woodstock: Open
- “Winhall Market in Bondville: Open
- “Sunrise General Store in Bridgewater Corners: Open
- “Wall-Goldfinger in Northfield: Open
- “Nelson Hardware in Barre: Open
- “The Rochester Café: Open
- “American Flatbread in Waitsfield: Open
- “Positive Pie in Montpelier: Open

“And the list goes on and on. The lesson for Vermont government in helping to grow jobs in Vermont is simple: Getting credit to entrepreneurs when they need it most grows prosperity and grows jobs. In fact, there is nothing standing in the way of Vermont’s job creators that cannot be made right by a partnership with state government that is built on a foundation of common sense, trust, and expedited risk credit for businesses when others won’t lend.

“Vermont’s response to Irene perfectly illustrates the strong state of our state. Perhaps the greatest lesson that we can take from the challenge of the previous four months is that despite Irene’s devastation, despite our heartbreak and pain, we are bound by common purpose.

“We are also bound by tragic loss. To the hundreds of Vermonters who lost so much – lost their house, lost their belongings, lost the land that their homes rested on or the land they tilled, we stand with you in the long recovery that lies ahead, to help you close the gap between your hopes and dreams that were washed away and the paltry \$30,200 maximum reimbursement afforded you by our federal government. While we know that we can never make you whole, our resolve as your neighbors and friends to continue to help you rebuild your lives remains as strong as ever.

“We are so grateful to everyone who has stepped up and contributed, from the students at Moretown Elementary School who passed a jar in class to the countless church groups, non-profits and private companies who have contributed millions of dollars. Vermont musicians like Phish and Grace Potter held concerts that raised well over \$1 million, and Tony Pomerleau, who just recently pledged a very generous \$1 million to the Vermont Disaster Relief Fund. At a youthful 93, Tony is here today. Tony, we thank you for your generosity.

“Vermonters have been so generous, but we have many miles to travel before we rest and many dollars to raise before we sleep. In that spirit, we are pleased to introduce our new Vermont Strong license plates, which can be purchased at vtstrong.vermont.gov. If you purchase this plate for the front of your vehicle, the proceeds will go to the Vermont Disaster Relief Fund to help those who need us.

“I could devote this entire speech to our recovery, because I do believe that Tropical Storm Irene represents a defining moment in Vermont’s history. But now is our moment to apply that same courage, strength and ingenuity to our most pressing need: growing jobs and prosperity for all Vermonters.

“Having witnessed what Vermont can do together, I have never been more optimistic about our ability to keep getting tough things done to help us grow jobs in 2012.

“If we can rebuild destroyed roads and bridges in less than four months, we can meet my promise of connecting every corner of Vermont to high speed internet and vastly improved cell service by the end of 2013. In the past year, we have connected 7,500 locations, and installed 1,600 miles of fiber in our ongoing effort to connect Vermont. We are going to keep our promise of closing Vermont’s connectivity gap and we are going to grow jobs as we connect.

“If we can rebuild our transportation infrastructure at 35 cents on the dollar, we can lead the nation in arresting the skyrocketing cost of health care that is hurting job growth and picking the pockets of our struggling middle class. Your Green Mountain Health Board is hard at work building that system now.

“If we can reopen hundreds of flooded businesses in 14 weeks, we can transform Vermont into the innovative education leader, where from early childhood to higher education to continuing education, we train employees for the prosperous jobs of our future. In my budget address next week, in addition to addressing the challenges and opportunities of replacing our state hospital and state office complex, I will propose significant state investments in higher education and dual enrollment, all aimed at making Vermont students even more competitive and creating opportunities for employers to recruit the employees they are now seeking.

“If we can turn the lights back on in just three days for over 70,000 utility customers, thanks to the heroic work of our utilities, we can create jobs by harnessing the sun, wind, water, forests and fields to produce community-generated renewable power. We have made progress this past year, but we need to keep building. This session, I will propose requiring an affordable and achievable Renewable Energy Portfolio standard that sets a goal to obtain 75 percent renewable electricity in 20 years. I will also recommend that Vermont build on our Standard Offer program so that we can build faster.

“If we can reconnect hundreds of miles of washed out dirt roads in just days so that milk trucks can get to our dairy farmers who had to dump milk during the storm, we can create jobs by fueling the renaissance in locally grown Vermont food. This year we will continue to focus on farm to plate, farm to fork, buy local, and farmer’s markets, while addressing the challenge of producing enough Vermont-grown milk to meet the needs of our value-added dairy companies.

“If we can build partnerships between state and municipal governments to keep our citizens safe and secure, we can work together to address two of the

most serious problems we face: winning the war on recidivism, and stemming the epidemic abuse of prescription drugs, particularly opiates, that is driving crime and destroying the lives of too many of our neighbors.

“Next week, I will also propose changes to our Prescription Drug Monitoring System. Access to the system by law enforcement needs to recognize an individual’s right to privacy while giving law enforcement the tools they need to track down abuse so we can fight our prescription drug epidemic. This growing problem is so frightening because while FDA-approved prescription opiates are easy to get, many are just as addicting and dangerous as street heroin and crack cocaine.

“Since taking office a year ago, I have visited countless businesses throughout the state, and met with small business owners, from Bo Muller-Moore who had a simple idea to put the phrase “Eat More Kale” on t-shirts and now works 14 hour days to fill orders from across the country, to Briar and Adam Alpert of BioTek, a global leader in medical applications technology. I am so optimistic about our jobs future, and every day I see evidence of Vermont’s entrepreneurial success.

“But we have a lot more work to do. Too many Vermonters continue to struggle to make ends meet for themselves and their families.

“But to those who say that Vermont is a bad place to do business, that our bold policies for job growth aren’t getting results, that our optimism about Vermont’s jobs future is not matched by progress, I ask you to consider these facts: our unemployment rate at the peak of the recession was 7.3 percent; today it is among the lowest in America at 5.3 percent. Chittenden County now enjoys the fourth lowest unemployment rate in America. Over the past year, new jobs in Vermont grew by 62 percent over the prior year, more than any other state in the nation. Vermont ranked second in a recent study of how well states use tax breaks and economic development subsidies to actually create jobs.

“If you don’t believe the data, I invite you to join me on the road, reaching out to Vermont’s job creators. Here are a few that I have visited this year.

“In Newport, Bill Stenger is working on several projects in Orleans County in addition to building a world class four-season resort at Jay Peak that employs hundreds of Vermonters. Bill and his partners are bringing Anc/Bio and four other new projects that represent a \$350 million investment and will produce 3,000 direct and indirect jobs in the heart of the Northeast Kingdom.

“In Rutland, GE continues to expand one of the largest GE manufacturing plants of jet engines in the nation for both commercial and military aircraft.

“In Castleton, Hubbardton Forge is on track to meet its goal of doubling its sales in five years.

“In Barre, SB Electronics is up and running, with capacity to produce parts for 100,000 plug-in hybrid vehicles within three years.

“In Essex, Green Mountain Coffee Roasters is building a new plant that will employ hundreds of additional Vermonters and help fuel the exceptional growth of one of America’s most successful companies.

“Next door in Essex Junction, IBM continues to innovate and create the jobs of the future. Vermont’s IBM plant is thriving and adding jobs, and is now one of the world’s largest producers of semiconductor technology, employing 6,000 people.

“In Arlington, Mack Molding continues to hire and expand.

“In Vergennes, Goodrich is hiring.

“In Essex Junction, Revision Eyewear is thriving and has developed a new combat helmet that, if adopted by the U.S. military, will allow them to vastly expand manufacturing in Vermont.

“In Newport, Louis Garneau will be building new facilities to expand manufacturing jobs.

“From the Massachusetts line to the Canadian border, companies that opened this year include Commonwealth Yogurt in Brattleboro, Farmstead Cheese in Woodstock, Swan Valley Cheese in Swanton, and many other small value-added agricultural businesses are growing their customer base, creating jobs, and adding vitality to a dairy industry that is poised for revitalization.

“My administration and I commit ourselves every day to attracting entrepreneurs and growing jobs, one job at a time, as we slowly but surely grow our way out of the most painful recession in our nation’s history.

“Let me say one more word about staying competitive and creating jobs. Our tax policy has a direct impact on our jobs future. You may have heard me say this before: Vermont’s problem is not that our taxes are not high enough; it is that our taxes are too high.

“I am a proud and strong supporter of Vermont’s progressive income tax structure – the most progressive in the country, where unlike the federal government, we require our wealthiest citizens to pay their fair share of income tax. But, we cannot correct the tax failures of Washington from the State House in Montpelier, and we must be always mindful that every day, we compete with our neighboring states for jobs. Therefore, I remain determined

not to increase broad-based taxes on Vermonters as we begin to see signs of modest economic growth.

“Looking back on the last year, we have so much to be thankful for, and so many opportunities ahead.

“As we enter this new year, partisanship continues to paralyze our democracy in Washington, DC. At a time when many of America’s cities and communities beyond Vermont’s borders often seem more divided than united, our little state has distinguished itself. Indeed, there is nothing wrong with America that could not be made right by the ingenuity and caring spirit of the people of the state of Vermont. By continuing to set aside what divides us and finding common ground to unite us, we will rebuild our state while making the bold decisions that will lead to continued job growth and a bright future for Vermont.

“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.

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

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

IN JOINT ASSEMBLY, JANUARY 12, 2012

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. 34. Joint resolution to provide for a Joint Assembly to hear the budget message of the Governor.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, January 12, 2012, 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, and inform him that the Joint Assembly is now convened his budget message.

Which was agreed to.

The Chair appointed as members of the Committee:

Senator Anne E. Cummings, of Washington District
Senator M. Jane Kitchel, of Caledonia District
Senator Kevin J. Mullin, of Rutland District
Representative Betty A. Nuovo, of Middlebury
Representative Brian K. Savage, of Swanton
Representative Sarah R. Edwards, of Brattleboro

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

"Members of the General Assembly, distinguished guests, fellow Vermonters:

"Thank you for getting to work so quickly. This is the earliest budget address in a decade, enabling us to accomplish the important work Vermonters sent us to do and adjourn in a timely fashion. Since my budget is being presented before the official revenue forecast is updated, refinements may be required if projections change significantly.

"Today, I present a budget that makes the necessary choices to match our spending with Vermonters' ability to pay. This is a balanced budget that protects our most vulnerable, strategically invests new dollars in making Vermont the education state, and builds on our strong jobs future.

"Last year, we made tough choices to close a \$176 million gap. Today, I present a budget that closes a \$51 million shortfall without raising broad-based taxes on hardworking Vermonters who continue to struggle to make ends meet. This budget also preserves programs for Vermont's most vulnerable: our

seniors, Vermonters with disabilities, our children, and those who live in poverty.

“We face two challenges this year: to rebuild this state better than Irene found us, and to continue to build our bright jobs future. To those who say we can’t do both at the same time, I say: we must.

“We start by getting credit to entrepreneurs when they need it most. In partnership with Treasurer Beth Pearce, we are asking the legislature to increase the state’s moral obligation support for VEDA by up to \$30 million.

“Next, with over 600 historic buildings in our downtowns flooded by Irene, many Vermonters who were put out of work are counting on us. I am proposing an additional \$500,000 in downtown tax credits. Each dollar leverages 16 additional dollars in job creation, and every million dollars creates 110 new jobs.

“For the municipalities hit by Irene, I recommend we provide assistance in two ways: first, my budget increases the state match for town highways on the federal aid system. Second, for those towns whose storm damage completely overwhelms their ability to pay, the state will pay your entire share of the FEMA match. My message to towns is clear: we stand with you all the way as we rebuild together.

“Many individuals and communities are facing tough decisions about whether to rebuild in flood plains. The FEMA buyout program only covers 75 percent of the pre-disaster property value. The goal is for the state to cover the remaining 25 percent where needed. Through the Vermont Housing and Conservation Board we will provide a minimum of \$2 million in matching funds for Vermonters who seek buyouts for destroyed homes and towns who seek flood mitigation.

“Vermont’s transportation infrastructure pre-Irene was crumbling before our eyes. We will take the lessons from Irene to rebuild our roads, bridges, and rail stronger, faster, and more affordably. My budget proposes the largest transportation program in Vermont history by adding \$45 million to desperately needed paving and bridge projects. It also increases town highway aid by \$1.5 million, the first such increase in six years.

“We must turn the devastating flooding at our state office complex into opportunity by building efficient, effective, green state workspace for the future.

“The following principles must inform our decisions as we consider how to rebuild:

“One, when making capital investments of taxpayer dollars of this magnitude in real estate, facts really matter: weighing the cost of each of our options is critical.

“Two, with more intense storms looming large in our climate change future, our investments must be protected from getting washed away by future storms.

“Three, we will use this opportunity to co-locate and integrate state agencies that share a common mission.

“I recommend the following actions:

“First, it should be clear from the effective collaboration of the past four months that the Agencies of Transportation, Natural Resources, and Commerce be co-located and integrated on a permanent basis. It makes sense to consolidate them in space that we are currently leasing at National Life in Montpelier.

“Second, the Department of Education is currently functioning in two different locations in central Vermont, inhibiting efficiency and collaboration. I recommend relocating the Department of Education to the office building being proposed in the heart of Barre by Mayor Lauzon, Representative Poirier and others. This action will help revitalize Barre’s downtown and return it to a vibrant center for commerce and job creation.

“Third, the Agency of Human Services is scattered between Washington and Chittenden Counties. This inhibits our ability to provide seamless and integrated service to the people who need state government most. I ask you to support me in reuniting AHS into one location in central Vermont.

“My first choice is to unite them in Waterbury. Before we make that decision, we must first ensure that we can keep it dry and modernize the workspace affordably.

“Rebuilding in Waterbury would be ideal. My administration, working with the legislature, will move as quickly as we possibly can, as our architects and engineers develop the multiple scenarios under consideration.

“Whatever the outcome, it is unlikely that the significant costs incurred will be entirely covered by FEMA or insurance. That’s why I am requesting that the House and Senate Institutions Committees redirect \$18 million of previously approved projects to help cover the investments that lie ahead.

“Irene has also delivered an opportunity to create an outstanding mental health system for Vermont.

“We will not return to the State Hospital, whose decrepit condition did not dignify our most vulnerable Vermonters or high quality of care provided by our state employees. Since that fateful August day when we evacuated the hospital, we have worked tirelessly with our mental health community – state employees, community providers, hospitals and designated agencies, to put in place a plan to address our short-term crisis and design a long-term solution.

“Guided by the simple principle that quality care for the patient is our top priority, we will expand community services, increase peer services, enhance hospital care regionally, and build a new state of the art facility.

“In our effort to achieve mental health parity, it is inexcusable that we require patients seeking acute care for mental illness to travel far from home to receive it. Our plan allows for acute care and community-based care in multiple locations throughout Vermont to keep patients close to home.

“While we should be proud of our collective response since our hospital was flooded, let us not forget that we remain in a crisis situation. While we have been fortunate to avert disaster or loss of life thus far, that could change at any moment.

“I appreciate your commitment to address this emergency in an expedited fashion. Your authorization of the acute care beds at the Brattleboro Retreat, Rutland Regional, and in Windsor County cannot happen soon enough. Vermont’s taxpayers will be relieved to learn that most of these costs will likely be paid for by FEMA. We must also break ground on our new state 16-bed state operated facility in central Vermont this summer. I am counting on you to put a bill on my desk by February 17 that implements this plan and moves us from crisis management to quality care.

“Some critics have argued that this session we must limit any discretionary spending to only Irene-incurred expenses. I say: we must not pit Vermonters against Vermonters. We must not say to our low-income seniors in Springfield that we can’t provide heating assistance to keep them warm this winter because Irene did not impact them directly. We must not tell small businesses in the Northeast Kingdom that they don’t deserve support or a struggling dairy farmer in Swanton that we can’t help them stay in farming because they were not impacted by Irene. Pitting Vermonter against Vermonter is not the Vermont way, it’s not Vermont Strong, and we must not do it.

“Building the best education system in the country will create jobs.

“My budget proposal includes a \$282 million appropriation to the

Education Fund. For the second year in a row, we are increasing Education Fund dollars, this year by \$6 million, in our effort to hold the line on property taxes.

“Recognizing that in recent years, Vermonters gathering at town meeting have chosen to spend more per pupil than almost any other state in America, I commend our local school boards for holding the line on new spending over the past two years and urge them to do it again. Rising property taxes continue to be a tremendous burden for Vermonters struggling in this recovery, and a failure by local boards to hold the line again will result in unacceptable property tax increases. As student enrollment continues to decline, we are finally seeing a downward trend in the number of teachers and staff, which should make level funding our school budgets even more achievable.

“I am a strong supporter of local control. I firmly believe that we in Montpelier should never live under the illusion that we should decide which schools stay open and which schools consolidate. However, we can save money and retain local control by cutting administrative costs and consolidating supervisory unions. Senator Kevin Mullin has proposed consolidating our 60 supervisory unions, reducing bureaucracy and saving taxpayers roughly \$9 million each year. This bold proposal deserves your consideration.

“Your recently released school funding study demonstrates that, through Act 68, Vermont has found more success than any other state in converting the regressive property tax into fair education funding.

“Now is our time to move on from the old battles about whether our financing system works. The opportunity now is to partner with our locally controlled education community to do the more important and difficult job of enhancing creativity and quality for every student.

“Our challenge is two-fold. First, despite our progress in achieving equity, educational achievement continues to stubbornly track family income. Second, our delivery system leans too heavily on the rigid model that time spent together in class with blackboard and pencil will collectively result in acquisition of skills for our diversity of learners.

“From early education to higher education and technical school, we have among the most innovative offerings in the country. By creating a seamless system that allows each student to take advantage of these offerings, we will achieve excellence. However, we have to have the courage to do some things differently.

“We must start by elevating the Commissioner of Education to the Secretary of Education, appointed by the governor.

“We must also continue to partner with our local communities to expand access to pre-K education. Last year, we lifted the cap that gives every community equal access to quality pre-K education. Continuing to build universal pre-K in Vermont will assure a strong start for every student.

“Flexibility is critical for all students, and I strongly believe that expanding our limited school choice to all of our public high schools in Vermont will enhance innovation. Additionally, allowing high school juniors and seniors to take college courses for college credit wherever they choose will make higher education more affordable for low- and middle-income, first-generation students. This flexibility, with the money following the student, should be available to all high school juniors and seniors in Vermont.

“In my travels to businesses across the state, I hear consistently a similar story: businesses are hiring, but they can’t find enough Vermonters with skills in science, technology, engineering, and mathematics.

“To address this growing problem, I propose an \$8 million innovation investment in the University of Vermont and the Vermont State Colleges. This one-time investment from the Higher Education Trust Fund will still leave the fund ten percent higher than last year.

“Under my proposal, the University of Vermont will use its one-time investment of \$4 million to undertake the following:

1. Expand successful university-industry partnerships, giving seniors the opportunity to get hands-on job experience with businesses and nonprofits.
2. Create an international center of excellence in complex systems at UVM that will enhance economic growth. The new multi-million dollar Sandia National Laboratory is just one example of the kind of innovation this investment will stimulate.
3. Develop a program that facilitates the re-entry of critically needed science and engineering professionals back into our workforce. By targeting women who have temporarily left their fields, often to raise families, we can help retain already skilled workers.

“The Vermont State Colleges will use its \$4 million to:

1. Allow more high school students to enroll full-time in college during their senior year, saving their families money and getting a head start on finishing a college degree.

2. Create an applied educational institute supporting the renaissance in the agricultural and food production sectors.
3. Improve access to CCV and VTC in southern Vermont by supporting a consolidated academic center in downtown Brattleboro. Both CCV and VTC School of Nursing now operate in antiquated leased space; this investment will be an economic shot in the arm for downtown Brattleboro, which has been hit hard by fires and floods.

“We hear a lot about the need to invest in innovation and the future workforce; this is an opportunity to back our words with action, and I urge you to support these initiatives.

“To build jobs, we know that strong, coordinated marketing of the Green Mountain State led by the Department of Tourism and Marketing, works. Leaf peepers poured into Vermont despite Irene. To keep our tourism industry vibrant, my budget fully funds our marketing efforts.

“Manufacturing in Vermont is showing signs of life. I have asked Secretary Lawrence Miller to lead an Advanced Manufacturing Initiative that will bring together education, industry, labor, and government to make recommendations about how to advance the manufacturing gains we are making.

“One way to grow jobs is to make sure our permit process is predictable, transparent and timely. Secretary Markowitz and Natural Resources Board Chair Shems have been holding public meetings around the state, hearing from hundreds of Vermonters about what works and what should be improved in our permit process.

“The message is clear: we need more efficiency and transparency. Under Act 250, when an applicant or neighborhood group makes their case before the local environmental commission, that should count for something. I ask the legislature to require the environmental court to use the commission’s record of the hearing to settle an appeal, avoiding the costly and inefficient process of starting all over again.

“Stewardship of our natural resources requires us to manage our wildlife and habitat by promoting hunting and fishing. Hunters and anglers have been the backbone of Vermont’s fish and wildlife conservation efforts for many years.

“Unfortunately, over the last seven years, General Fund dollars appropriated to the department have plummeted by almost 60 percent. As a lifelong hunter, I know firsthand how important hunting and fishing is to Vermont's quality of

life and economic success. It is clear to me that we can no longer rely solely on revenue from hunting and fishing licenses to adequately support our fish and wildlife resources. That is why my budget includes a 150 percent increase to \$2.4 million to Fish and Wildlife, an investment that leverages nearly \$8 million in federal dollars to ensure a bright future for Vermont's sportsmen and women.

“One year into our war on recidivism, we are seeing progress. Despite corrections spending doubling in the past decade, at an average cost of \$48,000 per year per inmate, our incarcerated population is finally declining and is now at the same level as eight years ago. Our progress represents a \$2.5 million savings since last year.

“I propose reinvesting half of these savings to deliver on our promise of providing housing, counseling, job training, drug and alcohol prevention and treatment to non-violent offenders who have completed their sentences. This will add 93 community based treatment beds to help us win the war.

“Our fight against prescription opiate addiction is directly related to our war on recidivism. There are three components to addressing this growing epidemic.

“The first, as I outlined last week, is giving law enforcement access to the Prescription Drug Monitoring System.

“Second, our Department of Health is creating a cutting edge system that will increase substance abuse treatment for the many Vermonters who desperately need it.

“Third, we will work with prescribers to help them implement best practices to responsibly dispense addictive opiates.

“A final word about my budget proposal: last year at this podium, I called on the legislature to raise our reserves to eight percent as soon as we return to better times. As the first step toward that goal, I am recommending a down payment of \$3.1 million to the stabilization fund. Should revenues exceed our forecasts in future years, I will insist that we go the rest of the way to fulfill this commitment.

“I know I have outlined an ambitious agenda to rebuild our state while we create a better economic future for all Vermonters. While I believe strongly in the principles and proposals I have outlined today, I also welcome your

suggestions for improvement. This year, as last, we will work together in a bipartisan spirit to do our best for the state we love.

“Thank you, let’s get to work.”

Dissolution

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

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

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

IN JOINT ASSEMBLY, FEBRUARY 16, 2012

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. 41. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 16, 2012, at ten o’clock and thirty minutes in the forenoon to elect two legislative Trustees of the Vermont State Colleges Corporation to serve a four year term commencing March 1, 2012, and expiring on March 1, 2016. In case election of all such Trustees shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o’clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such Trustees are elected.

Presiding Officer

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 statutes we are assembled here today in Joint Assembly for the election of two legislative trustees for the Vermont State Colleges

Corporation, who are to be elected as trustees for four-year terms commencing on March 1, 2012, and expiring on March 1, 2016. The Chair now cautions you with respect to two statutory conditions imposed by that law for this election:

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

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

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

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

J.R.S. 42 sets up a special procedure for this particular election. In the event that more than two candidates are nominated, the adoption of J.R.S. 42 permits us to determine the winners of this election by means of a *plurality vote*, so that two candidates can be elected on the *same* ballot.

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

Accordingly, we will need tellers, and the Chair will now make these appointments.

Tellers Appointed

The Chair appointed the following tellers:

Senator Jeanette K. White, of Windham District, as chief teller
Senator M. Jane Kitchel, of Caledonia District
Senator Diana B. Snelling, of Chittenden District
Representative Leigh J. Dakin, of Chester
Representative John L. Bartholomew, of Hartland
Representative Robert A. Bouchard, of Colchester
Representative Mollie Burke, of Brattleboro

Election of Trustees of Vermont State Colleges Corporation

The Joint Assembly then proceeded to the election of two legislative trustees of the Vermont State Colleges Corporation, each for a term of four

years, from and including the first day of March, 2012.

Nominations for Both Vacancies

Representative Carolyn W. Branagan of Georgia nominated *Representative Eileen G. Dickinson* of St. Albans. The nomination was seconded by Representative Bill Botzow of Pownal and Representative Warren F. Kitzmiller of Montpelier.

Representative Johannah Leddy Donovan of Burlington then nominated *Representative William J. Lippert, Jr.* of Hinesburg. The nomination was seconded by Senator Margaret K. Flory of Rutland District.

Representative Donna G. Sweaney of Windsor then nominated *Representative Peter Peltz* of Woodbury. The nomination was seconded by Representative Richard Lawrence of Lyndon.

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

Summary of Names Placed in Nomination

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

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

Review of Voting Procedure

Prior to the taking of any ballots, the Chair reviewed the “plurality” procedure for choosing candidates, by quoting verbatim from the text of J.R.S. 42:

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

“(2) The two candidates receiving the greater number of votes shall be declared elected to fill the two vacancies.

“(3) In the event that the first balloting for the trustee vacancies results in a tie vote for one or more of the two vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the greater number of votes.”

Balloting for Both Vacancies

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

| | |
|-------------------------|-------------------------------------|
| Total ballots cast | 170 |
| Necessary for election | two greater numbers of votes |
| Dickinson..... | 96 |
| Lippert..... | 94 |
| Peltz | 91 |
| Write-in Geier | 1 |
| Write-in Campbell | 1 |
| Write-in Mazza | 1 |

Whereupon the Chair declared that

EILEEN G. DICKINSON of ST. ALBANS TOWN

having received a greater number of the total votes cast was duly elected a trustee of the Vermont State Colleges Corporation for a term of four years, commencing March 1, 2012.

The Chair further declared that

WILLIAM J. LIPPERT, JR., of HINESBURG

having received a greater number of the total votes cast was duly elected a trustee of the Vermont State Colleges Corporation for a term of four years, commencing March 1, 2012.

Dissolution

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

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

IN JOINT ASSEMBLY, MARCH 29, 2012

1:00 P.M.

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

By Senator Nitka,

J.R.S. 50. Joint resolution providing for a Joint Assembly to vote on the retention of two Superior Judges and one Magistrate.

Whereas, declarations have been submitted by the following two Superior Judges that they be retained for another six-year term, Judge Karen R. Carroll and Judge Dennis R. Pearson, and one Magistrate that he be retained for another six year term, Magistrate Barry Peterson, 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 candidate and the comments of members of the Vermont bar and the public, and

Whereas, the Committee was unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the candidates seeking to be retained in office by March 8, 2012, the date specified in subsection 608(e) of Title 4, and for a vote in Joint Assembly to be held on March 15, 2012, the date specified in subsection 10(b) of Title 2, and

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

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 29, 2012, at one o'clock in the afternoon to vote on the retention of two Superior Judges and one Magistrate. In case the vote to retain said Judges and Magistrate shall not be made on that day, the two Houses shall meet in Joint Assembly at 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

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 two Superior Judges, and one Magistrate.

This year we are again operating under the Judicial Retention Act passed 1976, as amended in subsequent sessions of the General Assembly, which establishes the procedure for retention of incumbent Superior Judges and Magistrates. In particular, amendments made in 2010 require the retention of Magistrates and this is the first year you will also be voting on the retention of

a Magistrate. The date for holding joint assemblies for the retention of judges is set by statute to be the eleventh Thursday of the session, which date may be deferred pursuant to 4 V.S.A. § 608(g).

The procedure to be followed requires that the vote 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 candidates for retention as superior judges; and one containing the name of the candidate for retention as magistrate.

Retention of Superior Judges

We shall now proceed to the matter of retention of the incumbent Superior Judges. As stated previously, we are operating under the Judicial Retention Act passed in 1976, which establishes the procedure for the retention of Superior Judges. Nominations may not be received from the floor; rather, each judge seeking retention must file a declaration of intention to seek retention with the Secretary of State. The name of each judge seeking retention is automatically voted on pursuant to the terms of the Judicial Retention Act.

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

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

The statute provides that the vote on this question shall be by one written ballot containing the names of all of the candidates for retention as Superior Judges.

Tellers Appointed

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

Senator Jeannette K. White, of Windham District, as Chief Teller
Senator Randolph D. Brock, of Franklin District
Senator Mark A. MacDonald, of Orange District
Representative Jill Krowinski, of Burlington
Representative Teo Zagar, of Barnard
Representative William E. Johnson, of Canaan
Representative Christopher Pearson, of Burlington

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

Karen R. Carroll
Dennis R. Pearson

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

"Shall Superior Judge Karen R. Carroll be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Dennis R. Pearson be retained in office?"

Yes _____ No _____.

The ballot which you will receive will contain these questions in printed form on one single ballot. The term of these Superior Judges are for six years, from and including the first day of April, 2012, and until their successors are elected and qualified.

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

Committee Reports

The Chair recognized the Vice-Chair of the Joint Committee on Judicial Retention, the Member from Shrewsbury, Eldred Minor French.

Representative Eldred Minor French, then delivered a general report for the Joint Committee on Judicial Retention with respect to the candidacy of the two Superior Court Judges and one Magistrate.

The Chair then recognized Senator Peter W. Galbraith, of Windham District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Karen R. Carroll.

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

Results of Balloting

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

For Superior Judge Karen R. Carroll

| | |
|--------------------------------|-----|
| Total votes cast | 152 |
| Necessary for a majority | 77 |
| For retention | 148 |
| Against retention | 4 |

Whereupon the Chair declared that

KAREN R. CARROLL, of VERNON

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2012, and until her successor is elected and has qualified.

For Superior Judge Dennis R. Pearson

Total votes cast152
 Necessary for a majority77
 For retention150
 Against retention2

Whereupon the Chair declared that

DENNIS R. PEARSON, of JERICHO

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2012, and until his successor is elected and has qualified.

Retention of Magistrate

Statement of Presiding Officer

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

Barry Peterson

As in the case of the Superior Judges, the names of each magistrate seeking retention are automatically voted on, and the question to be decided is:

"Shall Magistrate Barry Peterson be retained in office?"

Yes_____No_____.

The vote on this question shall again be by one single written ballot. The term of this Magistrate is for six years, from and including the first day of April, 2012, and until his successor is elected and qualified.

Committee Report

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 Magistrate Barry Peterson.

Results of Balloting

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

For Magistrate Barry Peterson

| | |
|--------------------------------|-----|
| Total votes cast | 147 |
| Necessary for a majority | 74 |
| For retention | 143 |
| Against retention | 4 |

Whereupon the Chair declared that

BARRY PETERSON, of EAST FAIRFIELD

having received a majority of the total votes cast was duly elected to the office of Magistrate for a term of six years, from and including the first day of April, 2012, and until his successor is elected and has qualified.

Dissolution

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

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