No. 3. (Special Session.) An act relating to seeking a Medicaid waiver renewal and relating to technical corrections to the following acts of 2009: underground storage tanks and the petroleum cleanup fund (H.83), the Vermont Recovery and Reinvestment Act of 2009 (H.313), the BIG BILL – Fiscal Year 2010 Appropriations Act (H.441), health care reform (H.444), and capital construction and bonding (H.445)

S.1
(SPECIAL SESSION)

It is hereby enacted by the General Assembly of the State of Vermont:

* * * H.313 (2009) Corrections * * *

* * * Eminent Domain Necessity/Condemnation Proceedings * * *

Sec. 1. 19 V.S.A. § 507 is amended to read:

§ 507. HEARING AND ORDER OF NECESSITY

(a) At the time and place appointed for the hearing, the court, consisting of the superior judge signing the order or the other superior judge as may be assigned and, if available within the meaning of 4 V.S.A. § 112, the assistant judges of the county in which the hearing is held ~~board~~ shall hear all persons interested and wishing to be heard. If any person owning or having an interest in the land to be taken or affected appears and objects to the necessity of taking the land included within the survey or any part of the survey, then the court ~~board~~ shall require the agency of transportation to proceed with the introduction of evidence of the necessity of the taking. The burden of proof of the necessity of the taking shall be upon the agency of transportation and shall be established by a fair preponderance of the evidence, and the exercise of reasonable discretion upon the part of the agency shall not be presumed. The

court ~~board~~ may cite in additional parties including other property owners whose interest may be concerned or affected and shall cause to be notified, the legislative body of all adjoining cities, towns, villages, or other municipal corporations affected by any taking of land or interest in land based on any ultimate order of the court ~~board~~. The court ~~board~~ shall make findings of fact and file them and any party in interest may appeal under the rules of appellate procedure adopted by the supreme court ~~conclusions of law~~. The court ~~board~~ shall, by its order, determine whether the necessity of the state requires the taking ~~acquisition~~ of the land and rights as set forth in the petition and may find from the evidence that another route or routes are preferable in which case the agency shall proceed in accordance with section 502 of this title and this section and may modify or alter the proposed taking ~~acquisitions~~ in such respects as to the court ~~board~~ may seem proper.

(b) By its order, the court may also direct the agency of transportation to install passes under the highway as specified in this chapter for the benefit of the large modern farm properties, the fee title of which is owned by any party to the proceedings, where a reasonable need is shown by the owner. The court may consider evidence relative to present and anticipated future highway traffic volume, future land development in the area, and the amount and type of acreage separated by the highway in determining the need for an underpass of larger dimensions than a standard cattle-pass of reinforced concrete, metal or

other suitable material which provides usable dimensions five feet wide by six feet three inches high. Where a herd of greater than fifty milking cows is consistently maintained on the property, the court may direct that the dimensions of the larger underpass shall be eight feet in width and six feet three inches in height to be constructed of reinforced concrete, and the owner of the farm property shall pay one-fourth of the difference in overall cost between the standard cattle-pass and the larger underpass. Where the owner of the farm property desires an underpass of dimensions greater than eight feet in width and six feet three inches in height, the underpass may be constructed if feasible and in accordance with acceptable design standards, and the total additional costs over the dimensions specified shall be paid by the owner. The provisions of this section shall not be interpreted to prohibit the agency of transportation and the property owner from determining the specifications of a cattle-pass or underpass by mutual agreement at any time, either prior or subsequent to the date of the court's order. The owner of a fee title shall be interpreted to include lessees of so-called lease land.

Sec. 2. 19 V.S.A. § 508 is amended to read:

§ 508. STIPULATION OF NECESSITY

(a) A person or municipality owning or having an interest in lands or rights to be taken or affected, a municipality in which the land is to be taken or

affected, and other interested persons may stipulate as to the necessity of the taking.

(b)~~(1)~~ The stipulation shall be an affidavit sworn to before a person authorized to take acknowledgments, and, in the case of a municipality, shall be executed by a majority of its legislative body. The stipulation shall be in a form approved by the attorney general and shall include but not be limited to the following:

(1)~~(A)~~ a recital that the person or persons executing the stipulation have examined the applicable plan and survey of the lands or rights to be taken;

(2)~~(B)~~ an explanation of the legal and property rights affected; and

(3)~~(C)~~ that the right of the person to adequate compensation is not affected by executing the stipulation.

(c)~~(2)~~ The stipulation shall be invalid unless within two years of the date of the stipulation an order of necessity is granted.

Sec. 3. 19 V.S.A. § 509 is amended to read:

§ 509. PROCEDURE

(a) The stipulation shall be filed with the appropriate superior court ~~board~~, together with the petition for an order of necessity. Notice of the hearing on the petition shall be published in accordance with section 506 of this title. Other interested persons who have not stipulated to necessity shall be notified

and served in accordance with section 506 of this title. The court ~~board~~ may also cite in additional parties in accordance with section 507 of this title.

(b) If a person claiming to be affected or concerned files a notice of objection to a proposed finding of necessity prior to the date of the hearing, the court ~~board~~ shall at the hearing determine if the person has an interest in lands or rights to be taken ~~acquired~~ such as to be entitled to object to the proposed finding of necessity, and, if ~~he~~ the person is so affected or concerned, whether there is necessity for the taking ~~proposed acquisitions~~, in accordance with section 507 of this title. Nothing in this section shall prohibit an interested person from consenting to necessity. The court ~~board~~ may continue the hearing to allow proper preparation by the agency of transportation and interested parties.

(c) If all interested persons and municipalities stipulate as to the necessity of the taking, the court ~~board~~ may immediately issue an order of necessity.

(d) Interested persons or municipalities who do not consent to necessity are entitled to a necessity hearing in accordance with the provisions of this chapter.

(e) A copy of the order finding necessity shall be mailed ~~by the agency~~ to each person and municipality who consented by stipulation to necessity, by certified mail, return receipt requested.

(f) The stipulation of necessity shall not affect the rights of the person with regard to fixing the amount of compensation to be paid in accordance with

sections 511-514 of this title. However, the ~~agency of~~ transportation board may enter into an agreement for purchase of lands or rights affected, provided the agreement is conditioned upon the issuance of an order of necessity.

Sec. 4. 19 V.S.A. § 510 is amended to read:

§ 510. APPEAL FROM ORDER OF NECESSITY ~~JUDICIAL REVIEW~~

(a) If the state, municipal corporation or any owner affected by the order of the court ~~board~~ is aggrieved by the order, an appeal may be taken to the supreme ~~superior~~ court ~~pursuant to subsection 5(c) of this title~~. In the event an appeal is taken according to these provisions from an order of necessity, its effect may be stayed by the superior court or the supreme court where the person requesting the stay establishes:

(1) that he or she has a likelihood of success on the merits;

(2) that he or she will suffer irreparable harm in the absence of the requested stay;

(3) that other interested parties will not be substantially harmed if a stay is granted; and

(4) that the public interest supports a grant of the proposed stay.

(b) If no stay is granted or, if a stay is granted, upon final disposition of the appeal, a copy of the order of the court shall be recorded within 30 days in the office of the clerk of each town in which the land affected lies.

(c) Thereafter for a period of one year, the agency of transportation may request the transportation board to institute proceedings for the condemnation of the land included in the survey as finally approved by the court ~~board~~ without further hearing or consideration of any question of the necessity of the taking. In no event shall title to or possession of the appealing landowner's property pass to the state until there is a final adjudication of the issue of the necessity and propriety of the proposed taking.

~~(b)~~(d) If the agency of transportation is delayed in requesting the transportation board to institute condemnation proceedings within the one-year period by court actions or federal procedural actions, the time lost pending final determination shall not be counted as part of the one-year necessity period.

Sec. 5. 19 V.S.A. § 520 is deleted in its entirety.

* * * Microbusiness Report * * *

Sec. 6. Sec. 24 of H.313 (2009) as enacted is amended to read:

Sec. 24. ECONOMIC OPPORTUNITY STUDIES AND COLLABORATION

* * *

(8) The office of economic opportunity and designee of the community action agency directors' association shall report its findings on or before January 15, 2010 to the house committees on commerce and economic

development and on human services and the senate committee on economic development, housing and general affairs.

* * * General Obligation Bonds for

Clean Energy Renewable Projects * * *

Sec. 7. REPEAL

Sec. 96 of H.313 (2009) is repealed, as of the date of enactment of H.313.

Sec. 8. BONDS AUTHORIZED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT

(a) In developing its FY 2011 recommendation to the Governor and General Assembly, the capital debt affordability advisory committee (CDAAC) shall consult with the Board of the Clean Energy Development Fund and the Vermont Office of Economic Stimulus and Recovery about the applicability of the various bond provisions of the American Recovery and Reinvestment Act of 2009 for the State and municipalities, including Build America Bonds, Clean Renewable Energy Bonds, Qualified Energy Conservation Bonds, and Qualified School Constructions Bonds. The CDAAC recommendation shall include any statutory revisions necessary for the State to issue such bonds and maximize the potential benefits of these bonding provisions.

(b) Prior to issuing general obligation bonds in FY 2010, as authorized by the General Assembly, the State Treasurer shall, after consultation with the

Board of the Clean Energy Development Fund and the Office of Economic Stimulus and Recovery, consider utilization of the various bond provisions of the American Recovery and Reinvestment Act of 2009, including Build America Bonds, Clean Renewable Energy Bonds, Qualified Energy Conservation Bonds, and Qualified School Constructions Bonds in the development of a financing plan for the fiscal year.

* * * Appropriation to Sterling College * * *

Sec. 9. Sec. 112(e) of H.313 (2009) as enacted is amended to read:

(e) Legislative intent. Notwithstanding any provision of law to the contrary, in the event no funding from ARRA is appropriated to Sterling College in any act of the 2009 general assembly, then in fiscal year 2010, the amount of $350,000.00 ~~shall be transferred~~ is appropriated from the general fund to the department of economic development for a grant to Sterling College for student residency and program center costs~~,~~ as provided in Sec. B.1101(a)(8) of H.441 (2009).

* * * TIF technical correction * * *

Sec. 10. Sec. 82(a)(2) (Milton tax increment financing district) of H.313 (2009) as enacted is amended to read:

(2) The education tax increment may be retained for up to 20 years beginning with the initial date of the creation of the district or on the date of the first debt incurred, at the discretion of Milton. Milton shall have ten years

after the creation of the district to begin incurring debt. The assessed valuation of all taxable real property within the district, as defined in 24 V.S.A. § 1895, shall be recertified if Milton chooses to begin retaining the education tax increment more than five years beyond the initial creation of the district.

* * * Miscellaneous corrections to H.313 * * *

Sec. 11. REPEALS

(a) The following sections of H.313 of 2009 as enacted are repealed as of the date of passage of H.313:

Secs. 5(f) (CFED supersession), 19(c) (cloud-computing supersession), 76 (increasing the number of compliance personnel in the department of taxes, duplicate of Sec. H.1 of H.441 (2009)), 97 through 102 (business solar energy tax credits – duplicative of Secs. 9, 9a through 9e, and 10 of H.446), 106 (compliance personnel in department of labor, duplicate of Sec. H.2 of H.441 (2009)), and 108 (state pledge on behalf of small businesses, duplicate of Sec. 112(b) of H.313 of 2009).

(b) 10 V.S.A. § 330(e) (ARRA appropriation for the farm-to-plate investment program, added in Sec. 35 of H.313; duplicate of Sec. D.109(a)(1)(A)(iii) of H.441 of 2009) is repealed as of the date of passage of H.313.

(c) Sec. 7. of H.313 of 2009 (amending Sec. 7(a)(3) of No. 46 of the Acts of 2007, which allocated funding during FY 2007 and FY 2008 for career and

alternative workforce education, all of which funds have already been spent) is repealed as of the date of passage of H.313.

(d) 10 V.S.A. § 1974(3) (500-foot rule; subdivisions; water supply; added in Sec. 85 of H.313) is repealed as of the date of passage of H.313.

Sec. 11a. REPEAL

19 V.S.A. § 1607 (federal reimbursement for certain utility relocations) is repealed.

Sec. 11b. 16 V.S.A. § 2887(c) is added to read:

(c) Any funds appropriated to the department of labor from the next generation initiative fund to achieve employment or continued education for out-of-school youth, youth at risk, and youth at risk of remaining unemployed, shall be allocated as follows:

(1) At least 25 percent of the appropriation shall be used for grants to regional technical centers, comprehensive high schools, and other programs for career exploration programs for students entering grades seven through 12.

(2) At least 25 percent of the appropriation shall be used for grants to regional technical centers, comprehensive high schools, the community high school of Vermont, and non-profit organizations, as designated by the workforce development council, for alternative and intensive vocational or academic programs for secondary students in order to earn necessary credits toward graduation.

Sec. 12. SUPERSESSION

(a) Sec. 5(a)–(e) (CFED workgroup) of H.313 (2009) shall supersede Sec. E.806(b)–(f) of H.441 (2009).

(b) Sec. 19(a)–(b) (virtualized information technology infrastructure; study) of H.313 (2009) shall supersede Sec. E.128 of H.441 (2009).

* * * Clean Energy Development Fund Technical Corrections * * *

Sec. 13. 10 V.S.A. § 6523 as amended in H.313 (2009) is further amended to read:

§ 6523. VERMONT CLEAN ENERGY DEVELOPMENT FUND

* * *

(e) Management of fund.

* * *

(2) During fiscal years after FY 2006, up to five percent of amounts appropriated to the public service department from the fund may be used for administrative costs related to the clean energy development fund and after FY 2007, another five percent of amounts appropriated to the public service department from the fund not to exceed $300,000.00 in any fiscal year shall be transferred to the secretary of the agency of agriculture, food and markets for agricultural and farm-based energy project development activities.

* * *

(4) In making appointments of at-large directors to the clean energy

development board, the appointing authorities shall give consideration to citizens of the state with knowledge of relevant technology, regulatory law, infrastructure, finance, and environmental permitting. A director shall recuse himself or herself from all matters and decisions pertaining to a company or corporation of which the director is an employee, officer, partner, proprietor, or board member. The at-large directors of the board shall serve terms of four years beginning July 1 of the year of appointment. However, one at-large director appointed by the speaker and one at-large director appointed by the president pro tempore shall serve an initial term of two years. Any vacancy occurring among the at-large directors shall be filled by the respective appointing authority and shall be filled for the balance of the unexpired term. A director may be reappointed.

* * *

(9) ~~The clean energy development board is authorized, to the extent allowable under ARRA, to utilize up to 10 percent of ARRA funds received for the purpose of administration. Half of this amount shall be allocated to the treasurer to retain permanent, temporary, or limited service positions or contractors to administer such funds and the other half of this amount shall be allocated to the oversight of specific projects receiving ARRA funding through the clean energy development fund.~~

~~(10)~~ At least quarterly, the clean energy development board shall hold a public meeting to review and discuss the status of the fund, fund projects, the performance of the fund manager, any reports, information, or inquiries submitted by the fund manager or the public, and any additional matters the clean energy development board deems necessary to fulfill its obligations under this section.

(10) The clean energy development board shall administer and is authorized to expend monies from the clean energy development fund in accordance with this section.

* * *

(h) All ARRA funds placed in the clean energy development fund shall be disbursed, administered, and accounted for in a manner that ensures rapid deployment of the funds~~,~~ and is consistent with all applicable requirements of ARRA, including requirements for administration of funds received and for timeliness, energy savings, matching, transparency, and accountability. These funds shall be maintained in a separate account specifically restricted to ARRA funds within the clean energy development fund. These funds shall be for the following categories listed in this subsection, provided that no single project directly or indirectly receives a grant in more than one of these categories~~:~~. The clean energy development board shall have discretion to use non-ARRA moneys within the fund to support all or a portion of these categories and shall

direct any ARRA moneys for which non-ARRA moneys have been substituted to the support of other eligible projects, programs, or activities under ARRA and this section.

* * *

(5) $2 million to the Vermont housing and conservation board (VHCB) to make grants and deferred loans to nonprofit organizations for weatherization and renewable energy activities allowed by federal law, including assistance for nonprofit owners and occupants of permanently affordable housing.

(6) $2 million to the Vermont telecommunications authority (VTA) to make grants of no more than $10,000 per turbine for installation of small-scale wind turbines and associated towers on which telecommunications equipment is to be collocated and which are developed in association with the VTA.

(7) $880,000.00 to the 11 regional planning commissions ($80,000.00 to each such commission) to conduct energy efficiency and energy conservation activities that are eligible under the EECBG program.

(8) ~~Of~~ Concerning the funds authorized for use in subdivisions ~~(5) (7)~~ (4)–(7) of this subsection:

(A) ~~to~~ To the extent permissible under ARRA, up to five percent may be spent for administration of the funds received.

(B) In the event that the clean energy development board determines that a recipient of such funds has insufficient eligible projects, programs, or

activities to fully utilize the authorized funds, the clean energy development board shall have discretion to reallocate the balance to other eligible projects, programs, or activities under this section.

* * *

Sec. 14. REPEALS; APPLICATION

(a) Sec. 92 (appropriation of federal stimulus energy money to clean energy development fund – duplicative of Secs. B.235 and E.235.4(a) of H.441) of H.313 is repealed on enactment and delivery to the secretary of state of H.441.

(b) Sec. 94 of H.313 is repealed. Sec. 93 of H.313 shall supersede and replace Sec. 5 of H.446 and Secs. E.235.3 and E.235.4(b) of H.441. Sec. 13 of this act shall amend 10 V.S.A. § 6523 as amended by Sec. 93 of H.313.

(c) Secs. 103 through 105 (carbon trading credits) of H.313 shall supersede and replace Secs. E.235, E.235.1, and E.235.2 of H.441 (duplicative of Secs. 103 through 105 of H.313).

(d) Bill number references in this section are to 2009 bills.

Sec. 15. Sec. 113 of H.313 (2009) is amended to read:

Sec. 113. EFFECTIVE DATE

This act shall take effect upon passage ~~with the following exceptions:~~

~~(1) Secs. 97 and 98 (relating to business solar energy tax credits) shall apply to credits related to investments made on or after January 1, 2009; and~~

~~(2) Sec. 99 (relating to the repeal of the 76-percent portion of the business solar energy tax credit) shall apply to credits related to investments made on or after January 1, 2011.~~

* * * Medicaid Waiver Interim * * *

Sec. 16. SECTION 1115 MEDICAID WAIVER RENEWAL

(a) Notwithstanding section 1901 of Title 33, in order to comply with the federal time frames for the renewal of Vermont's existing Medicaid waivers, the secretary of human services or designee shall request approval, as provided for in subsection (b) of this section, to file a letter of intent, a renewal of an existing Medicaid waiver, a reapplication with modifications of an existing Medicaid waiver, or a new application for a waiver of federal Medicaid law with the Centers for Medicare and Medicaid Services (CMS).

(b) The secretary or designee shall request approval for a proposal from the joint fiscal committee prior to filing a letter of intent, a renewal of an existing Medicaid waiver, a reapplication with modifications of an existing Medicaid waiver, or a new application for a waiver with CMS. The action of the joint fiscal committee shall serve the same purpose as that provided for in subdivision 1901(a)(2) of Title 33 when the general assembly is not in session. The secretary or designee shall present the proposal to the health access oversight committee for its consideration. The health access oversight committee shall make a recommendation to the joint fiscal committee. The

joint fiscal committee may act with a majority vote of the members of the joint fiscal committee in attendance at the meeting after receiving the recommendation of the health access oversight committee.

(c) Only after approval as provided for under this section and consistent with the terms of the approval of the joint fiscal committee, the secretary or designee may file a letter of intent, a renewal of an existing Medicaid waiver, a reapplication with modifications of an existing Medicaid waiver, or a new application for a waiver to federal Medicaid law with CMS.

(d) For the purposes of this section, "Medicaid" means any program for which Medicaid funding is currently spent or is anticipated to be spent, including programs in the Global Commitment for Health Section 1115 waiver or the Choices for Care waiver.

* * * Capital Bill Corrections * * *

Sec. 17. The following sections of No. of the Acts of 2009 (H.445 of 2009 as enacted) are amended as follows:

(a) Sec. 1(4) is amended to read:

(4) Statewide, major maintenance:	~~8,181,508~~	8,141,508

(b) The last line of Sec. 1 is amended to read:

Total Appropriation–Section 1	~~$28,906,508~~	$28,866,508

(c) Sec. 22(a) is amended to read:

(a) The state treasurer is authorized to issue general obligation bonds in

the amount of ~~$69,995,000~~ $69,955,000 for the purpose of funding the appropriations of this act. The state treasurer, with the approval of the governor, shall determine the appropriate form and maturity of the bonds authorized by this section consistent with the underlying nature of the appropriation to be funded. The state treasurer shall allocate the estimated cost of bond issuance or issuances to the entities to which funds are appropriated pursuant to this section and for which bonding is required as the source of funds, pursuant to 32 V.S.A. § 954. ~~69,995,000~~ 69,955,000

(d) The last line of Sec. 22 is amended to read:

Total Revenues – Section 22 ~~$108,928,000~~ $108,888,000

(e) Sec. 9(f)(5) is amended to read:

(5) Fish production improvements at the Grand Isle, Bennington and Roxbury hatcheries: 181,000

* * * H.83 (2009) Corrections * * *

Sec. 18. 33 V.S.A. § 2503 is amended to read

§ 2503. FUEL GROSS RECEIPTS TAX

(a) There is imposed a gross receipts tax of 0.5 percent on the retail sale of the following types of fuel by sellers receiving more than $10,000.00 annually for the sale of such fuels:

(1) ~~dyed diesel fuel used for heating~~ heating oil, kerosene, and other dyed diesel fuel not used to propel a motor vehicle;

(2) propane;

(3) natural gas;

(4) electricity;

(5) coal.

* * *

Sec. 19. 10 V.S.A. § 1922 as added in H.83 (2009) is amended:

§ 1922. DEFINITIONS

* * *

(15) "Public building" shall have the same meaning as defined in 20 V.S.A. § 2730.

* * *

~~(B) Use of any portion of a building in a manner described in this subsection shall make the entire building a "public building" for purposes of this subsection. For purposes of this subsection, a "person" does not include an individual who is directly related to the employer and who resides in the employment-related building.~~

* * * H.441 (2009) Corrections * * *

Sec. 20. TYPOGRAPHICAL CORRECTIONS TO H.441 (2009)

H.441 of 2009 as enacted shall be amended to correct the following typographical errors:

(1) in Sec. E.307.1 (Emergency Rules), in the last clause after the words "provided for" by inserting the word "in" before "Sec. E.306.1";

(2) in the lead-in language to Sec. E.309.6, by amending only subdivision "2073(c)(2)" of Title 33;

(3) in Sec. E.318, in subdivisions (d)(1) and (2), by striking the two instances of "chapter 26" and inserting in lieu thereof "chapter 25"; and

(4) in Sec. E.324.2, by relettering new subsection (e) to become a new subsection (d) in order to ensure the subsections in 2606 of Title 33 are alphabetically correct.

Sec. 21. REPEAL

The following sections of H.441 of 2009 are repealed as of the date of enactment of H.441:

(a) Sec. D.110 (Federal economic recovery funds);

(b) Sec. G.100(c) (duplicate effective date for Sec. E.813.2.

* * *H.444 (2009) Correction* * *

Sec. 22. Sec. 43 of H.444 of 2009 as enacted is amended to read:

Sec. 43. ADJUSTMENT TO FY10 SPENDING AUTHORITY FOR GLOBAL COMMITMENT

(a) In order to provide for increased costs to the Catamount Health assistance program due to the expansion of the definition of "uninsured" and the modification of the preexisting condition exclusion in ~~Sec. 18~~ Sec. 19 of

this act and the modification of the income calculation rules in ~~Sec. 21~~ Sec. 22 of this act, the appropriations for public health and Medicaid for fiscal year 2010 shall be those set forth in H.441 as ~~passed by the House~~ enacted, except as provided for in this subsection. Of the Catamount funds appropriated in Sec. B. 312 of H.441, Health - public health, $77,000 shall be transferred to Sec. B.301, Secretary's office - Global Commitment. The reduction in Sec. B.312 of H.441 shall reduce the Catamount funds for the immunization program under 18 V.S.A. § 1130 as amended by ~~Sec. 43~~ Sec. 42 of this act. In Sec. B.301 of H.441, these funds shall be combined with matching federal funds estimated to be $121,000 to provide a total increase of $198,000 in funding in Sec. B.307 of H.441, Office of Vermont health access - Medicaid program - Global Commitment, to fund the costs of ~~Secs. 18 and 21~~ Secs. 19 and 22 of this act.

(b) The provisions of this section shall take precedence over any other funding provision related to these appropriations enacted for fiscal year 2010.

Sec. 22a. SALE OF NATIONAL GUARD PROPERTY IN LUDLOW

Notwithstanding Sec. 42 of H.445 of 2009 (an act relating to capital construction and state bonding), if the selectboard of the Town of Ludlow votes on or before August 1, 2009 to purchase the armory building and associated land as described in Sec. 42 of H.445 of 2009, then the board of

armory commissioners shall sell the buildings and land for the amount of $85,000.00 and the purchase and sale shall be completed by January 1, 2010.

Sec. 22b. Sec. 18(a) of H.442 of 2009 as enacted is amended to read:

(a) Sec. 16a of this act shall apply to adjusted net capital gain income earned or received by a taxpayer on or after July 1, 2009 and before January 1, 2011, except that in calculating 2009 taxable year taxes only, taxpayers shall subtract from taxable income 40 percent of adjusted net capital gain income earned or received after December 31, 2008 but before July 1, 2009 and shall subtract from taxable income the first ~~$1,250.00~~ $2,500.00 of adjusted net capital gain income earned or received on or after July 1, 2009 but before January 1, 2010.

Sec. 22c. 32 V.S.A. § 1671(a)(6) is amended to read:

(6) ~~Notwithstanding any other provision of law to the contrary, for~~ For the recording or filing, or both, of any document that is to become a matter of public record in the town clerk's office, or for any certified copy of such document, a fee of $10.00 per page shall be charged; except that for the recording or filing, or both, of a property transfer return, a fee of $10.00 shall be charged;

* * * Effective Date* * *

Sec. 23. EFFECTIVE DATE

This act shall take effect upon passage; except that Secs. 1 through 5 (eminent domain proceedings) shall take effect upon the date of enactment of H.313 of 2009.

Approved: June 10, 2009