

H.534

An act relating to fiscal year 2010 budget adjustment.

The Senate proposes to the House to amend the bill as follows:

First: In Sec. 2, in the section title, by striking out the word “heath” and inserting in lieu thereof the word health

Second: By striking out Sec. 46 in its entirety and inserting in lieu there of a new Sec. 46 to read as follows:

Sec. 46. DELETED

Third: In Sec. 49, by striking out the figure “19,115,745” where it appears twice and inserting in lieu thereof the figure 19,094,794 and by striking out the figure “16,361,710” and inserting in lieu thereof the figure 16,340,759 and by striking out the figure “3,043,197” and inserting in lieu there of the figure 3,022,246

Fourth: In Sec. 50, by striking out the figure “65,354,476” where it appears twice and inserting in lieu thereof the figure 65,333,525 and by striking out the figure “12,715,861” and inserting in lieu thereof the figure 12,694,910

Fifth: In Sec. 60(a), at the end of “21638 Atty Gen Fees-Reimbursements 1,500,000” by adding the word Approx.

Sixth: By striking out Sec. 64 in its entirety and inserting in lieu thereof a new Sec. 64 to read as follows:

Sec. 64. Sec. 19 of No. 61 of the Acts of 2009 is amended to read:

Sec. 19. 8 V.S.A. § 4080f is amended to read:

§ 4080f. CATAMOUNT HEALTH

(a) As used in this section:

\* \* \*

(II)(aa) A self-employed individual who was insured through the nongroup market whose insurance coverage ended as the direct result of either the termination of a business entity owned by the individual or the individual's inability to continue in his or her line of work, if the individual produces satisfactory evidence to the office of Vermont health access of the business termination or certifies by affidavit to the office of Vermont health access that he or she is not employed and is no longer seeking employment in the same line of work;

(bb) Subdivision (aa) of this subdivision (II) shall take effect upon issuance by the Centers for Medicare and Medicaid Services of approval of an amendment to the Global Commitment for Health Medicaid Section 1115 Waiver allowing for a self-employment exception to the Catamount Health waiting period, but in no event earlier than July 1, 2011;

\* \* \*

Seventh: In Sec. 71, amending Sec. B.1101(a) of No. 1 of the Acts of the 2009 Special Session, by adding a new subdivision (15) to read as follows:

(15) To the treasurer's office for Benefits For The Survivors Of  
Emergency Personnel to be used in accordance with the requirements of  
20 V.S.A. § 3173. \$70,000

Eighth: In Sec. 71, amending Sec. B.1101(b) of No. 1 of the Acts of the  
2009 Special Session, by striking out the words "Government Services Fund"

Ninth: After Sec. 71, by adding a new section to be numbered Sec 71a to  
read as follows:

Sec. 71a. Sec. D.104 of No. 1 of the Acts of the 2009 Special Session is  
amended to read:

Sec. D.104. TRANSFER OF TOBACCO TRUST FUNDS

(a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of  
investment earnings of the tobacco trust fund at the end of fiscal year 2010 and  
any additional amount necessary to ensure the balance in the tobacco litigation  
settlement fund at the close of fiscal year 2010 is not negative, shall be  
transferred from the tobacco trust fund to the tobacco litigation settlement fund  
in fiscal year 2010.

Tenth: In Sec. 76, amending Sec. 10(b) of No. 2 of the Acts of the 2009  
Special Session, by adding a sentence at the end of subsection (b) to read as  
follows:

The alternate plan may include fund transfers and shall be proportionate in  
terms of total general funds for the judicial and legislative branches.

Eleventh: In Sec. 79, amending Sec. H.1(c) of No. 1 of the Acts of the 2009 Special Session, by striking out the number “15” and inserting in lieu thereof the number 16

Twelfth: By striking out Sec. 82 in its entirety and inserting in lieu thereof a new Sec. 82 to read as follows:

Sec. 82. REALLOCATION OF FUNDS

(a) Of the funds transferred to the municipal and regional planning fund in Sec. 10(a) of No. 178 of the Acts of 2006, \$20,951 shall be available for municipal planning grants in fiscal year 2010. Any additional amounts in the municipal and regional planning fund from the above transfer that are deemed unencumbered through award recapture by the commissioner of finance and management shall be available for municipal planning grants in fiscal year 2010.

(b) Of the funds appropriated in Sec. 219(c) of No. 65 of the Acts of 2007 as amended by Sec. 64 of No. 90 of the Acts of 2008 (DeptID 7110010150), and Sec. 233a(a)(6)(B) of No. 65 of the Acts of 2007 (DeptID 7110890702), and Sec. 220 of No. 215 of the Acts of 2006 as amended by Sec. 361 of No. 65 of the Acts of 2007 (DeptID 7110010170); any amounts in the above appropriations that are deemed unencumbered through award recapture by the commissioner of finance and management shall be available for municipal planning grants in fiscal year 2010.

Thirteenth: By striking out Sec. 88 in its entirety and inserting in lieu thereof two new sections to be numbered Sec. 88 and Sec. 88a to read as follows:

Sec. 88. 9 V.S.A. § 2458(b) is amended to read:

(b) In addition to the foregoing, the attorney general or a state's attorney may request and the court is authorized to render any other temporary or permanent relief, or both, as may be in the public interest including, but not limited to:

(1) the imposition of a civil penalty of not more than \$10,000.00 for each violation;

(2) an order for restitution of cash or goods on behalf of a consumer or a class of consumers similarly situated;

(3) an order requiring reimbursement to the state of Vermont for the reasonable value of its services and its expenses in investigating and prosecuting the action;

(4) amounts other than consumer restitution recovered by the attorney general or department of state's attorneys under this chapter, ~~subject to appropriation each fiscal year, but not to exceed amounts annually appropriated, or authorized pursuant to Sec. 167 of Title 3 or Sec. 511 of Title 32, shall be deposited into special funds which~~ shall be available to the

attorney general or department of state's attorneys, respectively to offset the costs of providing legal services.

Sec. 88a. 3 V.S.A. § 167 is added to read:

§ 167. PUBLIC FUNDS INVESTIGATION SPECIAL FUND

There is established a public funds investigation special fund, pursuant to subchapter 5 of chapter 7 of Title 32. At the end of each fiscal year revenue available to the attorney general under 9 V.S.A. § 2458(b)(4) may be used to bring the unencumbered fund balance up to \$100,000.00. Monies in the fund shall be available for expenditure by the attorney general and state's attorneys to pay expenses, as the attorney general and the state auditor shall agree, for independent contractors, including accountants, necessary for investigation and prosecution of embezzlement or other financial crimes in which public funds are alleged to have been misused.

Fourteenth: After Sec. 95, by adding a new section to be numbered Sec. 95a to read as follows:

Sec. 95a. FIVE PERCENT PAY CUT; STATE'S ATTORNEYS

(a) For the remainder of fiscal year 2010 and for fiscal year 2011, the compensation of all states attorneys shall be reduced by five percent from the rate of compensation which would otherwise be paid under the provisions of 32 V.S.A. § 1183.

Fifteenth: After Sec. 112, by adding a new section to be numbered Sec. 112a to read as follows:

Sec. 112a. EMERGENCY HOUSING FUNDING

(a) Of the additional funds provided to the General Assistance program in Sec. 32 of this Act, \$400,000 is for emergency housing as follows:

(1) \$150,000 for emergency shelters participating in the Emergency Shelter Grant Program (ESGP) to provide overflow shelter and services, and to be administered by the Office of Economic Opportunity; and

(2) \$250,000 for General Assistance targeted to those individuals and families who do not meet the income and/or sustainability criterion of the Homeless Prevention and Rapid Rehousing Program. These funds may be used for rental assistance, security deposits, first month's rent and emergency housing in motels, to be administered directly by the secretary of human services.

Sixteenth: After Sec. 112a, by adding a new section to be numbered Sec. 112b to read as follows:

Sec. 112b. VERMONT STATE HOSPITAL; CANTEEN PLAN

(a) The director of the Vermont State Hospital, in collaboration with staff who provide professional mental health services to patients of the facility, shall develop a plan to be included in the fiscal year 2011 appropriations act to reopen the canteen or commissary on July 1, 2010, which shall be accessible to

patients, staff, and visitors to the facility. The plan shall be submitted to the house and senate committees on appropriations and house committee on human services and senate committee on health and welfare on or before March 15, 2010. The plan shall be cost neutral to the general fund, but shall recognize that patients may have limited funds to purchase products.

And by renumbering all of the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct.