

SPECIAL SESSION

S.1

Introduced by Committee on Appropriations

Date:

Subject: Economic development; budget; technical corrections

Statement of purpose: This bill proposes to make technical corrections to various economic development, budget, and other provisions.

An act relating to miscellaneous technical corrections

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

1 ~~board~~ shall require the agency of transportation to proceed with the  
2 introduction of evidence of the necessity of the taking. The burden of proof of  
3 the necessity of the taking shall be upon the agency of transportation and shall  
4 be established by a fair preponderance of the evidence, and the exercise of  
5 reasonable discretion upon the part of the agency shall not be presumed. The  
6 court ~~board~~ may cite in additional parties including other property owners  
7 whose interest may be concerned or affected and shall cause to be notified, the  
8 legislative body of all adjoining cities, towns, villages, or other municipal  
9 corporations affected by any taking of land or interest in land based on any  
10 ultimate order of the court ~~board~~. The court ~~board~~ shall make findings of fact  
11 and file them and any party in interest may appeal under the rules of appellate  
12 procedure adopted by the supreme court ~~conclusions of law~~. The court ~~board~~  
13 shall, by its order, determine whether the necessity of the state requires the  
14 taking ~~acquisition~~ of the land and rights as set forth in the petition and may  
15 find from the evidence that another route or routes are preferable in which case  
16 the agency shall proceed in accordance with section 502 of this title and this  
17 section and may modify or alter the proposed taking ~~acquisitions~~ in such  
18 respects as to the court ~~board~~ may seem proper.

19 (b) By its order, the court may also direct the agency of transportation to  
20 install passes under the highway as specified in this chapter for the benefit of  
21 the large modern farm properties, the fee title of which is owned by any party

1     to the proceedings, where a reasonable need is shown by the owner. The court  
2     may consider evidence relative to present and anticipated future highway  
3     traffic volume, future land development in the area, and the amount and type of  
4     acreage separated by the highway in determining the need for an underpass of  
5     larger dimensions than a standard cattle-pass of reinforced concrete, metal or  
6     other suitable material which provides usable dimensions five feet wide by six  
7     feet three inches high. Where a herd of greater than fifty milking cows is  
8     consistently maintained on the property, the court may direct that the  
9     dimensions of the larger underpass shall be eight feet in width and six feet  
10    three inches in height to be constructed of reinforced concrete, and the owner  
11    of the farm property shall pay one-fourth of the difference in overall cost  
12    between the standard cattle-pass and the larger underpass. Where the owner of  
13    the farm property desires an underpass of dimensions greater than eight feet in  
14    width and six feet three inches in height, the underpass may be constructed if  
15    feasible and in accordance with acceptable design standards, and the total  
16    additional costs over the dimensions specified shall be paid by the owner. The  
17    provisions of this section shall not be interpreted to prohibit the agency of  
18    transportation and the property owner from determining the specifications of a  
19    cattle-pass or underpass by mutual agreement at any time, either prior or  
20    subsequent to the date of the court's order. The owner of a fee title shall be  
21    interpreted to include lessees of so-called lease land.

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

2       § 508. STIPULATION OF NECESSITY

3           (a) A person or municipality owning or having an interest in lands or rights  
4       to be taken or affected, a municipality in which the land is to be taken or  
5       affected, and other interested persons may stipulate as to the necessity of the  
6       taking.

7           (b)~~(4)~~ The stipulation shall be an affidavit sworn to before a person  
8       authorized to take acknowledgments, and, in the case of a municipality, shall  
9       be executed by a majority of its legislative body. The stipulation shall be in a  
10      form approved by the attorney general and shall include but not be limited to  
11      the following:

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

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

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

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

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

2       § 509. PROCEDURE

3           (a) The stipulation shall be filed with the appropriate superior court board,  
4       together with the petition for an order of necessity. Notice of the hearing on  
5       the petition shall be published in accordance with section 506 of this title.

6       Other interested persons who have not stipulated to necessity shall be notified  
7       and served in accordance with section 506 of this title. The court board may  
8       also cite in additional parties in accordance with section 507 of this title.

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

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

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

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

6 (f) The stipulation of necessity shall not affect the rights of the person with  
7 regard to fixing the amount of compensation to be paid in accordance with  
8 sections 511-514 of this title. However, the ~~agency of~~ transportation board  
9 may enter into an agreement for purchase of lands or rights affected, provided  
10 the agreement is conditioned upon the issuance of an order of necessity.

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

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

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

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

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

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

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

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

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

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

19       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



1 America Bonds, Clean Renewable Energy Bonds, Qualified Energy  
2 Conservation Bonds, and Qualified School Constructions Bonds. The  
3 CDAAC recommendation shall include any statutory revisions necessary for  
4 the State to issue such bonds and maximize the potential benefits of these  
5 bonding provisions.

6 (b) Prior to issuing general obligation bonds in FY 2010, as authorized by  
7 the General Assembly, the State Treasurer shall, after consultation with the  
8 Board of the Clean Energy Development Fund and the Office of Economic  
9 Stimulus and Recovery, consider utilization of the various bond provisions of  
10 the American Recovery and Reinvestment Act of 2009, including Build  
11 America Bonds, Clean Renewable Energy Bonds, Qualified Energy  
12 Conservation Bonds, and Qualified School Constructions Bonds in the  
13 development of a financing plan for the fiscal year.

14 **\* \* \* Appropriation to Sterling College \* \* \***

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

16 (e) Legislative intent. Notwithstanding any provision of law to the  
17 contrary, in the event no funding from ARRA is appropriated to Sterling  
18 College in any act of the 2009 general assembly, then in fiscal year 2010, the  
19 amount of \$350,000.00 ~~shall be transferred~~ is appropriated from the general  
20 fund to the department of economic development for a grant to Sterling

1 College for student residency and program center costs; as provided in Sec.  
2 B.1101(a)(8) of H.441 (2009).

3 **\* \* \*TIF technical correction\* \* \***

4 Sec. 10. Sec. 82(a)(2) (Milton tax increment financing district) of H.313  
5 (2009) as enacted is amended to read:

6 (2) The education tax increment may be retained for up to 20 years  
7 beginning with the initial date of the creation of the district or on the date of  
8 the first debt incurred, at the discretion of Milton. Milton shall have ten years  
9 after the creation of the district to begin incurring debt. The assessed valuation  
10 of all taxable real property within the district, as defined in 24 V.S.A. § 1895,  
11 shall be recertified if Milton chooses to begin retaining the education tax  
12 increment more than five years beyond the initial creation of the district.

13 **\* \* \*Miscellaneous corrections to H. 313\* \* \***

14 Sec. 11. REPEALS

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

17 Secs. 5(f) (CFED supersession), 19(c) (cloud-computing supersession), 76  
18 (increasing the number of compliance personnel in the department of taxes,  
19 duplicate of Sec. H.1 of H.441 (2009)), 97 through 102 (business solar energy  
20 tax credits – duplicative of Secs. 9, 9a through 9e, and 10 of H.446), 106  
21 (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) 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. 19 V.S.A. § 1607 is amended to read:

§ 1607. FEDERAL REIMBURSEMENT FOR CERTAIN UTILITY

#### RELOCATIONS

(a) As a result of appropriations for infrastructure enhancement and development contained in the American Recovery and Reinvestment Act (ARRA) of 2009, Pub.L. No. 111-5, ~~and other federal transportation aid programs,~~ significant highway construction projects are expected to be constructed in the near future.

(b) To ensure that projects are not delayed or canceled because of the inability of utilities and municipalities to pay for utility relocation costs and to ensure that available federal funds are utilized on shovel-worthy projects, it is the intent of the general assembly to reimburse utilities with infrastructure, including municipally owned drinking water facilities and municipally owned

1 wastewater infrastructure, up to 80 percent of the approved relocation costs, if  
2 the relocation is necessitated by a highway construction project funded by  
3 ~~ARRA or other federal transportation aid programs.~~

4 (c) Eligible relocation costs under subsection (b) of this section shall be  
5 reimbursed by the state agency or other entity primarily responsible for  
6 managing or directing the construction project on the condition that federal  
7 stimulus funds ~~or other federal funds~~ are available and eligible to pay for the  
8 relocation costs.

9 (d) The state and municipalities shall not be obligated to pay to utilities the  
10 state or local share of a federally funded project.

11 (e) The state shall not be obligated to pay the state or local share to a  
12 municipality for the relocation of municipal drinking water and municipal  
13 wastewater infrastructure.

14 (f) For all other non-ARRA federal transportation-aid projects, a utility  
15 shall be reimbursed for underground relocation by state and municipal  
16 participants as set forth in section 1606 of Title 19.

17 (g) This section shall not apply to contracts entered into prior to July 1,  
18 2009.

19 Sec. 12. SUPERSESSION

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

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

3                \* \* \* Clean Energy Development Fund Technical Corrections \* \* \*

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

6        § 6523. VERMONT CLEAN ENERGY DEVELOPMENT FUND

7                                \* \* \*

8        (e) Management of fund.

9                                \* \* \*

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

17                                \* \* \*

18                (4) In making appointments of at-large directors to the clean energy  
19        development board, the appointing authorities shall give consideration to  
20        citizens of the state with knowledge of relevant technology, regulatory law,  
21        infrastructure, finance, and environmental permitting. A director shall recuse

1 himself or herself from all matters and decisions pertaining to a company or  
2 corporation of which the director is an employee, officer, partner, proprietor, or  
3 board member. The at-large directors of the board shall serve terms of four  
4 years beginning July 1 of the year of appointment. However, one at-large  
5 director appointed by the speaker and one at-large director appointed by the  
6 president pro tempore shall serve an initial term of two years. Any vacancy  
7 occurring among the at-large directors shall be filled by the respective  
8 appointing authority and shall be filled for the balance of the unexpired term.  
9 A director may be reappointed.

10 \* \* \*

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

18 (10) At least quarterly, the clean energy development board shall hold a  
19 public meeting to review and discuss the status of the fund, fund projects, the  
20 performance of the fund manager, any reports, information, or inquiries  
21 submitted by the fund manager or the public, and any additional matters the

1 clean energy development board deems necessary to fulfill its obligations  
2 under this section.

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

6 (h) All ARRA funds placed in the clean energy development fund shall be  
7 disbursed, administered, and accounted for in a manner that ensures rapid  
8 deployment of the funds, and is consistent with all applicable requirements of  
9 ARRA, including requirements for administration of funds received and for  
10 timeliness, energy savings, matching, transparency, and accountability. These  
11 funds shall be maintained in a separate account specifically restricted to ARRA  
12 funds within the clean energy development fund. These funds shall be for the  
13 following categories listed in this subsection, provided that no single project  
14 directly or indirectly receives a grant in more than one of these categories;

15 The clean energy development board shall have discretion to use non-ARRA  
16 moneys within the fund to support all or a portion of these categories and shall  
17 direct any ARRA moneys for which non-ARRA moneys have been substituted  
18 to the support of other eligible projects, programs, or activities under ARRA  
19 and this section.

20 \* \* \*

21 (5) \$2 million to the Vermont housing and conservation board (VHCB)

1 to make grants and deferred loans to nonprofit organizations for weatherization  
2 and renewable energy activities allowed by federal law, including assistance  
3 for nonprofit owners and occupants of permanently affordable housing.

4 (6) \$2 million to the Vermont telecommunications authority (VTA) to  
5 make grants of no more than \$10,000 per turbine for installation of small-scale  
6 wind turbines and associated towers on which telecommunications equipment  
7 is to be collocated and which are developed in association with the VTA.

8 (7) \$880,000.00 to the 11 regional planning commissions (\$80,000.00 to  
9 each such commission) to conduct energy efficiency and energy conservation  
10 activities that are eligible under the EECBG program.

11 (8) ~~Of~~ Concerning the funds authorized for use in subdivisions ~~(5)-(7)~~  
12 ~~(4)-(7)~~ of this subsection:

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

15 (B) In the event that the clean energy development board determines  
16 that a recipient of such funds has insufficient eligible projects, programs, or  
17 activities to fully utilize the authorized funds, the clean energy development  
18 board shall have discretion to reallocate the balance to other eligible projects,  
19 programs, or activities under this section.

20 \* \* \*



1       Sec. 14. REPEALS; APPLICATION

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

5           (b) Sec. 94 of H.313 is repealed. Sec. 93 of H.313 shall supersede and  
6       replace Sec. 5 of H.446 and Secs. E.235.3 and E.235.4(b) of H.441. Sec. 20 of  
7       this act shall amend 10 V.S.A. § 6523 as amended by Sec. 93 of H.313.

8           (c) Secs. 103 through 105 (carbon trading credits) of H.313 shall supersede  
9       and replace Secs. E.235, E.235.1, and E.235.2 of H.441 (duplicative of Secs.  
10       103 through 105 of H.313).

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

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

13       Sec. 113. EFFECTIVE DATE

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

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

17           ~~(2) Sec. 99 (relating to the repeal of the 76 percent portion of the~~  
18       ~~business solar energy tax credit) shall apply to credits related to investments~~  
19       ~~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.

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

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

10                               \*\*\* **Capital Bill Corrections** \*\*\*

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

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

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

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

16               Total Appropriation–Section 1                               \$28,906,508   \$28,866,508

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

18               (a) The state treasurer is authorized to issue general obligation bonds in  
19       the amount of ~~\$69,995,000~~ \$69,955,000 for the purpose of funding the  
20       appropriations of this act. The state treasurer, with the approval of the  
21       governor, shall determine the appropriate form and maturity of the bonds

1 authorized by this section consistent with the underlying nature of the

2 appropriation to be funded. The state treasurer shall allocate the estimated cost

3 of bond issuance or issuances to the entities to which funds are appropriated

4 pursuant to this section and for which bonding is required as the source of

5 funds, pursuant to 32 V.S.A. § 954.

|            |            |
|------------|------------|
| 69,995,000 | 69,955,000 |
|------------|------------|

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

|   |                             |                          |                      |
|---|-----------------------------|--------------------------|----------------------|
| 7 | Total Revenues – Section 22 | <del>\$108,928,000</del> | <u>\$108,888,000</u> |
|---|-----------------------------|--------------------------|----------------------|

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

|    |   |                |
|----|---|----------------|
| 9  | <u>(5) Fish production improvements at the Grand Isle, Bennington and</u> |                |
| 10 | <u>Roxbury hatcheries:</u>  | <u>181,000</u> |

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

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

## 13 § 2503. FUEL GROSS RECEIPTS TAX

14 (a) There is imposed a gross receipts tax of 0.5 percent on the retail sale of  
15 the following types of fuel by sellers receiving more than \$10,000.00 annually  
16 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;

19 (2) propane;

20 (3) natural gas;

21 (4) electricity;

1 (5) coal.

2 \* \* \*

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

4 § 1922. DEFINITIONS

5 \* \* \*

6 (15) "Public building" shall have the same meaning as defined in  
7 20 V.S.A. § 2730.

8 \* \* \*

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

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

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

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

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

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

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

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

6       Sec. 21. REPEAL

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

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

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

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

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

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

15           (a) In order to provide for increased costs to the Catamount Health  
16           assistance program due to the expansion of the definition of “uninsured” and  
17           the modification of the preexisting condition exclusion in ~~Sec. 18~~ Sec. 19 of  
18           this act and the modification of the income calculation rules in ~~Sec. 21~~ Sec. 22  
19           of this act, the appropriations for public health and Medicaid for fiscal year  
20           2010 shall be those set forth in H.441 as ~~passed by the House~~ enacted, except  
21           as provided for in this subsection. Of the Catamount funds appropriated in

1       Sec. B. 312 of H.441, Health - public health, \$77,000 shall be transferred to  
2       Sec. B.301, Secretary's office - Global Commitment. The reduction in Sec.  
3       B.312 of H.441 shall reduce the Catamount funds for the immunization  
4       program under 18 V.S.A. § 1130 as amended by ~~Sec. 43~~ Sec. 42 of this act. In  
5       Sec. B.301 of H.441, these funds shall be combined with matching federal  
6       funds estimated to be \$121,000 to provide a total increase of \$198,000 in  
7       funding in Sec. B.307 of H.441, Office of Vermont health access - Medicaid  
8       program - Global Commitment, to fund the costs of ~~Secs. 18 and 21~~ Secs. 19  
9       and 22 of this act.

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

12                               \* \* \* **Effective Date** \* \* \*

13       Sec. 23. EFFECTIVE DATE

14       This act shall take effect upon passage.